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Hunter L. Harding
Grand Valley State University

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Amendment 4: A Movement to Reduce Ex-Felon Disenfranchisement in Florida

Hunter Leebrick Harding

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GRAND VALLEY STATE UNIVERSITY

In

Partial Fulfillment of the Requirements

For the Degree of

Master of Arts in Social Innovation

Integrative, Religious and Intercultural Studies Department

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The signatures of the individuals below indicate that they have read and approved the project of Hunter Leebrick Harding in partial fulfillment of the requirements for the degree of Master of Arts in Social Innovation.

Andrea Riley Mukavetz

Andrea Riley-Mukavetz, Project Advisor

4/18/2022

Date

Azfar Hussain

Azfar Hussain, Graduate Program Director

4/18/2022

Date

Deana Weibel

Deana Weibel, Unit head

4/26/2022

Date

Introduction

As an individual who studied Criminal Justice for my Bachelor of Science, I began to realize some of the greater issues plaguing the justice system regarding social issues, such as environmental pollution with air and water sources, domestic violence issues, civil rights, and disproportionate racial outcomes that can plague communities. The Social Innovation Master's program provided the perfect opportunity to explore these systemic issues by gathering education on the historical foundation of what caused these modern issues. With an interest in voting rights and access disparities following the 2020 presidential election, I began to dive into the impact that voting on the local level can have on community resources and representation. This began to lead me to the southern region of the United States and some of the historical restrictions tied to voting legislation and disparities of access among communities of color, moving into the modern effects led me to the State of Florida whereas a political swing state historically, elections have been decided by narrow margins on the gubernatorial and federal elections in the past. Utilizing previous historical education on disenfranchisement and access disparities, I was led to modern felon disenfranchisement, the issue that plagued Florida, and the restoration process for former felons looking to fully reintegrate into society. With a disproportionate amount of minority communities being affected through policing and enforcement of felon disenfranchisement restrictions, I felt my purpose as a Criminal Justice undergrad and a master's researcher of Social Innovation was to find a connection between the two areas of study that allow for a voice to be heard.

Disenfranchisement in the United States is a restrictive punishment authorized through language in the 14th Amendment of the United States Constitution. However, this amendment allows punishments to vary by region and by the state in the United States due to governments at

the state level having their own functioning constitutions and governing abilities. My research focuses on the disenfranchisement of ex-felons in the state of Florida. Disenfranchisement is often included in the analysis of the Criminal Justice system due to the disproportionate outcomes on minority populations through law enforcement, it is also an issue that has been fought in the court of law historically. Florida has been considered one of the most restrictive states when it comes to punishing felons through disenfranchisement. The advocacy of social organizations is crucial in the fight for society to accept the felons that have completed their sentencing and are seeking to become law-abiding citizens in their communities. Florida Rights Restoration Coalition led a movement against disenfranchisement prior to the 2018 midterm election in Florida that drastically changed a system successfully for the first time in decades through citizen advocacy.

This thesis is designed to explore the legal language used historically to target specific populations and how this transitioned into the modern-day issue of felon disenfranchisement. Florida Rights Restoration Coalition will be examined as the leader of this constitutional change through. In section 1 I will introduce disenfranchisement but focus on the historical foundations of disenfranchisement becoming legal federally and then how it was implemented in the Florida constitution and unaltered until the civil rights movement in the 1960s connecting the issue to modern-day changes. Section 2 recognizes the lasting impact of Jim Crow policy and where courtroom proceedings largely failed to dismantle the social impacts that such rules would create on minority communities. Section 3 discusses previous attempts to change disenfranchisement legislation in Florida through the power of governorship. Sections 4 and 5 will introduce the advocacy organization leading the charge for change as well as current Florida Governor, Ron DeSantis in the early months of becoming Governor.

Disenfranchisement in Florida

Legal Struggle Between State & Federal Governments

My research, based on historical and legal analysis, indicated disenfranchisement first appeared in Florida's State constitution in the year 1838. At the time this was placed into the Florida constitution I would argue that punishing crime was heavily based on racial prejudice and the maintaining of social hierarchy among classes. Following the Civil War in the United States, many lawmakers were searching for loopholes to punish minority populations disproportionately in order to maintain the social hierarchy. The first definition of disenfranchisement appeared in the Florida Constitution as "(t)he general assembly shall have the power to exclude from... suffrage, all persons convicted of bribery, perjury, forgery, or other high crimes or misdemeanors" (Riggs, 2015). Individuals who have lost their civil rights due to their felony convictions are considered "disenfranchised". An estimated 6.1 million Americans are disenfranchised, and the southwestern region of the United States had more punitive punishment for felons (Phillips & Deckard, 2016). Nearly a quarter of the entire United States disenfranchised population belongs to the State of Florida according to Potyondy (2021), Winograd (2021) explains how America at the turn of the 19th century had adopted the common law model of England and how many of the laws in America were rooted in that colonial approach. Colonial laws punished criminals heavily by impacting their ability to interact with society and due to the value of the property test diminishing as a social status at the time, upper-class landowners were attempting to maintain strength politically over other classes.

Prior to the Civil War, only six states allowed Black people to vote suggesting that discrimination through voting laws at the time was class-based rather than racially motivated in the understanding that the African American population was already excluded. With the

ratification of the 13th Amendment in 1865 to the United States Constitution, slavery and involuntary servitude were now prohibited except through punishment of crime (Winograd, 2021). In 1868, when the 14th Amendment of the United States Constitution passed, it created the possibility of limiting state representation in proportion to eligible voters. The right to vote could now be taken away based on vague language for the charges of “rebellion and other crimes”.

My understanding of the impact of Amendments 13 and 14 of the Constitution is that it began the era of Jim Crow in the United States where minority populations were heavily targeted through crime in an attempt to maintain the industrial model of indentured servitude and slavery the South relied had on. Between 1838 and 1870, there was an ongoing debate among members of the Florida Government regarding the wording of the Florida constitution. This debate centered around felony punishment. William Marven, Governor of Florida in 1865, “proclaimed his belief that freedom from slavery did not include suffrage...” (Winograd, 2021) and made it a clear interest to deny any franchise to African Americans. This legal precedence is seen in Riggs (2015) reflecting on the original language of Florida’s constitution:

Nor shall any person convicted of felony be qualified to vote at any election unless restored to civil rights... The legislature shall have power and shall enact the necessary laws to exclude from... suffrage, all persons convicted of bribery, perjury, larceny or of infamous crime. (p. 108)

Unaltered until 1968, this would suggest a connection between Florida's Disenfranchisement and the Jim Crow Era of United States policy. Morse (2021) and Phillips & Deckard (2016) would argue that disenfranchisement is literally, a product of the old Jim Crow in which post-Civil War, the South embraced felon disenfranchisement as an explicit tool to maintain white supremacy. Moving into the modern-day, many legal challenges and conversations took place regarding Amendment 4 after it had passed and gone into effect in Florida on January 8th, 2019.

In March of 2019, the Florida House Criminal Justice Subcommittee voted on a bill defining what it meant to complete a criminal sentence in the context of Amendment 4, it passed 10 to 5 and was later approved by the Florida House and Senate in May of 2019 before being signed by Governor Ron DeSantis in June (Speck, 2020). Following the signature from the Governor, organizations such as the American Civil Liberties Union (ACLU), ACLU of Florida, National Association for the Advancement of Colored People (NAACP), and the Brennan Center for Justice filed federal lawsuits to challenge Senate Bill 7066 on the grounds that it created wealth-based hurdles for voting and undermined the support Amendment 4 had from citizens in Florida.

In the Fall of 2019, in the federal district court of Florida in Tallahassee, a judge ruled to suspend the law regarding plaintiffs unable to afford their outstanding debts and agreed with voter rights advocacy organizations that imposing debt on impoverished felons could be considered a poll tax. The state of Florida responded to this with an appeal that moved to the United States 11th Circuit Court of Appeals to challenge the ruling from Tallahassee. The summer of 2020 had three major implications on Amendment 4 in the court system. In May, a district court judge ruled that Florida had implemented a “Pay-to-vote system” and ordered the state to allow eligible former felons to vote regardless of any outstanding legal debts. Governor DeSantis appealed this ruling, and it was accepted by the 11th United States Circuit Court of Appeals. In June, the 11th United States Circuit Court of Appeals issued a stay, a halt to the district judge's order, during their review of the district court ruling. In July, the United States Supreme Court upheld the ruling of the 11th United States Circuit Court of Appeals to not allow eligible Florida felons to vote with outstanding debts.

Jim Crow Lasting Impact

In the State of Florida, communities of color are disproportionately affected by disenfranchisement. There are over half a million African Americans who are disenfranchised, the equivalent of nearly 24% of the African American voting population (above 18 years old) in the state (Riggs, 2015; Aviram, Bragg, & Lewis 2017). Aviram, Bragg, & Lewis (2017) argue that disenfranchisement is a colonial-era tool used to prohibit members of society from participating in political systems. Those who are disenfranchised are believed to have violated their social contract with society, in this case, the constitution (Aviram, Bragg, & Lewis, 2017). Markovic & Zdravkovic (2020) outline the historical and modern use of emotionalization in the creation of criminal law and felon legislation. Reflecting on Markovic & Zdravkovic (2020), what comes to mind is: Who has the right to create these laws? Are the laws in place adequate to protect your community or have they failed severely and impacted public opinion? Do the citizens have the power in this scenario to bring the change they seek or does that power belong to your local or state positions of leadership? This is largely where civic duty and voting come into play because citizens in Florida have the opportunity to advocate for changes with the local governments and vote on the issues. Drawing from scholarship on Critical Race Theory and Criminal Justice, I would argue that often an event takes place to an individual or a group that causes a media outcry with a massive shift in attention to the issue which creates an emotional wave surrounding potential change.

The United States has a long history of relying on media to create narratives surrounding change and public support. For example, the United States went through an era of Presidencies (Aviram, Bragg, & Lewis, 2017) where Federal policies and leadership encouraged strict criminal punishments resulting in movements such as disenfranchisement directly correlating to political gain. The so-called “War on Drugs” and being “Tough on Crime” was heavily adopted

in Presidential rhetoric from the Nixon Administration and trickled into more recent presidencies (Winograd, 2021). The media attention and political backing were able to largely control public opinion on these issues for decades to help citizens feel protected. These policies heavily impacted communities across the country and some were heavily disproportionately affected creating a negative relationship between citizens and government. For example, the large increase of incarceration across the United States during this era led to a renewed racial-caste system referred to as “the New Jim Crow” in the criminal justice system (Winograd, 2021).

Much like the outcomes after the ratification of Amendments 13 and 14, there was a widespread negative impact that was unintended and largely affecting minority populations disproportionately. Burmilla (2017) argued that “Laws that promise equal treatment in an unequal society necessarily produce unequal outcomes” which in the relation to the State of Florida would refer to disproportionate effects of disenfranchisement on minority communities. The Voting Rights Act of 1964 was established to eliminate Jim Crow-era policies and protect against racial discrimination while exercising the right to vote (Shay & Zarnow, 2012). Even with the change to the language of these issues, the actual practice of exclusion remained due to the systemic ability to adapt in the eyes of the law. Aviram, Bragg, & Lewis (2017), Riggs (2015), and Kwortek (2020) extensively mention court cases from a local to Supreme Court level that challenged disenfranchisement based on racial impact and voting procedures claimed to be unconstitutional. The sources used in this section provided evidence that courts on different levels interpreted the language of the 14th Amendment and the Voting Rights Act (1964) differently. Interpretation of the law typically relies on legal precedence that has been established in the past for similar cases, resulting in a failure in the battleground of the courtroom to resolve the social impact of disenfranchisement on citizens.

It is necessary to emphasize that these failures are not a halt in progress. We can understand that courts and specifically judges can interpret the law differently. We can see that a judge might agree with the actions of advocacy organizations and empower that advocacy through their ruling on a law. However, these types of courtroom battles do not allow for innovations to the current system. They simply create the next avenue for the law and the system to follow. That is what made Amendment 4 special with Florida Rights Restoration Coalition because it was an attempt by the people directly affected alongside the people who wanted change to foster innovation in a grassroots movement that would see their innovation succeed when government leadership and judicial rulings had failed.

Previous Attempts at Florida Reform

Previous attempts at reform to Florida Disenfranchisement include the 1974 Florida Correction Reform Act which attempted to restore civil rights to felons who had completed their sentences and supervision (Winograd, 2021). It was found to be an unconstitutional act by the Florida courts in relation to the check of power to the Governor position. In 1991, the state of Florida added a hearing to the restoration process on top of the current application model. Governor Jeb Bush, elected in 1999, began a spiral of reform beginning with the addition of 200 crimes that now required a hearing process with the applications for restoration.

Governor Crist and Governor Scott both attempted their own versions of reform from 2007 to 2018, but ultimately reversed each other's actions and overcomplicated the system (Riggs, 2015; Winograd, 2021; Aviram, Bragg, & Lewis, 2017). Governor Crist, elected in 2007, implemented a three-level approach to the restoration process in an attempt to organize and efficiently restore eligible felons to civil rights. Under Crist, there were 150,000 Floridians that were restored civil rights. With the Election of Governor Rick Scott in 2011, quickly the changes

implemented by Governor Crist were removed. The three-level approach was dismantled and newly implemented was a 5-year waiting period after release to submit applications for restoration as well as a 7-year wait for “serious felons”. Under the Governorship of Rick Scott Florida only saw the restoration of 3,332 eligible felons to civil rights with a higher percentage of White citizens and Republican voters being restored. Winograd (2021) suggests that “Enormous power is granted to the executive branch because the clemency board retains absolute discretion in the restoration process. The concentration of power to authorize suffrage in the executive branch jeopardizes the democratic electoral process because whoever is currently wielding this power can easily dictate the electoral power of marginalized groups.”

Florida's 2018 Mid-Term Amendment 4

Amendment 4 was a movement to enfranchise all eligible ex-felons in Florida by restoring them immediately to their voting rights. The initiative for Amendment 4 gathered 799,000 signatures among Florida citizens and was placed on the ballot for the 2018 election. The citizens of the state voted to restore all civil rights in Amendment 4 to eligible felons who had completed their sentencing with nearly 65% approval, enfranchising the greatest number of citizens in a single movement since the 19th Amendment was enacted (Winograd, 2021). The amendment did not restore voting rights to felons who had been convicted of murder or sexual offenses (Winograd, 2021; Sawyer, 2019; Morse, 2021), those individuals were still required to go through a clemency board process. The organization Florida Rights Restoration Coalition (FRRC) played a crucial role in the passage of Amendment 4 in 2018, the organization is made up of former felons who advocate for the restoration of civil rights for eligible disenfranchised people. For over two years the organization campaigned to collect signatures statewide that would put the issue on the ballot (Winograd, 2021). Early support for Amendment 4 was

disproportionately democrat and minority voters. FRRC spoke with voters on both sides of the aisle and educated them on the issues pertaining to disenfranchisement (Morse, 2021). This became a direct effort by the citizens of Florida to challenge the previous decades of the Governor's attempts to change the system outside of the arenas used in the past through politics or courtroom battles in which citizens had no power. The amendment was meant to be "Self-Executing", meaning the governors would not be able to undo the amendment after passage, but newly elected Florida Governor Ron DeSantis at the time was able to get the Florida legislature to pass a bill halting its progress (Winograd, 2021).

Governor DeSantis and Senate Bill 7066

Current Governor of Florida, Ron DeSantis, after the midterm election of 2018 made it an apparent goal to squash a re-enfranchisement amendment (Amendment 4) that had passed (Winograd, 2021). Senate Bill 7066 (S.B. 7066) was created for the sole purpose of reversing and destroying progress Amendment 4 passed in the 2018 election resulting in the restoration of disenfranchisement. S.B. 7066 expanded the language of punishments through sentencing and what constituted "satisfying" the completion of a sentence in order to regain civil rights (Sawyer, 2019), this bill was heavily criticized for the financial obligations that would be placed on felons and compared to a poll tax due to the disproportionate number of felons who are a minority and poor (Sawyer, 2019; Aviram, Braggs, & Lewis, 2017; Phillips & Deckard, 2016; Morse, 2021).

With the new language of Senate Bill 7066 implementing payment of all court obligations, it is important to recognize that between 2013 and 2018 in the State of Florida, courts levied one billion dollars in felony fines, and in that span, only nineteen percent was paid back (Winograd, 2021), equivalent to 1.1 million felons disenfranchised due to these fines. This statistic alone could suggest a potential strategy in implementing court fines to create a

disadvantage to those eligible for restoration. Sawyer (2019) pointed out that due to the citizens' passage of Amendment 4 without Florida Government interference, the reversal (S.B. 7066) of that amendment's progress would call into question the use of state authority. The bill eventually passed with the signature of Governor DeSantis and Florida now requires the payment of all court obligations which has returned the restoration process to a backlog of eligible citizens with financial obligations being the leading factor of current disenfranchisement. Thankfully, even with the passing of S.B. 7066 in Florida, the ultimate mission of Amendment 4 was still alive. Former felons who were reintegrating into society had the chance to regain their civil rights that had long been denied in Florida. If not for the innovative actions of the Florida Rights Restoration Coalition in Amendment 4's passing, the governor would still have the ultimate decision on the restoration of civil rights.

Social Innovation's Involvement

Social Innovation is often a product that comes as a result of a Social Entrepreneur working to change a system to become more equitable, productive, or efficient. "Social innovation is defined as 'the process of inventing, securing support for, and implementing novel solutions to social needs and problems'" (Osburg & Schmidpeter, 2013). Traditionally, social entrepreneurship focuses on economic sustainability as well as social demand in more of a corporate role (Morais da Silva et al., 2020). Social entrepreneurship relates to social innovation in the scenario of Amendment 4 in Florida because of the approach to affecting state laws and social outcomes. Social entrepreneurs attempt to solve questions related to poverty, health, education, and other social problems (Morais da Silva et al., 2020). I define the organizational leader of the Florida Rights Restoration Coalition as a social entrepreneur in the early stages of developing his organization FRRC and completing its mission due to the so-called selling of the

product, civil rights, which impacted state government and social responsibility surrounding the justice system. This thesis is designed to put social innovation and criminal justice in conversation with each other to create effective changes to existing systems to establish equity where it has failed in the past. The purpose of this project is to address a gap in Social Innovation regarding disenfranchisement and to make space for further conversations regarding the Criminal Justice system. Regarding Amendment 4 in the Florida 2018 Mid-Term election, Social Innovation was not necessarily at the forefront of reasons to foster this change in Florida for returning citizens (Former Felons) or Civil Rights legislation. The executive director of Florida Rights Restoration Coalition enacted critical race theory practice in criminal justice by obtaining a degree in Law and representing returning citizens through defense in the legal system, the organization matches that approach by advocating for changes to the written language of Florida law affecting felons. In this section, I argue that there are commonalities between social innovation and criminal justice. I plan to position criminal justice reform as a form of social innovation in order to create conversation surrounding the unintended social outcomes of such legislation.

Criminal justice and social innovation are very opposite as it pertains to engagement with citizens and society. Criminal justice is inherently more punitive with restrictions that are seen as very clear cut between legal and illegal that result in forms of punishment that model retribution, deterrence, rehabilitation, and restoration. Social innovation allows for the fostering of change within social systems as it relates to citizens and society to create more equitable outcomes for all. Innovations are often unclear at first and can be messy which allows for natural adaptations to the surrounding society but utilizes historical foundations to address modern issues in a clear-cut manner. Through analysis of the historical components that factor into the need for change in

the state of Florida, it is evident that Social Innovation was clearly in practice and connected to the outcome of Amendment 4. Social Innovation is a combination of ideas and distinct forms of collaboration that transcend established institutional contexts with the effect of empowering and re-engaging vulnerable groups either in the process of innovation or as a result of it (Unceta, Luna, Castro & Wintjes, 2020). Where I see the connection of Social Innovation and Florida Rights Restoration Coalition comes from their nonpartisan approach that utilizes the tools of public and private sector entities that exist as change agents to empower disenfranchised individuals. With Florida Rights Restoration Coalition seeking to use the voice and lived experiences of a population that has been cast aside, they are challenging the normative process of creating change.

My goal is to uphold the innovative practices of Desmond Meade, the Executive Director of Florida Rights Restoration Coalition (FRRC), who founded this organization because he saw injustice to felons returning to society after their incarceration and punishments. It is important to highlight this social innovator because of the importance of Meade himself who went through this lived experience of incarceration and upon completing his criminal sentencing chose to educate himself in Law and create FRRC to represent the population in Florida that has been silenced. Until the proposed change that came with Amendment 4 in 2018, Felons who had completed their sentence and all court obligations were not guaranteed a restoration of their civil rights (Voting), and if these individuals were fortunate enough, they could receive a hearing for their case to be restored ultimately by the Governor's decision. The approach was taken by FRRC to educate citizens across all backgrounds and communities about the history of the issue and how it impacted the stakeholders along with the effectiveness of changing a system that had been broken and failing this population for decades.

Models of Social Innovation in Florida Rights Restoration Coalition

I argue that Desmond Meade is a social entrepreneur engaging with Social Innovation practices through returning citizens' ability to seek restoration of civil rights in the state of Florida. The organization was started with individuals who had committed felonies and were attempting to reform their own lives by advocating to the population that they were a part of. FRRC states on its website "We are a grassroots, membership organization run by returning citizens who are dedicated to ending the disenfranchisement and discrimination against people with convictions" (Florida Rights Restoration Coalition [FRRC], 2022). This organization listens to returning citizens and the needs or wants that they deem necessary to change moving forward. FRRC's platform is used to gather lived experiences from their stakeholders - returning citizens and former felons. Where I see Social Innovation largely in practice is by utilizing these voices of citizens who have been "turned away" from society. I would argue that when agents of change are considered for leading a cause to impact current societal structures it would not include felons who had lost their civil rights. Many might argue that allowing impacted or silenced populations to have the say in social innovation is the goal of accomplishing those innovations in the first place. The approach of FRRC to utilize those voices and experiences through a legal approach and existing structures is unique because it directly challenges the system that excluded them.

Following the implementation of Amendment 4 into law, Senate Bill 7066 came into play to redefine the written language that constituted the completion of a court sentence. The media attention and coverage that this Senate Bill received turned the conversation into a political debate about similarities to poll taxes and other restrictions while the other side of the argument was that completion of court sentencing has historically always required fines and restitution. It

is made very clear that Desmond Meade wanted the organization, nor himself, to take part in controversy in the media or in the court of law with the American Civil Liberties Union (ACLU) and their lawsuits against SB 7066 (Lemongello, 2019). When asked about FRRC in relation to the political movement and historical context (Gonzalez, Goodman, & Meade, 2018), Desmond Meade stated:

Well, first of all, we don't even call ourselves a bipartisan movement. We are an organic, grassroots movement that welcomes and enjoys bipartisan support. We're not leading with the partisan nature of this topic or the issue of voting. What we're leading with is the human nature, you know, that there are real people's lives who are impacted by these policies. And because of that, we've been able to, first of all, recognize that felon disenfranchisement now impacts people from all walks of life, which now allows us to go into communities in rural parts of Florida, in urban parts of Florida, and have real conversations with real people and really connect with the pain that they're feeling.

Because of that—because of that, what we've seen is indicative of what we're seeing now with the hurricane relief efforts that we've always seen, that in the aftermath of a hurricane, no one cares how their neighbor voted. No one cares how much money they made. The only thing they see is another human being in need. And that's the beautiful part of this campaign that we have embraced, and we hold onto for dear life, because at the end, we are organizing folks along the lines of humanity. And because of that, we've been able to get people that throw off their partisan cloaks and come together as brothers and sisters in this movement, as Americans, that's rallying around each other knowing that once a debt is paid, it's paid.

So we can have organizations like TaxWatch, Christian Coalition, Freedom Partners, that stand up and say, "You know what? It is time to bring second chances back to the state of Florida." And they can do that alongside the ACLU, organizations like Advancement Project, Alliance for Safety and Justice and Florida Rights Restoration Coalition. That is, to me, the most beautiful thing that we're witnessing here. I believe that we are becoming a shining light for the rest of the country about what's good when people can elevate themselves above partisan bickering, above racial discord, and connect along the lines of humanity for the good of all people. (Paras. 21-23)

The main mission of FRRC was to create a pathway for former felons to become "citizens" again and that goal was accomplished. What I see in this decision is a leader who understands that this issue and opportunity for innovation is larger than party politics. By

focusing on addressing the core issues for returning citizens this organization is able to focus on the process of inventing, securing support for, and implementing novel solutions to social needs and problems as mentioned in the above sections regarding Social Innovation. By utilizing the human element as explained in the quote above, I think this organization is able to effectively operate across political affiliation, race, ethnicity, and community backgrounds to bring people together with a sense of commonality, togetherness, and the greater good. In building this relationship with the community and stakeholders, I believe the organization is better able to convey its message and its mission. When educating the general population on the issues of disenfranchisement and Florida's restoration process the organization can use the lived experiences of the leaders of FRRC as well as draw on the relationships built within the community to connect with everyday citizens to show how it impacts a variety of people.

Simply allowing this population of disenfranchised citizens to have a voice is a key component of Social Innovation and how it functions. Disenfranchised citizens had largely been outcasted and forgotten once their criminal convictions were labeled to their names, but those who seek to reform and grow beyond who they once were; had little or no opportunity to return to status as full citizens. With Florida Rights Restoration Coalition directly being represented by the population they want to empower; it allows for a collective voice to be represented as well as a united front in delivering a message. This message appears to be strong considering that the organizations mentioned above such as the ACLU, TaxWatch, Freedom Partners, Alliance for Safety and Justice, etc... came together to support the mission of Amendment 4 with varying political affiliations or organizational missions. What makes this special is that similar to the bipartisan voting support, organizations that might not normally work with one another found common ground to support and uplift the opportunity for Amendment 4 to restore an opportunity

to eligible former felons to regain their civil rights. Spreading information and education surrounding Amendment 4 throughout the state of Florida was crucial to meeting the criteria of a ballot measure in the state. Utilizing the human approach by FRRC allowed former felons to engage with community members across the state. This tactic to engage polarized communities was a crucial step for social innovation and criminal justice moving forward because it directly allowed stereotypes or narratives to be challenged by communicating face to face about the issues at hand and how working together could solve a greater societal problem.

The Time Was Now for A Ballot Measure

After decades of failed changes coming from the governor's positions and legislation, the opportunity to establish change seemed more favorable than ever before. With support growing across the state for the movement of Amendment 4 through the work of the above organizations, there was now an opportunity for the citizens across Florida to express their desire for change to the restoration system that would allow returning citizens to gain their voting rights immediately once they reach full eligibility. This issue was no longer as politically geared as it had been in previous attempts for change. Due to the spread of information about what Amendment 4 could accomplish by educating communities of people, it shifted the issue to a human approach that could reach common ground. Because of that approach voters of all backgrounds were able to independently consider how Amendment 4 would change the failing restoration process that existed.

That answer came in the form of a ballot measure and by utilizing this process citizens were able to campaign for this movement to unify behind the opportunity for restoration and keep the power in the hands of the people and stakeholders rather than government leaders or courtrooms. Ballot measures across the United States may include statutes or referendums, but in

the state of Florida, only Constitutional Amendments are allowed to go to a vote. A ballot measure is defined as a law, issue, or question that appears on a statewide or local ballot for voters of the jurisdiction to decide (Ballotpedia, 2022). To pass a ballot measure, the amendment must gain a supermajority of 60% or more as written in Section 3 of Article XI in the Florida Constitution. Ballot measures have two forms: Direct and Indirect. Direct initiatives are put directly to a vote after enough signatures are submitted which was the case in Florida during the 2018 Mid-Term election. Indirect initiatives go to the state legislature first and if successfully passed move to a popular vote amongst the population.

In the State of Florida, to create a ballot measure for a Constitutional Amendment there must be signatures totaling 8% of the number of votes cast in the previous state presidential election. In data collected by Ballotpedia (2022) on the voting numbers in 2016, the requirement for signatures in the state of Florida to create a ballot measure totaled 766,200. There are 28 counties in Florida, and the requirement for the 8% of signatures must also be met in 14 of those counties. Thus, preventing the ability for signatures to be collected in a centralized location with a high population and spreading the requirement across the state. Signatures are required to be submitted by February 1st and because of the 30-day verification window given to the Secretary of State by Florida Law, it is recommended that submissions should be entered on January 1st to guarantee qualification.

With Florida Rights Restoration Coalition leading the signature movement, they were able to collect 799,000 signatures, and once put to a vote the supermajority was surpassed reaching nearly 65% approval (Winograd, 2021). Amendment 4 had successfully overcome a state constitution that had historically disqualified returning citizens from their civil rights. Through the creation of disenfranchisement in the Florida constitution in 1838, the Governor in

1865 with intentions to never enfranchise minority populations, all the way through reform attempts in the late 20th and early 21st century, the system that had been rooted in racist intention and the disproportionate outcome had been dismantled through innovative practice.

For the first time in relation to disenfranchisement, restoration of civil rights, and criminal justice reform, the voice of those affected was heard in Florida. Because of this Social Innovation returning citizens who previously were cast aside now have the ability to participate in their civic duty immediately once eligible. The ability for individuals to vote can actively change representation within the communities these citizens are a part of. These citizens now have the opportunity to vote in their local elections that could impact their quality of life, state elections that decide who represents their interests, and even presidential elections that have been so tightly contested in Florida. This change in Florida may lead to curiosity on where else a similar ballot initiative may be effective moving forward.

Creating This Change Elsewhere

Looking at the bare bones of this innovation, an organization directly represents and advocates for its stakeholders to seek an immediate change to a historical issue. By utilizing the tools of American democracy, the citizens were able to directly enact Amendment 4 to their state constitution which effectively installed the change to the restoration process that had plagued Florida for decades prior as a political issue. By following the process of a ballot measure in Florida, I believe it is possible to create a similar movement in the future for a variety of issues that citizens seek to change.

While attempting to create changes to disenfranchisement and the restoration process had been done in the past, the limitations of power to the governor's position as well as appealing to political parties stood in the way of effective progress on the issue. A key missing element was

the voice of the people and this amendment plus the support garnered through various organizations, especially FRRC, proved that connecting with the population of Florida by going door to door or through community events to spread information and establish connections creates possible change outside of the battleground of politics while also remaining within in the confines of the constitution. Organizations representing law, religion, civil rights, democracy, and former felons successfully worked with the government in this social innovation to pass Amendment 4.

Reconsider the other three states that remove felon voting rights for life as Florida did before Amendment 4 - Iowa, Kentucky, and Virginia. All three states do not allow for ballot initiatives or referendums at the state level. This left me to wonder if those states had the opportunity at a ballot initiative like Florida if a similar movement may have taken place one day to change the structures of how those states restore civil rights. This also makes Florida unique because even though they were arguably the most restrictive state in the United States towards felons, this Amendment garnered enough support statewide to become a ballot initiative as well as pass with a supermajority needed to implement the state constitution to the next step. Other states in the southern region of the United States such as Alabama, Georgia, South Carolina, and Mississippi may have had a historical track record of implementing procedures that disproportionately affected minority populations like Florida in the post-Civil War era. Regarding the same issue that Florida had with felons regaining their ability to vote, South Carolina and Georgia do offer restoration of the right to vote upon completion of their punishment (Prison, Parole, Probation) while Alabama and Mississippi restrict restoration to certain felons who are able to regain their right to vote (Ballotpedia, 2022). With the issue of Amendment 4 in Florida beginning with the elimination of felon rights for life, it would be

logical to wonder if Alabama or Mississippi could follow a similar model in the future. Alabama does not allow ballot initiatives or referendums to its state constitution. However, Mississippi does allow for ballot initiatives to take place that affects the state constitution.

Calling back to the lasting impact of the Jim Crow section earlier where the question of who determines legislative changes and how it comes into effect, perhaps there was no singular issue that created the growth of support for a movement like Amendment 4. The systemic issues were present for decades and it was visibly significant for individuals to understand. We know that these southern states had Jim Crow policies that disproportionately impacted minority communities in the past, but perhaps like in Florida the opinion of citizens could have changed drastically. If the government is steadfast on an issue while the overwhelming majority of the population is not in favor where is the opportunity for change? Thankfully, in Florida, that opportunity existed through the ballot initiative, and the voices of the people and the primary stakeholders (returning citizens) were heard. But for many states across the country, the only opportunity for enacting change comes through voting in local elections.

Voting Rights Organizations

Much like Civil Rights organizations that exist in the United States, Voting Rights Organizations can become an essential tool for the future of change as well as a backbone of the innovative process. The key to these organizations is to spread information about American democracy and elections to the populations who follow these organizations as well as provide opportunities to citizens unfamiliar with the organization to benefit from their missions and receive clarity to any voting information they seek. To combat misinformation from media outlets and political campaign trails, voters can seek direct information from the candidates or issues they are interested in from voting rights organizations.

The organizations involved in collaboration with Florida Rights Restoration Coalition through Amendment 4 were TaxWatch who identifies as independent, nonpartisan, nonprofit, and the Christian Coalition identify as conservative and family-based, both organizations seek to spread political education and hold governments accountable. Ballotpedia and Vote Smart organizations exist to educate voters from a nonpartisan approach that seeks to provide information to all Americans who seek it. The tools provided by Ballotpedia, and Vote Smart allow users to engage in modern elections with factual databases that cover a wide array of speeches, statements, voting records, funding, and biographical information on candidates. With this generation of voters having access to information ready at their fingertips, it is crucial to utilize it correctly. Similar to Florida Rights Restoration Coalition, I believe the future of initiating change in local, state, or federal elections comes from voter advocacy. In order to seek an innovative approach to social issues and other areas, voters will need to be well informed from a nonpartisan or collaborative approach. By working together to meet in the middle, organizations can create momentum by appealing to voters in all backgrounds such as FRRC did working with urban communities, rural communities, and speaking to citizens from all backgrounds.

Conclusion: Sustainable Progress in SI & CJ

With the innovation of Amendment 4 reaching from criminal justice to politics to social innovation, it is important to consider how to maintain a successful change that has been implemented. Because the issue of felon disenfranchisement in Florida existed through the creation of their constitution and its written language, it belongs to the political arena. The enforcement of said laws and implications coming from the justice system indicates the presence of criminal justice. Finally, through seeking a voice for the individuals directly affected and

advocating for a change that historically plagued a population comes the placement of social innovation.

We know that political leaders from all levels of government meet with one another to have discussions relevant to their jurisdiction or state-level issues. Their role is to protect the interests of the people and represent the population of that community by utilizing the tools of government power. Some of these meetings may include members of the community sharing their stories or experiences relevant to the issue but not every decision is made with the voice of those affected. Criminal justice is a system created to protect law and order within a community and uphold the hierarchy through the enforcement of laws, regulations, and ordinances. Community policing is a concept used in criminal justice that is supposed to engage the community with police tactics and community building to create transparency between law enforcement and citizens. Once more, impacted populations' perspective is not always considered. This tactic can even allow for local government leaders to be involved which is a greatly beneficial step for the criminal justice system and arguably an innovative practice. Social innovation creates a space much like community policing where community problems and issues can be solved with the approach of transparency from multiple entities involved to create equitable solutions. The main difference comes from the ability of social innovation to create a voice for the populations often not heard in the process of decision making or creating new rules, laws, or regulations.

To maintain a social innovation once it has come into effect is to continuously hear the perspectives of all parties. For social innovations regarding politics or criminal justice, it is imperative to continue listening to the voices of the targeted communities. For Florida, the passage of Amendment 4 will include conversations between mostly state officials and former

felons who completed their time in the criminal justice system. The conversations will be centered around whether the innovation has maintained a successful level of efficiency in the restoration of returning citizens' civil rights. The representation of organizations like the Florida Rights Restoration Coalition could ensure that the collective experience of returning citizens is heard by state government representatives. Where criminal justice has potentially lacked in the space of social innovation is the process of considering the unintended outcomes of its enforcement. While the very nature of criminal justice is to be punitive and maintain an orderly society, it is also necessary to consider the existence of reformed criminals who seek to restore a life with full opportunity.

The issue of felon disenfranchisement in Florida has been successfully impacted by Florida Rights Restoration Coalition and their work with other social organizations. Felons who have completed their criminal sentencing now have a pathway to restore their civil rights immediately as compared to the previous method of full exclusion unless restored by a governor's decision. Thanks to the collaboration of organizations that had a deep understanding of civil liberties, law, and government working with the lived experiences of former felons an innovative approach was used to bring together communities of people across the state who supported the opportunity of restoration. While social innovation was not the primary reason to create change in this scenario, it was greatly utilized and certainly present in the process of initiating a constitutional change in Florida.

Following the pathway of a ballot initiative, the citizens of Florida and the organization Florida Rights Restoration Coalition set a blueprint for fostering change. By recognizing the importance of voting rights and disparities of access across the state, social organizations such as FRRC can use nonpartisan approaches to draw people together in support of a mutually

beneficial cause. Through spreading information and promoting education on these social issues, similar outcomes can occur across the country where state governments allow citizens to create these movements. Regarding Amendment 4, the voices of returning citizens who now can restore their civil rights should remain involved with FRRC and their advocacy in the criminal justice system and government. In order to continue sustainable social innovation in these scenarios, I believe it is imperative for the voices of those impacted to be heard and part of the process regardless of the level it takes place.

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