No. 20-12003

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

Kelvin Leon Jones, *et al.*,
Plaintiffs-Appellees,

v.

Ron DeSantis, in his official capacity
as Governor of the State of Florida, *et al.*,
Defendants-Appellants.

On Appeal from the United States District Court for the
Northern District of Florida, Case No. 4:19-cv-300-RH/MJF

MOTION FOR CLARIFICATION OF ORDER GRANTING A STAY

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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1(a)(3) and 26.1-2(b), the undersigned counsel certifies that the CIP filed by appellees is correct and complete.[1]

Pursuant to Federal Rule of Appellate Procedure 26.1, Plaintiffs state that none of the Plaintiffs has a parent corporation and there is no publicly held corporation that owns 10% or more of any of their stock.

[1] Pending before this Court is Appellees' Motion to Disqualify Judges Robert Luck, Barbara Lagoa, and Andrew Brasher, filed on July 15, 2020.

INTRODUCTION

As the State[2] has acknowledged, it did not appeal and seek to stay the entirety of the permanent injunction the district court entered in this case. Indeed, the State has acknowledged it "declined to seek a stay of the district court's injunction [regarding] the voter registration form which provided the basis for the court's NVRA holding, so that facet of the injunction remains in place." State's Opposition to Application to Vacate the En Banc Eleventh Circuit's Stay at 48 n. 4, *Raysor, et al. v. DeSantis, et al.*, No. 19A1071 (July 14, 2020) ("State's Opp'n to Appl. to Vacate"). But in practice, the State has treated, and continues to treat, this Court's single sentence stay order as staying a remedy for a claim it did not challenge on appeal or seek to stay.

Moreover, the State has since interpreted this Court's stay of the district court's injunction as an invitation to deny otherwise eligible Florida voters of due process—when the State, and those voters using due diligence, cannot determine whether or how much they must pay-to-vote.[3] Remarkably, the State disclaims any

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[2] Defendants-Appellants, referred to as "the State" throughout, are Governor Ron DeSantis and Secretary of State Laurel M. Lee, sued in their official capacities.

[3] The difficulties facing those seeking to clarify how much they must pay to vote are manifold: the State lacks credible and reliable records of the LFOs imposed; the State cannot differentiate between disqualifying and non-disqualifying LFOs under SB7066's "four corners of the sentencing document" limitation; and the State lacks credible and reliable records of payments made on LFOs. *Jones v. DeSantis,*

responsibility for the untenable situation in which it has placed thousands of Floridians—and embraces a position that "all felons . . . must satisfy all financial aspects of their sentences, . . . [*but the State*] *need not show the precise amount owed*." State's Initial Merits Br. at 45 ("Initial Merits Br."), *Jones v. Gov. of Fla.*, No. 20-12003 (11th Cir. June 19, 2020) (emphasis added). Therefore, the State continues to require individual voters to do what the State itself cannot: determine whether and how much they must pay to vote or whether they are already eligible, under penalty of prosecution.

Without this Court's clarification, otherwise-eligible voters will be left without clear guidance regarding their eligibility to register and/or vote in upcoming Florida elections. Pursuant to Eleventh Circuit Rule 8-2, Plaintiffs-Appellees[4] (collectively, "Plaintiffs") in this consolidated case accordingly move to clarify this Court's July 1, 2020, Stay Order ("Order") does not (a) extend to the district court's remedy for the violation of the National Voter Registration Act ("NVRA") the State admits it neither moved to stay nor appealed or (b) relieve the State of its due process obligations for the violations the State did not move to stay. Regarding the latter due

4:19-cv-300-RH/MJF, 2020 WL 2618062 at *16–23, *36 (N.D. Fla. May 24, 2020) ("*Jones II*").

[4] Plaintiffs-Appellees include the *Gruver*, *McCoy*, and *Raysor* plaintiff groups. The *Raysor* plaintiffs are representatives of the Twenty-Fourth Amendment class and the Fourteenth Amendment subclass.

process obligations, this Court should clarify that it has not stayed the district court's ruling that conditioning voting on payment of "amounts that are unknown and cannot be determined with diligence is unconstitutional," *Jones II*, 2020 WL 2618062 at *44, and therefore those who "genuinely do not know if they [have disqualifying] outstanding financial obligations from their sentences," Initial Merits Br. at 46–47, are permitted to register and vote absent credible and reliable information from the State showing they do in fact have outstanding disqualifying LFOs.

These limited clarifications are necessary to: correct statutory and constitutional violations the State has not disputed on appeal; prevent widespread confusion and conflicting instructions among voters and election officials about their rights, obligations, and duties; and ensure uniform application of Florida's election laws—through Florida's August 18, 2020 Primary Election and subsequent elections. Absent this Court's clarification, recent communications from the State to the 67 Supervisors of Elections ("SOEs") indicate the State and SOEs intend to continue to (a) use the above-mentioned legally deficient voter registration form and (b) disenfranchise voters with a felony conviction, who neither the State nor the voter through due diligence can determine whether they owe LFOs and, if so, how much they owe.

For these reasons, this Court should clarify the scope of its one-sentence Order in these limited and specific ways.

BACKGROUND

On February 19, 2020, a panel of this Court unanimously affirmed the district court's preliminary injunction in this case, ruling Florida cannot prevent "plaintiffs from voting based solely on their genuine inability to pay" LFOs. *Jones v. DeSantis*, 410 F. Supp. 3d 1284 (N.D. Fla. 2019), *aff'd sub nom. Jones v. Governor of Fla.*, 950 F.3d 795, 832-33 (11th Cir. 2020) ("*Jones I*"). The panel held, "To comply with the legal principle behind the injunction," the State must make "a good faith effort to ensure that no felon otherwise eligible to vote under Amendment 4 is prevented from doing so because of his or her genuine inability to pay LFOs." *Id.* at 829–30.

Following this panel's decision, the State petitioned for rehearing *en banc*, which this Court denied because "no judge in regular active service on the Court . . . requested that the Court be polled on rehearing en banc." Order, *Jones v. Gov. of Fla.*, No. 19-14551 (11th Cir. Mar. 31, 2020). The State did not petition for a writ of certiorari from the Supreme Court.

In the six months since *Jones I*, the State's policies for and implementation of this decision have been ever-shifting,[5] leaving those who registered to vote in

[5] For example, less than two weeks before trial, the State proposed a new process—the "every-dollar method"—for determining whether returning citizens satisfied their LFOs obligations. *Jones II*, 2020 WL 2618062 at *21. The district court determined this method compounded the difficulty for voters and election officials to determine eligibility and rendered the pay-to-vote system more irrational,

reliance on *Jones I*, or who seek to register during the pendency of Appellants' appeal from *Jones II*, with no way to determine whether they are already eligible or must pay LFOs, and if so how much they owe and which amounts they owe are disqualifying. Since SB7066 took effect on July 1, 2019, the State has continued to permit the registration of returning citizens, failed to inform registrants if and how much they owe in disqualifying LFOs, and declined to apply the every-dollar policy or remove registered voters for unpaid disqualifying LFOs.[6]

On May 24, 2020, after an eight-day bench trial, the district court issued a 125-page decision, applying *Jones I* as the controlling Eleventh Circuit precedent, and holding: (1) Florida's "pay-to-vote" scheme absent an ability to pay exception constitutes wealth-based discrimination and, thus, is unconstitutional under the

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not less. *Id*. at *21, *23. On information and belief, the State has provided no public notice if it currently employs this every-dollar method or some other policy for determining outstanding disqualifying LFOs.

[6] Contemporaneous with trial in late April and early May 2020, the Florida Department of State's Division of Elections ("FDOE") had not completed internal review of *a single registration* of 85,000 flagged registered voters for potential ineligibility due to unpaid LFOs, including that of the individual Plaintiffs in this case and any individuals who registered in reliance on *Jones I*. *Jones II*, 2020 WL 2618062 at *24, *44; ECF 408 at 190:24–198:16 (Day 6 Trial Tr.) (FDOE Director conceding the State could not make an eligibility determination based on documents presented for one of the then-plaintiffs, which the State stated was a test case that it reviewed).

Moreover, Florida's legislature acknowledged registrants had no obligation to determine the LFOs they may owe in the six months prior to SB7066's effective date, providing these registrants with safe harbor from prosecution for registering. *See* Fla. Stat. § 104.011(3).

Fourteenth Amendment, *Jones II*, 2020 WL 2618062 at *5, *44; (2) aspects of Florida's pay-to-vote system violate the Twenty-Fourth Amendment, *id.*; (3) the voter registration form required by SB7066 ("July 2019 Voter Registration Form") violates the NVRA because it requires disclosure of information beyond what is necessary to assess a voter's eligibility, *id.* at *38–39, *46; and (4) conditioning voting on payment of "amounts that are unknown and cannot be determine with diligence is unconstitutional," *id.* at *44.

To remedy the NVRA violation, the district court entered a permanent injunction prohibiting Defendants from using the July 2019 Voter Registration Form, *id.* at *44–47. Concerning the due process holding, the district court found:

- the "State has shown a staggering inability to administer" SB7066;
- "many felons do not know, and some have no way to find out, the amount of LFOs included in a judgment";
- "18 months after adopting the pay-to-vote system, the State still does not know which obligations it applies to" and "if the State does not know, a voter does not know";
- in Florida it can be "impossible" to determine what has been paid and what is owed to pay to vote—*even for those who are able to pay*; and
- FDOE is "not reasonably administering the pay-to-vote system and has not been given the resources needed to do so."

Id. at *15-18, *21, *23, *25, *36. Overall, "[b]ecause of the State's failure to administer the pay-to-vote system reasonably," the district court found, "many affected citizens, including some who owe amounts at issue and some who do not but cannot prove it, would be able to vote or even register only by risking criminal prosecution." *Id*. at *25. Moreover, "some citizens who are eligible to vote, based on the Constitution or even on the [S]tate's own view of the law, will choose not to risk prosecution and thus will not vote." *Id*.; *see also id*. at *26.

Following the district court's ruling and order, the State appealed and moved the district court to stay portions of the injunction pending appeal, which the district court denied. ECF 422; ECF 423; ECF 431. The State's motion did not challenge the remedies addressing violations of the NVRA or the Fourteenth Amendment's Due Process Clause. Next the State moved this Court for a partial stay pending appeal. Again, the State has conceded it did not ask this Court to stay the remedies the district court provided for violations of the NVRA. *See* State's Opp'n to Appl. to Vacate at 48 n. 4, (July 14, 2020) (citing State's Reply in Supp. of Mot. for Stay Pending Appeal at 9, *Jones v. DeSantis*, No. 20-12003 (11th Cir. June 29, 2020)). Additionally, as discussed below, the State failed to properly move to stay the remedies the district court provided for the distinct due process violations. Mot. for Stay Pending Appeal, *Jones v. Gov. of Fla.*, No. 20-12003 (11th Cir. June 17, 2020) ("Stay Mot.").

On July 1, 2020, this Court sitting *en banc* issued an Order granting the State's motion to stay. This Order does not indicate the scope of this Court's stay or whether this Court intended its Order to reach remedies for the NVRA and due process violations. Order, *Jones v. Gov. of Fla*., No. 20-12003 (11th Cir. July 1, 2020).

Following this Order, the State provided a copy of the Order to Florida's 67 SOEs and provided guidance regarding the Order's application to determinations of voter eligibility for returning citizens with LFOs. Exhibit A, Email from FDOE Director Matthews to Florida SOEs (July 6, 2020). The State's guidance indicates the "lower court's injunction is no longer in effect," and instructs SOEs to accept *both* voter registration forms—the one in use since 2013 and the July 2019 Voter Registration Form that violates the NVRA. Ex. A. The guidance does not make clear to SOEs that they must no longer affirmatively offer the 2019 Voter Registration Form. The State provided this guidance despite its subsequent representation to the Supreme Court that the NVRA injunction remains in place. State's Opp'n to Appl. to Vacate at 48 n. 4.

The guidance also informs SOEs that LFOs "ordered as part of the felony sentence" must be paid or otherwise satisfied before registration or voting. Ex. A. There are several issues with that guidance. SB7066 requires the payment or satisfaction of only those LFOs contained in the four corners of the sentencing document. Fla. Stat. § 98.0751(5). Moreover, presumably, under this guidance, the

State requires all disqualifying LFOs to be paid or satisfied *regardless* of whether the amounts are unknown, but the State did not indicate in this email to SOEs any information about how election officials or registered or prospective voters can determine if and how much they owe on disqualifying LFOs. Ex. A. On information and belief, the State has not provided any public notice about how registered or prospective voters can determine if and how much they owe on disqualifying LFOs.

On July 8, Plaintiffs-Appellees filed an Application to Vacate this Court's Order with the U.S. Supreme Court. *Raysor, et al. v. DeSantis, et al.*, No. 19A-1071. On July 16, 2020, the Supreme Court denied the application without providing any reasoning. In a dissenting opinion, three Justices of the Supreme Court acknowledged this Court has not "vacate[d] *Jones I*." Slip Op. at 6 (Sotomayor, J., dissenting). Specifically, the dissenting opinion referenced the expert testimony the district court credited:

- "[M]any felons do not know, and some have no way to find out, the amount of LFOs included in a judgment."
- "Not only does Florida provide individuals inconsistent information, but the State's own records are incomplete and unreliable; the District Court even found that Florida lacks records of restitution payments it has received."
- "Based on the State's estimates, moreover, the District Court noted that Florida officials would need about six years to determine how much (if

anything) currently registered voters (to say nothing of those who seeks to register) must pay to vote."

- "Compounding the problem . . . is that Florida law puts the risk of error on the prospective voter, suggesting on its voter registration forms that a false affirmation of voting eligibility is a felony 'regardless of willfulness.'"

Id. at 3 (citing *Jones II*, at *16-20, *24–25, *44). And, these Justices recognized because of this Court's Order, "voters will have *no notice* of their potential ineligibility or the resulting criminal prosecution they may face." *Id*. at 6 (emphasis added).

ARGUMENT

Plaintiffs ask this Court to clarify its Order to ensure: the Order stays only remedies the State properly challenged in its stay motion and does not extend to remedies the State did not seek to stay—that is, the relief for violations of the NVRA and due process, specifically prohibiting use of the July 2019 Voter Registration Form and permitting registration and voting by otherwise-eligible returning citizens who neither the State nor the voter can determine with diligence whether they owe LFOs.

A. This Court Should Clarify Its Stay Does Not Extend to the NVRA Remedy.

The State has created unnecessary confusion regarding the status of the district court's NVRA order. Before the Supreme Court, it has admitted it has not challenged the district court's remedies addressing the State's NVRA violation and the injunction against the use of the July 2019 Voter Registration form remains in place. *See* State's Opp'n to Appl. to Vacate at 48 n. 4.

But the State's actions are contrary to this representation. Absent clearer guidance from this Court, the NVRA violations will continue. As of the July 6 email to the 67 SOEs, the State has relied on this Court's Order to instruct SOEs they may continue to accept the non-compliant July 2019 Voter Registration Form, but does not make clear that SOEs should otherwise not affirmatively use that Form. Ex. A. Therefore, while no party contends this form is legally compliant, Plaintiffs have reason to believe this uncontested NVRA violation will continue without this Court's clarification. Without certainty from this Court, SOEs may continue using the unlawful 2019 registration form that will force voters to divulge information that is unnecessary to determine voter eligibility, make it impossible for voters with out-of-state convictions to register, and require voters to answer questions that use terminology the average voter is unlikely to understand, *Jones II*, 2020 WL 2618062 at *31, *39—all of which run the serious risk of disenfranchising thousands of

eligible citizens, *id.*; *see also id*. at *38–40 ("Perhaps more importantly, there is no reason—other than perhaps to discourage felons from registering—for the multiple boxes" on the form.).

Thus, for the above reasons, Plaintiffs urge this Court to clarify the Order to indicate the stay does not extend to the district court's remedy for Plaintiffs' NVRA claim, which the State has not challenged on appeal and the State has admitted should not be stayed.

B. This Court Should Clarify Its Stay Does Not Extend to the Due Process Remedy the State Did Not Challenge in Its Motion.

In this case, the State has violated due process by failing to provide *any* notice to returning citizens—those who registered in reliance on *Jones I*, and those who still seek to register—regarding whether and how much they must pay to vote. This violation harms *all* eligible returning citizens who have no guidance or means by which to confirm their eligibility despite their due diligence.

In a ruling distinct from its wealth-discrimination ruling, the district court held, "The requirement to pay, as a condition of voting, amounts that are unknown and cannot be determined with diligence is unconstitutional." *Id*. at *44. But, it is instructive that under *Jones II*, that if the State registers a returning citizen based on their inability to pay, it cannot "prevent, obstruct, or deter" them from registering to vote or voting unless the State or SOEs "ha[ve] credible and reliable information

that the requesting person is currently able to pay the financial obligations at issue," presumably through the State's registration removal process. *Id*. at *45.[7] This straightforward provision of *Jones II* could remedy the State's due process violations by providing notice and process for those who the State *already registered* to vote, and cannot now determine, without notice from the State, whether they are eligible.

At base, due process requires the State to tell people what, if anything, they owe for two significant reasons: (1) due process principles require notice and an opportunity to be heard before a deprivation of the franchise, *and* (2) for a person to determine if they are eligible, they first must know whether they owe disqualifying LFOs and how much they owe. The State's failure to provide returning citizens with basic information what they must pay to vote operates as *de facto* disenfranchisement. Indeed, the State's current system leaves *de facto* disenfranchised voters the State concedes are eligible to vote under SB7066 — *i.e.*, voters who do *not* owe any disqualifying LFOs but "cannot prove it" due to Florida's existing system, and thus fear risking felony criminal prosecution by voting. *Jones II*, 2020 WL 2618062 at *25.

[7] As the district court recognized in denying the State's motion to stay, "[t]he requirement for 'credible and reliable' information . . . tracks the State's own position." ECF 431 at 14–15 (citing Fla. Stat. § 98.0751(3)(a)).

"A party must ordinarily move first in the district court for . . . a stay of the judgment . . . of a district court pending appeal," Fed. R. App. P. 8(a)(1)(A), unless that party can show it would be "impracticable" or the district court denied a motion or failed to afford relief requested, *id.* 8(a)(2)(A). *Gonzalez ex rel. Gonzalez v. Reno*, No. 00-11424-D, 2000 WL 381901, at *1 n.4 (11th Cir. Apr. 19, 2000); *see also People First of Ala. v. Sec'y of State for Ala.*, No. 20-12184, 2020 WL 3478093, at *4 n.6 (11th Cir. June 25, 2020) (Rosenbaum, J., Pryor, J., J, concurring in denial of a stay motion) ("Although we address the merits of Appellants' argument, nothing in this concurrence should be read to suggest that a state in a future case facing a similar timeframe may bypass first seeking a stay in the district court.").

The State failed to move to stay the portion of the district court injunction stemming solely from the district court's due process reasoning. In its motion before the district court, the State neither challenged nor sought a stay of the remedies for the due process violations the district court found. ECF 423; ECF 431 at 5 (the district court indicating that "[t]he motion to stay wholly ignores the second issue, the State's staggering inability to administer its system . . . ."); *id.* at 9 ("The motion to stay does not even mention these issues."). The Court's Order therefore does not reach the due process remedies beyond what the State sought under Rule 8.

Before this Court, the State has now *only* challenged the district court's due process remedy to the extent it was imposed to remedy the district court's wealth-

discrimination ruling. Stay Mot. at 13–14.[8] But this argument rests on a misunderstanding. The Due Process Clause is a standalone constitutional obligation, and a due process violation is not predicated on an equal protection violation, *see Mathews v. Eldridge*, 424 U.S. 319, 333–35 (1976); *Jones I*, 950 F.3d at 818. The district court held that the State's process deprives people with felony convictions of due process—even for those able to pay—and therefore required a remedial process to resolve those distinct constitutional violations. *Jones II*, 2020 WL 2618062 at *36–37, *44. In the State's initial merits brief to this Court, the State also conceded the distinct due process and wealth discrimination claims in this case and that the respective remedies are not coextensive. *See* Initial Merits Br. at 46–47 ("Once this Court sweeps away the district court's wealth-discrimination holding, the need for any procedures is limited at most only to those felons who do not know if they owe anything on their sentence."); *id*. at 46 (admitting that this ruling "sounds in due-process" and is "unrelated to its wealth-discrimination analysis"); *id.* at 67 ("But after the court's erroneous equal-protection and Twenty-Fourth amendment holdings are corrected, its reasoning would at most support enjoining the State from

[8] Before the Supreme Court, the State did not dispute it failed to challenge the district court's due process rulings in its stay motions before the lower courts, but instead offered meritless arguments for the first time before that Court and, thus, waived its ability to challenge those rulings. *See* Plaintiffs' Reply to Respondents' Opposition to the Application to Vacate the Eleventh Circuit Stay at 6, *Raysor et al. v. DeSantis et al.*, No. 19A-1071 (July 15, 2020).

prosecuting people for registering only when they genuinely do not know if they had any outstanding financial obligations from their sentences.").

Moreover, "the present appeal has not reached a disposition on the merits, which will require a decision upon the question of what the Constitution does require in the present case." *See Ruiz v. Estelle*, 650 F.2d 555, 559 (5th Cir., Unit A 1981). Because the State has not addressed the merits of this claim in its stay motion—let alone the other stay factors as applied to these claims—this Court should clarify its Order does not reach the due process remedies. *See Ruiz*, 650 F.2d at 564–65 ("As is said at the outset, we have before us now only a motion *to stay portions of the district court's injunction under Fed. R. App. P. 8*.") (emphasis added).

Accordingly, Plaintiffs request this Court clarify its Order by indicating it does not extend to due process remedies the State did not seek to stay—which are standalone constitutional obligations and not predicated on an equal protection violation—so otherwise eligible voters who cannot determine with due diligence, and for whom the State cannot determine, whether they owe disqualifying LFOs or if they owe "amounts that are unknown" can register and vote. *Jones II*, 2020 WL 2618062 at *44. Without due process, or any "credible or reliable" indication of ineligibility, the State cannot, without notice or process, disenfranchise voters whom the State adds to the voter registration rolls.

CONCLUSION

For these reasons, this Court should clarify its Order as requested herein.

Dated: July 17, 2020

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I certify that this Motion complies with the type-volume limitations of Fed. R. App. P. 27(d)(2) because it contains 4,041 words.

This Motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this Motion has been prepared in a proportionally spaced typeface using Microsoft Word for Office in 14-point Times New Roman font.

Date: July 17, 2020

/s/ *Leah C. Aden*

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system on July 17, 2020. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Date: July 17, 2020

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EXHIBIT A

From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Monday, July 6, 2020 12:21 PM
To: Ron - FSASE Legal Counsel Labasky <rlabasky@bplawfirm.net>; SOEList <FVRSSOE@dos.myflorida.com>; SOEStaffContacts <SOEStaffContacts@dos.myflorida.com>; Mark Earley <earleym@leoncountyfl.gov>; Charles Overturf <Overturf.Charles@putnam-fl.com>
Cc: Amber Marconnet <Amber.Marconnet@dos.myflorida.com>; Christie Fitz-Patrick <Christie.Fitz-Patrick@dos.myflorida.com>; Jennifer L. Kennedy <Jennifer.Kennedy@dos.myflorida.com>; Laurel M. Lee <Laurel.Lee@dos.myflorida.com>; Mark Ard <Mark.Ard@dos.myflorida.com>; Tiffany M. Morley <Tiffany.Morley@dos.myflorida.com>; Toshia Brown <Toshia.Brown@dos.myflorida.com>
Subject: [EX] Notice -Appellate Court Order -Const. Amendment 4 - Stay Granted

Dear Supervisors of Elections,

Please see the attached Order from the 11th Circuit Court of Appeals in the "Amendment 4/SB 7066" (Jones et al. v. DeSantis et al.; U.S. District Court, North District, Case No. 4:19cv300-RH/MJF).

The appellate court has stayed the lower court's injunction. That means the lower court's injunction is no longer in effect. Therefore, the eligibility requirements for restoration of voting rights as stated in the Florida Constitution and state law apply. See specifically, Amendment 4, Article VI, Fla. Const., and section 98.0751, Fla. Stat. (part of SB 7066).

Please note the following important points:
1. **Statewide voter registration application form (DS-39).** Please continue to accept from registrants both versions of the statewide voter registration application form (we are referring to voter registration forms dated 10/2013 and 7/2019).
2. **Legal Financial Obligations**. The amount of all fees, costs, restitution, and fines ordered as part of the felony sentence must be paid or otherwise satisfied before registering or voting.
3. **Inability to Pay.** There is no exception to the above for those unable to pay.
4. **Advisory Opinion.** The ability to request an advisory opinion and the relevant rule are still available, as always. However, please remove the lower court's *advisory request form* from your website. If you wish to continue to post information related to advisory opinions, cross-reference to Rule 1S-2.010, Florida Administrative Code and section 106.23(2), F.S., as it solicits more pertinent information than the form adopted by the lower court.
5. **Statement of Rules.** Please remove online the lower court's *statement of rules* governing eligibility to vote after felony conviction, or at a minimum, revise it to reflect the eligibility requirements stated in Amendment 4 and section 98.0751, Fla. Stat.

Respectfully,

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For voter assistance, call the Voter Protection Hotline:
(833) VOTE-FLA or (833) 868-3352

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