

# GUIDELINES TO REGISTER PERSONS TO VOTE AFTER FEDERAL COURT RULING



1. **Use the old (2013) Voter Registration Form only.** A federal judge ruled that the new form (2019) violates the National Voter Registration Act because it asks for unnecessary information.
2. **Ask them if they have any questions about the application. If they say “no,” let them fill it out.** If they tell you that they have a felony conviction, then ask if their offense(s) had anything to do with someone dying or if it involved anything sexual. If they say “yes” then they need to review the list of crimes that do not get the benefit of Amendment 4. (The list of exceptions was created by Florida Statute 98.0751/ SB 7066. If any of their offense(s) is on the list of excluded offenses, then they cannot register to vote unless they get clemency from the governor by filing an individual case). [www.fcor.state.fl.us/clemency.shtml](http://www.fcor.state.fl.us/clemency.shtml)

.....▶ **NO VOTER REGISTRATION**

**People who have completed probation and parole and do NOT have felony convictions on the list of excluded offenses, and who meet the criteria of any ONE of paragraphs 3 through 7 below, can register to vote if:**

3. They have no outstanding financial obligations in their sentence. ....▶ **VOTE**
4. They only have unpaid court costs and fees. COURT ORDER SAYS: Court costs and fees are charged to pay for the judiciary which is part of the government. Taking money from people to pay for government is a tax and the state cannot charge taxes to vote.  
.....▶ **VOTE**
5. The person:
  - a. used a public defender for their last felony, or
  - b. their fines and restitution in their sentence were converted to a civil lien, or
  - c. they file a financial affidavit with their Voter Registration Application that would meet the criteria to be awarded a public defender, then it is presumed that they have an inability to pay and they can register to vote and vote. The Division of Elections can only prevent the person from voting by showing credible reasonable evidence to the voter that the voter actually has an ability to pay. This is unlikely to happen and the Division has to give the voter notice and an opportunity to respond before canceling their registration.

.....▶ **VOTE**

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6. If the person is unsure of their sentence then they should not register to vote until they make good faith efforts to find out what their sentence is. To get their records, they can go to the court where they were sentenced or go online to see if the records can be obtained that way. The public libraries have internet access and computers to assist. Once they learn what their sentence is then run through the analysis above to see if they should vote. **If after a good effort to determine amount of their financial obligations, they are still unable to figure it out because of missing or conflicting records then they can register to vote and vote.** COURT ORDER SAYS: If the government has inadequate records that should not harm an individual and prevent them from voting.

.....▶ **VOTE**

7. If the person is unsure about whether they can afford to pay their restitution, THE COURT ORDER SAYS: They may **REQUEST AN ADVISORY OPINION from the Division of Elections (DOE)** to answer what amount of fines and restitution they have to pay before they can vote. They may also send in an affidavit to the DOE showing that they have an inability to pay. If the DOE does not answer them in twenty-one days, then they can register to vote and vote and the state cannot initiate or assist any prosecution for registering to vote or voting. **This is a very important benefit.**

.....▶ **VOTE**

8. **BUT if they have unpaid fines or restitution and they have an ability to pay,** then they will have to pay the restitution and fines before they can vote.

.....▶ **NO VOTER REGISTRATION**

9. Finally, tell them that the LWzVFL has provided training to lawyers who are able to provide pro bono help to returning citizens if they need assistance. That training is at [LWVFL.org/cle](http://LWVFL.org/cle). We are partnering with the Florida Rights Restoration Coalition (FRRRC) who will try to connect them to a pro bono attorney who can help them regain their voting rights. Refer them to the FRRRC. **1-877-MYVOTE-0** (1-877-698- 6830). **Email:** [ffp@floridarrc.org](mailto:ffp@floridarrc.org). Based on the FRRC's internal guidelines, FRRRC might also be able to provide additional help with paying their financial obligations from their felony conviction.