Case No. SC19-1341

SUPREME COURT OF FLORIDA

ADVISORY OPINION TO THE GOVERNOR RE: IMPLEMENTATION OF AMENDMENT 4, THE VOTING RESTORATION AMENDMENT

INITIAL BRIEF OF SECRETARY OF STATE, LAUREL M. LEE

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September 18, 2019

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NOTE ON APPENDIX

An appendix is provided here in lieu of a record. See Fla. R. App. P. 9.220. The appendix contains seven attachments. Citations to the appendix begin with "App __," and include a pin-citation.

INTRODUCTION AND SUMMARY OF ARGUMENT

Words matter. Voters considering constitutional amendments deserve to have clear and accurate ballot titles and summaries; state officials deserve clear direction on their roles and responsibilities as imposed through constitutional mandates; and this Court deserves to have honest answers, not evolving positions, when deciding whether to allow ballot initiatives to be placed on the ballot.

The plain language of Amendment 4—now codified in Article VI, sections 4(a) and (b) of the Florida Constitution—states that "completion of all terms of sentence including probation and parole" is a condition for felon re-enfranchisement. This plain language includes a term of incarceration, confinement, supervision, parole, probation, fines, fees, costs, restitution, and any other legal condition imposed as part of a criminal sentence.

The plain language is supported by the intent expressed during the citizen initiative process. Voters and this Court were told that the phrase "completion of all terms of sentence" included fines, fees, costs, and restitution. Many of Amendment 4's supporters even urged then-Secretary of State Detzner to require the payment of legal financial obligations *after* Amendment 4 passed.

We are now told, however, that Amendment 4's meaning is not fixed. Some of the very groups that advocated for one meaning before this Court and the State's Chief Election Officer now advocate for another meaning before a federal court.

The new but more permissive meaning would allow felons who have completed *some* of the terms of their sentence to vote. That is not what the voters approved. And that is not what this Court allowed to be placed on the ballot through *Advisory Opinion to Attorney General re: Voting Restoration Amendment*, 215 So. 3d 1202 (Fla. 2017).

More fundamentally, from the Secretary's perspective, the change in position amounts to a bait-and-switch that undermines the integrity of the citizen initiative process. As the Chief Election Officer, the Secretary has a deep and abiding interest in the integrity of the process. Among other things, the process entails a determination by this Court that the words being placed before the voters are not misleading. If the words *meant* one thing and now *mean* something else, the words *were* misleading and should never have been included on the ballot. Only giving effect to the plain and *fixed* meaning of the words guards against such a rupture in the citizen initiative process where voters—not the courts, litigants, or sponsors—make fundamental changes to the Florida Constitution.

STATEMENT OF CASE AND FACTS

1. The Secretary of State is Florida's Chief Election Officer. § 97.012, Fla. Stat. (2019). She is charged with overseeing the citizen initiative process. The process begins with the sponsor of a petition registering as a political committee with the Secretary and then having to comply with the reporting and disclosure

requirements that apply to all political committees. *See* § 100.371(2), Fla. Stat. (2019). The sponsor also prepares a petition with a ballot summary, a ballot title, and other relevant information for approval by the Secretary. *Id.* § 100.371(4).

After the Secretary approves the petition, the Secretary assigns a serial number unique to the proposed amendment, and sponsors may circulate the petition for signature by registered voters. *See* Fla. Admin. Code R. 1S-2.009(2)(b)2.e (2019). Sponsors send signatures supportive of the petition to supervisors of elections for verification. § 100.371(11), Fla. Stat. The Secretary later reviews signatures to ensure that the petition has been signed by the appropriate number of registered voters from throughout the State. *See* Art. XI, § 3, Fla. Const. Once a petition receives an appropriate number of signatures, the Secretary forwards the petition to the Attorney General and the Financial Impact Estimating Conference. *See* § 15.21, Fla. Stat. (2019).

The Attorney General, in turn, sends the petition to this Court for an opinion "regarding the compliance of the text of the proposed amendment or revision with s. 3, Art. XI of the State Constitution and the compliance of the proposed ballot title and substance with s. 101.161" of the Florida Statutes. § 16.061, Fla. Stat. (2019). Section 101.161(1) provides that "[w]henever a constitutional amendment . . . is submitted to the vote of the people, a ballot summary of such amendment or other

public measure shall be printed in clear and unambiguous language on the ballot after the list of candidates " Section 101.161(1) further mandates that:

The ballot summary of the amendment or other public measure shall be an explanatory statement, not exceeding 75 words in length, of the chief purpose of the measure. In addition, for every amendment proposed by initiative, the ballot shall include, following the ballot summary, a separate financial impact statement concerning the measure prepared by the Financial Impact Estimating Conference in accordance with s. 100.371(5). The ballot title shall consist of a caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

Id.

From start to finish, the citizen initiative process presents voters with a fair, transparent, and understandable procedure for amending their State Constitution. Because sponsors are political committees, the sponsor's financial and other pertinent information is publicly available, so voters know who is supporting the initiative. Petitions must contain certain minimal information so that supportive Floridians know exactly what they are petitioning the State to include on the ballot. Financial impacts, if any, are provided. This Court serves as a gatekeeper to ensure that misleading ballot titles and summaries are not presented on Election Day.

2. Amendment 4 utilized the citizen initiative process. Its sponsor was Floridians for a Fair Democracy, Inc.¹

https://dos.elections.myflorida.com/committees/ComDetail.asp?account=64388.

website:

¹ Information regarding this political committee, including contact information and financial activity, is available here the following as

The Secretary attaches a copy of the constitutional amendment petition form used by the Sponsor. App. at 4. The title summary on the form reads "Voting Restoration Amendment." *Id.* The ballot summary provides in its entirety:

This amendment restores 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, 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.

Id. (emphasis added). The constitutional text included on the petition form, and later added to the Florida Constitution, provides: "Expect as provided in subsection (b) of this section [concerning murder and felony sexual offense], any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored *upon completion of all terms of sentence* including parole and probation." *Id.* (emphasis added).

During the advisory opinion proceedings before this Court the Sponsor filed an initial brief stating that "the drafters intend that individuals with felony convictions, excluding those convicted of murder or a felony sexual offense, will automatically regain their right to vote upon fulfillment of *all obligations imposed under their criminal sentence.*" App. at 104 (emphasis added). The point is repeated nine other times in the twelve-page brief. App. at 106–12.

At oral argument on March 6, 2017, the Sponsor assured this Court that the proposed constitutional amendment presented a "fair question" and "clear

explanation" to Florida voters. App. at 9. Addressing Justice Polston's question as to whether "completion of [all] terms" includes "full payment of any fines," the proponents responded, "Yes, sir. All terms means all terms within the four corners." Id. at 12–13. When Justice Lawson asked, "You said that terms of sentence includes fines and costs . . . that's the way it's generally pronounced in criminal court. Would it also include restitution when it was ordered to the victim . . . as part of the sentence?" Id. at 19-20. The proponents answered: "Yes." Id. Justice Pariente further commented that the inclusion of fines, fees, and restitution as part of the sentence "would actually help the [S]tate because if fines, costs and restitution are a requirement . . . for those that want to vote, there's a big motivation to pay unpaid costs, fines and restitution." *Id.* at 21. Justice Pariente's comment presupposed that "all terms of sentence" includes financial obligations imposed as part of the sentence. See id.

News articles and opinion pieces also informed the public that Amendment 4 required former felons to satisfy fines, fees, costs, and restitution prior to regaining the right to vote. See, e.g., Reggie Garcia, Amendment 4 gives felons a second chance and saves Florida money, Florida Today (Sept. 20, 2018), available at https://www.floridatoday.com/story/opinion/2018/09/20/amendment-4-gives-felons-second-chance/1367873002/ ("To be eligible, these felons must complete 'all terms of sentence including parole or probation.' That means they would have paid

restitution, court costs and fees, and completed community service, house arrest, jail and/or prison sentences, plus any other special conditions of parole or probation."); Christina Leavenworth, *Amendment would restore felons' right to vote in Florida*, WEARTV (July 24, 2018), *available at* https://weartv.com/news/local/amendment-would-restore-felons-right-to-vote-in-florida ("Former inmates must finish their sentence, complete parole or probation and pay back any fines or restitution.").

In addition, with funding from the Sponsor, the Second Chances Florida campaign issued press releases and posted web pages informing the public that Amendment 4 required the payment of restitution before a felon could be considered to have completed the terms of his or her sentence. *See* App. at 33–68.

The ACLU of Florida informed the public in its 2018 voter guide that felons would have to "complete[] the terms of their sentences, including any probation, parole, fines, or restitution." App. at 69. As recently as April 8, 2019, in a now-deleted but still archived web page, the ACLU of Florida posted Frequently Asked Questions about Amendment 4. *See* App. at 83–86. In response to "What does it mean to complete all portions of my sentence?," the ACLU of Florida advised:

We believe that "completion of all terms of sentence" includes any period of incarceration, probation, parole *and financial obligations of a sentence* or a condition of probation under existing Florida statute. That said, fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for "completion of sentence" and thus, do not need to be paid before an individual may register. These are the policies used by the Office of Offender Review

to determine "completion of sentence" and therefore consistent with state practices.

App. at 84–85 (emphasis added). Voters approved Amendment 4 during the election held on November 6, 2018.

Thereafter, in their December 13, 2018 letter to then-Secretary Detzner, the ACLU of Florida, the League of Women Voters, LatinoJustice, and the Florida Rights Restoration Coalition urged the State to adopt the following interpretation:

The phrase "completion of all terms of sentence" [used in Amendment 4 and codified in the Florida Constitution] includes any period of incarceration, probation, parole and financial obligations imposed as part of an individual's sentence. These financial obligations may include restitution and fines, imposed as part of a sentence or a condition of probation under existing Florida statute. Fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for "completion of sentence" and thus, do not need to be paid before an individual may register. We urge the Department to take this view in reviewing the eligibility of individuals registered to vote as outlined in Chapter 98, Florida Statutes.

App. at 122 (emphasis added). The Florida Legislature obliged.

3. Specifically, the 2019 Florida Legislature adopted a statutory definition of the phrase "[c]ompletion of all terms of sentence." 2019-162 Fla. Laws § 25 (codified at § 98.0751, Fla. Stat. (2019)). The statutory definition includes, among other things, "[f]ull payment of restitution ordered to a victim by the court as part of the sentence," and "payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision .

cannot pay the financial obligations included as part of their criminal sentence. *Id.* §§ 98.0751(2)(a)5.d. (modification by court), e. II. (through victim or other payee's approval), e. III (through completion of community services if court "converts financial obligation to community service").

- **4.** Five lawsuits were filed to challenge the Florida Legislature's definition of phrase "all terms of sentence," and its inclusion of financial obligations. None of the five federal cases challenge the Florida Constitution's use of the phrase "all terms of sentence." Litigants in all five cases now take the position that the phrase "all terms of sentence" *excludes* financial obligations imposed as part of the criminal sentence. The League of Women Voters of Florida is a plaintiff in one of the federal cases. *Gruver v. Barton*, No. 1:19-cv-00121-MW-GRJ (N.D. Fla. 2019). The ACLU of Florida is counsel of record for several plaintiffs in the pending federal cases. *Id*.
- 5. The Governor now asks for "an opinion of the Justices of the Supreme Court of Florida as to the question of whether 'completion of all terms of sentence' under Article VI, section 4 of the Florida Constitution includes the satisfaction of all legal financial obligations—namely fees, fines and restitution ordered by a court as

² Gruver v. Barton, No. 1:19-cv-00121-MW-GRJ (N.D. Fla. 2019); Jones v. DeSantis, No. 4:19-cv-00300-MW-MJF (N.D. Fla. 2019); McCoy v. DeSantis, No. 4:19-cv-00304-RH-CAS (N.D. Fla. 2019); Mendez v. DeSantis, No. 4:19-cv-00272-WS-CAS (N.D. Fla. 2019); Raysor v. Lee, 4:19-cv-00301-RH-MJF (N.D. 2019).

part of a felony sentence." App. at 116–23. It does. As explained below, the text and presentation throughout the ballot initiative process require such a conclusion.

STANDARD OF REVIEW

This Court's Order dated August 29, 2019, granted the Governor's request for an "opinion on a question of constitutional interpretation affecting [the Governor's] executive powers and duties." Constitutional interpretation presents questions of law. *De novo* review applies to questions of law. *See, e.g., Crist v. Fla. Ass'n of Criminal Defense Lawyers, Inc.*, 978 So. 2d 134, 139 (Fla. 2008) ("Because the issue before the Court involves . . . the interpretation of a provision of the Florida Constitution, it is a question of law subject to de novo review."); *see also Zingale v. Powell*, 885 So. 2d 277, 280 (Fla. 2004) ("[C]onstitutional interpretation, like statutory interpretation, is performed *de novo*.").

ARGUMENT

- 1. The plain language of Article VI, section 4 of the Florida Constitution is, well, plain. With text added through Amendment 4 underlined, Article VI, section 4 provides in pertinent part:
 - (a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights

shall be restored upon completion of all terms of sentence including parole or probation.

(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.

Section 4 thus imposes two distinct conditions for re-enfranchisement. Section 4(b) imposes the currently undisputed condition limiting re-enfranchisement to those convicted of a crime other than "murder or a felony sexual offense." Those with murder or felony sexual offense convictions may, however, seek re-enfranchisement through Florida's clemency process. Art. IV, § 8, Fla. Const.

Section 4(a) requires "completion of all terms of sentence" for reenfranchisement. As explained in greater detail in the Governor's Initial Brief, this condition must include financial obligations imposed as part of a criminal sentence.

First, section 4(a) uses the word "all," not some. "All means all." *Kennedy* v. Lynd, 306 F.2d 222, 230 (5th Cir. 1962). There is no exclusion for financial obligations and thus no reason to think the framers meant something less than "all." *See Halliburton, Inc. v. Admin. Review Bd.*, 771 F.3d 254, 266 (5th Cir. 2014) ("[The statute] affords 'all relief necessary to make the employee whole' . . . and we think Congress meant what it said. 'All means all.") (quoting *Kennedy*, 306 F.2d at 230).

Second, section 4(a) uses the plural "terms." This signals that the word "sentence" includes more than just the term (singular) of confinement. Again, there is no exclusion for financial obligations imposed as part of the criminal sentence.

Third, section 4(a) uses the participial phrase "including parole and probation," signaling not a limitation but "an illustrative application of general principal," offering examples, not "an exhaustive description" *Pro-Art Dental Lab v. V-Strategic Grp.*, 986 So. 2d 1244, 1257 (Fla. 2008) (citing *Fed. Land Bank of St. Paul v. Bismark Lumber Co.*, 314 U.S. 95, 100 (1941)).³

Finally, the same voters who approved Amendment 4 also approved another citizen initiative that appeared on the ballot as Amendment 6. Commonly known as "Marsy's Law," Amendment 6 provides a crime victim's bill of rights now codified in Article I, § 16(b) of the Florida Constitution. This new constitutional provision grants the "right to *full and timely restitution* in every case and from *each convicted offender* for all losses suffered, both directly and indirectly, by the victim as a result of the criminal conduct." Art. I, § 16(b)(9), Fla. Const. (emphasis added). The texts of Amendments 4 and 6—approved by same voters through the same ballot—make it difficult for one to conclude that Florida voters intended to explicitly give crime victims a right to *full* and *timely* restitution, while at the same time voting to re-

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³ The dictionary definition of "include" further supports the point. The word means "[t]o contain as a part of something." Include, *Black's Law Dictionary* 777 (8th ed. 2004). "The participle *including* typically indicates a partial list." *Id.*; *see also White v. Mederi Caretenders Visiting Servs. of Sec. Fla., LLC*, 226 So. 3d 774, 783 (Fla. 2017) ("Commonly, the term 'include' suggests that a list is non-exhaustive The law confirms this usage in a similar fashion.").

enfranchise felons who have *not* made full restitution even though required under the terms of their sentences.

Thus, Article VI, section 4(a) of the Florida Constitution requires felons to satisfy all terms of their criminal sentence, including financial obligations. Any argument to the contrary is unmoored from the text.

2. Any argument to the contrary also undermines the citizen initiative process. This Court's review of ballot titles and summaries presented through the process involves two inquiries: "First, the Court asks whether the ballot title and summary fairly inform the voter of the chief purpose of the amendment." *Advisory Op. to Att'y Gen. re: Voting Restoration Amendment*, 215 So. 3d at 1207 (citations omitted). "Second, the Court asks whether the language of the title and summary, as written, misleads the public." *Id.* (citations omitted).

Amendment 4's ballot summary provides that the "amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation." App. at 4. Sponsors, proponents, and now federal litigants told this Court, the press, and the voters that "all terms of their sentence" meant all terms, including financial obligations imposed as part of the criminal sentence. See supra. Absent a clear explanation from the Sponsor that "all terms means all terms within the four corners," App. at 13, this Court would likely have concluded that the phrase "all terms of their sentence" was a phrase of

legal significance beyond the understanding of average voters and thus misleading. In Advisory Opinion to Attorney General re: Treating People Differently Based on Race in Public Education, 778 So. 2d 888, 899 (Fla. 2001), for example, this Court struck from the ballot a proposed amendment that used the phrase "exempts bona fide qualifications based on sex" because the phrase would leave the average voter unsure of what was being exempted. The average voter would be unsure and misled not because the individual words used in the phrase were beyond understanding but because it "[was] a legal phrase, and voters [were] not informed of its legal significance." Id. Ballot summaries containing phrases such as "common law nuisance" and "ad valorem taxes" were struck for much the same reason in *Advisory* Opinion to Attorney General re: Peoples Property Rights Amendments, 699 So. 2d 1304, 1308 (Fla. 1997) and Smith v. American Airlines, 606 So. 2d 618, 621 (Fla. 1992).

Amendment 4 was likely saved because of the Sponsor's clarification at argument, repeated through the press, in voter guides, and even in letters to the Secretary *after* the vote, of the meaning of "all terms of sentence." *See supra*. Ballot summaries "shall be printed in *clear* and *unambiguous* language " § 101.161(1), Fla. Stat. (emphasis added). Amendment 4's ballot summary was clear and unambiguous because, as the Sponsor stated, "all terms of their sentence" required completion of all terms, not some terms.

But if "all" now means some, "terms of sentence" do not include financial terms, or "parole and probation" provide an exclusive list of sentences other than confinement, then this Court, the Secretary, the press, and the voters were all affirmatively misled. Worse yet, the citizen initiative process was gamed such that one amendment was approved and another was added to the Florida Constitution. This Court should not allow the amendment's "chief purpose," its primary reason for inclusion on the ballot, to morph from re-enfranchising after completion of all terms to re-enfranchising after completion of some terms. § 101.161(1), Fla. Stat. Holding otherwise would undermine confidence in the citizen initiative process. Cf. Advisory Op. to Att'y Gen. re: Ltd. Political Terms in Certain Elective Offices, 592 So. 2d 225, 230 (Fla. 1991) (Overton, J., concurring in part and dissenting in part) ("To allow the people to vote and then, if adopted, hold the provision unconstitutional on its face perpetuates a fraud on the voting public.").

Thus, this Court should give meaning to only the plain language in Article VI, section 4(a) of the Florida Constitution; require felons to satisfy all terms of their criminal sentence, including financial obligations; and avoid a contrary result that taints the citizen initiative process in this and future cases.

CONCLUSION

George Orwell reminds us that "[t]he great enemy of clear language is insincerity." Amendment 4's supposedly evolving meaning proves Orwell's point. Absent insincerity, the meaning was, is, and remains clear. Only through a shifting legal position and divisive political rhetoric does the meaning become unclear. The Secretary respectfully asks this Court to reiterate that "all terms of sentence" in Article VI, section 4(a) of the Florida Constitution means all, not some, and includes all financial obligations imposed as part of the criminal sentence.

⁴ 4 George Orwell, *Politics and the English Language*, The Collected Essays, Journalism and Letters of George Orwell 137 (Sonia Orwell & Ian Angos eds., 1st ed. 1968).

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CERTIFICATE OF COMPLIANCE

I certify that the font used in this brief is Times New Roman 14 point and in compliance with the Florida Rule of Appellate Procedure 9.210(a)(2).

/s/Mohammad O. Jazil Mohammad O. Jazil

CERTIFICATE OF SERVICE

I certify that on this <u>18th</u> day of September 2019, the foregoing was filed electronically via the Florida Court's E-Filing Portal which will send and a copy of this filing to all counsel of record.

/s/Mohammad O. Jazil Mohammad O. Jazil

Case No. SC19-1341

SUPREME COURT OF FLORIDA

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APPENDIX TO INITIAL BRIEF OF SECRETARY OF STATE, LAUREL M. LEE

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INDEX TO SECRETARY OF STATE'S APPENDIX

Pursuant to Florida Rule of Appellate Procedure 9.220, the Secretary of State provides the following appendix in support of her Initial Brief:

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CERTIFICATE OF SERVICE

I certify that on this <u>18th</u> day of September 2019, the foregoing was filed electronically via the Florida Court's E-Filing Portal which will send and a copy of this filing to all counsel of record.

/s/ Mohammad O. Jazil

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections
- Under Florida Law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: Please Print Name as it appears on your Voter Information Card			
Your address:		•	
City:			
	ss on my voter registration record		
Voter Registration Number:	_ , , ,	or Date of Birth:	
I am a registered voter of Florida at Constitution on the ballot in the ger	nd hereby petition the Secretary of		
BALLOT TITLE: Voting Res	toration Amendment		
BALLOT SUMMARY: This a complete all terms of their sente murder or sexual offenses, who vote to restore their voting right	nce including parole or probat would continue to be permane	ion. The amendment would r	not apply to those convicted of
ARTICLE AND SECTION B	EING CREATED OR AME	NDED: Article VI, § 4.	
FULL TEXT OF THE PROPO	OSED CONSTITUTIONAL	AMENDMENT:	
qualified to vote or hold office u (b) of this section, any disqualif be restored upon completion of (b) No person convicte rights.	ed of a felony, or adjudicated intil restoration of civil rights of cation from voting arising fround terms of sentence including dof murder or a felony sexual ear on the ballot for re-elections, prida cabinet, from Florida, or florida	or removal of disability. Excer m a felony conviction shall te parole or probation. offense shall be qualified to very n to any of the following office	rminate and voting rights shall vote until restoration of civil ses:
	X		
DATE OF SIGNATURE	SIGNATURE OF RE	GISTERED VOTER	
Initiative petition sponsored by Floridia	ns for a Fair Democracy, Inc., 3000	Gulf-to-Bay Blvd., Suite 503, Cleary	vater, FL 33759
If paid petition circulator is used:		RETURN TO:	Frie Domoney I
Circulator's name		3000 Gulf-t	r a Fair Democracy, Inc. o-Bay Blvd., Suite 503
Circulator's address		Cleary	water, FL 33759

4

For Official Use Only:
Serial Number: 14-0

Date Approved: 10/31/201

Florida Supeme Court Oral Arguments

March 06, 2017

PHIPPS REPORTING

Raising the Bar!

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6	AUDIO TRANSCRIPTION OF:
7	Advisory Opinion to the Attorney General
8	Re: Voting Restoration Amendment,
9	SC16-1785 and Advisory Opinion to the Attorney General
10	Re: Voting Restoration Amendment (FIS), SC16-1981
11	
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13	Florida Supreme Court Oral Arguments
14	Monday, March 6, 2017
15	Pages 1 - 20
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22	STENOGRAPHICALLY TRANSCRIBED BY: JUDY LYNN MARTIN
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1	APPEARANCES:	Page 2
2	Chief Justice Jorge Labarga	
3	Justice Peggy A. Quince	
4	Justice Barbara J. Pariente	
5	Justice Ricky Polston	
6	Justice Alan Lawson	
7		
8	Amit Agarwal, Solicitor General	
9	Jon L. Mills, Esquire	
10	Andrew Starling	
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1	Page 3 PROCEEDINGS
2	THE DEPUTY CLERK: All rise. Hear ye, hear
3	ye, hear ye, the Supreme Court of Florida is now in
4	session. All who have cause to plea, draw near
5	give attention. You shall be heard. God save
6	these United States, the great state of Florida and
7	this Honorable Court.
8	Ladies and gentlemen, the Supreme Court of
9	Florida. Please be seated.
10	CHIEF JUSTICE LABARGA: Good morning. Welcome
11	to the Florida Supreme Court. The first case on
12	the docket this morning will be the Advisory
13	Opinion to the Attorney General.
14	Sir.
15	MR. AGARWAL: Good morning, Mr. Chief Justice,
16	and may it please the Court. My name is
17	Amit Agarwal. I'm appearing on behalf of the
18	Attorney General.
19	We're here this morning on the Attorney
20	General's petition for an advisory opinion
21	concerning a ballot initiative entitled "Voting
22	Restoration Amendment."
23	Only one party will be presenting argument
24	this morning. Mr. Jon L. Mills will argue in
25	support of ballot placement on behalf of the

Page 4 initiative's sponsor, Floridians For a Fair 1 2 Democracy. Thank you very much. 3 CHIEF JUSTICE LABARGA: Has the Attorney General taken a position on this? 4 5 MR. AGARWAL: No, Your Honor. CHIEF JUSTICE LABARGA: 6 Thank you. 7 MR. MILLS: May it please the Court, my name 8 is Jon Mills, counsel for the proponent. Joining 9 me at counsel table is Andrew Starling. 10 The mission of the Court in reviewing of the initiatives is one overarching issue, and that is 11 12 presenting a fair question to the voters of Florida. 13 That question is directed to the Court in two 14 15 First is the initiative, does it constitute a single subject and, secondly, is the title and 16 17 summary a clear explanation of the overall purpose of the initiative. 18 The single subject is divided into two parts 19 itself; that is, is the initiative -- does it 20 21 constitute log rolling; that is, putting together two disparate issues in order to try to encourage 22 23 voters unfairly to vote for a proposition, say if proposition included increasing sentences for drug 24 25 dealers and increasing salaries for teachers.

1 Those are disparate subjects that shouldn't be put 2 together. The second component of the single-subject 3 4 rule is does the proposal have a substantial impact on multiple functions of government, which, again, 5 would create an unfair question. 6 7 In the past, an example of this was an allocation of 40 percent of general revenue to 8 9 education, and the consequence of that would be to 10 have an impact on multiple functions of government. 11 This initiative is rather narrow. 12 It actually simply provides that -- restores the right to vote to individuals with felony 13 convictions, excluding convictions for murder and 14 15 felony sexual offenses, upon the completion of all terms of the criminal offense. 16 17 JUSTICE QUINCE: So let me just ask you this, 18 that means that the convicted person would not have 19 to do anything about restoring rights. This would 20 be an automatic provision. 21 Are there other rights that they would have to do something about to have restored? 22 23 This only relates to voting. MR. MILLS: it doesn't restore the right to hold office, 24 25 doesn't restore the right to be on a jury or to own

Page 5

Page 6 1 a gun, so it's simply voting. 2 A very good explanation of the process was done by the fiscal -- Financial Estimating 3 Conference that went through specifically how this 4 would work in comparison to how it works now. 5 If you are registering to vote, you go to the 6 7 Supervisor of Elections and you fill out a form. 8 One of the issues on that form is do you have a 9 felony conviction. So now, given if this passes, 10 it would have do you have a felony conviction and 11 have you fulfilled all terms of the sentence. 12 And at that point, the Supervisors of Election send those forms to the Secretary of State who 13 verifies it. So it's -- that process does not 14 15 change and the process statewide would be 16 identical. So it doesn't, as the fiscal impact --17 Financial Impact Conference said, it doesn't change 18 the statutory process at all. 19 JUSTICE PARIENTE: Well, it would probably, just from the financial part -- since there was all 20 of this effort several years ago to make sure all 21 felons were removed from the role, so this would be 22 23 anyone wanting to vote would have to affirmatively 24 reapply?

Yes, that's right.

It doesn't --

MR. MILLS:

25

Page 7

- 1 there isn't an automatic right to go in and vote.
- 2 You have to register to vote. And the Financial
- 3 Estimating Conference reviewed the number of
- 4 individuals to whom that might apply, and it might
- 5 be as many as 700,000 to whom it would apply.
- 6 They did an evaluation of how this process
- 7 works in other states. Most other states do allow
- 8 people to vote after they've fulfilled their
- 9 sentences. And about 20 percent of the people who
- 10 are eligible do that.
- 11 So their estimate was it would be -- about
- 12 270,000 people would be eligible and would probably
- 13 come in. So the Financial Estimating Conference
- 14 suggests there will be a bump in expenses, but it
- 15 would actually level out over time.
- 16 JUSTICE POLSTON: This includes the completion
- 17 of the terms of probation; right?
- 18 MR. MILLS: Yes, sir. It specifically
- 19 includes all matters included in the sentence,
- 20 including probation and parole. So that means all
- 21 matters -- anything that a judge puts into a
- 22 sentence.
- JUSTICE POLSTON: So it would also include the
- 24 full payment of any fines?
- 25 MR. MILLS: Yes, sir. All terms means all

Page 8 1 terms within the four corners. So the applicant 2. would have to indicate that they have indicated 3 that they have completed all terms, and the Secretary of State would -- would verify that. 4 JUSTICE QUINCE: So the Secretary of State 5 would verify that. So once a person pays all their 6 7 fines, completes their parole, completes their 8 probation, that information is sent to the 9 Secretary of State? 10 The Secretary of State actually MR. MILLS: 11 gathers it. The Secretary of State talks to FDLE, 12 Corrections, et cetera. So they collect the information and then they verify it back to the 13 Supervisor of Elections. The Supervisor of 14 15 Elections makes that judgment. 16 Ultimately, if the applicant does not agree with the Supervisor of Elections, they can go to 17 the -- to the circuit court. 18 19 JUSTICE OUINCE: So that's -- and that's the process they could do right now? 20 21 MR. MILLS: That process exists because right 22 now you will be checking the box to say I am not a 23 So if it's sent in and the Secretary of felon. State in verification shows that you are, then you 24 25 are not qualified, and then they would not qualify

Page 9 1 you. 2 JUSTICE QUINCE: So everyone who registers to 3 vote, the Secretary of State says whether you are or not, I didn't --4 MR. MILLS: The Secretary of State 5 Yes. verifies the voting rules, so that doesn't change 6 7 and it's -- that's why the voting rules are 8 consistent and they're verified. 9 Currently if you do have a felony conviction, 10 then you enter the process for -- you enter the 11 process to go to the governor and cabinet for 12 clemency and that -- that process would still be required for the exceptions here, which would be 13 murder or sexual felony offense. 14 15 JUSTICE QUINCE: Now, the portion that --16 about people who are convicted of sexual battery and murder, they -- this says that they would not 17 18 be qualified until the restoration of their rights, 19 so they would still have to go through the process 20 of --21 MR. MILLS: That's correct, they still go through the same clemency process. So they would 22 23 apply to the clemency board for review and for ultimate -- ultimate approval and review. 24 25 actually both those -- the parallel processes as

Page 10 1 they exist would continue, but the significant 2 change is that someone who's fulfilled their 3 sentence --Nobody has said -- nobody 4 JUSTICE PARIENTE: 5 has said that anything about what's written here is -- on the other side is ambiguous. And as you 6 said, most states have the restoration of voting 8 rights. I mean, in fact, some states they never 9 lose it even when they're in jail. So this is 10 really nothing different than most other states 11 have? 12 MR. MILLS: That's correct. Most other --13 other states do. Florida is in a small minority where it's -- basically all -- all felons must go 14 15 through the clemency process. 16 CHIEF JUSTICE LABARGA: Is there a time limit 17 in which the Secretary of State has to make this 18 investigation to see whether a person's qualified 19 to vote or can they just take as long as they want? 20 MR. MILLS: I'm not aware of a time limit, 21 so -- I'm also not aware that there's been a 22 particular problem. There are certainly disputes 23 about who is removed and on what basis, but -- in 24 this case you can see where the Secretary of State 25 will have some important work to do.

Page 11 If there's a dispute 1 CHIEF JUSTICE LABARGA: 2. as to whether a person is qualified to regain his right to vote or not, where would I go? 3 That person goes to circuit court. 4 MR. MILLS: So you -- if you are turned down by the Supervisor 5 of Elections, you go to circuit court and you 6 7 object to that conclusion. But you ultimately --8 as an applicant to vote, you get the -- you are 9 turned down or accepted by the Supervisor of 10 Elections. 11 CHIEF JUSTICE LABARGA: I just wonder, what 12 kind of -- what kind of action would the person have to file in circuit court; is that a dec action 13 14 or --15 MR. MILLS: I think it's described as an appeal, you're appealing the decision. 16 So that 17 probably puts you in a difficult --18 CHIEF JUSTICE LABARGA: Yeah. 19 MR. MILLS: -- position because the Supervisor 20 is simply reflecting what the Secretary of State 21 has told them. And if it's factually -- if you 22 don't qualify, it would appear you don't qualify --23 JUSTICE PARIENTE: I suspect with, depending 24 if it passes or not, that those who are felons who 25 have served their sentence, that there are other

Page 12

- 1 documents, you know, certified copy of whatever
- 2 occurs at the end of fulfilling your probation, the
- 3 Department of Corrections has this information.
- 4 So that's what -- I mean, we're talking about
- 5 things that really -- the details are not part of
- 6 what anyone's saying are -- is confusing or that
- 7 this is going to be a financial burden.
- 8 So we're asking you, I guess, some questions
- 9 that maybe still have to be ironed out, which is
- 10 not unusual with these ballot initiatives.
- 11 MR. MILLS: Right. The initiatives, as long
- 12 as they provide a fair question and they notify the
- 13 voter as to the principal question, they fulfill
- 14 the mission.
- 15 And in terms of the financial impact
- 16 statement, that's further to inform the voter if
- 17 there is a substantial impact and what the impact
- 18 is. It is interesting. The financial impact
- 19 statement said, in fact, it may reduce financial
- 20 obligations of the clemency board ultimately,
- 21 because there'd be fewer people going through
- 22 clemency, but obviously --
- JUSTICE PARIENTE: Also, I guess, if they have
- 24 to -- I guess they'll still -- will they still have
- 25 to check every person registering to see if they

Page 13 1 are a felon or how --2 MR. MILLS: Yes. 3 JUSTICE PARIENTE: That will still happen? MR. MILLS: I mean, that doesn't change. 4 5 the form -- actually the current form is really quite simple. It's one page. And it would be 6 7 changed by -- the Secretary of State would be uniform and --8 The form you're talking about 9 JUSTICE OUINCE: 10 is a form that anyone would fill out --11 MR. MILLS: Anyone fills out. 12 JUSTICE QUINCE: -- in order to register to 13 vote? 14 MR. MILLS: Correct. So you would -- you go 15 in and fill out a form to register to vote and it now asks you if you are a felon. So if you check 16 17 yes, you will not be qualified to vote. So now --18 JUSTICE QUINCE: But there's no follow-up 19 question that says and -- if you answer yes, have 20 your rights been restored? 21 MR. MILLS: Well, there isn't that question yet. So now the question would have to be: 22 23 you fulfilled all terms of your sentence, including 24 probation, parole, and all terms that are part of 25 your sentence.

Page 14 And if you check that, you need to be correct, 1 2. because -- well, currently if you check -- you 3 don't check that you are a felon and you are, that itself is a felony. 4 CHIEF JUSTICE LABARGA: I mean, the question 5 will have to be has the Secretary of State 6 7 certified --8 MR. MILLS: Yes. 9 CHIEF JUSTICE LABARGA: -- that you have --10 instead of going have you all those things, because 11 then who's going to make that decision below at the 12 Voters Registration Office, so it would have to be the Secretary of State. And if you check yes to 13 14 that, then I quess it's a probationary ballot so 15 they can double check? 16 MR. MILLS: Well, you don't -- you're not yet 17 registered until you're certified. 18 CHIEF JUSTICE LABARGA: I see, this is a 19 register to vote. Okay. 20 JUSTICE LAWSON: I have a question. You said 21 that terms of sentence includes fines and costs and 22 it's -- that's the way it's generally pronounced in 23 criminal court. Would it also include restitution when it was 24 25 ordered to the victim --

Page 15 1 MR. MILLS: Yes. 2. JUSTICE LAWSON: -- as part of the sentence? 3 In preparing the financial impact statement, did anyone -- I assume that the Secretary of State 4 5 can contact the Department of Corrections to determine whether someone -- or do a criminal 6 7 history to see if someone's a felon. But with 8 respect to cost, that information might need to 9 come from 67 different local clerks --10 MR. MILLS: Clerks of Court. 11 JUSTICE LAWSON: Was that considered in 12 determining the financial impact? They did and they -- they actually 13 MR. MILLS: assess cost that was X number of dollars that it 14 15 takes them to -- to check. So they did assess that 16 and they did expect that this would be -- there 17 would be a bump in cost. 18 JUSTICE LAWSON: Then do we know whether all 19 the clerks keep track of restitution in criminal cases when there's not probation imposed? 20 21 MR. MILLS: Well, if it is within the four corners of the sentence, it should be in the 22 23 That's my understanding. record. The fact that it's imposed 24 JUSTICE LAWSON: 25 would be in the record. I'm wondering whether the

Page 16 1 clerk would even know whether it had been paid in 2. all cases. Well, that's --3 MR. MILLS: JUSTICE LAWSON: Did they check that? 4 That's a reasonable question. 5 MR. MILLS: That brings up, just since JUSTICE PARIENTE: 6 7 we're asking these questions, that you're hoping 8 will be details if this passes, but it would seem 9 that could the Department of State or the Secretary 10 of State require more of the registrant who has been convicted of a felony to actually themselves 11 certify I've done this, I've done this, and -- with 12 certified copies, number one. 13 And number two, I'm thinking maybe this would 14 15 actually help the State because if fines, costs, 16 and restitution are a requirement, there's -- for those that want to vote, there's a big motivation 17 18 to pay unpaid costs, fines, and restitution. 19 So two things: One, could -- without burdening the voter, if there's an answer have you 20 21 ever been convicted of a felony, yes, and then -- I think Justice Quince was saying, well, have your 22 23 voting rights been restored, which civil rights under the current statute, but if the next question 24 25 is and have you completed all requirements, give us

Page 17 the date and whatever, so that there's some 1 2 obligation on the voter, are --MR. MILLS: 3 I --JUSTICE PARIENTE: -- or the potential voter. MR. MILLS: There's no reason that the 5 Secretary of State couldn't do that --6 7 JUSTICE PARIENTE: So that's in the details. 8 MR. MILLS: -- because the scope of this 9 clearly says that that's what's required. 10 they think that process would be the best way to 11 determine that result, then they could. 12 JUSTICE QUINCE: Who actually promulgates that form, who makes up that form, is that the Secretary 13 of State's form or the Supervisor? 14 15 It is the Secretary of State's MR. MILLS: 16 So, yes, every Supervisor of Elections has form. 17 that form for -- for them to fill out. It would seem like the 18 CHIEF JUSTICE LABARGA: 19 Secretary of State once he or she conducts the 20 background investigation and confirms that the 21 person has done everything he was supposed to do, would issue some type of certificate, official 22 23 certificate, that the voter -- potential voter could take to the registration office and show them 24 25 the certificates and that would take care of it

Page 18 instead of just having the registration person go 1 2. back and check with the Secretary of State and 3 that's just more delay, more bureaucracy. So that if you're saying the 4 MR. MILLS: 5 individual would have a path to themselves to demonstrate that they have completed all terms? 6 7 CHIEF JUSTICE LABARGA: Right. An official 8 certificate from the Secretary of State showing 9 that -- the clerk when you go to register, here it 10 is, everybody recognizes it, and it's done instead of, again, having to call back or check back with 11 the Secretary of State, and that would --12 13 MR. MILLS: To establish a policy proactively. 14 CHIEF JUSTICE LABARGA: Right. 15 Yeah, which makes complete sense. MR. MILLS: 16 So overall, Your Honor, this -- the purpose is 17 clearly articulated. It is a restoration of voting 18 rights under these specific conditions. It's clear 19 to the voter both in terms of meeting the single 20 subject test and the ballot title and summary are 21 clear. 22 Thank you, Your Honor. 23 CHIEF JUSTICE LABARGA: Thank you for your 24 argument. 25 Solicitor General.

Г		
	1	Page 19 MR. AGARWAL: Yes, Your Honor.
	2	CHIEF JUSTICE LABARGA: Would you like to
	3	introduce yourself to the Court?
	4	MR. AGARWAL: Your Honor, thank you so much.
	5	It's such a great honor to be appearing in front of
	6	this Court for my first time. I was appointed
	7	Solicitor General last year and
	8	CHIEF JUSTICE LABARGA: We're looking forward
	9	to hearing you.
	10	MR. AGARWAL: Thank you so much. Pleasure to
	11	meet all of you.
	12	CHIEF JUSTICE LABARGA: Thank you.
	13	(The hearing concluded.)
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1	Page 20 STENOGRAPHER CERTIFICATE
2 STAT	E OF FLORIDA
3 COUN	TY OF LEON
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5	I, JUDY LYNN MARTIN, certify that I was
6	authorized to and did stenographically transcribe
7	the foregoing audio-taped proceedings, and that the
8	transcript is a true and complete record of my
9	stenographic notes.
10	
11	Dated this 2nd day of August, 2019.
12 Joly	Jynn Martin
14 JUD	Y LYNN MARTIN
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VOTING RESTORATION AMENDMENT

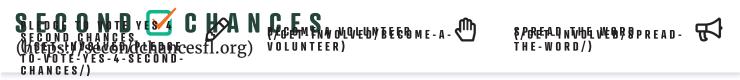
About the Issue.

READ THE FULL TEXT (/ABOUT/VOTING-RESTORATION-AMENDMENT)

About Amendment 4

Amendment 4 restores the eligibility to vote to people with past felony convictions who *fully complete* their entire sentence – including any probation, parole, and restitution – before earning back the eligibility to vote. The Amendment *specifically excludes* individuals who have committed murder or a felony sexual offense.

Floridians believe in second chances. But Florida's system for giving second chances—for restoring a person's eligibility to vote—is broken. Amendment 4 takes important steps toward fixing that system.



Current law outlines a difficult process to restore an individual's eligibility to vote because it requires the direct personal involvement of the Governor and the 3-person Cabinet, even after they have completed their full sentence as ordered by a judge and paid their debt in full.

A judge recently determined that the restoration process is arbitrary and unconstitutional because it lacks standardized guidelines in place to allow for objective and prudent decision making. The problem is that the judge left the fix in the hands of politicians and every election cycle newly elected politicians can reconfigure the process.

A person's eligibility to vote should not be left up to politicians and election cycles. Through the hard work of Florida voters and unwavering dedication of a truly grassroots movement, Amendment 4 was placed on the ballot. Let's take matters into our own hands and **VOTE YES on Amendment 4** to give Floridians who have made past mistakes the eligibility to vote only after they have completed their sentence as ordered by a judge.

These are our family members, friends, and neighbors that have paid their debt in full and earned the opportunity to participate in and give back to their communities.





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SECOND CHANCES WOULD RESULT IN POSITIVE ECONOMIC IMPACTS TO FLORIDA

Economic Study Says Amendment 4 to Add \$365 Million to Florida's Economy Annually

May 17, 2018

Vote Yes on Amendment 4 and Florida Gains ...









CONTACT: (904) 274-6091

Press@ffafd.org (mailto:Press@ffafd.org)

ORLANDO, Fla. - A new economic study conducted by The Washington Economics Group (WEG) affirms that restoring the eligibility to vote for Floridians who have made past mistakes would result in positive economic impacts to Florida taxpayers totaling:





Amendment 4—the Voting Restoration Amendment—is on the ballot this November. Amendment 4 gives Floridians who have made past mistakes the eligibility to vote after they have paid their full debt to society. Business leaders and civic leaders from across the Sunshine State agree - Now is the time to vote YES on Amendment 4 in November.

Carlos Fernandez-Guzman, President & CEO of Pacific National Bank in South Florida and Past Chairman of the Greater Miami Chamber of Commerce said, "In addition to it being the right thing to do, the passage of Amendment 4 will make Florida a more competitive state. Restoring the eligibility to vote for people who have made a mistake and paid their debt to society helps reintegrate them into the fabric of Florida's civic and economic life, to the tune of hundreds of millions of dollars and thousands of jobs annually. That's among the many reasons I am proud to join a growing number of business executives who back Amendment Four."

Reverend Allison DeFoor of Jacksonville, former Monroe County Sheriff and former Vice-Chair of the Republican Party of Florida said, "Allowing citizens to earn back their eligibility to vote gives them a deeper stake in their community, making them less likely to reoffend. Passage of Amendment Four will make our communities safer and let us reduce spending on the criminal justice system. This is a win-win for Florida taxpayers and for all those who believe in the power of redemption."

Florida taxpayers will see economic benefits from the passage of Amendment 4 because returning citizens who have their eligibility to vote restored are far less likely to reoffend and re-enter the justice system according to studies by the Office of Offender Review and the Florida Parole Commission. Since fewer returning citizens will reoffend, Florida taxpayers will pay less for prison and court costs.

Additionally, restoring eligibility reduces the "employment penalty" that makes it difficult for returning citizens to find gainful employment. WEG estimates that the impact on reintegration as a result of the passage of Amendment 4 would increase potential employment and income for eligible individuals who have made past mistakes. Thus, returning citizens who have their eligibility restored will have increased earning power, and disposable income, to give back to Florida's economy.

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Michael Reale, Owner & Operator of Reale Investment Group LLC in Southwest Florida said, "Restoring a person's eligibility to vote reduces the rate of recidivism. Over time, this decline would reduce the burden on taxpayers and result in a total annual economic impact of \$365 million dollars. Amendment 4 promises to provide economic growth to Florida for many years to come."

Dick Batchelor, CEO of Dick Batchelor Mangement Group in Central Florida said, "Citizens who have their eligibility to vote restored will have increased chances at finding gainful employment and disposable income to give back to Florida's economy. Amendment 4 would do more than just re-enfranchise people who have earned eligibility—it would also reintegrate them into society and Florida's economy."

Seretha Tinsley, Past President of the Winter Haven Chamber of Commerce in Polk County said, "Returning citizens who vote are less likely to re-offend than those who don't vote. Passing Amendment 4 would save thousands of taxpayer dollars and help people become responsible citizens with increased earning power—all factors that contribute to creating safer communities and a robust economy."

The economic study comes on the heels of a new bipartisan poll conducted jointly by North Star Opinion Research and EMC Research shows that nearly three-quarters of Florida voters support **Amendment 4** – regardless of party, gender, race, or region of the Sunshine State.

Amendment 4 restores the eligibility to vote of Floridians with felony convictions only after they complete all terms of their sentence and pay their full debt to society – including parole, probation, and restitution, if imposed by a judge. Those convicted of murder or felony sexual offenses will not be eligible under Amendment 4.

To learn more about the Second Chances Campaign, please visit www.SecondChancesFL.org (https://urldefense.proofpoint.com/v2/url?u=httpwww.SecondChacesFL.orgn&d=DwMGaQ&c=9wxE0DgWbPxd1HCzjwN8Eaww1--

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About The Washington Economics Group

Founded in 1993 in the City of Coral Gables, The Washington Economics Group is a boutique economic consulting firm specializing in comprehensive economic solutions for businesses. For more information, visit http://www.weg.com/ (https://urldefense.proofpoint.com/v2/url?u=http-3A www.weg.com &d=DwMFg&c=9wxEoDgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=t03uOI5MxpuB RRAJL67TNECdME2-77N3z3bAXSIsgw&m=OqXZmQCScHwAf4WNaj3AKtmLKK7xa2Mzr2p8Y im9-I&s=ZMQQxJWAty708UIs3kMUqdidkci4pQW2LZ7-EDSr22U&e=)

About The Alliance for Safety and Justice

Alliance for Safety and Justice is a national criminal justice reform organization that works with crime survivors and aims to win new safety priorities in states across the country. For more information visit http://www.allianceforsafetyandjustice.org (https://urldefense.proofpoint.com/v2/url?u=http-3A www.allianceforsafetyandjustice.org&d=DwMFg&c=9wxE0DgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=to3uOI5MxpuB_RRAJL67TNECdME2-77N3z3bAXSIsgw&m=OqXZmQCScHwAf4WNaj3AKtmLKK7xa2Mzr2p8Y im9-**I&s=NRx9KuAO2e7uyLZtBlt7MfPA7l36-JRWYUfvWdWAkZA&e=**) or @SafeandJustUSA.

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Economic Study Says Amendment 4 to Add \$365 Million to Florida's Economy Annually (https://secondchancesfl.org/pressreleases/economic-study-saysamendment-4-to-add-365-million-tofloridas-economy-annually/)

Thursday, May 17, 2018

CONTACT: (904) 274-6091 Press@ffafd.org ORLANDO, Fla. - A new economic study conducted by The Washington Economics Group (WEG) affirms that restoring the eligibility to vote for Floridians who have made past mistakes would result in positive economic impacts to Florida taxpayers totaling: An annual economic...

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PRESS RELEASES (HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/)

FOR IMMEDIATE RELEASE: 2 Million Calls, 3 Million Doors & More to Make History with Amendment 4

November 2, 2018

2 Million Calls, 3 Million Doors & More to Make History with Amendment 4

Calculating the Grassroots Effort to Pass Amendment 4

ORLANDO, Fla. – Heading into the final weekend of Early Voting and as Election Day rapidly approaches, Florida is ready to make history by voting Yes on Amendment 4. The voting restoration amendment, however, is the story of an extraordinary and unwavering grassroots movement that has worked tirelessly to give Floridians from all walks of life the opportunity to earn back their eligibility to vote and create a more inclusive democracy.

Desmond Meade, Chair of Floridians for a Fair Democracy and spokesperson for the Second Chances Campaign, said, "We are energized by the people who are supporting Amendment 4 and ready to take the Second Chances Campaign across the finish line on Election Day. We are grateful for the wonderful people from all walks of life who have been the heartbeat of this grassroots movement, and have worked hard for friends, family, and neighbors who've made past mistakes and paid their full debts as ordered by a judge. Amendment 4 is all about second chances and the opportunity to earn back our eligibility to vote, and we urge Florida voters that have not yet cast their ballot to vote YES on Amendment 4."

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of confides volunteers, who confeded over one illimon pentions to place Amendment 4 on the ballot. Floridians from all walks of life have come together in support of voting Yes on Amendment 4. Here is Amendment 4 by the numbers:

Total impact:	1,400,000
Total digital impression:	91,320,454
Total doors knocked:	3,354,353
Total text messages sent:	2,721,024
Total phone calls made:	2,268,150
Total volunteers:	12,365
Total petitions signed to place Amendment 4 on the ballot:	1,254,724

Current Florida law excludes 1.4 million Floridians who have completed the terms of their sentence from voting for life. Florida is one of only four states with a lifetime ban on voting. Amendment 4 would restore the eligibility to vote to Floridians who have served their time and completed all terms of their sentence as ordered by a judge including parole, probation, and restitution. The amendment specifically excludes those individuals who have committed murder or a felony sexual offense.

To learn more about the Second Chances Campaign, please visit www.secondchancesfl.org (https://urldefense.proofpoint.com/v2/url?u=httpwww.secondchancesfl.org&d=DwMGaQ&c=9wxE0DgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=to3uOI5MxpuB RRAJL67TNECdME2-77N3z3bAXSIsgw&m=FouuEJjhjwrbdSNHEGkCxqYvuQK39dRvROiIFsMpCDM&s=l5x4Wyc





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PRESS RELEASES (HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/)

FOR IMMEDIATE RELEASE: 2 Million Calls, 3 Million Doors & More to Make **History with Amendment 4** (https://secondchancesfl.org/pressreleases/for-immediate-release-2million-calls-3-million-doors-more-tomake-history-with-amendment-4/)





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PRESS RELEASES (HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/)

FOR IMMEDIATE RELEASE: Amendment 4 Receives Editorial Board Endorsements Throughout Florida

October 24, 2018

IN CASE YOU MISSED IT...

Amendment 4 Receives Editorial Board Endorsements Throughout Florida

Amendment 4, the voting restoration amendment on Floridians' ballot this November, has received broad support from Floridians from all walks of life – including key editorial board endorsements from across the Sunshine State.

Current Florida law excludes 1.4 million Floridians who have completed the terms of their sentence from voting for life. Florida is one of only four states with a lifetime ban on voting. Amendment 4 would restore the eligibility to vote to Floridians who have served their time and completed all terms of their sentence as ordered by a judge – including parole, probation, and restitution. The amendment specifically excludes those individuals who have committed murder or a felony sexual offense.

Sun-Sentinel (https://urldefense.proofpoint.com/v2/url?u=http-3A___www.sun-2Dsentinel.com_opinion_endorsements_fl-2Dop-2Dend-2Dgood-2Dbad-2Dconstitutional-2Damendments-2D20181005-2Dstory.html&d=DwMFAw&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

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Tampa Bay Times (https://urldefense.proofpoint.com/v2/url?u=http-

3A www.tampabay.com opinion editorials times-2Drecommends-2Dyes-2Don-2Damendment-2D4-2D20180928 &d=DwMFAw&c=euGZstcaTDllvimEN8b7jXrwqOfv5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

AZ8Ct3tJpIMeL Y4I&m=vzQiBdp6VP7tiUCKyVRQPp9p87q186WFHtcApoebjeo&s=aSAQfT stated, "...felons who are able to reintegrate into society are far less likely to re-offend and wind up back in prison... Treating ex-offenders as full-fledged citizens is key to reducing recidivism, which saves taxpayers money.

Orlando Sentinel (https://urldefense.proofpoint.com/v2/url?u=https-

3A www.orlandosentinel.com opinion editorials os-2Dop-2Dorlando-

2Dsentinel-2Dendorsements-2D20181018-

2Dhtmlstory.html&d=DwMFAw&c=euGZstcaTDllvimEN8b7jXrwqOf-

v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

AZ8Ct3tJpIMeL Y4I&m=vzQiBdp6VP7tiUCKyVRQPp9p87q186WFHtcApoebjeo&s=xlShMe DzkQY89CMwyEEU4CNjA&e=) stated, "Here's what's wrong: Florida denies ex-felons the ability to vote after they've served their time. After they've completed probation. After they've made restitution... Florida's current practice is un-American. It denies our fellow citizens a second chance. It denies redemption."

Daytona Beach News-Journal (https://urldefense.proofpoint.com/v2/url?u=httpswww.news-2Djournalonline.com opinion 20181010 our-2Dview-2Dvote-2Dyes-2Don-2Damendment-2D4&d=DwMFAg&c=9wxE0DgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=t03uOI5MxpuB_RRAJL67TNECdME2-77N3z3bAXSIsgw&m=ySwCR-XFWGWsPGFKpVlBI6XtH3A-PjcSuHPvkzCC55w&s=opyURSkV9PxhENEfojcXUALnPI99Y-6KFtVcIt Xxg&e=) stated, "Amendment 4, which restores voting rights and other opportunities to former felons who have paid their debt to society, was buoyed onto the ballot by hard work and hope. As many as 900,000 Floridians from across the state signed petitions to have it included on the 2018 ballot."

Gainesville Sun (https://urldefense.proofpoint.com/v2/url?u=httpswww.gainesville.com opinion 20181024 editorial-2Dmake-2Dflorida-2Dsafer-2Dwhile-2Dsaving-2Dmoney&d=DwMGaQ&c=9wxE0DgWbPxd1HCzjwN8Eaww1--



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continue the status quo and pay the budget-busting consequences, or enact reforms that save money while making the state safer by reducing recidivism. Amendment 4 is one step in accomplishing the latter."

Miami Herald (https://urldefense.proofpoint.com/v2/url?u=https-

3A www.miamiherald.com opinion editorials article219635000.html&d=DwMFAw8 v5A CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

AZ8Ct3tJpIMeL_Y4I&m=vzQiBdp6VP7tiUCKyVRQPp9p87q186WFHtcApoebjeo&s=ErfRhf2 stated, "This lifetime ban keeps people on the margins, unable to participate in the fullness of American life and long after they have paid their debt to society."

Palm Beach Post (https://urldefense.proofpoint.com/v2/url?u=https-

www.palmbeachpost.com news 20181014 editorial-2Dtime-2Dto-2Drestore-

2Dvoting-2Drights-2Dto-2D15-2Dmillion-2Dfloridians-2Dyes-2Don-

2Damendment-2D3&d=DwMFAg&c=9wxE0DgWbPxd1HCzjwN8Eaww1--

ViDajIU4RXCxgSXE&r=to3uOI5MxpuB_RRAJL67TNECdME2-

77N3z3bAXSIsgw&m=ySwCR-XFWGWsPGFKpVlBI6XtH3A-

PjcSuHPvkzCC55w&s=fnMaFaLQLqbu6rSJ1041Kv59kBEqerreOVrkJpkE HM&e=)

stated, "Amendment 4 is on the ballot because of a longshot petition campaign that drew support ... [from] a broad range of people. Among them are conservative evangelicals who believe the gospel smiles on second chances. And business people who grasp that restoring the rights of former felons will lead to economic gains for Florida, projected at \$365 million per year, thanks to lower prison costs, less crime and improved productivity.

Florida Times-Union (https://urldefense.proofpoint.com/v2/url?u=https-

3A www.jacksonville.com opinion 20181021 editorial-2Dboard-2Doffers-2Dits-2Dviews-2Don-2Dconstitutional-

2Damendments&d=DwMFAw&c=euGZstcaTDllvimEN8b7jXrwqOf-

v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

AZ8Ct3tJpIMeL_Y4I&m=vzQiBdp6VP7tiUCKyVRQPp9p87q186WFHtcApoebjeo&s=FeTPBu mJvvmKdQ&e=) stated, "Those who have had their voting rights restored are one-third less likely to reoffend. The amendment would have a positive impact of \$365 million to Florida's economy..."



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v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

AZ8Ct3tJpIMeL_Y4I&m=vzQiBdp6VP7tiUCKyVRQPp9p87q186WFHtcApoebjeo&s=mVuBq stated, "If we want ex-offenders to turn their lives around, we should do our best to let them fully return to society. If they reoffend and go back inside, they won't be voting — but as long as they're rebuilding their lives, why not let them have full citizenship? We'll be voting "yes" on Amendment 4."

Florida Today (https://urldefense.proofpoint.com/v2/url?u=https-3A__www.floridatoday.com_story_opinion_2018_10_04_florida-2Dballot-2Damendment-

2Dguide_1492149002_&d=DwMFAw&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

TC Palm (https://urldefense.proofpoint.com/v2/url?u=https-

AZ8Ct3tJpIMeL_Y4I&m=vzQiBdp6VP7tiUCKyVRQPp9p87q186WFHtcApoebjeo&s=KM3uFstated, "If the point of sentencing is to impose adequate punishment for a crime, why does Florida continue to punish former felons long after they paid their dues to society? Our state is one of four that don't automatically restore voting rights to those who fulfilled their sentences."

3A__www.tcpalm.com_story_opinion_editorials_2018_10_10_how-2Dvote-2D12-2Damendments-2Dfloridas-2D2018-2Dballot-2Dour-2Dview_1588685002_&d=DwMFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-

AZ8Ct3tJpIMeL_Y4I&m=w27LMosV1kNNHf-2RaWfT6Z4CgT1TCHCv1Z-KkuXfZs&s=BVl_xDL4Ynbl3UKCSrC7VkfqOLseTkKi14oGIG3cabw&e=) stated, "Our state as a whole benefits when citizens who have completed their sentences can become productive members of society — and that includes voting. Moreover, Florida's current clemency system, which gives full power to the governor and Cabinet, is broken and arbitrary.

Naples Daily News (https://urldefense.proofpoint.com/v2/url?u=https-3A___www.naplesnews.com_story_opinion_editorials_2018_10_09_florida-2Dconstitution-2Damendment-2D4-2Drestore-2Dfelon-2Dvoting-2Drights-2Delection_1564234002_&d=DwMFAg&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-AZ8Ct3tJpIMeL Y4I&m=w27LMosV1kNNHf-2RaWfT6Z4CgT1TCHCv1Z-



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The Herald-Tribune (https://urldefense.proofpoint.com/v2/url?u=httpswww.heraldtribune.com opinion 20181012 editorial-2Din-2Dsupport-2Dof-2Damendments-2D3-2D4&d=DwMFAg&c=9wxE0DgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=t03uOI5MxpuB RRAJL67TNECdME2-77N3z3bAXSIsgw&m=ySwCR-XFWGWsPGFKpVlBI6XtH3A-PjcSuHPvkzCC55w&s=RhROXuGcg9kzOMFKZhhsKs4w7ozQZp6CHMkfIK7VgxE&e=) and Ocala Star Banner (https://urldefense.proofpoint.com/v2/url?u=https-3A www.ocala.com_opinion_20181018_editorial-2Din-2Dsupport-2Dof-2Damendments-2D3-2D4&d=DwMFAg&c=euGZstcaTDllvimEN8b7jXrwqOfv5A_CdpgnVfiiMM&r=zT8uqa8I7J0J3Yre5gGOvKPGf-AZ8Ct3tJpIMeL Y4I&m=w27LMosV1kNNHf-2RaWfT6Z4CgT1TCHCv1Z-KkuXfZs&s=GENFu6g-oShQcJqJGn38zFJmujbLKQYzlvUYaCCq85Q&e=) agreed, "There are many reasons for voters to endorse this amendment. Chief among them: It is the right thing to do."

To learn more about the Second Chances Campaign, please visit www.secondchancesfl.org.

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Pd. pol. adv. paid for by Floridians for a Fair Democracy, Inc., 3000 Gulf-to-Bay Blvd., Suite 503, Clearwater, FL 33759.

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Wednesday, October 24, 2018

IN CASE YOU MISSED IT... Amendment 4 Receives Editorial Board Endorsements Throughout Florida Amendment 4, the voting restoration amendment on Floridians' ballot this November, has received broad support from Floridians from all walks of life - including key editorial board endorsements from across the Sunshine State. Current Florida...

(HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/FOR-IMMEDIATE-RELEASE AMENDMENT-4-RECEIVES-EDITORIAL-BOARD-ENDORSEMENTS-THROUGHOUT-





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PRESS RELEASES (HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/)

FOR IMMEDIATE RELEASE: Freedom Partners Chamber of Commerce Endorses Amendment 4

September 13, 2018

Press@ffafd.org (mailto:Press@ffafd.org) CONTACT: (904) 274-6091

Freedom Partners Chamber of Commerce Endorses Amendment 4

ORLANDO, Fla. - Today, the Freedom Partners Chamber of Commerce announced its support for second chances and Amendment 4.

Mark Holden, Chair of Freedom Partners Chamber of Commerce and senior vice president of Koch Industries, Inc, said, "We believe that when individuals have served their sentences and paid their debts as ordered by a judge, they should be eligible to vote. In the Sunshine State, Floridians are permanently excluded from voting because of a prior felony conviction - one of only four states with a lifetime ban. If we want people returning to society to be productive, law abiding citizens, we need to treat them like full-fledged citizens. We support the Florida Second Chances campaign, which would return the eligibility to vote to Floridians who have done their time and paid their debts in full. This will make our society safer, our system more just, and provide for real second chances for returning citizens."

The mission of Freedom Partners (https://urldefense.proofpoint.com/v2/url?u=https-_freedompartners.org_about_&d=DwMGaQ&c=9wxE0DgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=to3uOI5MxpuB_RRAJL67TNECdME2-77N3z3bAXSIsgw&m=8yLR3fcj1QAvTcw3JBogecfEBiCYTLmgnhllpXT2lbk&s=CnFqoA3kic is "protecting freedom and expanding opportunity for every American—no matter where they live, what they do or how much money they have."



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that when a debt is paid, it's paid. Amendment 4 restores a person's eligibility to vote only after they have completed all terms of their sentence as ordered by a judge. It fixes a broken system for our family members, friends, and neighbors that have paid their debt in full and have earned the opportunity to participate in and give back to their communities."

Florida enshrined disenfranchisement in its constitution 150 years ago. Today, Florida is one of only four states with a lifetime ban on voting and permanently excludes from voting 1.4 million Floridians who have served their time and completed all terms of their sentence as ordered by a judge – including parole, probation, and restitution. The amendment specifically excludes those individuals who have committed murder or a felony sexual offense. Now is the time to retire this antiquated law by voting YES on Amendment 4 in November.

To learn more about the Second Chances Campaign, please visit www.secondchancesfl.org (https://urldefense.proofpoint.com/v2/url?u=httpwww.secondchancesfl.org&d=DwMFAg&c=9wxE0DgWbPxd1HCzjwN8Eaww1--ViDajIU4RXCxgSXE&r=aoSNPxT8yF1EEEVRW9PtsmMMlUnhUEFPN7Wr2YbDA4s&m=pTl Q&e=).

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PRESS RELEASES (HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/)

FOR IMMEDIATE RELEASE: Freedom
Partners Chamber of Commerce Endorses
Amendment 4
(https://secondchancesfl.org/pressreleases/freedom-partners-chamber-ofcommerce-endorses-amendment-4/)

Thursday, September 13, 2018

CONTACT: (904) 274-6091 Press@ffafd.org Freedom Partners Chamber of Commerce Endorses Amendment 4 ORLANDO, Fla. – Today, the Freedom Partners Chamber of Commerce announced its support for second chances and Amendment 4. Mark Holden, Chair of Freedom Partners Chamber of Commerce and senior vice president of Koch Industries, Inc, said,...

READ MORE > (HTTPS://SECONDCHANCESFL.ORG/PRESS-RELEASES/FREEDOM-PARTNERS-CHAMBER-OF-COMMERCE-ENDORSES-AMENDMENT-4/)





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SECOND CHANCES FLORIDA

Who We Are.

ABOUT THE ISSUE (/ABOUT/ABOUT-THE-ISSUE/)→

Floridians from all walks of life believe in forgiveness, redemption, restoration and, ultimately, second chances.

With the unwavering dedication of a truly grassroots movement, Floridians across the Sunshine State signed and submitted more than 1.1 million petitions and put Amendment 4 – the Voting Restoration Amendment – on the November ballot. Floridians from all walks of life believe in second chances and, in November, can vote YES on 4 to make sure that Florida law does too.

Amendment 4 restores the eligibility to vote of Floridians with felony convictions after they complete all terms of their sentence including parole, probation, and restitution. The amendment would not apply to those convicted of murder or felony sexual offenses.



(https://secondchancesfl.org)



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Floridians from all walks of life believe in forgiveness, redemption, restoration and, ultimately, second chances.

It is why voters from all corners of the state and all walks of life support the Amendment 4.

With the unwavering dedication of a truly grassroots movement, Floridians across the Sunshine State signed and submitted more than 1.1 million petitions and put Amendment 4 – the Voting Restoration Amendment – on the November ballot.

Voters took matters in their own hands to ensure that their fellow Floridians, family members, and friends who've made past mistakes, served their time and paid their debts in full are given a second chance and the opportunity to earn back their eligibility to vote.

Floridians from all walks of life believe in second chances and, in November, can vote YES on 4 to make sure that Florida law does too.

TIMELINE

Initiated as a grassroots effort by the Florida Rights Restoration Coalition – a membership organization run by returning citizens (formerly convicted persons) – the second chances Florida campaign has grown and achieved several milestones:

- 1. In 2014, Floridians for a Fair Democracy (official ballot committee) was created to draft the Florida Voting Restoration Amendment.
- 2. In 2016, a the grassroots effort that included many organizations and countless volunteers submitted more than 70,000 signatures to trigger Florida Supreme



(https://secondchancesfl.org)

4. In the summer of 2017, the second chances Florida campaign orchestrated a robust effort to collect over 1.1M signatures to secure ballot placement.

PLEDGE TO VOTE YES 4

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Amendment 4 is on the ballot this November. Election Day is Tuesday, November 6th, 2018 and we need 60% of voters to vote YES on Amendment 4 to win.

AMENDMENT 4

Amendment 4 restores the eligibility to vote to Floridians with past convictions after they complete all terms of their sentence including parole, probation, and restitution. The amendment would not apply to those convicted of murder or felony sexual offenses.

Now is the time to return the eligibility to vote to Floridians who have done their time and paid their debts.

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Join the Movement.

PLEDGE TO VOTE YES 4

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PLEDGE TO VOTE YES 4





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ACLU OF FLORIDA 2018 VOTER GUIDE ON SELECT CONSTITUTIONAL AMENDMENTS



When

Floridians vote in November of 2018, there will be as many as 13 proposed constitutional amendments on their ballots. The ACLU of Florida has taken positions on four of those initiatives to ensure that civil rights and civil liberties prevail in Florida.

Amendment 4 - Vote YES

• The ACLU of Florida supports Amendment 4, which would return the eligibility to vote to Floridians who have completed the terms of their sentences, including any probation, parole, fines, or restitution.

- Florida is one of only four states that still has a system that prevents people from earning back the eligibility to vote for life, and our current system for restoring a person's eligibility to vote is broken. Amendment 4 would allow roughly 1.4 million people who have
- People who are allowed to earn back their eligibility to vote are less likely to commit crimes in the future, meaning Amendment 4 will also make communities safer.

Amendment 6 - Vote NO

- The ACLU of Florida opposes Amendment 6, which is misleadingly referred to as a "rights of victims" amendment, but in fact provides victims with no new meaningful justice while undermining due process for people accused of crimes.
- Amendment 6 would give huge corporations a new right to inject themselves into criminal proceedings and appear in court with their high-powered lawyers to have a say in sentencing and bail hearings when they accuse people of even relatively minor crimes such as shoplifting.
- The amendment would upset the balance between the rights of victims and people accused of crimes by permanently deleting the part of the constitution that ensures balancing the rights of all involved in a criminal case

Amendment 8 – Vote NO

- The ACLU of Florida opposes Amendment 8, which is a deceptive measure to undermine voters' ability to make decisions about public schools in their community and give that power to unaccountable bureaucrats in Tallahassee.
- Amendment 8 would allow an unaccountable state agency to authorize for-profit charter school companies to open schools in local communities without the input of the locally-elected school

board, draining public education funds from our existing local schools with no local oversight.

Across the country, when charter schools have as little
accountability as Amendment 8 would allow, there is increased
incidence of unlawful or discriminatory enrollment practices. Our
local education dollars should go to schools that treat all students
equally and fairly.

Amendment 11 - Vote YES

- The ACLU of Florida supports Amendment 11 because it both deletes an unconstitutional, anti-immigrant provision from our constitution and would address mass incarceration by allowing criminal justice reforms to apply retroactively.
- Right now, many people are incarcerated under harsh sentencing laws that could soon be reformed, but even if the legislature changes those sentencing laws, they won't apply to people currently affected by them.
- If Amendment 11 passes, reforms to mandatory minimum sentencing or drug policy reform could apply to people currently serving under sentences that the legislature no longer believes are fair.

ACLU OF FLORIDA

Vote like your rights depend on it!

2018 Voter Guide on Selected Constitutional Amendments

When Floridians vote this November, there could be as many as 13 proposed constitutional amendments on the ballot. The ACLU of Florida urges voters to act on the following four amendments to ensure that civil rights and civil liberties prevail in Florida.

AMENDMENT 4- VOTE YES

- The ACLU of Florida supports Amendment 4, which would return the eligibility to vote to Floridians. who have completed the terms of their sentences including any probation, parole, fines, or restitution.
- Florida is one of only four states that still has a system that bars s people from earning back the eligibility to vote for life.
- Our current system for restoring a person's eligibility to vote is broken. Amendment 4 would restore the eligibility to vote for roughly 1.4 million people who have paid their debt to society,
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- Amendment 6 would create a new right for huge corporations to inject themselves into criminal proceedings and oppear in court with their highpowered lawyers to have a say in sentencing and bail hearings when they accuse people of even relatively minor drimen such as shoplifting.

AMENDMENT 8 - VOTE NO

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- Amendment 8 would transfer the authority over local charter achools to uniscountable bureaucests in Tallahussee who would authorize for profit charter achieck compunies to open achoofs in local communities without the input of the locally-elected school board, draining public education funds from our existing local schools. with no local sversight.
- Across the country, when charter schools have as little accountability as Amendment & would allow the result Ix usually mismanaged and sub-standard adjustion and unitawitis or discriminatory uncollment practices. Cue local education dollars should go to achools that treat all similarity and lawly.

Learn more: aciuli.org/2018voterguide

(https://www.aclufl.org/sites/default/files/aclufl 2018voterguide onepager.pdf)

Download our ACLU of Florida 2018 Voter Guide One Pager.

(https://www.aclufl.org/sites/default/files/aclufl_2018voterguide_onepager.pdf)

For other resources on how to make your voice heard, visit our <u>Let</u> Me Vote 2018 (https://www.aclufl.org/en/let-me-vote-2018) online guide.

Deltona - Yes on Amendment 4 Phone Bank

JUNE 12, 2018 @ 5:00 PM

The ACLU of Florida is holding a phone bank to reach Florida voters and tell them why voting yes on Amendment 4 is so important.

Nearly 1.4 million people in Florida are permanently excluded from voting despite completing the terms of their sentences. Now is the time to return the eligibility to vote to Floridians who have done their time and paid their debts. We are spreading the word far and wide across Florida, and we need your help!

Please sign up today to join us for this phone bank session to educate Floridians on the significance of voting YES on 4 in November.

RSVP (HTTPS://GO.PEOPLEPOWER.ORG/EVENT/ACTION/14305)

Boston Coffeehouse

1573 Saxon Blvd #105 Deltona, FL 32725 **United States**

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Jacksonville - Phone Bank Training for Amendment 4

MAY 21, 2018 @ 6:30 PM -@ 8:00 PM

We need your help to educate Floridians about the importance of voting YES on Amendment 4. Join us to get an update on the Second Chances campaign, and participate in a phone bank training and phone bank session.

Nearly 1.4 million people in Florida are permanently excluded from voting despite completing the terms of their sentences. Florida is one of only four states with a lifetime ban on voting. Now is the time to return the eligibility to vote to Floridians who have completed their sentences and paid their debts. Let's give our neighbors a second chance and restore their eligibility to vote.

See you there!

RSVP (HTTPS://GO.PEOPLEPOWER.ORG/EVENT/ACTION ATTEND/13626)

ACLU of Florida office / Schultz Building

118 West Adams Street Suite 510 Jacksonville, FL 32202 **United States**

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RETIRED GENERAL URGES A 'YES' VOTE ON AMENDMENT 4: TOO MANY FLORIDA VETERANS DENIED THE ABILITY TO VOTE



By <u>John Lantigua (/en/biographies/john-lantigua)</u>, Investigative Writer, Communications
NOVEMBER 2, 2018 - 1:15PM



MIAMI – A retired US Air
Force general, who also served
as assistant secretary of the
Navy, today added his voice to
other Florida veterans who
have pledged their support for
Amendment 4 to the Florida
Constitution, on the ballot in
this midterm election.

Retired General John Douglass of Cocoa Beach, a native Floridian, announced that he had voted early, including a vote in favor of Amendment 4. If it passes, the amendment

will return eligibility to vote to some 1.4 million Floridians who were convicted of crimes, have completed their sentences and probation and made all restitution, but are still denied the ability to vote under Florida's 150-year-old, Jim Crow-era clemency laws. Persons convicted of homicide and sexual felonies are not covered by the amendment.

Among those currently unable to vote in Florida are thousands of military veterans.

"I want to urge my fellow Floridians to vote yes on the proposed amendment to the Florida constitution that would restore voting rights to individuals who have served their sentences and remained within the law," Douglass said in a statement.

"I am especially concerned for the thousands of Florida veterans who have lost their voting privileges," Douglass said. "Today our military services are an all-volunteer force. Our veterans have made a commitment to risk their lives to preserve our freedoms and our democracy."

"Some of our veterans come home from the constant deployments of recent years with severe emotional and physical problems," Douglass continued. "Far too often these veterans fall through the cracks in our state and federal support programs. When this happens these veterans often rely on drugs and other ways to relieve their mental or physical pain. This in turn often results in their becoming part of the penal system."

Currently, a person in Florida who finishes his or her sentence and probation and makes restitution must wait 5 to 7 years before they can apply to have their eligibility to vote restored. The waiting list to have a case heard by the governor and members of his cabinet, who form the Clemency Board, is about 10 years long.

Florida prisons currently hold some 98,000 persons, 6 percent of who are veterans. Ten years ago, the rate was 8 percent; 20 years ago, it was 11 percent veterans. Many of those have never gotten back their eligibility to vote despite avoiding trouble with the law, meaning that thousands of veterans have been disenfranchised in Florida.

Douglass, who also served as a director of defense programs on the National Security Council during the Reagan Administration, urged support for Amendment 4.

"I believe we owe our veterans a chance to renew their participation in American citizenship and democracy," he said. "Renewing their voting rights is a small, but important step in their journey to become full members of our democracy.

"Voting yes on this amendment gives us all a chance to welcome these veterans back to our democracy," Douglass concluded. "They fought for us now we need to fight for them."

Florida is one of only four states that decrees returning citizens must petition the governor for a return of their ability to vote. More such persons are disenfranchised in Florida than any other state.

Do the right thing. Vote YES on Amendment 4!

THE ABILITY TO VOTE IS NOT A PARTISAN ISSUE – JUST ASK THE KOCH BROTHERS.



By <u>John Lantigua (/en/biographies/john-lantigua)</u>, Investigative Writer, Communications
OCTOBER 12, 2018 - 7:00AM



A business organization founded by the ultra-conservative Koch Brothers recently announced its support for Florida's Amendment 4. That measure – on the ballot in November – will return the eligibility to vote to people with past felonies who have completed all terms of their sentences–including any probation, parole, and restitution. It excludes those convicted of homicide or felonies sexual in nature.

Mark Holden, chairman of Freedom Partners Chamber of Commerce and senior vice president of Koch Industries, announced the endorsement in September. It surprised some political observers, but maybe it shouldn't have. As part of a platform of libertarian and conservative causes, the Koch Brothers have worked toward reducing mass incarceration - a plague that costs our country billions of dollars in corrections spending and in the lost productivity of those who are incarcerated.

The Florida Parole Commission has said that people who have paid their debt to society and then proceed to vote are three times less likely to re-offend. So, Amendment 4 makes perfect sense for the Koch Brothers.

That announcement also punctures the idea that Amendment 4 is a purely partisan issue. While it is true that GOP gubernatorial candidate Ron DeSantis has spoken out against the measure, a recent University of North Florida poll revealed that 62 percent of Florida Republicans favor it. Among Democrats, 83 percent are backing it, including candidate for governor Andrew Gillum.

Another major conservative political organization, the Christian Coalition, has also endorsed Amendment 4. In announcing Freedom Partners' support, Holden said:

"We believe that when individuals have served their sentences and paid their debts as ordered by a judge, they should be eligible to vote. If we want people returning to society to be productive, law abiding citizens, we need to treat them like full-fledged citizens.... This will make our society safer, our system more just, and provide for real second chances for returning citizens."

Florida is one of only four states in the Union that permanently bans "returning citizens" from voting until they petition state leaders and are formally returned the ability to vote. In Florida, due to a backlog of thousands of cases, this process will currently take about 15 years -and even then, an applicant can be denied. About 1.4 million people

79

would regain the ability to vote, if Amendment 4 passes this November.

Among those currently banned from voting are thousands of military veterans who encountered problems with the law after leaving the armed forces. And many more thousands of disenfranchised persons have been working and paying taxes for years. They are suffering from "taxation without representation" and that has always been wrong—no matter what party you belong to.

Desmond Meade, president of Florida Rights Restoration Coalition, a group spearheading the Amendment 4 effort, is a returning citizen. Early in life, Meade was convicted of various non-violent crimes related to drug addiction but turned his life around and graduated from Florida International University Law School. He thanked Holden and the Koch Brothers:

"There is a simple reason why this measure has strong, broad support across the ideological spectrum: because Americans believe that when a debt is paid, it's paid," Meade said. "It fixes a broken system for our family members, friends, and neighbors that have paid their debt in full and have earned the opportunity to participate in and give back to their communities."

Neil Volz, political director of the Florida Rights Restoration Coalition, was convicted of fraud in Washington, D.C., where he was an attorney. Volz moved to Florida after completing probation and spent years trying to regain his ability to vote. The process was so long and onerous he eventually gave up.

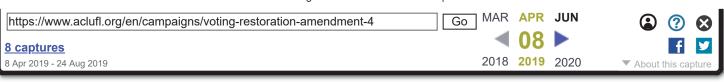
Volz, like the Koch Brothers, labels himself an ideological conservative. He says a common misconception about Amendment 4 is the belief that most of the people who will benefit are African-Americans and Hispanics. Since those demographic groups tend to vote Democrat, some people believe passing the amendment would

benefit the Democratic Party. But the truth, Volz says, is most people disenfranchised by current clemency rules are white, like him.

"This is an everybody issue," Volz says. "We have people from all races, all walks of life, all political persuasions, impacted by this."

The ability to vote is not, and should never be, a partisan issue. Vote "Yes" on Amendment 4!

John Lantigua is the staff investigative journalist for the ACLU of Florida.





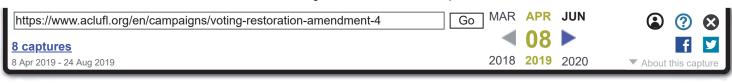
In November, 64.55% of Florida voters from all walks of life and political persuasions approved Amendment 4, the Voting Restoration Amendment. This reflects a shared belief that when a debt is paid, its paid. On January 8, 2019, Amendment 4 goes into effect.

Eligible returning citizens can register to vote starting on January 8, 2019.

With voter approval for Amendment 4, Florida has eliminated a 150year-old Jim Crow-era law that disenfranchised more people in the state of Florida than the total population of many other states. The amended Constitution restores the voting rights of Floridians with felony convictions, excluding murder or sexual offenses, after they complete all terms of their sentence including parole or probation.

If you or a loved one is planning to register to vote, below is a list of helpful information. If you want to get involved in voter registration efforts, more information is available below.

- 1. Frequently Asked Questions
- 2. Helpful information for eligible voters



5. Getting involved in voter registration

Frequently Asked Questions

- 1. When does Amendment 4 go into effect?

 The amendment goes into effect on January 8th.
- 2. If I am a returning citizen who has completed all portions of my sentence, can I register to vote on January 8th?

 Yes.
- 3. What organization can I contact if I need help getting registered?

If you have questions about registering to vote, you can contact 877-698-6830

- 1. Florida Rights Restoration Coalition: https://floridarrc.com/
 (https://floridarrc.com/)
- 2. League of Women Voters of Florida: https://www.lwvfl.org/ (https://www.lwvfl.org/)

4.

(https://web.archive.org/web/20190408151432/https://www.lwvfl.org/)Does the legislature need to write rules to implement Amendment 4?

No. The legislature does not need to write enabling legislation. The amendment is self-executing. The State has conceded this point in its filing in the Hand v. Scott case. This means that, unlike what we may have seen after Fair Districts or medical marijuana were

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5. What is the legislature's role in Amendment 4 implementation?

The legislature is responsible for oversight and funding of the government agencies responsible for administering the implementation of Amendment 4.

6. Do returning citizens register through the normal voter registration process?

Yes. The existing voter registration form is adequate and sufficient to immediately register individuals impacted by Amendment 4.

Question #2 of that form asks individuals to "affirm that I am not a convicted felon, or if I am, my right to vote has been restored."

Individuals can check this box in the same way that they affirm they are U.S. Citizens (see Question #1 on the State's Voter Registration Application Form). Individuals may also register via the Florida Online Voter Registration System at https://registertovoteflorida.gov/
(https://web.archive.org/web/20190408151432/https://registertovoteflorida.gov/)

7. Do returning citizens need to bring proof of a completed sentence before registering?

No. The responsibility of the citizen is to honestly affirm that, by completing the terms of their sentence, their voting rights have been restored – because, if they have completed their sentence, the voters' rights have been restored.

8. What does it mean to complete all portions of my sentence? We believe that "completion of all terms of sentence" includes any

period of incarceration, probation, parole and financial obligations

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statute. That said, fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for 'completion of sentence' and thus, do not need to be paid before an individual may register. These are the policies used by the Office of Offender Review to determine "completion of sentence" and therefore consistent with current state practices.

9. Where can I find more information online about whether I've completed the terms of my sentence?

For more information, you can contact a number of state organizations including:

- Florida Department of Law Enforcement:
 <u>http://www.fdle.state.fl.us/</u>
 (https://web.archive.org/web/20190408151432/http://www.fdle.state.fl.us/)
- Florida Commission on Offender Review:
 <u>https://www.fcor.state.fl.us/</u>
 (https://web.archive.org/web/20190408151432/https://www.fcor.state.fl.us/)
- Florida Clerks of County Courts:
 <u>https://www.stateofflorida.com/clerks-of-court.aspx</u>
 (<u>https://web.archive.org/web/20190408151432/https://www.stateofflorida.com/clerks-of-court.aspx</u>)
- Florida Supervisors of Election:

 https://dos.myflorida.com/elections/

 (https://web.archive.org/web/20190408151432/https://dos.myflorida.com/elections/)
- Florida Department of Corrections:
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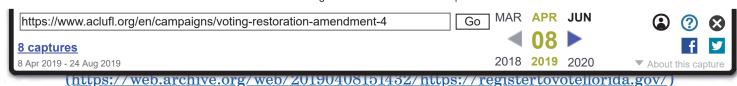
Download a printable PDF for the Frequently Asked Questions on Amendment 4

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Helpful Information for Eligible Voters

- 1. Amendment 4 goes into effect on January 8, 2019. The amended Constitution restores the voting rights of Floridians with felony convictions, exluding murder or sexual offenses, after they complete all terms of their sentence including parole or probation.
- 2. Starting January 8th, any individual with a felony conviction who has completed all of the terms of their sentence should register to vote by completing a voter registration form. Question #2 of that form asks you to "affirm that I am not a convicted felon, or if I am, my right to vote has been restored." You should check this box in the same way you affirm that you are U.S. Citizens (see Question #1 on the State's Voter Registration Application Form).

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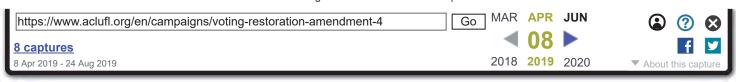
- 3. You do not need to submit documentation of completion of your sentence when you register to vote, however, you should gather as much documentation as possible to confirm completion of your sentence, or in case you may need to appeal a denial of your voter registration.
- 4. If you experience problems registering to vote, please contact ACLU of Florida using this link: https://action.aclu.org/legal- intake/fl-amendment4-barrier (https://web.archive.org/web/20190408151432/https://action.aclu.org/legalintake/fl-amendment4-barrier)



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Download a printable PDF for the Helpful Information for Eligible Voters for Amendment 4

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1. **In-person:** at your local <u>Supervisor of Elections Office</u>

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2. Online: at the Florida Online Voter Registration System

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3. **Print and mail the form:** The statewide voter registration

application form is available for download (English PDF

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2D2F4v-2D2Bmpcv7tJ00rG9mVLtEwt1Pk7vW-2D2BwUu-

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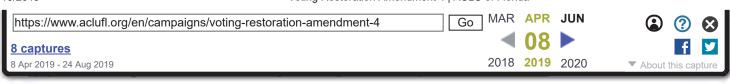
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m85BmN7I7lPBw&s=gN4QipEV5lZJqfmqPnXdz7tfCFda8uMSB2xwrEEnvQ0&e=)),

or available at any county Supervisor of Elections, local library, or any entity authorized by the Florida Fish and Wildlife Conservation Commission to issue fishing, hunting, or trapping permits.

Call 1-877-MYVOTE-0 (1-877-698-6830) with any questions.

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6830 (https://web.archive.org/web/20190408151432/tel:877-698-6830).

For other problems registering, contact:

- 1. Florida Rights Restoration Coalition: https://floridarrc.com/
 (https://floridarrc.com/)
- 2. ACLU of Florida: https://action.aclu.org/legal-intake/fl-amendment4-barrier)

 (https://web.archive.org/web/20190408151432/https://action.aclu.org/legal-intake/fl-amendment4-barrier)
- 3. Florida League of Women Voters: https://www.lwvfl.org/ (https://web.archive.org/web/20190408151432/https://www.lwvfl.org/)
- 4. Latino Justice PRLEDF: https://www.latinojustice.org/
 (https://www.latinojustice.org/

For more information you may contact:

- 1. Florida Department of Corrections: http://www.dc.state.fl.us/
 https://www.dc.state.fl.us/
 https://www.dc.state.fl.us/)
- 2. Florida Department of Law Enforcement:

 http://www.fdle.state.fl.us/

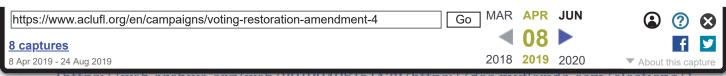
 (https://web.archive.org/web/20190408151432/http://www.fdle.state.fl.us/)
- 3. Florida Commission on Offender Review:

 https://www.fcor.state.fl.us/

 (https://web.archive.org/web/20190408151432/https://www.fcor.state.fl.us/)
- 4. Florida Clerks of County Courts:

 https://www.stateofflorida.com/clerks-of-court.aspx

 (https://www.stateofflorida.com/clerks-of-court.aspx)



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Getting involved in voter registration

Thank you for your interest in get out the vote efforts in Florida! Organizations across Florida will be working over the next several months to register all eligible Returning Citizens to VOTE.

If you are interested in getting involved in voter registration efforts, please contact:

- 1. Florida Rights Restoration Coalition: https://floridarrc.com/ (https://web.archive.org/web/20190408151432/https://floridarrc.com/)
- 2. Florida League of Women Voters: https://www.lwvfl.org/ (https://web.archive.org/web/20190408151432/https://www.lwvfl.org/)
- 3. Latino Justice PRLEDF: https://www.latinojustice.org/ (https://web.archive.org/web/20190408151432/https://www.latinojustice.org/)

For third-party voter registration, click here

(https://web.archive.org/web/20190408151432/https://www.aclufl.org/sites/default/files/regis for resources from the League of Women Voters of Florida.

For other volunteer opportunities with the ACLU of Florida, please sign up by clicking this link: acluft.org/volunteer (https://web.archive.org/web/20190408151432/http://aclufl.org/volunteer)

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ACLU of Florida

West Palm Beach - Rally for Amendment 4

OCTOBER 21, 2018 @ 2:00 PM

Rally for Second Chances.

This November, we have the opportunity to restore the ability to vote to 1.4 million of our friends, loved ones, neighbors, and coworkers. It's a huge deal!

Join our Palm Beach County Chapter on Sunday, October 21, to rally for Amendment 4 and fix a 150 year-old broken system that permanently denies the vote to formerly incarcerated Floridians who have completed their sentence and paid their debt.

You'll hear from inspiring local activists and community leaders, music from PinkSlip Duo, named best folk band in Palm Beach and Broward County by the NewTimes, and get FREE Ben & Jerry's ice cream!

Speaker lineup:

- Dave Aronberg, state attorney, Palm Beach County
- Chuck Ridley, Unify
- Pastor J. R. Thicklin, Destiny by Choice
- Rabbi Cookie Olschein, Temple Israel
- Rev. Patti Aupperlee, UMC of Palm Beaches
- Nancy Cohen, Voting Rights Coalition of Palm Beach County

- Linda Gellar-Schwartz, National Council of Jewish Women
- Debra Chandler, PBC League of Women Voters and retired public defender
- Caren Ragan, directly impacted person
- Ken Schulte, directly impacted person
- Ed Meyer, directly impacted person
- Edwin Ferguson, Riviera Beach attorney and businessman

We can win in November, but your grassroots activism is more important now than ever. Join us to help spread the word about Florida's Voting Restoration Amendment and rally for Amendment 4 in Palm Beach County on October 21!

The event is co-sponsored by the Palm Beach County Chapter of the League of Women Voters, Palm Beach County Chapter of the National Council of Jewish Women, and the Palm Beach County National Organization of Women.

RSVP HERE

(HTTPS://GO.PEOPLEPOWER.ORG/EVENT/ACTION ATTEND/17083)

Palm Beach County Historic Courthouse

300 N Dixie Hwy West Palm Beach, FL 33401 **United States**

GET DIRECTIONS (HTTP://MAPS.GOOGLE.COM/? DADDR=300%20N%20DIXIE%20HWY%2C%20WEST%20PALM%20BEACH%2C%20F

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December 13, 2018

The Honorable Ken Detzner Secretary of State State of Florida R.A. Gray Building 500 South Bronough Street Tallahassee, Florida 32399

Re: Implementation of Amendment 4, the Voting Restoration Amendment

Dear Secretary Detzner:

On November 6, 2018, Florida voters approved Amendment 4, the Voting Restoration Amendment with a vote of 64.55 % in support, reflecting the clear will of the people of Florida that those individuals with felony convictions who have paid their debt to society have their eligibility to vote restored to them. We write to request that you take immediate administrative action to coordinate with relevant state and local agencies as required by Chapter 98 Florida Statues and to provide guidance to relevant state and local agencies on the proper administration of voting registration for this newly enfranchised population of Florida's citizens as soon as possible. To that end, we would like to take this opportunity to share our analysis and views on various provisions of the Amendment and corresponding issues.

Amendment 4 is Self-Executing

Amendment 4 is self-executing in that the mandatory provisions of the amendment are effective on the implementation date (Jan. 8, 2019). This is the very position that the State of Florida has

acknowledged in its own legal filings in the *Hand v. Scott* case. The Amendment alters Florida Constitution Article VI, Section 4. Disqualifications, to state as follows:

- (a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.
- (b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights. [...].

That language is specific and unambiguous. As the Florida Supreme Court stated in its unanimous opinion approving the amendment for placement on the ballot, "Read together, the title and summary would reasonably lead voters to understand that the chief purpose of the amendment is to *automatically restore voting rights to felony offenders*, except those convicted of murder or felony sexual offences, upon completion of all terms of their sentence. (emphasis added.) *Advisory Opinion to the Attorney General Re: Voting Restoration Amendment*, 215 So. 2d 1202,1208 (Fla. 2017).

Since these mandatory provisions will now be in the Florida constitution, the Legislature does not need to pass implementing legislation in order for the amendment to go into effect. That said, the Legislature should exercise its normal and proper oversight function of relevant state agencies to ensure that they implement the amendment in accordance with the will of Florida's voters and without delay.

The burden is on the state, not the individual, to establish whether a voter is ineligible utilizing current administrative practices, databases and resources as defined in Chapter 98 and other relevant provisions of the Florida Statutes.

The plain language of the Amendment makes clear that it restores the voting rights of Floridians with felony convictions after they complete "all terms of their sentence including parole or probation." The Amendment does not apply to those who have completed a sentence for murder or a felony sex offense. Individuals in those categories can only have their right to vote restored by the Governor and the Board of Executive Clemency.

Pursuant to Article XI, Section 5 (3), the Amendment goes into effect on January 8, 2019. Thus, starting January 8th, any individual with a felony conviction who has completed all the terms of

their sentence should register to vote by completing a voter registration form.

Completion of all terms of Sentence

The phrase "completion of all terms of sentence" includes any period of incarceration, probation, parole and financial obligations imposed as part of an individual's sentence. These financial obligations may include restitution and fines, imposed as part of a sentence or a condition of probation under existing Florida statute. Fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for 'completion of sentence' and thus, do not need to be paid before an individual may register. We urge the Department to take this view in reviewing the eligibility of individuals registered to vote as outlined in Chapter 98, Florida Statutes.

Existing Voter Registration Forms are Sufficient

We assert that the uniform stateside voter registration application is sufficient to immediately register individuals impacted by the Amendment's provisions. Question #2 of that form asks individuals to "affirm that I am not a convicted felon, or if I am, my right to vote has been restored." The responsibility of the citizen is to honestly affirm that, by completing the terms of their sentence, their voting rights have been restored. Individuals may also register via the Florida Online Voter Registration System at https://registertovoteflorida.gov/.

Process to Confirm Eligibility is Already in Place

The existing provisions of Chapter 98 of the Florida Statutes provide the Department with sufficient authority to coordinate across state and local agency databases to identify impacted individuals, to promptly and efficiently register to vote those individuals who wish to do so, and to confirm their eligibility in the same way the Department confirms the eligibility of all other Florida residents when they complete a voter registration application.

We understand that the current registration process includes the following steps:

- An individual returns a completed voter registration form to the Supervisor of Elections;
- The Supervisor transmits an electronic copy of the application to the Department of State Division of Elections;
- The individual who completed the form is at that time considered registered and will receive a voter ID card in the mail;
- The Department of State then has the duty to review the voter's registration to determine if there is credible information that the voter is ineligible;

This is the very same process that should be used to register those impacted by Amendment 4.

In closing, we appreciate the difficult task you face in administering elections in Florida. We hope that the discussion above will help you ensure that Amendment 4 is implemented in a timely and smooth fashion, without delay or undue burden on individual eligible voters. Florida's citizens spoke clearly on election day and we look forward to working with you to ensure their will is carried out.

Thank you for your attention to this important matter.

Sincerely,

Desmond Meade, Melba Pearson,

Executive Director, Florida Rights Interim Executive Director

Restoration Coalition ACLU of Florida

Patricia Brigham, Kira Romero-Craft,
President Managing Attorney
League of Women Voters of Florida LatinoJustice PRLDEF

cc: Maria Matthews, Director, Division of Elections Florida State Association of Supervisor of Elections

IN THE SUPREME COURT OF FLORIDA

Case Nos.: SC16-1785; SC16-1981

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: VOTING RESTORATION AMENDMENT

ADVISORY OPINION TO THE ATTORNEY GENERAL RE: VOTING RESTORATION AMENDMENT (FIS)

INITIAL BRIEF OF SPONSOR Floridians for a Fair Democracy

IN SUPPORT OF THE INITIATIVE

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STATEMENT OF THE CASE

This matter comes before the Court upon a petition for an advisory opinion submitted by the Attorney General on October 4, 2016, pursuant to Article IV, Section 10, Florida Constitution, and Section 16.061, Florida Statutes. In an order dated November 2, 2016, this Court directed interested parties to submit initial briefs. Floridians for a Fair Democracy, as Sponsor of the proposed amendment entitled "Voting Restoration Amendment" (hereinafter the "Proposed Amendment"), submits this brief in support of the Proposed Amendment.

The ballot title of the Proposed Amendment is "Voting Restoration Amendment." The ballot summary reads:

This amendment restores 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, 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.

The Proposed Amendment would amend Section 4 of Article VI as follows:

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

Article VI, Section 4. Disqualifications.—

(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.

- (b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.
- (c) No person may appear on the ballot for re-election to any of the following offices:
- (1) Florida representative,
- (2) Florida senator,
- (3) Florida Lieutenant governor,
- (4) any office of the Florida cabinet,
- (5) U.S. Representative from Florida, or
- (6) U.S. Senator from Florida

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

SPONSOR'S STATEMENT OF INTENT

The right to vote is a basic right. The Proposed Amendment has the single purpose of returning that right to individuals who have satisfied their obligations to the criminal justice system. Specifically, the drafters intend that individuals with felony convictions, excluding those convicted of murder or a felony sexual offense, will automatically regain their right to vote upon fulfillment of all obligations imposed under their criminal sentence. Those individuals may then register to vote without review by the Governor and Cabinet. The drafters explicitly excluded individuals convicted of murder or a felony sexual offense, who will continue to seek restoration under the current system.

STANDARD OF REVIEW

This Court has acknowledged its responsibility to uphold a proposed amendment when possible, and has stated that it will invalidate a proposal only when it is "clearly and conclusively defective." *Advisory Op. to the Att'y Gen. re Use of Marijuana for Debilitating Med. Conditions*, 181 So. 3d 471, 476 (Fla. 2015) (quoting *Advisory Op. to the Att'y Gen. re Fla.'s Amendment to Reduce Class Size*, 816 So. 2d 580, 582 (Fla. 2002)).

SUMMARY OF THE ARGUMENT

The duty of this Court is to evaluate the Proposed Amendment, and ensure that it is presented in a form that meets these constitutional and statutory standards. The Court does not judge the desirability of the proposal. That is the role of the voters. Rather, the Court's inquiry is limited to only two issues.

First, whether the Proposed Amendment complies with the single-subject requirement of Article XI, Section 3, Florida Constitution. *Advisory Op. to the Att'y Gen. re Water & Land Conservation--Dedicates Funds to Acquire & Restore Fla. Conservation & Recreation Lands*, 123 So. 3d 47, 50 (Fla. 2013) (citing *Advisory Op. to the Att'y Gen. re Protect People, Especially Youth, from Addiction, Disease & Other Health Hazards of Using Tobacco*, 926 So. 2d 1186, 1190 (Fla. 2006)). And second, whether the ballot title and summary, when read together, accurately inform the voters of the Proposed Amendment's chief purpose pursuant to Section

101.161, Florida Statutes. Advisory Op. to the Att'y Gen. re Florida's Amendment to Reduce Class Size, 816 So. 2d at 585 ("the ballot title and summary may not be read in isolation, but must be read together in determining whether the ballot information properly informs the voters").

The Proposed Amendment satisfies the single subject rule of Article XI, Section 3, Florida Constitution, because it presents voters with a unified and limited question of whether to automatically restore voting rights to persons convicted of a felony, excluding persons convicted of murder or a felony sexual offense, upon completion of all the terms of their criminal sentence including parole or probation. Everything accompanying this limited policy change is matter directly connected to that objective.

Furthermore, the ballot title and summary of the Proposed Amendment clearly and unambiguously explain that such automatic restoration is the chief purpose of the amendment. Reading them together, the voter will be adequately informed and able to cast an intelligent vote about whether to include the proposal in the Florida Constitution.

ARGUMENT

I. THE PROPOSED AMENDMENT PRESENTS A SINGLE UNIFIED QUESTION TO VOTERS: WHETHER TO AUTOMATICALLY RESTORE THE VOTING RIGHTS OF FLORIDIANS CONVICTED OF A FELONY, EXCLUDING PERSONS CONVICTED OF MURDER OR A FELONY SEXUAL OFFENSE, UPON COMPLETION OF ALL THE TERMS OF THEIR CRIMINAL SENTENCE

The Proposed Amendment changes the operation of a single existing process—the restoration of voting rights to Floridians with felony convictions. Although that process currently exists, the Proposed Amendment simplifies it.

Article XI, Section 3, Florida Constitution, provides, "[t]he power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment ... shall embrace but one subject and matter directly connected therewith." This Court has described the single subject requirement as a "rule of restraint designed to insulate Florida's organic law from precipitous and cataclysmic change." Advisory Op. to the Att'y Gen. re 1.35% Property Tax Cap, Unless Voter Approved, 2 So. 3d 968, 972 (Fla. 2009) (quoting Advisory Op. to the Att'y Gen. - Save Our Everglades, 636 So. 2d 1336, 1339 (Fla. 1994)). When considering an amendment under Article XI, Section 3, the Court has focused on whether the proposal has a "logical and natural oneness of purpose." Advisory Op. to the Att'y Gen. re Extending Existing Sales Tax to Non-Taxed Services Where Exclusion Fails to Serve Pub. Purpose, 953 So. 2d 471, 478 (Fla. 2007) (quoting Fine v. Firestone, 448 So. 2d 984, 990 (Fla. 1984)).

The single subject rule is violated when an initiative engages in either one of two practices: "(a) logrolling; or (b) substantially altering or performing the functions of multiple branches of state government." *See Water & Land Conservation*, 123 So. 3d at 50-51. Because the Proposed Amendment presents a unified question that affects only one subject and matter properly connected therewith, the Court should find that it complies with the single subject requirement of Article XI, Section 3, Florida Constitution.

First, the Proposed Amendment does not logroll. Florida voters are not forced to "accept part of an initiative proposal which they oppose in order to obtain a change in the constitution which they support." Advisory Op. to the Att'y Gen. re Standards for Establishing Legislative Dist. Boundaries, 2 So. 3d 175, 180 (Fla. 2009) (quoting Advisory Op. to the Att'y Gen. re Amendment to Bar Gov't From Treating People Differently Based on Race in Pub. Educ., 778 So. 2d 888, 891 (Fla. 2000)). Rather, the Proposed Amendment has just a single effect: automatic restoration of voting rights for Floridians with a felony conviction, excluding those convicted of murder or a felony sexual offense, once they have completed all the terms of their sentences. Because the Proposed Amendment does not contain extraneous provisions unrelated to that single effect, it does not engage in logrolling. See Water & Land Conservation, 123 So. 3d at 51. A voter is asked one simple question: should persons convicted of a felony, excluding those persons convicted of murder or a felony

sexual offense, who have completed their sentences automatically have their voting rights restored?

Furthermore, the Proposed Amendment does not perform, alter, or substantially affect the functions of multiple branches of Florida's government. An initiative that affects several branches of government will not automatically fail; rather, it is when a "proposal substantially alters or performs the functions of multiple branches that it violates the single-subject test." *Treating People Differently Based on Race*, 778 So. 2d at 892 (quoting *Advisory Op. to the Att'y Gen. re Fish and Wildlife Conservation Commission*, 705 So. 2d 1351, 1353-54 (Fla. 1998)).

The Proposed Amendment would make one simple policy change that touches upon only a single branch of Florida's government. Given the vast executive functions of the Governor and Cabinet, this solitary impact is not substantial in the sense contemplated by the single subject rule. If adopted, the measure would automatically, upon completion of all the terms of a criminal sentence, restore voting rights to persons convicted of a felony, excluding persons convicted of murder or a felony sexual offense. Because of this automatic restoration of rights, the Governor and Florida Cabinet would only be responsible for restoring civil rights on a case-by-case basis for those persons convicted of murder or a felony sexual offense. This reduction in the obligations and scope of their current responsibilities affects only the executive branch of our state government and in an insubstantial way. Thus, the

Proposed Amendment satisfies the constitutional prohibition against an initiative substantially altering or performing the functions of multiple branches of state government.

In short, the Proposed Amendment's purpose is quite specific and foreseeable.

II. THE BALLOT TITLE AND SUMMARY, READ TOGETHER, CLEARLY AND ACCURATELY INFORM THE VOTERS ABOUT THE CHIEF PURPOSE OF THE AMENDMENT, WHICH IS TO AUTOMATICALLY RESTORE THE VOTING RIGHTS OF FLORIDIANS CONVICTED OF A FELONY, EXCLUDING PERSONS CONVICTED OF MURDER OR A FELONY SEXUAL OFFENSE, UPON COMPLETION OF ALL THE TERMS OF THEIR CRIMINAL SENTENCE

The ballot title and summary of this proposal contain substantially all of the operative text of the Proposed Amendment. The title and summary give the voter fair notice that the effect of the amendment is to automatically restore voting rights to persons with a felony conviction, excluding those with a murder conviction or a felony sexual offense conviction, who have completed all the terms of their criminal sentences.

In considering an initiative's compliance with Section 101.161, Florida Statutes, this Court asks whether the ballot title and summary give voters "fair notice of the content of the proposed amendment." *Advisory Op. to the Att'y Gen. re Stop Early Release of Prisoners*, 661 So. 2d 1204, 1206 (Fla. 1995); *cf. Askew v. Firestone*, 421 So. 2d 151, 155 (Fla.1982) ("All that the Constitution requires or that the law compels or ought to compel is that the voter have notice of that which he

must decide. ... What the law requires is that the ballot be fair and advise the voter sufficiently to enable him intelligently to cast his ballot.") (emphasis omitted) (quoting *Hill v. Milander*, 72 So. 2d 796, 798 (Fla. 1954)).

Recognizing the statutory 15-word limit for titles and 75-word limit for summaries, this Court has noted that the title and summary need not explain every aspect or every possible effect of the proposed amendment. *See Advisory Op. to the Att'y Gen. re Right to Treatment & Rehabilitation for Non-Violent Drug Offenses*, 818 So. 2d 491, 497 (Fla. 2002) ("It is not necessary to explain every ramification of a proposed amendment, only the chief purpose."); *Advisory Op. to the Att'y Gen. re Limited Casinos*, 644 So. 2d 71, 74-75 (Fla. 1994).

Taken together, the ballot title and summary of the Proposed Amendment accurately inform voters about its chief purpose, providing sufficient information for them to cast an intelligent vote. The title and summary place voters on notice that the Proposed Amendment will automatically restore voting rights to persons convicted of a felony, excluding persons convicted of murder or a felony sexual offense, upon completion of all the terms of their criminal sentences. The summary explicitly informs voters that those persons convicted of murder or felony sexual offenses would remain barred from voting unless the Governor and Cabinet restore their civil rights on a case-by-case basis.

This Court has previously noted that the ballot title and summary "need not (and because of the statutory word limit, often cannot) explain 'at great and undue length' the complete details of a proposed amendment." *Advisory Op. to Att'y Gen. re Use of Marijuana for Certain Med. Conditions*, 132 So. 3d 786, 808 (Fla. 2014) (quoting *Legislative Dist. Boundaries*, 2 So. 3d at 186). The Sponsor drafted this ballot title and summary to be as clear as possible regarding its singular purpose. In fact, the title and summary contain substantially all of the text of the Proposed Amendment. Because the Proposed Amendment's ballot title and summary inform the voters of its chief purpose in language that is clear and unambiguous, this Court should hold that the title and summary comply with the requirements of Section 101.161, Florida Statutes.

CONCLUSION

The Proposed Amendment presents a single, unified subject to the voters: automatic restoration, upon completion of all the terms of a criminal sentence including parole or probation, of voting rights to persons convicted of a felony, excluding persons convicted of murder or a felony sexual offense. Accordingly, this Court should affirm that the Proposed Amendment complies with the single subject requirement of Article XI, Section 3, Florida Constitution.

Likewise, the ballot title and summary comply with the requirements of Section 101.161, Florida Statutes, by explaining in clear, unambiguous language the

chief purpose of the amendment. Both the title and the summary are accurate, and avoid the use of emotional sloganeering. As a result, the Proposed Amendment is neither more nor less than it promises to be.

For these reasons, this Court should uphold the Proposed Amendment and permit its placement on the ballot.

Respectfully submitted,

/s/ Jon L. Mills Jon L. Mills, Esq.

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Counsel for Sponsor, Floridians for a Fair Democracy

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document with the Clerk of the Court by using the Florida Courts e-Filing Portal and that a true and correct copy of the foregoing document has been furnished by electronic mail and U.S. Mail to all parties listed below on this day, November 22, 2016.

/s/ Jon L. Mills Jon L. Mills, Esq.

The Honorable PAMELA J. BONDI Office of the Attorney General State of Florida
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CERTIFICATE OF TYPEFACE COMPLIANCE

I HEREBY CERTIFY that this brief was prepared in Times New Roman 14-point font, in compliance with Rule 9.210(a)(2), Florida Rules of Appellate Procedure.

/s/ Jon L. Mills
Jon L. Mills, Esq.



RON DESANTIS GOVERNOR

August 9, 2019

Honorable Charles T. Canady Chief Justice and the Justices of the Supreme Court of Florida Tallahassee, Florida

Dear Chief Justice Canady and Justices of the Supreme Court of Florida:

Pursuant to Article IV, section 1(c) of the Florida Constitution, I hereby request your opinion on a question involving the interpretation of a portion of the Constitution affecting my executive powers and duties. The question pertains to the meaning of Article VI, section 4 of the Florida Constitution as it affects my constitutional power as the supreme executive to take care that the laws be faithfully executed and to transact all necessary business with the officers of the government under Article IV, section 1(a) of the Florida Constitution. This question also affects my direct administration and supervision of the Department of State under Article IV, section 6 of the Florida Constitution to ensure the proper administration of voter registration and disqualification.

On November 6, 2018, Florida voters approved a constitutional amendment, known as Amendment 4, to automatically restore voting rights for some convicted felons—namely, felons who have been convicted of offenses other than murder or a "felony sexual offense" upon "completion of all terms of sentence including parole or probation." See Art. VI, § 4, Fla. Const. (2018). I request your interpretation of whether "completion of all terms of sentence" encompasses financial obligations, such as fines, fees and restitution ("legal financial obligations" or "LFOs") imposed by the court in the sentencing order.

Prior to Amendment 4's placement on the ballot, this Court was asked to determine whether the amendment met the legal requirements under Florida's Constitution. On March 6, 2017, during a colloquy between the justices and Amendment 4's sponsor, Floridians for a Fair Democracy ("Sponsor"), this Court was assured the Amendment presented a "fair question" and "clear explanation" to voters. Transcript of Oral Argument at 2, Advisory Op. to the Attorney General Re: Voting Restoration Amend., 215 So. 3d 1202 (Fla. 2017) (Nos. SC16-1785 and

Honorable Charles T. Canady and the Justices of the Supreme Court of Florida August 9, 2019 Page 2

SC16-1981). Addressing a question posed by Justice Polston as to whether "completion of [all] terms" included "full payment of any fines," the Sponsor responded, "Yes, sir... All terms means all terms within the four corners." *Id.* at 4. Justice Lawson similarly asked, "You said that terms of sentence includes fines and costs... that's the way it's generally pronounced in criminal court, would it also include restitution when it was ordered to the victim as part of the sentence?" *Id.* at 10. The Sponsor answered, "Yes." *Id.* Justice Pariente posited the inclusion of fees, fines, and restitution as part of the completion of sentence "would actually help the state because if fines, costs and restitution are a requirement... for those that want to vote, there's a big motivation to pay unpaid costs, fines and restitution." *Id.* at 11. Ultimately, the Court found Amendment 4 clearly and unambiguously informed voters the chief purpose of the proposed amendment was to "automatically restore voting rights to felony offenders, except those convicted of murder or felony sexual offenses, *upon completion of all terms of their sentence*." *Advisory Op.*, 215 So. 3d at 1208 (emphasis added).

In alignment with the colloquy with the Florida Supreme Court, after Amendment 4 was approved by voters, the ACLU of Florida, League of Women Voters of Florida, LatinoJustice, and the Florida Rights Restoration Coalition delivered a letter to former Secretary of State Ken Detzner regarding implementation of Amendment 4. Exhibit 1, December 13, 2018 Letter. In part, the letter explained,

The phrase "completion of all terms of sentence" includes any period of incarceration, probation, parole and financial obligations imposed as part of an individual's sentence. The financial obligations may include restitution and fines, imposed as part of a sentence or a condition of probation under existing Florida statute. Fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for 'completion of sentence' and thus, do not need to be paid before an individual may register. We urge the Department to take this view in reviewing eligibility of individuals registered to vote as outlined in Chapter 98, Florida Statutes.

Ex. 1, p. 3 (emphasis added).

During the 2019 Legislative Session, legislators in both chambers debated legislative implementation of Amendment 4. Ultimately, both chambers passed CS/SB 7066 and, on June 28, 2019, I signed it into law. See Ch. 2019-162, Laws of Fla. In relevant part, chapter 2019-162, section 25, Laws of Florida, creating section 98.0751, Florida Statutes, provided guidance on restoration of voting rights and determination of ineligibility pursuant to the amendment of Article VI, section 4 of the Florida Constitution. Section 98.0751, Florida Statutes, defines

¹ The transcript of oral argument is available here: https://wfsu.org/gavel2gavel/transcript/pdfs/16-1785_16-1981.pdf. A video of the oral argument is available here: https://wfsu.org/gavel2gavel/viewcase.php?eid=2421&jwsource=cl.

Honorable Charles T. Canady and the Justices of the Supreme Court of Florida August 9, 2019 Page 3

"[c]ompletion of all terms of sentence" as "any portion of a sentence that is contained in the four corners of the sentencing document." § 98.0751(2)(a), Fla. Stat. (2019). The Legislature provided five categories of terms included in the sentencing document: (1) release from any term of imprisonment; (2) termination of any term of probation or community control; (3) fulfillment of any term ordered by the court as part of the sentence; (4) termination from any term of supervision monitored by the Florida Commission on Offender Review; and (5) full payment of LFOs ordered by the court as part of the sentence. See § 98.0751(2)(a)1.-5., Fla. Stat. (2019).

On June 15, 2019, Luis Mendez filed a complaint in the Northern District of Florida seeking injunctive and declaratory relief and mandamus challenging chapter 2019-162, Laws of Florida. In part, Mendez alleges chapter 2019-162, Laws of Florida, violates Article VI, section 4 of the Florida Constitution because it adds requirements for the restoration of voting rights above what was prescribed in the Florida Constitution. Additional complaints were filed by numerous plaintiffs, including organizations referenced above, alleging provisions of chapter 2019-162, Laws of Florida violate the First, Eighth, Fourteenth and Twenty-Fourth Amendments of the United States Constitution. These challenges are only directed at chapter 2019-162, Laws of Florida, and do not question the constitutionality of Article VI, section 4 of the Florida Constitution.

Article IV, section 1(a) of the Florida Constitution prescribes the supreme executive power shall be vested in the Governor, that he "shall take care that the laws be faithfully executed" and "transact all necessary business with the officers of government." Article IV, section 6 of the Florida Constitution places direct administration and supervision of all functions of the executive branch, including the Department of State, under the constitutional authority of the Governor. See also § 20.02(3), Fla. Stat. (the administration of any executive branch entity shall at all times be under the constitutional executive authority of the Governor"); § 20.10, Fla. Stat. (creating the Department of State, headed by the Secretary of State who is appointed by the Governor). Furthermore, the Secretary of State is the chief elections officer with the responsibility to maintain uniformity in the interpretation and implementation of voter registration and election laws. See § 97.012, Fla. Stat.

The Executive Branch is entrusted with implementing voter registration. See Part II of chapter 97 and chapter 98, Fla. Stat. Specifically, section 98.075(5), Florida Statutes, directs the Department of State to identify registered voters for eligibility under Article VI, section 4 of the Florida Constitution and section 98.0751, Florida Statutes. It is ultimately my responsibility, through the Department of State, to "protect the integrity of the electoral process" by maintaining accurate and current voter registration records, including ensuring only eligible voters remain on the statewide voter registration system. See also §§ 98.075(1), 98.035, Fla. Stat. Essential to my duty is a proper interpretation of Article VI, section 4 of the Florida Constitution.

I, as Governor of Florida, have the constitutional responsibility and duty to take care that the Constitution and laws of Florida are faithfully executed. I, as Governor of Florida, have the constitutional duty to transact business with officers of government, including, but not limited to, local supervisors of elections, local clerks of court, the Florida Department of Corrections, the

Honorable Charles T. Canady and the Justices of the Supreme Court of Florida August 9, 2019 Page 4

Florida Department of Law Enforcement, the Florida Commission on Offender Review and the Florida Department of State regarding the collection of information related to the eligibility of voters under Article VI, section 4 of the Florida Constitution. We share the task of protecting the integrity of elections throughout Florida. I, as Governor of Florida, want to ensure the proper implementation of Article VI, section 4 of the Florida Constitution and, if applicable, chapter 2019-162, Laws of Florida. This includes the ability to direct the Department of State to fully implement Article VI, section 4 of the Florida Constitution by determining whether a convicted felon has completed *all* terms of their sentence, including the satisfaction of LFOs. I will not infringe on the proper restoration of an individual's right to vote under the Florida Constitution.

Understanding there is ongoing litigation in federal court challenging chapter 2019-162, Laws of Florida under the First, Eighth, Fourteenth and Twenty-Fourth Amendments of the United States Constitution, I do not ask this Court to address any issues regarding chapter 2019-162, Laws of Florida or the United States Constitution.

Therefore, I respectfully request an opinion of the Justices of the Supreme Court of Florida as to the question of whether "completion of all terms of sentence" under Article VI, section 4 of the Florida Constitution includes the satisfaction of all legal financial obligations—namely fees, fines and restitution ordered by the court as part of a felony sentence that would otherwise render a convicted felon ineligible to vote.

Sincerely,

Ron DeSantis









December 13, 2018

The Honorable Ken Detzner Secretary of State State of Florida R.A. Gray Building 500 South Bronough Street Tallahassee, Florida 32399

Re: Implementation of Amendment 4, the Voting Restoration Amendment

Dear Secretary Detzner:

On November 6, 2018, Florida voters approved Amendment 4, the Voting Restoration Amendment with a vote of 64.55 % in support, reflecting the clear will of the people of Florida that those individuals with felony convictions who have paid their debt to society have their eligibility to vote restored to them. We write to request that you take immediate administrative action to coordinate with relevant state and local agencies as required by Chapter 98 Florida Statues and to provide guidance to relevant state and local agencies on the proper administration of voting registration for this newly enfranchised population of Florida's citizens as soon as possible. To that end, we would like to take this opportunity to share our analysis and views on various provisions of the Amendment and corresponding issues.

Amendment 4 is Self-Executing

Amendment 4 is self-executing in that the mandatory provisions of the amendment are effective on the implementation date (Jan. 8, 2019). This is the very position that the State of Florida has acknowledged in its own legal filings in the *Hand v. Scott* case. The Amendment alters Florida Constitution Article VI, Section 4. Disqualifications, to state as follows:

- (a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.
- (b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights. [...].

That language is specific and unambiguous. As the Florida Supreme Court stated in its unanimous opinion approving the amendment for placement on the ballot, "Read together, the title and summary would reasonably lead voters to understand that the chief purpose of the amendment is to automatically restore voting rights to felony offenders, except those convicted of murder or felony sexual offences, upon completion of all terms of their sentence. (emphasis added.) Advisory Opinion to the Attorney General Re: Voting Restoration Amendment, 215 So. 2d 1202,1208 (Fla. 2017).

Since these mandatory provisions will now be in the Florida constitution, the Legislature does not need to pass implementing legislation in order for the amendment to go into effect. That said, the Legislature should exercise its normal and proper oversight function of relevant state agencies to ensure that they implement the amendment in accordance with the will of Florida's voters and without delay.

The burden is on the state, not the individual, to establish whether a voter is ineligible utilizing current administrative practices, databases and resources as defined in Chapter 98 and other relevant provisions of the Florida Statutes.

The plain language of the Amendment makes clear that it restores the voting rights of Floridians with felony convictions after they complete "all terms of their sentence including parole or probation." The Amendment does not apply to those who have completed a sentence for murder or a felony sex offense. Individuals in those categories can only have their right to vote restored by the Governor and the Board of Executive Clemency.

Pursuant to Article XI, Section 5 (3), the Amendment goes into effect on January 8, 2019. Thus, starting January 8th, any individual with a felony conviction who has completed all the terms of their sentence should register to vote by completing a voter registration form.

Completion of all terms of Sentence

The phrase "completion of all terms of sentence" includes any period of incarceration, probation, parole and financial obligations imposed as part of an individual's sentence. These financial obligations may include restitution and fines, imposed as part of a sentence or a condition of probation under existing Florida statute. Fees not specifically identified as part of a sentence or a condition of probation are therefore not necessary for 'completion of sentence' and thus, do not need to be paid before an individual may register. We urge the Department to take this view in reviewing the eligibility of individuals registered to vote as outlined in Chapter 98, Florida Statutes.

Existing Voter Registration Forms are Sufficient

We assert that the uniform stateside voter registration application is sufficient to immediately register individuals impacted by the Amendment's provisions. Question #2 of that form asks individuals to "affirm that I am not a convicted felon, or if I am, my right to vote has been restored." The responsibility of the citizen is to honestly affirm that, by completing the terms of their sentence, their voting rights have been restored. Individuals may also register via the Florida Online Voter Registration System at https://registertovoteflorida.gov/.

Process to Confirm Eligibility is Already in Place

The existing provisions of Chapter 98 of the Florida Statutes provide the Department with sufficient authority to coordinate across state and local agency databases to identify impacted individuals, to promptly and efficiently register to vote those individuals who wish to do so, and to confirm their eligibility in the same way the Department confirms the eligibility of all other Florida residents when they complete a voter registration application.

We understand that the current registration process includes the following steps:

- An individual returns a completed voter registration form to the Supervisor of Elections;
- The Supervisor transmits an electronic copy of the application to the Department of State Division of Elections;
- The individual who completed the form is at that time considered registered and will receive a voter ID card in the mail;
- The Department of State then has the duty to review the voter's registration to determine
 if there is credible information that the voter is ineligible;

This is the very same process that should be used to register those impacted by Amendment 4.

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In closing, we appreciate the difficult task you face in administering elections in Florida. We hope that the discussion above will help you ensure that Amendment 4 is implemented in a timely and smooth fashion, without delay or undue burden on individual eligible voters. Florida's citizens spoke clearly on election day and we look forward to working with you to ensure their will is carried out.

Thank you for your attention to this important matter.

Sincerely,

Desmond Meade,

Executive Director, Florida Rights

Restoration Coalition

Patricia Brigham,

President

League of Women Voters of Florida

Melba Pearson,

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cc: Maria Matthews, Director, Division of Elections

Florida State Association of Supervisor of Elections