

I am a Convicted Felon. Do I still have the right to vote?
Florida Civil Rights Restoration
by Brittany Herndon, Esq.
July 19, 2019

Many Americans are confused about what rights they retain after being convicted of a felony; and many share the common misbelief that the right to vote is not one of them. While the right to vote for convicted felons varies from state to state, most states still retain rights for convicted felons to exercise their right to vote, although that right may not be exercised automatically.

Restoring your right to vote may depend on various factors such as:

- The seriousness of the felony committed
- Length of time it has been since the crime was committed

Below, we will focus specifically on the process for which convicted felons in the state of Florida may restore their right to vote.

Restoration of Civil Rights in Florida

Prior to 2019, civil voting rights for convicted felons in the State of Florida were not automatically restored after the completion of the sentence. With the passing of Florida Amendment 4: Voting Rights for Felons Initiative in 2018, convicted felons in the state of Florida, with the exception of those convicted of murder or felony sexual offenses, automatically regained the right to vote after they complete all terms of their sentence including probation or parole. This law *only* extends to the right to vote and *does not* include the right to sit on a jury or hold public office.

Felons who are exempt from automatic restoration or those seeking full restoration to include the right to sit on a jury and hold public office, will be required to demonstrate that they desire and deserve clemency (restoration) by submitting an application for the restoration of civil rights after they have shown they are willing to abide by the law. There will be two categories of applicants: 1.) “With a Hearing”, and 2.) “Without a Hearing.”

1. **“With a Hearing”**

Applicants whose crimes are serious enough to require them to attend a hearing, (crimes such as murder and sexual felony offenses), are subject to a **seven year** waiting period and a Clemency Board Hearing to determine whether their ability to vote will be restored.

2. **“Without a Hearing”**

All other Applicants whose felonies are not listed as a “serious offense,” are subject to a **five year** waiting period and no hearing is required. However, if the applicant’s application for restoration is denied without a hearing, the applicant may decide to pursue restoration “With a Hearing.”

If you do qualify for automatic restoration, congratulations to you! You are now ready to participate in the civic process again and with the upcoming election in 2020, you made it just in time. As we know, every election is important and it is important to make sure your voice is heard. As an individual, you may feel that your voice may not count. However, there is power in numbers and now more convicted felons are going to be added to those numbers. These votes will count. I encourage each and every one of you to follow the link listed below and register to vote if you haven't already done so.

Should you have any questions or concerns and would like to speak with an attorney about the Clemency (Restoration) process, please feel free to contact me at **(904)290-FIRM**. I would be more than happy to answer any questions you may have and guide you through the process.

Additional Resource Links

Florida Rules of Clemency:

http://felonvoting.procon.org/sourcefiles/florida_clemency_press_release.pdf

Florida Clemency Application:

http://felonvoting.procon.org/sourcefiles/florida_clemency_application.pdf

Florida Commission on Offender Review:

<https://www.fcor.state.fl.us/index.shtml>

Florida Division of Elections- Online Voter Registration:

<https://dos.myflorida.com/elections/for-voters/voter-registration/online-voter-registration/>

About the Author



Brittany Herndon, Esq. is a Criminal Defense Attorney in Jacksonville, Florida. Ms. Herndon has found much success for her clients in both criminal and civil law over the past three years, with a specialty in Criminal Defense. She received her Juris Doctorate from Florida Coastal University and her Bachelors of Art, Political Science from the University of North Florida.

When she's not representing clients in the courtroom, she enjoys being a dog-mom to Barkley (her Chocolate Lab), mentoring African American youth in her native home Jacksonville, and volunteering with members of her sorority, Alpha Kappa Alpha Sorority, Inc.

For inquiries, please email BrittanyHerndon512@gmail.com .