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## A discouraging call by Florida Supreme Court on felon voting

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By ruling that former felons must pay all financial obligations before getting back their right to vote, the increasingly conservative Florida Supreme Court has ignored the will of the people — the nearly two-thirds of Florida voters who in 2018 approved [Amendment 4](#).

Rather, the court confirmed the will of the amendment's opponents: the Republican-led Legislature, Gov. Ron DeSantis and others who, justice be damned, fear the prospect of tens of thousands more potential Democratic voters on the rolls, especially in this crucial election year.

This won't be the last word. A federal appeals court is hearing oral arguments next week in Atlanta on a lawsuit challenging the state law, passed last year, that kneecapped the amendment with its requirement that felons pay back all fees, fines and restitution before they can cast a ballot. Hopefully, the 11th Circuit Court of Appeal will declare the state's law on Amendment 4 as an unconstitutional suppression of the right to vote.

A federal district court judge in Tallahassee already ruled, in October, that if felons are too poor to pay the obligations, they must still be allowed to vote. DeSantis and Secretary of State Laurel Lee appealed that decision.

DeSantis, finding some political cover on Tuesday, proposed -- and the Florida Cabinet approved -- a revamped clemency rule that will allow felons who have waited at least seven years after they have completed their time behind bars and have fulfilled other requirements but owe restitution to victims to request a hearing from the clemency board.

But we agree with Agriculture Commissioner Nikki Fried, the lone Democrat on the Cabinet, who said the revamped rule, while a good "first step," doesn't go far enough.

"This only actually applies to citizens that require a board hearing by rule. This will have no effect on the current backlog of over 10,000 pending RCR (restoration of civil rights) applications," Fried said.

The revised clemency rule could satisfy the federal judge's ruling that the state must have a way for felons who cannot afford to pay "legal financial obligations" to register to vote.

But it's unfortunate that the more than 5 million Floridians who voted for Amendment 4 — assuming that serving all prison, parole and probation time was enough of a debt for most felons to repay to get back their voting rights — have to once again rely on a federal court to force our state to do what's right.

But they're far from alone in this fight.

Two prominent libertarian groups have filed briefs in the federal case, arguing that [SB 7066](#) is fundamentally unfair. The state law "violates the bedrock guarantee that every citizen enjoys,"

said the R Street Institute and Cato Institute (backed by billionaire Charles Koch). Without a judge's injunction, they said, the law "will have the effect of excluding a great number of people from voting because of their poverty, while allowing similarly situated wealthy persons to vote."

To their great credit, court officials and elections supervisors in Florida's largest counties are trying to untangle this mess. They are working to cut away court fees and fines from a convicted person's felony sentence, treating the unpaid fees more like civil lawsuits (restitution to crime victims remains part of the sentence). Each convicted person has to petition the court individually for this to happen.

It's a laborious process and, so far, only about 20 to 25 felons have obtained the judges' order they need in Palm Beach County, State Attorney Dave Aronberg's office said.

In another work-around, the Florida Rights Restoration Coalition, the main organization behind Amendment 4, is collecting donations to pay off felons' penalties. So far, they've initiated 2,700 registrations — a wonderful thing for those individuals but nowhere close to solving a problem affecting hundreds of thousands.

This all feels so unnecessary.

Floridians sought to demolish a disgraceful tradition lingering from Reconstruction. This state, to its shame, has barred an estimated 1.4 million people, many of them black and poor, from the ballot box for life unless they manage to secure a reprieve from the state Clemency Board. It is by far the largest such disenfranchisement in the United States.

Amendment 4, which does not apply to murders or felony sex offenders, was never intended to erect a new sort of obstacle. It wasn't meant to put voting out of reach for vast numbers of people because they lack the money to pay fees and fines. That is uncomfortably close to a poll tax, the vile Jim Crow voter suppression tactic that was made unconstitutional in the 24th Amendment, ratified in 1964.

The Supreme Court's opinion, based on a "textual," or literal, reading of the amendment's wording, ignores the insurmountable obstacles to voting that pay-up requirement often creates in real life.

First, of course, it is extraordinarily difficult for ex-cons to obtain the jobs and incomes they need to pay back the court-ordered costs; it can take decades, leaving them permanently disenfranchised.

More maddening, there are no central state databases to show how much one owes. More maddening still, most of the poor who are disenfranchised simply owe court fees — literally, administrative fees to cover the cost of court functions.

We hope that the state continues to revise the clemency rules to fix this issue. But until then, we must look to the federal court system to force Florida to do the right thing.