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March 14, 2014

The Honorable Rick Scott
Governor of the State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399

RE: Urge an End to Discriminatory Policy and Restoration of Civil Rights for non-violent offenders

Dear Governor Scott:

Thank you for the opportunity to recommend an important change to the Florida Executive Clemency Board's policy regarding the restoration of civil rights for non-violent offenders.

On March 9th, 2011, you and the Board severely tightened the rules relating to the restoration of civil rights for all ex-felons, including nonviolent offenders. Under your 2011 policy change, non-violent offenders now have to wait five years from the time their sentence is completed to apply for restoration of their right to vote, sit on a jury, and hold public office. The result has been so overwhelmingly harsh that it infringes upon the tenets of fundamental fairness and appears to violate the requirement of equal protection of the laws under the Constitution of the United States. Therefore, I recommend that you and the Clemency Board revise the rules to reinstate automatic restoration of civil rights for non-violent offenders.

The Florida numbers and statistics tell a shocking tale of disenfranchisement and discrimination under your policy. Florida is one of only four states – the others are Iowa, Kentucky, and Virginia – where felons are barred from the polls for life unless they receive executive clemency. Florida actually appears to be the worst due to how few ex-offenders actually have their rights restored. When automatic restoration for non-violent offenders was lawful, from April 2007 until March 2011, 154,178 individuals had their rights restored. Since you changed the rules in 2011, less than 400 restorations have been approved. According to the U.S. Department of Justice, ten percent of Florida's population is disenfranchised because of this policy. By the end of 2014, it is estimated that as many as 600,000 otherwise eligible Floridians will be denied their civil rights.

African Americans are disproportionately impacted by operation of the current policy. In 2010, about 520,500 African Americans — 23 percent of the state’s black voting age population — could not vote because of a felony conviction.¹ You are subjecting these Floridians to such a complicated, time-consuming and bureaucratic process for rights restoration that the policy, in effect, *bars* the restoration of civil rights and thereby harkens back to the Jim Crow era of discrimination. Florida must correct this discriminatory policy.

The majority of other states across America have recognized the importance of the automatic restoration of civil rights for non-violent offenders who have paid their debt to society. Allowing automatic restoration of civil rights reduces recidivism which thereby saves taxpayer spending on incarceration and also allows felons to more fully integrate into society. A 2011 Florida Parole Commission report that studied 31,000 cases over 2009 and 2010 found that recidivism for felons who had their rights restored was about 11 percent, while the overall re-offense rate in the state is more than 33 percent.²

This is an opportunity for bipartisan consensus for reform. On the federal level, Republican Senator Rand Paul and a group of Democrats led by Senator Ben Cardin are drafting legislation to end felony disenfranchisement. Florida should join in this effort, but not wait for congressional action. Our neighbors who have completed their sentences and paid their debt to society should have full and equal access to exercise their civil rights. I strongly encourage you and the Executive Clemency Board to bring Florida back into the collection of states that does not tolerate discrimination and disenfranchisement. Allow the automatic restoration of civil rights for non-violent offenders.

If you have any questions or comments, please do not hesitate to contact me or my Chief of Staff, Clay Phillips, at 813-871-2817 or 202-225-3376.

Sincerely,



Kathy Castor
United States Representative
Florida – District 14

C.C.: Members of the Florida Cabinet

¹ JEAN CHUNG, FELONY DISENFRANCHISEMENT: A PRIMER (The Sentencing Project, a Nat'l Non-Profit Org. Engaged in Research & Advocacy on Criminal Justice Issues 2013), http://sentencingproject.org/doc/publications/fd_Felony%20Disenfranchisement%20Primer.pdf.

² *Felons Should Have Civil Rights Automatically Restored*, 2013 TAMPA BAY TIMES, Jan. 20, 2013 at (2013) available at <http://www.tampabay.com/opinion/editorials/felons-should-have-civil-rights-automatically-restored/1271267>.