

NO. 20-12003

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

KELVIN LEON JONES, ET AL.,
Plaintiffs-Appellees,

v.

GOVERNOR OF FLORIDA, ET AL.,
Defendants-Appellants.

On Appeal from the United States District Court
for the Northern District of Florida
No. 4:19-cv-300-RH/MJF

***AMICUS BRIEF OF THE AMERICAN PROBATION AND PAROLE
ASSOCIATION IN SUPPORT OF PLAINTIFFS-APPELLEES***

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CERTIFICATE OF INTERESTED PARTIES

In accordance with Federal Rule of Appellate Procedure 29(a) and 11th Cir. R. 26.1-2, the undersigned hereby certifies that the Certificate of Interested Persons filed by Defendants-Appellants on July 20, 2020, as supplemented by the Certificates of Interested Persons filed by the Texas *Amici* on July 20, 2020, as supplemented by the Honest Elections Project on July 23, 2020, as supplemented by the Certificate of Interested Persons filed by the *Amici* States on August 3, 2020, is complete with the following exceptions:

1. The American Probation and Parole Association, *Amicus Curiae*
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CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed. R. App. P. 26.1, *Amicus Curiae* states that it is not a corporation, has no separate parent organization, and has no stockholders.

Undersigned counsel of record certifies that the American Probation and Parole Association is the only entity that has an interest in this *amicus* brief, which is filed in support of the Plaintiffs-Appellees. No counsel for any party authored any portion of this brief. No party, and no person other than the American Probation and Parole Association and its counsel, contributed monetarily to the preparation of this *amicus* brief.

These representations are made in order that the judges of this Court may evaluate their possible recusal or disqualification as provided by Eleventh Circuit Rules 26.1-1 and 26.1-2.

SO CERTIFIED, this the 3rd day of August, 2020.

_____/s/ Joseph Sakai_____
Joseph P. Sakai

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IDENTITY AND INTERESTS OF AMICUS CURIAE

The American Probation and Parole Association (“APPA”) respectfully submits this brief as amicus curiae in support of Plaintiffs-Appellees. The APPA is an international association of professionals who work in probation, parole, and community-based corrections. The APPA is a non-profit organization founded in Houston, Texas in 1974 and is now based in Lexington, Kentucky. The APPA’s membership in the United States includes more than 1,700 individual probation or parole officers, and more than 200 state and local probation and parole agencies, who together employ more than 25,000 probation and parole professionals. All told, the APPA represents the interests of the probation and parole officers who supervise more than five million individuals on probation and parole.

The APPA provides training, education, and technical assistance to its members in support of its mission to promote a fair and effective system of community justice for individuals in the parole and probation system. The APPA conducts two major conferences each year; publishes a quarterly journal, *Perspectives*, dedicated to issues of concern to the probation and parole community; and conducts both on-site and online training programs for its members on a year-round basis.

As part of its work, the APPA has focused on ways in which the parole and probation systems can be improved to better reintegrate offenders back into society.

The APPA has found that restoring the right to vote to people with criminal records who have been released from incarceration is of critical importance to that mission. As detailed below, providing released offenders with the right to vote gives them an important stake in the community, allows them to reintegrate as full-fledged members of the community rather than second-class citizens, allows them to teach their children the importance of voting, and provides many other community benefits. Accordingly, in 2007, the APPA adopted a formal resolution advocating for the full “restoration of voting rights upon completion of an offender’s prison sentence,” and “for no loss of voting rights while on community supervision.”¹ In addition, the Executive Director of the APPA has testified before Congress on the importance of restoring voting rights.² The APPA has also filed an amicus brief in at least four other cases in support of restoring voting rights to people with criminal records.³

The APPA thus has deep knowledge of the parole and probation systems in Florida and elsewhere around the country, and a strong commitment to the

¹ Am. Probation & Parole Ass’n, *Reslution Supporting Restoration of Voting Rights* (Sept. 2007), goo.gl/zz5uCj.

² *Democracy Restoration Act of 2009: Hearing on H.R. 3335 Before the Subcomm. On the Constitution, Civil Rights & Civil Liberties of the H. Comm. on the Judiciary*, 111th Cong. 59 (2010) (statement of Carl Wicklund, Exec. Dir., Am. Probation & Parole Ass’n).

³ See *Farrakhan v. Gregoire*, 623 F.3d 990 (9th Cir. 2010); *Voice of the Ex-Offender v. State of Louisiana*, Dkt. No. 2017-CA-1141, 2018 La. App. LEXIS 885 (La. Ct. App. May 9, 2018); *Hand v. Scott*, Case No. 18-11388 (11th Cir. June 28, 2018).

importance of voting rights to the reintegration of people who have committed offenses into the community. In this light, the APPA respectfully submits this brief to emphasize the importance of restoring the right to vote to individuals upon their release from prison, to explain how arbitrarily disenfranchising citizens following completion of their sentence, probation, and/or parole does not serve – and in fact undermines – the rehabilitation and reintegration of offenders and negatively impacts their communities.

SUMMARY OF ARGUMENT

This brief will focus on the devastating practical impact of Florida's policies and practices regarding felon disenfranchisement based upon outstanding court fees. As we show below, the disenfranchisement of people who have committed offenses undermines their successful reintegration into the community, and harms them, their families, their children and their communities. The exercise of the right to vote entails far more than a simple act of casting a ballot. Voting is one of the basic foundations of citizenship and provides a tangible pathway to responsible civic engagement for people who have committed offenses and their families. Denying released offenders this basic right, based solely upon outstanding court fees, takes away their full dignity as citizens, separates them from the rest of their community, and reduces them to second-class citizens. It makes their reintegration into society more difficult, increases recidivism and social ostracism, lowers community participation in the political process, and hinders effective policing.

ARGUMENT

I. ARBITRARY DISENFRANCHISEMENT OF PEOPLE WHO HAVE COMMITTED OFFENSES UNDERMINES THEIR SUCCESSFUL REINTEGRATION AND HARMS THEIR COMMUNITIES

A. The Impact of Florida's Disenfranchisement Practices

On November 6, 2018, a majority of Florida's voters overwhelmingly supported restoring the right to vote to individuals recently released from prison.⁴ Despite Florida's voters sending a clear message that these individuals should have the power to vote, as citizens of the State of Florida, Florida itself continues to implement disenfranchisement practices that run contrary to the will of Florida's voters and works against the successful reintegration into society of people who have completed sentences.

Florida voter's passage of Amendment 4 rejected Florida's 150-year-old system of disenfranchising individuals convicted of committing certain crimes. At the time of passage of Amendment 4, Florida led all states in the country with the most released individuals permanently barred from voting⁵. This policy of disenfranchisement stemmed directly from a desire to suppress newly emancipated slaves, and black people generally, from exercising their right to vote.⁶ Evidence

⁴ *Florida Voters Approve Amendment 4 on Restoring Felons' Voting Rights*, Miami Herald, November 6, 2018, Samantha J. Gross.

⁵ *Id.*

⁶ Sarah A. Lewis, *The Disenfranchisement of Ex-Felons in Florida: A Brief History*, ECAN Bulletin, Dec. 2018 at 10.

shows that the law has accomplished its goal. Statewide, more than 20% of Florida's African-American voting age population is disenfranchised.⁷ All told, over one and a half million adults in Florida are disenfranchised due to a felony conviction.⁸ This number represents 10% of Florida's voting population and 27% of the national disenfranchised population.⁹ Over a century and a half after the enactment of these laws that sought to create voter disparity along racial lines, Floridian's approved Amendment 4, doing away with a remnant of racist history and restoring the right to vote to all released individuals.

Despite Florida voters clearly indicating their will in passing Amendment 4, Florida state legislators have since sought to maintain certain restrictions on recently released individuals' ability to vote. Florida Governor Ron DeSantis approved Senate Bill 7066 on June 28, 2019, requiring that all individuals convicted of committing a crime pay the entirety of their legal financial obligations ("LFOs") before their voting rights are restored under Amendment 4.¹⁰ The practical impact of such a requirement is to restrict the right to vote, presumptively restored via the passage of Amendment 4, from a vast majority of recently released individuals.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Election Administration, SB 7066 (2019).

In Florida, over 40% of released individuals that are eligible for rights restoration are ineligible due to unpaid restitution.¹¹ It is estimated that 80% of individuals returning to society owe LFOs ranging from \$100-\$300 per month.¹² An informal limited survey of released individuals in 2008 found an average LFO debt of \$772.23 and a median LFO debt of \$498.¹³ When controlling for those individuals that owe restitution, the average debt is in excess of \$8,000.¹⁴ In contrast, the average income of recently released individuals on probation or under other forms of community supervision is \$1,559.¹⁵ This financial and economic reality of released individuals, coupled with Senate Bill 7066's requirement that all LFOs be paid in full before a person that was convicted of a crime may vote, will result in an extended, if not permanent, restriction on voting rights. Not only does this result run opposite of Florida voters' intent in passing Amendment 4, it also amounts to a modern day poll tax – premising the ability to vote only on an arbitrary ability to pay a fee. In practical terms, the Florida state government has devised a way to subvert the will of the voters in passing Amendment 4 by employing a centuries old disenfranchisement tactic. Indeed, just as states in the Nineteenth Century used poll

¹¹ Diller, Rebekah (2010), *The Hidden Costs of Florida's Criminal Justice Fees*, Brennan Center for Justice at NYU School of Law.

¹² *Id.* at 10.

¹³ *Id.*

¹⁴ *Id.* at 11.

¹⁵ *Id.*

taxes to prevent black people from voting, Florida's Twenty-First Century poll tax has a substantially similar effect.

B. Arbitrarily Disenfranchising Citizens Prevents People With Criminal Records from Fully Rejoining Society

It is well-documented that civic engagement plays a vital role in the successful transformation from prisoner to citizen.¹⁶ When an individual identifies as a responsible citizen, including participation in volunteer work, community involvement and voting, it benefits his or her transition back into the community. “People who are part of the decision making process not only have a greater investment in the decisions, but a greater investment in society as well . . . Those who participate in the democratic process have a greater investment in the resulting decisions, and more importantly, an investment in preserving that process.”¹⁷ One study found that the “desire to ‘be productive and give something back to society’” was critical to full reintegration into the community.¹⁸ The restoration of voting rights for people who with criminal records sends a message that they have repaid their debt to society and are being welcomed back as valuable members of their communities.

¹⁶ Christy A. Visher & Jeremy Travis, *Transitions from Prison to Community: Understanding Individual Pathways*, 299 Ann. Rev. Soc. 89, 97 (2003).

¹⁷ Holona Leanne Ochs, “Colorblind” Policy in Black and White: Racial Consequence of Disenfranchisement Policy, 34 Pol’y Stud. J. 81, 89 (2006).

¹⁸ Christopher Uggen, Jeff Manza, & Angela Behrens, ‘Less Than the Average Citizen’: Stigma, Role Transition and the Civic Reintegration of Convicted Felons, in *After Crime and Punishment:*

This has been evident recently in Virginia, where former Governor Terry McAuliffe restored the voting rights of more than 170,000 formerly incarcerated citizens between 2013 and 2018.¹⁹ Many of these individuals voted recently for the first time since their imprisonment, and their comments on that experience reflect the great personal and civic impact of their ability to participate in our democracy. LaVaughn Williams, who had not voted in decades, said after voting, “I now felt like a citizen. I now felt like I will make a difference in some kind of way.”²⁰ Muhamad As-saddigie Abdul Rahman voted for the first time in his life at age 53, having been imprisoned for a felony at age 16. Abdul-Rahman explained: “[H]aving my right to vote back has made me feel whole as a human being.”²¹

Other states, including New York and Louisiana have achieved similar goals through executive and legislative processes. In April 2018, New York Governor Andrew Cuomo signed an Executive Order restoring voting rights to individuals on parole supervision.²² In May 2018, Louisiana enacted legislation automatically

Pathways to Offender Reintegration 263 (Shadd Maruna & Russ Immarigeon eds., 2004) (quoting Shadd Maruna, *Making Good: How Ex-convicts Reform and Rebuild Their Lives* (2001)).

¹⁹ Laura Vozzella, *Va. Gov. McAuliffe Says He Has Broken U.S. Record for Restoring Voting Rights*, Wash. Post, Apr. 27, 2017, [goo.gl/XAP5uL](https://www.washingtonpost.com/news/energy-environment/wp/2017/04/27/va-gov-mcauliffe-says-he-has-broken-u-s-record-for-restoring-voting-rights/); Vann R. Newkirk II, *How Letting Felons Vote is Changing Virginia*, The Atlantic, Jan. 8, 2018, [https://bit.ly/2CTIpVO](https://www.theatlantic.com/ideas/archive/2018/01/letting-felons-vote/552111/).

²⁰ Sam Levine, *In Virginia, Ex-Felons Voted for the First Time After Regaining Their Rights*, Huffpost, Nov. 8, 2017, [goo.gl/RNGZ2T](https://www.huffpost.com/entry/in-virginia-ex-felons-voted-for-the-first-time-after-regaining-their-rights).

²¹ Camila DeChalus, *In Virginia, Ex-Felons Find Empowerment in the Voting Booth*, CNN Politics, Nov. 5, 2016, [goo.gl/78qr2E](https://www.cnn.com/2016/11/05/politics/virginia-felons-voting-booth/).

²² State of New York, Executive Chamber, Exec. Order No. 181, *Restoring the Right to Vote for New Yorkers on Parole* (Apr. 18, 2018), <https://on.ny.gov/2N6sUft>.

restoring voting rights to convicted felons who have been out of prison for five years, even if they remain on probation or parole.²³

C. Arbitrarily Disenfranchising Citizens Who Have Committed Felonies Harms Their Families and Communities

Preventing people with criminal records from voting also harms their families and their communities. Evidence suggests that when heads of households are disenfranchised, the level of civic engagement for the entire family drops.²⁴ Voting is an experience, in many cases, passed on from parent to child. Parents often take their children into the voting booth at young ages, exposing the children to their first act of civic engagement. Research confirms that “[a] parent’s electoral participation plays a significant role in determining whether his child will become civically engaged.”²⁵ One study found that a parent’s political participation had the greatest effect, more than any other factor, on a child’s decision to vote when he or she becomes eligible.²⁶

²³ Melinda Deslatte, *Voting Rights Bill for Some Louisiana Felons Wins Passage*, U.S. News & World Report, May 17, 2018, <https://bit.ly/2tIOe1N>; Office of the Governor of Louisiana, *Notice: Bills Signed, Vetoed by Gov. Edwards* (June 5, 2018), <https://bit.ly/2tKPNw6>.

²⁴ Erika Wood, *Restoring the Right to Vote*, Brennan Ctr. For Justice, at 13 (2009), <https://goo.gl/Gr5pMG>.

²⁵ *Id.*; see also Eric Plutzer, *Becoming a Habitual Voter: Inertia, Resources, and Growth in Young Adulthood*, 96 Am. Pol. Sci. Rev. 41, 43 (2002), goo.gl/tN2QzY.

²⁶ Plutzer, *supra* note 25, at 48.

Moreover, the effect of disenfranchisement extends further than an individual's household; it affects other members of the community as well.²⁷ Studies have found that where there are restrictions on the right to vote for some members of a community, overall voter participation drops, "even among people who are legally eligible to vote."²⁸ One study found that in the 1996 and 2000 presidential elections, there was lower voter turnout in states with the most restrictive criminal disenfranchisement laws, and higher turnout in states with less restrictive criminal disenfranchisement.²⁹

D. Granting People with Criminal Records the Right to Vote Enhances Public Safety

Finally, in addition to helping individuals to re-enter their communities, reinstating the right to vote is strongly tied to lower recidivism rates and increased public safety.³⁰ Research suggests that there are "consistent differences between voters and non-voters in rates of subsequent arrests, incarceration, and self-reported

²⁷ See Wood, *supra* note 24 at 12; Martha Guarnieri, *Civil Rebirth: Making the Case for Automatic Ex-Felon Vote Restoration*, 89 Temp. L. Rev. 451, 480-81 (2017) ("Voting and civic participation are connected with prosocial behavior, such as participation in stable work and family relationships").

²⁸ Marc Mauer, *Disenfranchising Felons Hurts Entire Communities*, Joint Ctr. For Pol. & Econ. Stud., (May/June 2004), at 5, goo.gl/zY6w5f; see also Arman McLeod, et al., *The Locked Ballot Box: The Impact of State Criminal Disenfranchisement Laws on African American Voting Behavior and Implications for Reform*, 11 Va. J. Soc. Pol'y & L. 66, 80 (2003).

²⁹ McLeod, *supra* note 29, at 77.

³⁰ Amy Heath, *Cruel and Unusual Punishment: Denying Ex-Felons the Right to Vote*, 25 Am. U. J. Of Gender, Soc. Pol'y & L. 327, 356 (2017).

criminal behavior.”³¹ One study found that former offenders who voted were half as likely to be re-arrested than those who did not,³² and that states that permanently disenfranchise people with criminal records experience significantly higher rates of repeat offenses than states that do not.³³ Voter disenfranchisement serves “only to further alienate and isolate a group of individuals at a time when they are trying to re-integrate into society.”³⁴ Indeed, disenfranchisement creates a “perpetual criminal underclass unable to fully rejoin society after their sentence is served,” which only increases the potential for an increase in criminal activity.³⁵

II. FLORIDA’S FELON DISENFRANCHISEMENT IS HISTORICALLY PREMISED ON RESTRICTING THE VOTING RIGHTS OF AFRICAN AMERICANS

Florida’s felon disenfranchisement law is historically rooted in restricting the ability of African Americans to vote.³⁶ Florida initially enacted its felon disenfranchisement law in 1868, only three years after the conclusion of the Civil War.³⁷ The Florida legislature’s choice of offenses subjecting offenders to lifetime disenfranchisement was based upon offenses that were prosecuted primarily, if not

³¹ Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193, 213 (2004).

³² *Id.* at 205.

³³ Guy Padraic Hamilton-Smith & Matt Vogel, *The Ballot as Bulwark: The Impact of Felony Disenfranchisement on Recidivism* 1 (Aug. 30, 2011), <https://goo.gl/jGTmcm>.

³⁴ Guy Padraic Hamilton-Smith & Matt Vogel, *The Violence of Voicelessness: The Impact of Felony Disenfranchisement on Recidivism*, 22 La Raza L. J. 407, 413 (2015).

³⁵ *The Ballot as Bulwark*, *supra* note 33, at 21.

³⁶ Lewis, *supra* note 6 at 10.

³⁷ *Id.*

exclusively, against African Americans, such as bribery, perjury, larceny, or an infamous crime.³⁸ Echoing the sentiment of “The Black Code,” which sought to put freedmen back into a slavery-like status for crimes committed, the legislature’s overt intent was to ensure that African Americans, especially recently freed slaves, had no voice in the State’s civic discourse.³⁹ Even today, the measures have been resoundingly effective. African Americans make up sixteen percent of Florida’s population; however, they constitute forty six percent of its incarcerated population.⁴⁰ The result of this disparate impact is disenfranchisement of African Americans at a far greater proportional rate than any other racial group in the State.

The impact of Florida’s felon disenfranchisement law becomes more startling when one considers that it remained largely untouched since its enactment in 1868, until the passage of Amendment 4. Aside from minimal changes to the applicable offenses, the application and impact remained the same, including in its disproportionate effect on Florida’s African American citizens. As of 2016, African Americans made up 21.35% of Florida’s disenfranchised voters, while constituting

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ United States Census Bureau, Quick Facts – Florida, <https://www.census.gov/quickfacts/FL>; see also Sakala, Leah, *Breaking Down Mass Incarceration in the 2010 Census: State-by-State Incarceration Rates by Race/Ethnicity*, Prison Policy Initiative (May 28, 2014), <https://www.prisonpolicy.org/reports/rates.html>; see also Prison Policy Initiative, *Florida Profile*, <https://www.prisonpolicy.org/profiles/FL.html>.

only 16% of the state's voting population.⁴¹ Even now, when presented with the ability to ameliorate the impact of the felon disenfranchisement law, Florida lawmakers are refusing to do so, opting instead to impose an arbitrary poll tax on those individuals that would otherwise be enfranchised by Amendment 4.

Florida continuing the enforcement of the felon disenfranchisement law by requiring full payment of all LFOs is the continuation of voting restrictions that were explicitly enacted to prevent African Americans from voting. The motivations of post-Civil War Southern states to divest African Americans of a say in their own community survives today so long as this Court allows Florida to impose arbitrary restrictions, such as a poll tax, upon recently released individuals.

III. PROBATION AND PAROLE OFFICERS—THOSE CLOSEST TO UNDERSTANDING THE INTERESTS AT STAKE— ADVOCATE FOR GRANTING THE FRANCHISE TO OFFENDERS

Probation and parole officers are the state officials most directly responsible for reintegrating offenders back into society after their term of imprisonment. Among these officers, there is a growing consensus that voting plays an important role in the reintegration process.⁴² In addition to the APPA, which passed its resolution in support of restoring voting rights in 2007, the American Correctional

⁴¹ Lewis, *supra* note 6 at 10; *see also* The Sentencing Project, State-by-State Data (Florida), <https://www.sentencingproject.org/the-facts/#map?dataset-option=SIR>.

⁴² *See Hearing on the Democracy Restoration Act of 2009, supra* note 3, at 60.

Association, the National Black Police Association, and the Association of Paroling Authorities International, among others, have passed similar resolutions.⁴³ The American Correctional Association maintains that any ban prohibiting an individual from voting, after successful discharge from correctional supervision, is “contradictory to the goals of a democracy, the rehabilitation of felons, and their successful reentry to the community.”⁴⁴

This position has been echoed and reinforced by prosecutors, police officers, and other officials intimately familiar with the parole and probation systems. “Annually, we spend millions to rehabilitate offenders and bring them back into society only to let an outdated system push them back with one hand while we pull with the other,” argues one former prosecutor from Kentucky.⁴⁵ The former President of the Police Executive Research Forum explains that it is “better to remove any obstacles that stand in the way of offenders resuming a full, healthy productive life.”⁴⁶ And the former President of the Police Foundation argues that,

⁴³ Nat’l Black Police Ass’n, *Resolution on Restoring Voting Rights* (June 1, 2008), goo.gl/Z4uVPk; Ass’n of Paroling Auths. Int’l, *Resolution on Restoring Voting Rights* (Apr. 30, 2008), goo.gl/7uZLe3.

⁴⁴ Am. Corr. Ass’n, *Public Correctional Policy on Restoration of Voting Rights for Felony Offenders 2005-3*, in *Public Correctional Policies* 73 (Jan. 25, 2017), <https://bit.ly/2gbSHYg>.

⁴⁵ R. David Stengel, *Let’s Simplify the Process for Disenfranchised Voters*, Cent. Ky. News-J. (Jan. 28, 2007), <https://bit.ly/2Kia8Ea>.

⁴⁶ See *Restoring the Right to Vote*, *supra* note 24, at 10.

rather than treating people who have committed offenses as a “pariah class,” “we need to bring people back as whole citizens” in order to have “effective policing.”⁴⁷

In his 2004 State of the Union address, then-President George W. Bush declared that “America is the land of second chances, and when the gates of the prison open, the path ahead should lead to a better life.”⁴⁸ The experiences of probation and parole officials, who are deeply involved in ensuring that the State’s interests are enforced, show the importance of granting voting rights to people with criminal records and the ineffectiveness of disenfranchising them.

⁴⁷ *Id.*

⁴⁸ President George W. Bush, *State of the Union Address*, White House Archives (Jan. 20, 2004), [goo.gldhEiVR](https://www.gpo.gov/recordings/whitehouse/addresses/2004/01/20).

CONCLUSION

The Court should affirm the decision of the District Court.

Dated: August 3, 2020.

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CERTIFICATE OF COMPLIANCE

This brief complies with word limitations of Fed. R. App. P. 29(a)(5) because, excluding the parts of the documents exempted by Fed. R. Appl. P. 32, it contains 4,349 words.

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in proportionally-spaced typeface, including serifs, using Word in Times New Roman 14 font, except for the footnotes, which are in proportionally-spaced typeface, including serifs, using Word in Times New Roman 12-point font.

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STATEMENT OF RELATED CASES

Amicus the APPA is not aware of any cases related to this appeal.

Dated: August 3, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing to be filed electronically with the Clerk of the Court of the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on August 3, 2020.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

August 3, 2020

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