

**ANALYSIS**

# Thwarting Amendment 4

New analysis shows that Florida legislation will disproportionately affect African Americans

By Kevin Morris PUBLISHED MAY 9 2019

## Summary

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Just months after Floridians approved an amendment to their state's constitution to restore voting rights to 1.4 million people with felony convictions, the Legislature has passed a bill that weakens the impact of the ballot measure by limiting who is eligible to vote. Amendment Four was approved by 65 percent of voters in November and enjoyed broad bipartisan support. And it was working. The analysis below demonstrates that:

- Nearly 100 times more formerly incarcerated Floridians registered in the first three months of 2019 than in previous odd years.
- Of the formerly incarcerated Floridians who registered to vote between January and March of this year, more than 44 percent identified themselves in

their voter registration forms as Black, whereas Black voters comprise 13 percent of Florida's overall voter population.

- The average income of the formerly incarcerated Floridians who registered to vote between January and March is nearly \$15,000 below that of the average Florida voter.

There can be no mistaking the racial and class implications of this regressive new legislation.

# Background

Florida’s longstanding policy of permanent disenfranchisement had enormous implications for racial and economic justice in one of the largest states in the country. [More than four in ten](#) individuals released from prison over the past few years were Black, and people who live in minority and low-income communities are [vastly overrepresented](#) among those caught up in the criminal justice system. Amendment 4 promised to address this.

But on May 3, lawmakers passed a bill requiring Floridians to pay back all fees, fines, and restitution imposed as part of a sentence for a felony conviction – even those that a judge has converted to civil obligations – before they can register to vote. For some, these outstanding balances run to tens of thousands of dollars, thus making it virtually impossible for these individuals to register.

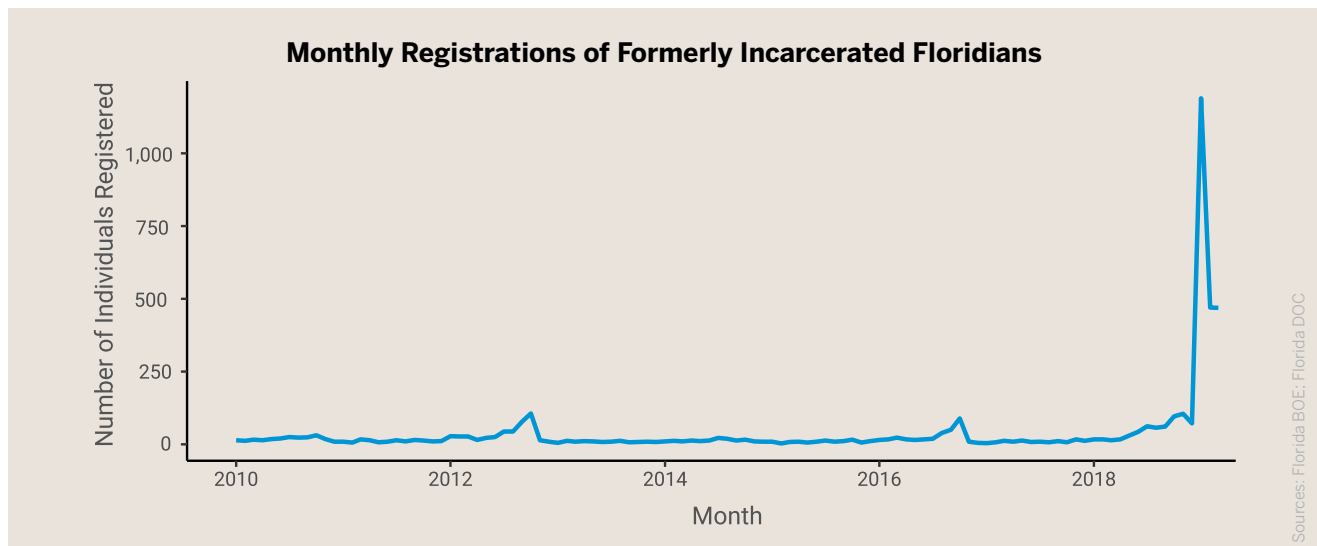
# Analysis

By looking at voter registration data since Amendment 4 went into effect, we can see that Black and low-income returning citizens are dramatically impacted by this new legislation. Using data from Florida’s Department of Corrections and the Board of Elections, we are able to identify Floridians who have come home from prison and registered to vote. To be clear, this analysis includes only a slice of the population enfranchised by Amendment 4: those individuals released from prison since 1992. Our analysis does not include individuals who were sentenced to felony probation (because Florida does not maintain statewide data for this population), though many Floridians sentenced to probation likely also registered to vote during the first quarter of 2019. Nonetheless, this data provides an early indication as to the racial and income-level impact that Florida’s new legislation will have.

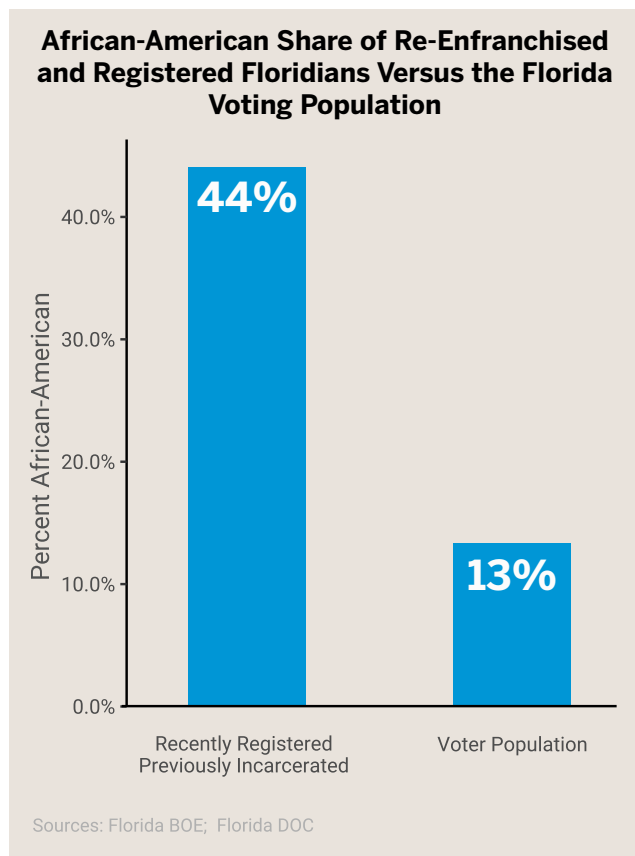
Before this year, Floridians convicted of felonies had to receive individual pardons from the government in order to register to vote. Very few of these pardons were granted.

Between January 2011 and April 2018, just 3,000 individuals received them. Unsurprisingly, very few formerly incarcerated Floridians registered to vote between 2010 and 2018 — on average, fewer than 250 per year during that nine-year period.

Amendment 4 went into effect on January 8, 2019, re-enfranchising most Floridians who had completed all the terms of their sentence. Many re-entry groups in Florida took advantage of the policy change and immediately launched voter registration drives. As the chart below makes clear, these drives were tremendously successful: In January, February, and March – months in which voter registrations are usually very low – more than 2,000 formerly incarcerated Floridians registered to vote. That’s roughly ten times the *annual* average number of registrations for returning citizens in the preceding nine years and 99 times the average for the first three months in 2017 and 2015 (recent years without a general election).

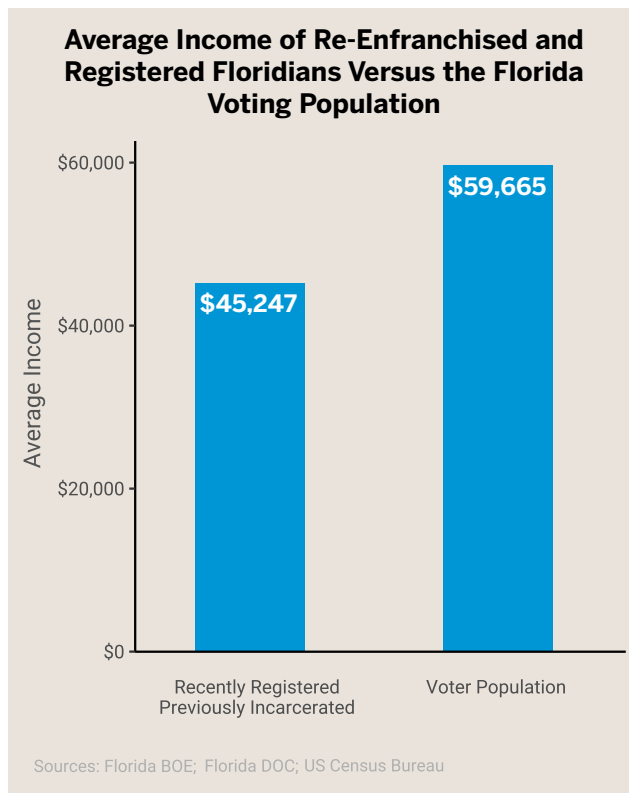


Using information in the state voter file, we know not just how many individuals registered but also some of their demographics. Of the formerly incarcerated Floridians who registered to vote between January and March, more than 44 percent self-identified as Black. By contrast, just 13 percent of all Floridians registered to vote are Black.



Using census data, we can also estimate the socioeconomic characteristics of the electorate.<sup>1</sup> We found that formerly incarcerated Floridians who registered to vote in the first quarter of 2019 tended to be much lower income, have less college education, and come from neighborhoods with higher unemployment than the rest of the state's voters. In fact, the average income for a formerly incarcerated, newly registered Floridian is nearly \$15,000 below the statewide average.

1 We used census block group data as a proxy for individual-level data, a common method in the social sciences when individual-level data is unavailable. In this analysis, we assume that each registrant's income is equal to the median income of their census block group. It is important to note that this likely *understates* the income discrepancy between recently re-enfranchised individuals and the rest of the electorate. Individuals who have been to prison likely have lower incomes than those of their neighbors, which means that median block group numbers systematically overestimate income for returning citizens.



The impacts of the criminal justice system fall heavily on lower-income and minority communities. Felony disenfranchisement policies, by extension, disproportionately strip these communities of their political power.

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