

To: Executive Board
2nd Chances team

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Re: The number of people who could be directly impacted by Amendment 4

We have been concerned that several speakers and organizational allies (as well as the press) have been using different numbers for the returning citizens who could be affected when Amendment 4 is approved by the voters. We have seen figures ranging from 1.2 million to 1.8 million.

Not only might this make the campaign look disorganized, but more importantly, by using a number that reflects the entire population of people with felony convictions, we could be inadvertently supporting the narrative that the ballot issue is about (as some in the media have characterized it) “felons voting” or “voting rights for felons,” rather than the narrative we want to advance – 2nd chances for those who have successfully completed the terms of their sentence and, thereby, should be able to fully participate in their community

This memo is an effort to determine the most reasonable estimate of the number of those who would be affected by Amendment 4.

Summary

- We start with the total Florida disenfranchised population in 2016 (people currently incarcerated, currently released on probation or parole, and “post-sentence” individuals) as estimated by The Sentencing Project: 1,686,318
- From that number we need to deduct the following groups:
 - (1) those convicted of murder or a felony sex offense
 - (2) those currently incarcerated in prison
 - (3) those serving a felony sentence in a county jail
 - (4) those currently under felony probation or parole supervision
 - (5) those who have not paid fees or fines
 - (6) those who have not paid court mandated victim restitution.

Florida's Disenfranchised Population in 2016	
Prison Population	102,555
Parole Population	4,208
Felony Probation	86,886
Felony Jail Population	4,822
Post-Sentence Population	1,487,847
Total Disenfranchised Population	1,686,318
Source: The Sentencing Project's national report: <u>6 Million Lost Voters, 2016.</u>	

According to The Sentencing Project report, the “post-sentence population” is an estimated 1.48 million. But from that number we need to deduct those convicted of murder and felony sex offenses, who would not be eligible under Amendment 4. Looking at 2016 [data](#) from the Florida State Courts Administrator (see p. 3-13 of their report), 3,066 people had a criminal disposition for murder or a sex offense in FY 2015-16, representing about 1.8% of the total dispositions of 167,009. Using the 1.8% figure for the total of 1.48 million results in about 26,781 (say 27,000) people being ineligible for rights restoration under the provisions of Amendment 4.

But there are two points to be aware of that suggest this figure could be either a low or high estimate: 1) the data are only from one year, so in the "high crime" years of the 1980s/early 90s the proportion of murders was probably higher, which would raise the number of ineligible people somewhat; but, 2) people convicted of murder and felony sex offenses are less likely to have been released from prison and/or parole due to longer sentences, so fewer of them would be in the "ex-felon" category.

So overall, with these figures we might want to say, "about 1.4 million," could be affected.

Fines and fees exclusions

Many felony sentences, whether to prison or probation, include a requirement of a mix of fines, fees, and restitution. In Florida, a 2007 analysis by the Department of Corrections found that of 80,000 people awaiting rights restoration nearly 40% had not completed restitution payments. The Department did not try to assess the level of non-payment of fines and fees.

Assuming that about 1.4 million people have completed the supervision portion of their sentence (for crimes other than murder or felony sex offenses) then the 40% level of non-payment would reduce the population eligible for rights restoration to about 840,000.

So, taking the 1.4 million number, some additional portion would be reduced for non-payment of fines and fees, though there are no good estimates for this population. A key issue, though, is that the state has the power to waive payment of fines and fees if it chooses to do so. However, it cannot use this power for non-payment of restitution.

Conclusion

Based on this research and because neither we nor the state has any hard data on the fines/fees population, we would be technically correct – and we hope that we can all agree going forward -- to describe the scale of the impact as follows:

Under Amendment 4, as many as 1.4 million Floridians who have completed supervision of a felony sentence have earned a 2nd chance to fully participate in their community and could be eligible for the restoration of their ability to vote upon payment of fines, fees, and restitution.