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# How will the restoration of ex-felons' voting rights in Florida affect their citizenship?

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Title: How will the restoration of ex-felons' voting rights in Florida affect their citizenship?

A Thesis Submitted in Partial Fulfillment of the  
Requirements of the Renée Crown University Honors Program at  
Syracuse University

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Candidate for Bachelor of Arts Degree  
and Renée Crown University Honors  
Spring 2019

Honors Thesis in Political Science

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## **Abstract**

Definitions of citizenship in the United States require discussions about political, civil, and social rights. In Florida, over 1.5 million ex-felons experience challenges in defining their citizenship because they have been stripped of their right to vote. However, Florida's Amendment 4 could positively impact ex-felon citizenship by automatically restoring ex-felons' voting rights after completing their sentences. Survey data showing approval of ex-felon enfranchisement and interviews of ex-felons barred from voting provide the information used to make claims about how voting rights will affect ex-felons' citizenship. In this paper, theoretical analyses of the data presented to suggest that public opinion supports ex-felon enfranchisement and that granting voting rights to ex-felons will provide a path towards full citizenship. However, ex-felons who committed severe crimes such as sexual abuse or murder, will continue to experience semi-citizenship due to public disapproval of the immorality of this category of crime.

## Executive Summary

Ex-felons in Florida share a unique experience regarding their citizenship because until 2018, they were barred from voting. Although their political rights were removed, ex-felons were not completely stripped of other rights such as social, civil, and nationality rights. Given the combination of rights that ex-felons possess, it is unclear as how scholars, policymakers, and ex-felons define their citizenship. However, restoring ex-felons' voting rights may complete ex-felons' citizenship. This is an important issue that should be considered because voting rights are integral to the function of American democracy. Therefore, the fact over 1.5 million ex-felons in Florida alone are excluded from participating in democratic processes is alarming.

In order to glean a understanding of the citizenship of ex-felons, this paper presents data about ex-felons' perspectives and public opinion data. The perspective of ex-felons is provided by newspaper articles, web videos, and scholarly articles. Additionally, public opinion data regarding approval for felon enfranchisement was taken from the 2018 midterm election results as well as surveys conducted by scholars. In this paper, findings from both sets of qualitative and quantitative data coupled together to illustrate what affect voting rights restoration would have on ex-felons' citizenship.

The data presented is analyzed through the theoretical concepts of two separate scholars, Elizabeth Cohen and Pippa Holloway. Elizabeth Cohen authored *Semi-Citizenship*, which suggest that there is a spectrum of citizenship based on rights that individuals possess or lack. Pippa Holloway authored *Living in Infamy*, which describes the historical labeling of felons as "infamous" and explains how public opinion of felons impacted the citizenship of ex-felons during Reconstruction period in the U.S. *Semi-Citizenship* offers a way of viewing rights restoration as path towards full citizenship for ex-felons in Florida that are currently

experiencing semi-citizenship without their political rights. *Living in Infamy* emphasizes the importance of distinguishing ex-felons as non-infamous individuals in order for the public to support their enfranchisement and ultimately, for ex-felons to experience full citizenship.

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## Introduction

In only four states in the United States of America, citizens with prior felony convictions are denied one of the most fundamental rights that drives American democracy; the right to vote. One of those states is Florida, with a disenfranchised population of over 1.5 million, the highest of any other state. Florida is also one of the key states that often determine the outcome of presidential elections. Therefore, it is necessary to understand how Florida can accurately represent the opinion of its constituency, while also excluding such a large number of its voting-age citizens. The central questions that arise in this investigation are questions of citizenship. What rights constitute citizenship in the United States? Furthermore, if voting rights are integral to holding citizenship status, then do ex-felons who have had their voting rights revoked hold true citizenship status? Lastly, if their voting rights are reinstated, how will that change ex-felons' citizenship?

These questions can be examined in the context of Florida because of the recent movement in the last five years towards restoring voting rights for ex-felons. In order to contribute to the political discourse surrounding definitions of citizenship, the theoretical concepts of two scholars, Elizabeth Cohen and Pippa Holloway are applied in this paper. Cohen's *Semi-Citizenship in Democratic Politics* and Holloway's *Living in Infamy* offer interpretations of what citizenship in the United States may or may not look like for ex-felons.

Their concepts provide the framework for examining the case of ex-felons in Florida in similar ways. Cohen and Holloway both suggest that ex-felons experience a different form or level of citizenship than the rest of the population. Cohen uses democratic and liberal theory to offer a way of viewing citizenship as a gradient from semi to full citizenship on which we can place ex-felons given their political situation. Holloway uses historical evidence to explain the

justification of ex-felon disenfranchisement and how that has impacted their citizenship to this day. Both concepts will be used to suggest that in order for ex-felons to experience the benefits of full citizenship and to be reintegrated back into society, they must have their voting rights automatically restored after their incarceration.

***Semi-Citizenship in Democratic Politics*, by Elizabeth Cohen.**

This book analyzes the concept of citizenship in the context of liberal democratic states. Cohen argues that in liberal democracies, citizenship “has never been a unitary concept, nor can it even be a neatly characterized binary.”(4). Modern liberal democracies, such as the United States, are usually heterogeneous, which complicates the ability of institutions and theorists to easily define citizenship. Cohen addresses the normative conceptions of citizenship based on norms and ethics. Citizenships based on who ought to be a citizen opens a debate that encourages subjective interpretations of what different citizenships can and should look like. Cohen disagrees with the normative perspective, criticising its lack of concrete and universal definitions. She states, “The definition of citizenship, thus, has to be based on actual combinations of the elements of citizenship, rather than on normative aspirations for what citizenship ought to look like.” (15). Cohen recognizes that there is a problem in defining citizenship for a few reasons.

The main obstacle is determining who has the authority to say what constitutes citizenship. Cohen claims, “There is a fundamental uncertainty about what or who defines citizenship. For social scientists this is fodder for debate. For states this creates spaces within which semi-citizenships can form....Yet it remains the case that multiple sources of authority define and govern citizenship in any given democratic nation.” (27). Since determining who or what defines citizenship is open to more than just one entity, it should not be a surprise that there

are going to be different, if not competing, definitions of citizenship in different contexts. An additional problem is that one can define citizenship based on civil and political rights that citizens have. However, one can also define citizenship based on civil and political rights that other citizens may not have. Cohen refers to this as “relative rights,” because one’s citizenship status is based on their rights relative to their neighbors.

Cohen implores us to acknowledge groups of people in liberal democracies that exist within the limitations of their relative rights. For example, those not born in the United States can immigrate to the country and not have full citizenship rights as a natural born individual would. Cohen explains that, “Semi-citizens who have some, but not all, of the rights associated with nationality come to have different bundles of other autonomous and relative rights, depending on how their nationality is constituted, and different circumstances, depending on what kinds of doctrinal compromises their statuses are subject to.” (178). Hence, immigrants may still enjoy some rights such as the opportunity to work or to receive an education.

In this respect, semi-citizenships can be both negative and positive for minorities. Semi-citizenship statuses provide flexibility with regard to citizenship for minorities. It also allows those in power to take advantage of minorities by granting them some rights for economic benefit, while also politically disempowering them. For example, undocumented work allows illegal immigrants to work in the United States despite being excluded from other rights to citizenship. However, their semi-citizen status simultaneously allows employers to benefit from their labor. Cohen points out how “Undocumented immigrants save employers money on social security, pension plans, healthcare costs and a range of other benefits that native-born workers and green card holders require.” (171). This example demonstrates how semi-citizenship statuses

serve both a positive and negative purpose for those under uncommon political and economic circumstances.

Similarly, children who are born in the United States obtain their citizenship through birthright. However, since they are unable to legally vote until they reach the age of 18, they are not technically able to enjoy the full benefits of their political citizenship. Cohen notes that children do not experience this alone. In this paper, parallels between the political position of children in the United States to that of ex-felons are evident. Although their social identities are different, they both must go through the experience of waiting before they can exercise their right to vote. This comparison can also be problematic because it disregards the experience of adult ex-felons who cannot vote as a punishment, while the process of waiting to turn the legal age is accepted by society as the social norm. Thus, Cohen's idea of semi-citizenship as a way to categorize groups with similar political circumstances can be useful. However, it does not function to explain the different political experiences that may be more complicated for certain social identities.

Cohen recognizes the function of a standard definition of citizenship for administrative purposes, but a standard definition of citizenship is unrealistic. Not only is it unrealistic, but it overlooks the experiences of people who could be excluded from a single conception of citizenship. By offering the concept of semi-citizenship, Cohen implies that scholars and institutions should not be satisfied with a simple definition of citizenship. She bluntly states that semi-citizenships are inevitable in liberal democracies and therefore, they must be seen as legitimate statuses that individuals hold. Cohen's biggest contribution to the conversation of citizenship in democratic politics is the idea that citizenship cannot be seen as a unifying mechanism. In liberal democracies, there is an assumption that citizenship should equalize the

citizenry. However, Cohen's articulation of citizenship suggests that it is inherently a mechanism for differentiating the population. Therefore, scholars discussing citizenship should acknowledge the discriminatory function of citizenship to avoid overlooking the experiences of marginalized social groups that hold some, but not all citizenship rights.

In this paper, *Semi-Citizenship* is applied to the case of ex-felons in Florida to analyze their experience of being excluded from voting. Cohen's definition of semi-citizenship in a liberal democratic framework categorizes rights as Political Rights, Social Rights, Civil Rights, and Nationality Rights. The question of ex-felons' citizenship falls under the category of Political Rights.<sup>1</sup> *Semi-citizenship* serves as an explanation of how ex-felons can exist in the population as "citizens" without the political rights of voting and being represented. In applying Cohen's concept, implications may be made about the potential for ex-felons to ever be considered full citizens. Although Floridians have voted in favor of automatically restoring the rights of ex-felons, the idea of semi-citizenship suggests that ex-felons will always hold semi-citizen status because of their incarceration and alienation from society. This will be examined more closely through the testimonies of ex-felons who have had their rights reinstated or are still in the process of applying for reinstatement.

***Living in Infamy, by Pippa Holloway.***

Pippa Holloway's *Living in Infamy* is an examination of the social and political history that led to the disenfranchisement of felons in the United States. Holloway analyzes post-Civil War history, particularly in the South, to understand the deep roots of felon disenfranchisement. In addition to illustrating the timeline through which felon disenfranchisement developed, Holloway provides an explanation of how felon disenfranchisement became legitimate through

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<sup>1</sup> Cohen, E. F. (2014). *Semi-citizenship in democratic politics*. New York, NY: Cambridge University Press. Figure 3.3, p. 79.

the concept of “infamy.” By juxtaposing the events of post-Civil War policymaking with the ideology of infamy, Holloway asserts that several southern U.S. states created a strategy to politically and socially exclude African-Americans from full rights of citizenship. By exposing the discriminatory nature of voting policies in the South, Holloway reveals the clear racial implications of felon disenfranchisement that still hold true today.

Holloway used the term “infamy” as a label placed upon those convicted of felonies during the Reconstruction period of the 1860s and 1870s.<sup>2</sup> She states that “Infamy removed an individual’s honor and respect as a citizen.” (Holloway, 4). Infamy had connotations of corruptness and immorality, and thus made people undeserving of suffrage. The term dates back to English Common Law, where infamy was linked to crime and punishment as a status representing the degrading nature of the punishment and consequently, “the future credibility of the delinquent.” (William Eden qtd in *Living in Infamy*, Holloway, p. 4). Holloway explains that an individual was infamous if they “committed a crime that violated the moral code or exhibited disregard for principles of law, order, and truth.” (4). This individual was then subject to a punishment, such as a public whipping.

Although convicted individuals in the United States were not being whipped, Holloway notes that policies in the South were influenced by the English ideology of infamy as states began to distinguish between infamous and non-infamous crimes in the early 1820’s and 1830’s. For instance, in Mississippi, it was felonious to steal anything valued at or over twenty-five dollars until 1876. In 1876, Mississippi enacted their “Pig law,” which reduced the cut-off to ten

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<sup>2</sup> “Infamy.” *Merriam-Webster*, Merriam-Webster, [www.merriam-webster.com/dictionary/infamy](http://www.merriam-webster.com/dictionary/infamy).

dollars, thus expanding their definition of grand larceny, which was a felony.<sup>3</sup> Similarly, Arkansas expanded their definition of larceny to include anything valued at over two dollars in 1875.<sup>4</sup> Holloway notes the importance of the expansion of felony laws, was “its ilk to increase the number of disfranchised African Americans” as it increased the number of African Americans convicted of infamous crimes (60). It was quite clear that these laws were meant to be used against African Americans to thwart the progressive changes of the 13th, 14th, and 15th amendments that were supposed to abolish slavery and guarantee citizenship to all free men.

The enactment of 13th, 14th, and 15th amendments are central to Holloway’s argument that “infamy offered a justification for the denial of citizenship rights to African Americans...” (Holloway, 2). Southern states predicted that African American citizenship would threaten Democratic legislative seats. Therefore, southern Democrats created policies that disproportionately convicted African Americans of felonies, consequently removing their voting rights. Holloway makes note that felony convictions were not the only mechanisms that prevented African Americans from voting. She refers to other obstructions to voting such as literacy tests and poll taxes, but also stresses that they were placed in conjunction with Black Codes. Black Codes criminalized African Americans for breaking labor agreements with white property owners. Those who broke Black Codes were convicted, disenfranchised, and deemed infamous, which essentially associated African Americans as infamous since they were the target of Black Codes.

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<sup>3</sup> “The pig law expanded the definition of grand larceny by reducing to ten dollars the value of stolen goods needed to trigger this felony-grade offense.” Holloway, P. (2014). *Living in infamy: Felon disfranchisement and the history of American citizenship*. Oxford: Oxford University Press. p. 57

<sup>4</sup> Ibid, p. 58.

The association of African Americans with infamy is evident, but Holloway adds to her argument that once the idea of infamy was established, there was a commitment in the South “to disenfranchise all who had been held in prison regardless of race.” (Holloway, 3). Southern state constitutions reflected the ideology that suffrage was reserved to those who were not associated with infamy. Republicans in Congress were simultaneously devising ways to put restrictions on southern state constitutions, such as indicating that states could only disenfranchise for felonious crimes. However, Democratic state legislators proved, yet again, that there were ways to circumvent federal restrictions. It was common for southern states to redefine crimes that were misdemeanors to be felonies, such as petty theft crimes. “Making statutory changes to reclassify petty thefts was the first step in the expansion of criminal disenfranchisement laws,” which means that federal constitutional provisions were not effective enough to prevent states from expanding infamy and disenfranchisement (Holloway, 60).

Overall, Holloway’s illustration of the post-Civil War era within the framework of infamy is important for two reasons. Firstly, infamy functions as a theoretical framework within which scholars can understand the legalization of disenfranchisement of felons. By demonstrating how state constitutions reinforced infamy as a permanent status for felons, Holloway reveals how infamy has deep roots in perpetuating felon disenfranchisement beyond the post-Civil War era. Secondly, the concept of infamy uncovers the racist motives of southern states to disenfranchise African Americans. This was Holloway’s greatest contribution to the historical understanding of felon disenfranchisement because it showed that “infamous” was not just a label for criminals, but it was a way to degrade an entire race as criminals. References to infamy in this paper serve to explain how Florida became one of only four states to continue permanently disenfranchising felons up until 2019.

Furthermore, the concept of infamy as an ideology is critically examined in the context of Florida in order to make sense of the shift in opinion of felons deserving suffrage. If infamy was a label that was meant to endure over time and serve as permanent label against felons, specifically African American felons, then why did legislators and the general public within the last year vote in support of restoring the voting rights of ex-felons?

### **History of Disenfranchisement in Florida**

Before giving an overview of the organized effort that helped to push ex-felon suffrage onto the forefront of the 2018 midterm election in Florida, I will first describe its historical context. In 1866, Floridian politicians made it very clear that they were not going to support the progressive efforts of Reconstruction by being one of ten states that did not approve of the 14th amendment. Florida's rejection of such a critical amendment to the legal status of African-Americans underscores how significant the issue of citizenship is in this state. Its response to Reconstruction was a clear demonstration that Florida had its own ideas of who a citizen was. African-Americans would not be included in that category.

It was common for the southern states to add provisions to their state constitutions in order would create obstacles for African-Americans to exercise their rights. One provision, Article XIV in Florida's 1868 Constitution, excluded ex-felons from voting. This provision, enacted 150 years ago created a long-lasting impact on the citizenship of ex-felons in Florida. The addition to the 1868 state Constitution marked the beginning of the social and political exclusion of ex-felons from the Florida citizenry. Article XIV made it so that ex-felons *automatically* lost their voting rights, expressed as "'nor shall any person convicted of a 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.” (Riggs, 108). However, it did allow ex-felons to have their rights restored after completing their sentences. An authorized body made up of the governor, attorney general, and Supreme Court justices would be responsible for granting the restoration of rights. During this period, Florida did not have a formal process by which ex-felons could restore their voting rights.<sup>5</sup>

By 1872, Florida’s state supreme court agreed that the governor had the authority to grant pardons to restore ex-felons’ voting rights.<sup>6</sup> Pardons, or clemency, became the formal process through which ex-felons’ civil and political rights would be restored. Clemency is formally defined as, “the constitutionally authorized process that provides the means through which convicted felons may be considered for relief from punishment and seek restoration of their civil rights. The clemency function is an act of mercy that absolves an individual from all, or any part, of the punishment that the law imposes.”<sup>7</sup> Clemency appears to be an act of gracious mercy by governors. In actuality, clemency is a very arbitrary process that does not ensure fairness for ex-felons.

The arbitrariness of clemency is evident in the varying rates at which different governors grant clemency. For example, Florida’s governor from 2007 to 2010, Charlie Crist, granted clemency to 155,315 ex-felons.<sup>8</sup> Whereas, Rick Scott, Florida’s governor from 2011 to 2019, only granted clemency to 2,488 ex-felons.<sup>9</sup> The stark difference between Governor Crist’s

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<sup>5</sup> Holloway, P. (2014). *Living in infamy: Felon disfranchisement and the history of American citizenship*. Oxford: Oxford University Press.

<sup>6</sup> “The state court replied with an extensive quotation from Ex Parte Garland, explaining that pardons did restore all rights lost due to a conviction in Florida.” Ibid, p. 108.

<sup>7</sup> Florida Commission on Offender Review. (n.d.). Retrieved from <https://www.fcor.state.fl.us/clemencyOverview.shtml>

<sup>8</sup> Lewis, S. A. (2018). The Disenfranchisement of Ex-Felons in Florida: A Brief History. *UF Law Scholarship Repository*, 10-14. Retrieved from <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1846&context=facultypub>. p.12

<sup>9</sup> Ibid.

clemency rate and that of Governor Scott speaks to the need for a more standardized and fair process for ex-felons seeking the restoration of their voting rights. Ex-felons' citizenship is partly based on political rights and it should not be up to the arbitrary decision of one person to decide whether an ex-felon is deserving of their right to vote.

### **Ex-Felon Suffrage Effort in Florida**

Ex-felons have decided that they needed to take action to no longer feel like “semi-citizens” who could not play a role in political processes in Florida. In 2007, the governor's clemency board voted to grant automatic clemency to ex-felons who completed sentences for non-violent crimes. However, in 2011, Governor Rick Scott overturned this decision, which sparked community leader and former felon, Desmond Meade, to rally voting and non-voting citizens across every part of Florida to support rights restoration. This local effort eventually led to the establishment of the Florida Rights Restoration Coalition (FRRC) in 2017. The FRRC became a nationwide effort to make the issue more visible. The goal of the FRRC was to end disenfranchisement in Florida by way of an amendment, called Amendment 4, on the November 2018 midterm election ballot. This required an intense campaign to encourage over one million Floridians to sign a petition showing their support for Amendment 4. The FRRC, which is largely led by ex-felons, was instrumental in this effort. The Coalition's ability to gather a significant amount of volunteers to participate in local grassroots work to show solidarity with Florida at the national level was crucial to its eventual success.

The FRRC also works in partnership with other social justice and political action groups. I was involved in the petition organizing efforts for Amendment 4 as an intern for one of FRRC's allies, Public Citizen. Public Citizen is an advocacy group committed to social and political change through lobbying and litigation efforts. Through my internship with Public

Citizen, I contacted Floridians by phone and email to explain the importance of giving ex-felons a second chance at participating in important political processes.

Work such as this was essential to the success of the Amendment 4 campaign because the biggest obstacle was changing the public's perception of ex-felons in society. Hence, the campaign's main slogan was "Say Yes to Second Chances." This idea of a "second chance" is pivotal in persuading people to vote in favor of a population that has a negative reputation in society. The movement's leaders explain how framing the Amendment as giving ex-felons a second chance recognizes their wrong-doings, but also appeals to the public's empathetic side in saying that everyone deserves another shot at contributing to society in a positive way. Emails sent to community members and phone call scripts always acknowledged that the disenfranchised has "paid their debts to society" in completely serving their sentences and probation. By illustrating a redemption story, the FRRC and its ally groups were able to influence the voting public to support their story on the ground that ex-felons have paid their debt to society and earned their full civil rights back. In giving the voting public the political power to restore voting rights, there is also a sense of community and patriotism to reintegrating their fellow citizens and allowing them the full benefits of citizenship in a democratic nation.

## **Methods**

In order to glean a better understanding of rights restoration in the case of Florida, both the perspectives of ex-felons and the public opinion of Floridians and other members of the public are examined. Sources include studies and surveys from multiple sources that interview non-incarcerated and formerly incarcerated citizens. Scholarly research on voting rights provide quantitative data that shows public opinion regarding the restoration of voting rights. However, survey data alone will not accurately portray the perspective of ex-felons and their feelings as

citizens without full political rights. Therefore, interviews and testimonies from different sources such as political organizations, like Say Yes to Second Chances Florida, and research centers, like the Brennan Center for Justice, offer the perspectives of formerly incarcerated individuals. The quantitative and qualitative data is analyzed using Holloway's *Infamy* and Cohen's *Semi-Citizenship*. Pippa Holloway's concept of infamy provides one perspective within which the data about public attitudes of ex-felon suffrage can be understood. Elizabeth Cohen's semi-citizenship concept provides another perspective to interpret the qualitative data representing ex-felons' views of the importance of their political rights. The two goals of the paper are to understand how ex-felons might achieve full citizenship through attainment of their political rights and to demonstrate how public attitudes influenced policies in favor and against felon disenfranchisement.

### **Ex-Felons' Perspectives**

The existing qualitative data that is available for review includes video interviews from news sources such as NBC and local newspapers in Florida. Additionally, political organizations and research centers have published interviews and short testimonies with ex-incarcerated individuals in Florida and across the United States. These interviews and testimonies are critical to gain insight on the point of view of ex-incarcerated individuals in Florida that can speak directly to their experience with the process of voting rights restoration. One of the main organizations involved in orchestrating the voting rights restoration campaign in Florida, Say YES to Second Chances, published testimonies of Floridian residents seeking the restoration of their political rights. Several of those who contributed their perspective were veterans of the United States military, including Andrew Darling, an Army veteran. Darling stressed, "Losing your eligibility to vote shouldn't last longer than the sentence for the crime you committed."

Having access to voting, the ability to vote, is fundamental to being an American and a Floridian.” (secondchancesfl.org).

Echoing Darling’s point was Clarence Office Jr., a resident of Miami, Florida and military veteran. He states, “I’ve been working, paying taxes, like everyone else...Despite that and my military service, my honorable discharge, I still can’t vote. Any American who has served his time should be able to vote, and especially veterans who have served their country. ” (secondchancesfl.org). Both Darling and Office not only point to voting as a fundamental principle of the United States, but they also make note of their service in the military as a means of demonstrating that they are worthy of reacquiring their voting rights. These two testimonies acknowledge that there must be some factor that proves or conveys their desire and/or merit to overcome their status as felons without political rights.

In 2018, National Public Radio interviewed a resident of Tallahassee, Florida, an ex-felon who successfully applied to have her voting rights restored. Joanne Calvarese stood in front of the clemency board to explain why she deserved her voting rights, which she expressed in saying, “I feel that I have paid my consequences...I know I don't deserve your mercy, but I beg you for it...This would make me feel whole.” (“Felons in Florida want their voting rights back without a hassle”, 2018). In a similar vein as the veterans, Office and Darling, Calvarese mentions accomplishing what is legally and socially required of her by completing her sentence and accepting the punishment. However, in a different fashion, Calvarese pleads for her voting rights rather than firmly declaring that is her right to vote as Darling and Office claimed based on their military service.

In the same NPR piece, another formerly incarcerated woman named, Yraida Guanipa, speaks about how she is currently suing the state of Florida for voter suppression because the

wait to apply to have one's voting rights restored is too long in her opinion. "I have to get into the line of the backlog, of maybe 10 years. I probably would be dead," Guanipa states ("Felons in Florida want their voting rights back without a hassle", 2018). It is her belief that this not only does the removal of political rights punish her, but also blocks her family and her community from having a voice.<sup>11</sup> The experiences of these two women show their recognition of the value of political rights as well as the desire to exercise their political rights. However, their messages also convey a feeling of neglect by the Florida government which has made them wait and beg for the restoration of their voting rights.

In an article published by Florida Today, a woman named Cecilia Thompson recalled the same disappointment as Guanipa expressed when she could not participate in voting for the first African-American president. As Thompson simply puts it, "It hurt." However, Thompson, a resident of Orlando, Florida, now has her voting rights restored and she explains that this accomplishment "means I can participate, that I can have my say." ("Felons get their right to vote restored", 2018). Thus, her previous attitude of frustration and disappointment is ameliorated because of value of expressing her political voice via exercising her right to vote. Another ex-felon in Florida, Jerry Armstrong, explains the emotional joy and pride that came with the accomplishment of regaining his political rights at age 45 through the passing of Amendment 4. Armstrong told the New York Times, "I feel like I am a United States citizen." ("Righting 150 years of wrong in Florida", 2019). Armstrong and Thompson's testimonies

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<sup>11</sup> "It's not only punishing me," she says, "but it punishes my family and my community because it's blocking us [from having] a voice." Yraida Guanipa qtd. in Allen, G. (2018, July 05). Felons In Florida Want Their Voting Rights Back Without A Hassle. Retrieved from <https://www.npr.org/2018/07/05/625671186/felons-in-florida-want-their-voting-rights-back-without-a-hassle>

suggest that that their political rights give them a sense of legitimate status or political position in their communities in Florida and in the United States.

A video interview filmed by The Guardian shares the stories of three ex-felons and their experiences of voting rights restoration in Florida. One of the individuals was Desmond Meade, who is mentioned earlier in this paper for his great contribution to the organization of promoting Amendment 4 to voting citizens in Florida. Meade shares his experience with losing his voting rights nearly in tears, saying “When you vote, that’s when you truly experience what it means to be an American citizen and that feeling has been taken away for so long..” (“Florida’s disenfranchised: voices of the 1.7 million not allowed to vote”, 2016). Meade not only stresses the legitimacy that comes with regaining voting rights as a status, but he also describes it as a feeling. The idea that being a citizen is not only a political position in the United States, but also a feeling, is critical to note here.

In this same video, however, Jessica Chiapponne, an ex-felon whose rights have been restored expresses an indifference to the political status that is supposedly attached to voting rights. Chiapponne claims, “All of us are felons for the rest of our lives until the day we die.” (“Florida’s disenfranchised: voices of the 1.7 million not allowed to vote”, 2016). Her tone is not cynical, as she positively conveyed gratitude for the restoration of her voting rights. However, Chiapponne’s sentiment offers a contrasting view that ex-felons will never really feel like full citizens, but that their voting rights is still important to being able to represent themselves politically as ex-felons.

Overall, the general mood of those asked to speak about their experience without voting rights is a sense of not having a way to politically represent themselves. Moreover, some share a strong feeling that the completion of their sentence and other indicators of their moral character

such as military service should demonstrate their credibility to regain suffrage. As expressed by Jessica Chiapponne, there is still recognition of one's own status as a perpetually being a felon, which may not be changed despite having the right to vote. However, more often than not, ex-incarcerated individuals believe that being granted the right to vote, either via clemency or a constitutional amendment, will guarantee a more complete citizenship.

This is also the main theme in a set of interviews of ex-felons from across the United States conducted by the Brennan Center for Justice. One interviewee, Terry Sallis, a 57 year old from Iowa, professed that "The sense of hopelessness and questioning of your self-worth, which goes hand in hand with the loss of citizenship, seem to vanish once I had voted." ("My first vote", 2009, p. 5). Similarly, an ex-felon from California named Dierdre Wilson, recalled her the feeling of voting, saying "I held the ballot and felt I was no longer a number or a second-class citizen." ("My first vote", 2009, p. 6). Wilson's shared Sallis's experience of suddenly acquiring a new sense of citizenship by voting, regardless of their status as ex-felons.

However, one interviewee did not express his experience as an immediate transformation. Marc Ramirez of New York told the Brennan Center, "I looked forward to voting partly because it was progress in my return to citizenship...". ("My first vote", 2009, p. 16). By describing it as a step towards full citizenship, Ramirez offers a slightly differing view point that voting does not automatically make an ex-felon feel like they are completely a full citizen. Nonetheless, he acknowledges that his voting rights are still integral to his citizenship in sharing that "Voting is important." ("My first vote", 2009, p. 16). These interviews demonstrate that ex-felons across the country share the belief that voting rights are valuable to their political status as citizens.

## Public Opinion

The quantitative data on public opinion of Floridians regarding voting rights and formerly incarcerated individuals mostly consists of survey data and poll data from the 2018 November Midterm Elections. Firstly, a 2004 study conducted by Jeff Manza, Clem Brooks, and Christopher Uggen, examines public mood on felon disenfranchisement in the United States. Although this is not specific to the context of the Floridian constituency, it samples 1,000 adults in the United States, which may reflect the public attitude in Florida. In this study, the respondents were surveyed via telephone about their attitudes towards crime, punishment, and the civil freedoms of incarcerated and ex-incarcerated individuals. For the purpose of this paper, only the data regarding ex-incarcerated persons will be discussed.

Manza, Brooks, and Uggen vary the crimes that ex-incarcerated have committed when surveying individuals about for their support for or opposition against felon enfranchisement. They find that the “Baseline Ex-Felon” label elicits the most support at 80 percent of respondents approving enfranchisement.<sup>12</sup> However, when survey respondents were made aware of a specific crime that the ex-felons committed, support decreased for enfranchisement. Manza, Brooks, and Uggen contend, “This suggests that the willingness of Americans to grant voting rights is shaped by whether a policy question is framed abstractly versus by reference to a specific criminal offense.” (281). One of the categories of specific criminal offenses were sexual offenses. When

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<sup>12</sup> “The Baseline Ex-Felon item elicits the highest level of support for voting rights, with 80 percent endorsing enfranchisement.” Manza, J., Uggen, C., & Brooks, C. (2006). Public Opinion and Felon Disenfranchisement. *Locked Out: Felon Disenfranchisement and American Democracy*, 205-219. doi:10.1093/acprof:oso/9780195149326.003.0050. p. 281

identified as violent offenses, support among respondents is 66 percent.<sup>13</sup> However, sexual offenses garner the lowest amount of support at 52 percent.<sup>14</sup>

These responses display a general support for ex-felon suffrage. However, it also shows how public opinion can be altered by the morality associated with the particular crime. Table 2 of this study shows that 85 percent of respondents support the general civil liberties of ex-felons.<sup>15</sup> This again, shows how the American public cares about the general political rights of ex-felons, but only as long as the public does not know what crimes they have committed. Manza, Brooks, and Uggen suggest that, “From a theoretical standpoint, these results convey a notably consistent picture of target group distinctions operating amid a background of strong support for voting rights for the majority of criminal offenders.” (p. 283). Additional data shows more recent support at the national level for in ex-felon enfranchisement as a moral value of the United States.

A 2016 study conducted by the Public Religion Research Institute looked at public opinion regarding the future of the United States. When asked about extending voting rights to ex-felons, “Nearly three-quarters (74%) of Americans agree that people who have been convicted of felonies should be allowed to vote after they complete their sentences. Roughly one-quarter (26%) disagree. Support for restoring voting rights for felons after they serve their sentence is high across all segments of American society.” (Cooper et al., 2016). It is worth noting that 83 percent of Democrats surveyed showed support and and 62 percent of Republicans

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<sup>13</sup> “This contrasts significantly with the higher (66 percent) level of support for ex-felons convicted of a violent crime.” Manza, J., Uggen, C., & Brooks, C. (2006). Public Opinion and Felon Disenfranchisement. *Locked Out: Felon Disenfranchisement and American Democracy*, 205-219. doi:10.1093/acprof:oso/9780195149326.003.0050. p. 281.

<sup>14</sup> “the item mentioning a ‘sex offense’ elicits the least support for the extension of voting rights (52 percent).” Ibid, p. 281.

<sup>15</sup> Ibid, Table 2, p. 282.

surveyed showed support as well, further underscoring that the public generally responds positively to ex-felon enfranchisement.

This data is helpful in gauging the general mood across the country; however, it does not explain two things. First, the Manza, Brooks, and Uggens study broadly surveys 1,000 individuals around the country who may not share the same opinion as Floridian residents. Secondly, both surveys do not provide insight to the shift over time of public opinion from being strongly against ex-felon enfranchisement to now being mostly in support of restoring ex-felon voting rights.

One set of data that helps to address the first limitation of the previous survey is the November 2018 Florida voting and associated exit polling. After Amendment 4 received enough petition signatures to be placed on the November 2018 ballot, Floridians were able to show their support by voting for Amendment 4 to enfranchise eligible ex-felons. Throughout the state of Florida, 65 percent of voting citizens marked “yes” in support of extending voting rights to ex-felons, when only 60 percent was needed to pass Amendment 4.<sup>16</sup> Of those who voted, 23 percent “opposed” Amendment 4 and 11 percent were “undecided” about the issue.<sup>17</sup>

In a survey conducted earlier that year prior to the Midterm elections, 71 percent of 619 registered voters who responded were in support of ex-felon enfranchisement.<sup>18</sup> The way in which this question is asked addresses the public concern indicated in the survey by Jeff Manza and his colleagues as it distinguishes the criminal offenses (murder and sexual offenses) that

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<sup>16</sup>2018 Ballot Measure Polls. (2018). Retrieved from [https://ballotpedia.org/2018\\_ballot\\_measure\\_polls#Florida](https://ballotpedia.org/2018_ballot_measure_polls#Florida)

<sup>17</sup> Ibid.

<sup>18</sup> New UNF Poll Shows Florida Governor Candidates Lack Name Recognition Respondents Show High Support for Restoring Felon Voting Rights. (2018). Retrieved from <https://www.unf.edu/coas/porl/2018FLSpringPoll2.aspx>

would make an ex-felon ineligible to restore their voting rights.<sup>19</sup> This data demonstrates that public attitude in Florida is mostly favorable towards the ex-incarcerated; however, type of crime committed is still critical to winning public support.

### **Analysis/Discussion: How do voting rights impact ex-felons' citizenship?**

Ex-felons appear to be excited to vote because of the way rights restoration facially appears to completely change one's citizenship. However, we cannot make any national generalizations based on the testimonies of Floridians. Firstly, Florida is unique because other states have different processes for voting rights restoration. For example, in Maine and Vermont, felons never lose their right to vote.<sup>20</sup> In other states like Massachusetts and Pennsylvania, felons only lose their right to vote during their incarceration and are granted their voting rights immediately after being released.<sup>21</sup> Therefore, there is not enough qualitative or quantitative data here to be able to presume that ex-felons share the same perspective or experience throughout the country as they do in Florida. Furthermore, this data does not account for the experience of the majority of ex-felons who do not even know that their voting rights have been stripped during or after their incarceration.

However, this information is nonetheless useful in understanding the citizenship of ex-felons in Florida. Based on the interviews and testimonies, ex-felons in Florida express that

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<sup>19</sup> "Amendment Four, on the statewide ballot for 2018, is called "Voting Rights Restoration for Felons Initiative." This Amendment would restore the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses. If the election were held today, would you vote "yes" or "no" for this proposition?" New UNF Poll Shows Florida Governor Candidates Lack Name Recognition Respondents Show High Support for Restoring Felon Voting Rights. (2018). Retrieved from

<https://www.unf.edu/coas/porl/2018FLSpringPoll2.aspx>

<sup>20</sup>Table 1, Felon Voting Rights. (2018, November 21). Retrieved from

<http://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

<sup>21</sup> Ibid.

voting can overcome their status as semi-citizens. Their citizenship is not just about their political rights, but also what they individually feel in relation to others in their community. *Semi-Citizenship* offers a framework that supports, but also challenges ex-felons' claims of semi-citizenship in Florida. Cohen's understanding of citizenship as a sum of political, civil, social, and nationality rights means that in order to be considered full citizens, ex-felons would need more than their political right to vote.<sup>22</sup> Moreover, regardless of what ex-felons in Florida *feel* after they get to cast their ballot they are still labeled ex-felons in society nonetheless. Ultimately, that has a significant impact on how others view their citizenship as well since ex-felons cannot completely rid themselves of their conviction.

Thus, even though ex-felons in Florida may get some political rights back, the semi-citizenship argument contests their full citizenship. This framework portrays ex-felons residing in Florida as semi-citizens because their full political citizenship is not automatic. Whereas, full citizens who are born in the United States and are never convicted of a felony automatically have their voting rights.

Although the semi-citizenship argument seems to reduce ex-felon's citizenship, it offers a different understanding of an ex-felon's new political and social place in society. It is important to note that Cohen is not arguing that ex-felons are no longer citizens in their attempt to reacquire their political rights. Cohen states in her work, "If we were to say that citizenship ought to entail political actions of certain types, and some individuals whom we call 'citizens' do not or cannot perform these actions, we would be forced to say that these individuals are not citizens."

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<sup>22</sup> "The definition of citizenship, thus, has to be based on actual combinations of the elements of citizenship..." Cohen, E. F. (2014). *Semi-citizenship in democratic politics*. New York, NY: Cambridge University Press.

(19). Hence, she recognizes that citizenship is not limited to the political action of voting. However, the ability to exercise one's voting right is still a criterion to deeming that person a *full* citizen because it is a political right. Therefore, no one is simply a "citizen," full stop. There can be different types of citizenship based on the combination of rights an individual possesses at any given point.

Before Cohen's theoretical contribution to discussions of citizenship, ex-felons with their voting rights reinstated would be deemed "citizens," while ex-felons who could not vote would be deemed "non-citizens." Now, scholars and legislators can discuss citizenship as a spectrum rather than a positive versus negative binary. Expanding the vocabulary is significant for groups whose social identities, like ex-felons, are bound to a specific set of rights. Essentially, the notion of semi-citizenship prevents scholars, legislators, and the general public from completely removing ex-felons from the general citizenry because the general citizenry is not exclusively comprised of individuals who possess every category of rights. Although ex-felons temporarily cannot share political rights with full-citizens, they still share social and civil rights, and thus may be considered "semi-citizens."

Understanding the concept of semi-Citizenship not only change the way that the public and institutions view ex-felons. It also gives ex-felons a new way to identify themselves politically and socially in their communities within Florida. The interviews and testimonies reveal the dejected sentiments of ex-felons in Florida who feel marginalized from the general voting-eligible population. Instead of feeling detached from the public due to their identity as non-citizens, ex-felons can take ownership of their semi-citizenship.

Not only can ex-felons have a new social and political status to identify with, but they can also be motivated by the fluidity between levels of citizenship instead of feeling left out of

political life in Florida permanently. In a sense it gives ex-felons hope that they are in transition towards exercising all categories of rights and thus, enjoying full citizenship. Therefore, Cohen's approach of recognizing that there are different levels of citizenship based on rights that individuals possess, the restoration of ex-felons' voting rights will essentially promote ex-felons to full citizenship upon completion of their sentences.

*Semi-Citizenship* presents a framework for justifying levels of citizenship as well as offering a new positive identity for ex-felons in Florida to possess. However, it does not explain why it is justifiable to have levels of citizenship in the first place. Clearly if Amendment 4 received over a 60 percent approval rating, citizens in Florida do not support completely barring ex-felons from voting anymore. However, the deep roots of ex-felon disenfranchisement would suggest that there is still something holding the public back from fully supporting ex-felon suffrage. The relationship between the general public and ex-felons is an important relationship to understand because of the public's influence on policies that affect the citizenship of ex-felons. *Semi-Citizenship* does not provide a complete explanation of the interaction between semi-citizens and full-citizens. Therefore, the questions that still remain are, why were Floridians in the past content with a significant portion of their state's population unable to vote? Moreover, what is motivating Floridians in the past year to support ex-felon enfranchisement?

The public's disdain for ex-felon suffrage in the past was a reflection of shared views on crime and punishment. Americans held idea that citizenship was reserved for those that demonstrate moral responsibility.<sup>23</sup> Morally responsible citizens are those who abide by the law. Thus, ex-felons were not fit to be citizens because of their irresponsible choice to commit a

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<sup>23</sup> "Yet, there is, in America, also a commitment to notions of personal responsibility and citizenship;" Pinaire, B., Heumann, M., & Bilotta, L. (2003). Barred from the Vote: Public Attitudes Toward the Disenfranchisement of Felons. *Fordham Urban Law Journal*, 30(5), 2nd ser., 1519-1550. doi:<https://ir.lawnet.fordham.edu/ulj/vol30/iss5/2>. p.1521.

felony. Furthermore, it was acceptable to disenfranchise felons as punishment for breaking the “social contract.”<sup>24</sup> As Holloway argued, labeling ex-felons as infamous through the type of crimes they committed was another way of portraying ex-felons as unsuitable for citizenship.<sup>25</sup> Holloway explains that, “the logic of the time was that if one was infamous one could not enjoy the full rights of citizenship.” (23). Therefore, the theoretical concept of infamy explains why ex-felons are seen as semi-citizens and how the public justified denying ex-felons of full citizenship.

Ex-felons are not just semi-citizens because of their lack of political rights, but because of their “infamous” status according to Holloway. In the findings provided by Manza, Brooks, and Uggen, respondents were less willing to support voting rights restoration for ex-felons when the type of crime committed was explicit. If the respondent knew that the ex-felon committed sexual abuse, they were 28 percent less likely to approve of re-enfranchising ex-felons.<sup>26</sup> Crimes such as sexual abuse are examples of crimes that earned ex-felons their infamous status in the late 1800s. Therefore, if ex-felons committed an infamous crime, public opinion show less opposition to denying full citizenship to ex-felons. Nonetheless, respondents were still supportive of ex-felon enfranchisement. Similarly, data from the 2018 midterm election suggest that Floridians are supportive of ex-felon enfranchisement with more than 60 percent of voters voting in favor of Amendment 4.<sup>27</sup>

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<sup>24</sup> “the commission of a felony constitutes a violation of the ‘social contract.’” Pinaire, B., Heumann, M., & Bilotta, L. (2003). Barred from the Vote: Public Attitudes Toward the Disenfranchisement of Felons. *Fordham Urban Law Journal*, 30(5), 2nd ser., 1519-1550. doi:<https://ir.lawnet.fordham.edu/ulj/vol30/iss5/2>. p. 1525.

<sup>25</sup> “Disfranchising voters because of criminal convictions has promoted the belief that suffrage is only for the morally upright.” Holloway, P. (2014). *Living in infamy: Felon disenfranchisement and the history of American citizenship*. Oxford: Oxford University Press. p. xv.

<sup>26</sup> Manza, J., Uggen, C., & Brooks, C. (2006). Public Opinion and Felon Disenfranchisement. *Locked Out: Felon Disenfranchisement and American Democracy*, 205-219. doi:10.1093/acprof:oso/9780195149326.003.0050. Table 2, p. 282.

<sup>27</sup> Agorakis, S. (2018, November 19). Live election results: Ballot initiatives. Retrieved from <http://www.vox.com/a/midterms-2018/ballot-initiatives>.

This data does not only speak to the influence of public opinion on ex-felon citizenship. The data also shows why Floridians are more in favor of ex-felon enfranchisement than before. The main reason is that the wording of Amendment 4 explicitly excludes ex-felons who committed infamous crimes such as sexual abuse and murder. The language of Amendment 4 states, "The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis."<sup>28</sup> As Manza, Brooks, and Uggen underscored, voters remain opposed to infamous crimes like sexual abuse and murder. However, voters also believe that ex-felons deserve a second chance and should not be permanently barred from voting. Therefore, making the distinctions between infamous ex-felons and non-infamous ex-felons is important to the citizenship of ex-felons. There is support for the restoration of political rights to ex-felons that align with the public's ideas of a moral citizen.

### **Conclusion**

The restoration of ex-felons' voting rights will empower ex-felons with political citizenship and ultimately, full citizenship status in Florida. Through testimonies from ex-felons in Florida, it is evident that ex-felons that have not had their rights restored do not view themselves as full citizens. Ex-felons' expressions of wanting their political rights restored shows their recognition of the right to vote as an integral right to full citizenship. Therefore,

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<sup>28</sup> "Florida Amendment 4, Voting Rights Restoration for Felons Initiative (2018)." *Ballotpedia*, [ballotpedia.org/Florida\\_Amendment\\_4,\\_Voting\\_Rights\\_Restoration\\_for\\_Felons\\_Initiative\\_\(2018\)](https://ballotpedia.org/Florida_Amendment_4,_Voting_Rights_Restoration_for_Felons_Initiative_(2018)).

Amendment 4 is crucial to ex-felons transitioning from their current status as semi-citizens to full citizens in Florida. Moreover, Floridians who have never been convicted with a felony and are enjoying full citizenship play an important role in the future of ex-felon citizenship. With their support, ex-felons are granted a second chance at full citizenship after completing their sentences. However, national data presented in this paper suggest that certain types of ex-felons are still deemed unworthy of full citizenship. Thus, some ex-felons will remain semi-citizens unless the public no longer judges crimes such as sexual abuse and murder as infamous.

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