



PRESS RELEASE

Attorney General Frosh Joins Amicus Brief Opposing Florida’s Unlawful Pay-To-Vote System for Formerly Incarcerated Citizens *Attorneys General Argue Florida Conditions Voting Rights on Paying All Legal Financial Obligations; Disenfranchisement Disparately Harms African Americans and Latinx Community*

BALTIMORE, MD (August 3, 2020) – Maryland Attorney General Brian E. Frosh today joined a coalition of 20 attorneys general in opposing a Florida “pay-to-vote” law that creates barriers to voting for formerly incarcerated citizens and disproportionately harms African Americans, the Latinx community, and low-income returning citizens. Florida’s Senate Bill 7066 (SB-7066) requires returning citizens to pay all court-ordered financial obligations before they can vote, which disenfranchises citizens long after their release from incarceration. In an [amicus brief](#) filed in *Jones v. DeSantis* before the en banc U.S. Court of Appeals for the Eleventh Circuit, the coalition argues that the Florida law unlawfully conditions voting on court-ordered financial obligations and does not provide an adequate process for determining the amount owed.

“A state law that requires payment to restore the right to vote is nothing more than an illegal poll tax,” said Attorney General Frosh. “Laws like this feed into a system in which disenfranchisement, rather than empowerment, is the goal. The law must not deny people the right to vote because they are poor.”

Felon disenfranchisement in the United States is the product of a disparate patchwork of state laws. Studies show that allowing former felons to vote benefits both the returning citizens and the communities they rejoin. However, as of 2016, approximately 4.7 million former felons in the United States—about 1 in every 40 adults—have completed the terms of their incarceration but are denied voting rights.

In 2018, Florida voters approved Amendment 4, a constitutional amendment that automatically restored the voting rights of some felons “upon completion of all terms” of their sentences, “including parole or probation.” In response, in 2019, the Florida Legislature enacted SB-7066, which defined “completion of all terms of sentence” to include not just any term of imprisonment or supervision, but also financial obligations included in the sentence. Following a legal challenge to SB-7066, the district court blocked enforcement of the law, and the case is now on appeal to the U.S. Court of Appeals for the Eleventh Circuit. If the Court upholds SB-7066, nearly one million Florida residents would be unable to vote because they have unpaid legal financial obligations.

In the brief, the states collectively support the plaintiffs' challenge to the Florida felon disenfranchisement law because:

- **Pay-to-vote laws harm low-income returning citizens and do not compel payment:** States that condition a former felon's restoration of voting rights on payment of all legal financial obligations disadvantage low-income residents by indefinitely depriving them of the right to vote. There is little evidence that disenfranchisement compels former felons to pay outstanding legal financial obligations if they do not have the money to do so. This is especially true in Florida, which has not established an administrative process for returning citizens to ascertain what, if anything, they owe.
- **Felon disenfranchisement disproportionately harms African Americans and Latinx community:** States have recognized the importance of restoring voting rights to returning citizens given the disparate impact of felon disenfranchisement laws on minority communities. As of 2016, over 7.4 percent of the African American voting age population in the United States could not vote, as compared with only 1.8 percent of the non-African American population. Available data also suggests that disenfranchisement laws disproportionately harm the Latinx community because they are incarcerated at higher rates than the non-Latinx population: about 2.4 times greater for Latinx men and 1.5 times for Latinx women.
- **Expanding voting to former felons promotes successful reintegration and enhances public safety:** Over the past twenty years, states have restored the right to vote to more than one million citizens by reforming their felon disenfranchisement laws. These reform efforts include laws repealing lifetime disenfranchisement, allowing felons to vote while completing the terms of their probation or parole, eliminating requirements to pay legal financial obligations, and providing information to felons leaving correctional facilities about restoration of their voting rights and registering to vote. These state efforts are supported by studies finding that restoring voting rights to former felons fosters civic participation and reduces their likelihood of committing further crimes.

In addition to Attorney General Frosh, the brief is signed by the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Vermont, Virginia, and Washington.