UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

JAMES MICHAEL HAND, et al.,	)	
	)	
Plaintiffs,	)	
	)	**CIVIL ACTION**
v.	)	
	)	**CASE NO. 4:17-cv-00128-MW-CAS**
RICK SCOTT in his official capacity as Governor of Florida and member of the State of Florida's Executive Clemency Board, et al.,	)	
	)	
Defendants.	)	
	)	

SUPPLEMENTAL MEMORANDUM REGARDING REMEDY IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

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1. Proposed order

Plaintiffs have attached a Proposed Order as Exhibit A for the Court's consideration.

2. Proposed remedy

a. Plaintiffs' proposal

The Court has made clear that it will not invoke First Amendment precedents on arbitrary restraint-and-licensing schemes to enjoin felon *disenfranchisement* in Florida as to the Plaintiff Class, in light of *Richardson v. Ramirez*, 418 U.S. 24, 53–

56 (1974). Accordingly, there is no need to rule on Plaintiffs' Motion for Class Certification and, if permitted, Plaintiffs now withdraw it.

In its February 1, 2018 order, this Court suggests that it wants a remedy that is "neutral, transparent, and uniform to all former felons" but also not unduly "burdensome." DE 144 at 17-18 & n.10. While there may appear be no limit on the number of possible non-arbitrary, objective, "neutral, transparent, and uniform" restoration schemes that might be crafted, only so many will truly remedy the totality of the violations the Court has found in this case, and still fewer will obviate the need for further constitutional litigation over the worst voting rights crisis in America.

Plaintiffs' bottom line is as follows. Since the Court has found the five- and seven-year waiting periods are "reasonable restrictions" which do not violate the First and Fourteenth Amendments, *id.* at 37-38, Plaintiffs propose that this Court order the restoration of the right to vote to all persons with felony convictions immediately following the completion of any waiting period of a specified duration of time set forth in Florida state law or the Rules of Executive Clemency. Currently, the Rules require a felon to wait five or seven years after sentence completion before he or she is eligible for restoration of civil rights. Such an order will effectively eliminate the requirement for ex-felons to affirmatively apply for restoration and eliminate the state's obligation to investigate each ex-felon in the State of Florida

prior to making what this Court has found must be an objective determination made in a timely fashion. If the Court adopts this approach, Plaintiffs respectfully request that this Court not set forth a specific number of years for any such pre-restoration waiting period. This will preserve the possibility of changing or eliminating these waiting periods by any lawful means, including but not limited to constitutional amendment, legislation, or Board rulemaking. Future Executive Clemency Board ("Board") members will have the flexibility to modify or eliminate the existing waiting periods, which were imposed for the first time in 2011 at the start of Defendant Governor Scott's administration. DE 85-15 at 127-31. Such waiting periods are not set forth in the Florida Constitution or in Florida statutes. FLA. CONST. art. VI, § 4(a), FLA. STAT. ANN. § 97.041(2)(b), FLA. CONST. art. IV, § 8, FLA. STAT. ANN. § 944.292(1). And Florida voters will of course retain the power to approve the restoration ballot question (Ballot Question Number 4), which has qualified for the November 6, 2018 general election and would change the Florida Constitution to provide for automatic restoration upon sentence completion for most felony convictions.[1] If the Court adopts this approach, Plaintiffs respectfully request that the Court make it explicit in the injunction that the order does not preclude

[1] *See* Florida Department of State, Division of Elections, Voting Restoration Amendment 14-01, *available at* http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64388&seqnum=1.

and/or limit future modification or elimination of the pre-restoration waiting period(s), by any means including but not limited to: Florida's constitutional amendment process, legislation, or Board rulemaking. What follows is Plaintiffs' reasoning in support of this proposal.

b. "Objective" factors and criteria for restoration based on confidential case analyses

Because the parties' briefs are due simultaneously, Plaintiffs have not had the opportunity to review Defendants' arguments.[2] However, Plaintiffs suspect that Defendants will advance objective versions of the wide-ranging criteria and/or factors they investigate and set forth in the confidential case analyses ("CCAs") and then use (or not) in their subjective, discretionary, and arbitrary determinations. However, such a proposal would hold ex-felons to a higher eligibility standard than the electorate at large, needlessly delaying restoration for requirements and rules that are not and never have been imposed on eligible, non-felon voters. The CCAs review the following criteria and/or factors:

- Felony convictions;
- Circumstances of the offense(s);
- Applicant's version of offense(s);
- Co-defendant information/status;
- Prior record;
- Subsequent record;
- Traffic record;
- Domestic violence information/injunction;

[2] Respectfully, the Court might consider giving the parties two days until February 14 to respond to opposing counsel's briefs.

- Child support/child identification;
- Citizenship;
- Alcohol/drug abuse history;
- Employment;
- Military history;
- Judicial/State Attorney comments;
- Expressions of interested citizens;
- Statement of reasons for requesting RCR and attitude of applicant;
- Voter registration information; and
- Florida Commission on Offender Review's information.

DE 100-1—DE 100-8 (filed under seal).

Just two of the above factors or criteria are directly connected to Florida's voting eligibility requirements: felony convictions and U.S. citizenship status. All ex-felons restored to their voting rights need to register to vote like all other voters.

A restoration applicant's prior record and subsequent record are not relevant to a uniform, non-arbitrary, and non-discriminatory restoration scheme. Any criminal convictions short of a felony, as well as civil infractions of course, are not disenfranchising, and any new felony convictions will be automatically disenfranchising. Florida has not disenfranchised misdemeanants since the 1968 Florida Constitution was ratified, FLA. CONST. art. VI, § 4(a), and countless eligible voters in Florida's electorate have misdemeanor convictions. Therefore, misdemeanor convictions are not relevant to any non-arbitrary restoration scheme in keeping with the relevant Florida laws. To delay or deny restoration to an ex-felon who has completed their full sentence based upon one or more misdemeanor convictions would be to hold ex-felons to a higher standard than the rest of the

eligible electorate. The denial of reenfranchisement is the perpetuation of disenfranchisement, and disenfranchisement is not permitted for misdemeanor convictions under Florida state law. For this reason, a requirement to be misdemeanor-free would invite further litigation asserting that such a requirement lacks "a rational relationship to the achieving of a legitimate state interest" under *Shepherd v. Trevino*, 575 F.2d 1110, 1115 (5th Cir. 1978) (stating that a felon reenfranchisement requirement or criterion must bear "a rational relationship to the state's interest in limiting the franchise to responsible voters").

Aside from the specific type of felony conviction, the length and details of a criminal record have also never been relevant to felon disenfranchisement in Florida. Therefore, for this additional reason, the prior and subsequent records of ex-felons are irrelevant to any uniform reenfranchisement scheme in keeping with the constitutional and legislative choices Florida voters and their representatives have made over the last 180 years, since the 1838 Constitution. Furthermore, current Rule 9 of the Board's rules problematically delays restoration of civil rights based on mere arrests. DE 85-15 at 127. This is constitutionally suspect, since it tramples the basic presumption of innocence enshrined in the Sixth Amendment right to a trial by jury. The state could not lawfully disenfranchise a person for a mere arrest or criminal charge, so the state should not be permitted to delay restoration of civil rights on this basis either.

Next, the circumstances of the offense and the applicant's version of the offense are not relevant to a non-arbitrary, objective, and uniform restoration process. Consideration of the circumstances of individual crimes and the applicant's version of events not only re-tries the crimes but injects an element of arbitrary and inconsistent reassessment into a process that this Court has held must be non-arbitrary and free from the taint or even risk of viewpoint, race, religious, wealth, or any other form of discrimination. These factors can serve no function other than to taint the process with arbitrary, inconsistent evaluations of old crimes.

Lengthy or egregious records of traffic violations and domestic violence are sadly all too common amongst eligible voters. But unless these arrests, charges and/or infractions have resulted in a felony conviction, there is no rational basis to apply more stringent requirements to persons with felony convictions who are seeking restoration. Countless eligible voters in Florida have been issued speeding tickets, driven with a suspended license, and/or failed to stop at a traffic signal.[3] Countless eligible voters have been arrested for suspected domestic violence and then released and not prosecuted. Florida does not disenfranchise these individuals, and the Court should not countenance any argument that *continued*

[3] According to the Florida Department of Highway Safety and Motor Vehicles, in 2016, there were 1,983,598 non-criminal moving violations and 796,973 non-moving infractions. Florida Department of Highway Safety and Motor Vehicles Annual Uniform Traffic Citation Report (2016), *available at* https://services.flhsmv.gov/specialtyplates/uniformtrafficcitationreport.

disenfranchisement on the same grounds is somehow valid for former felons who have completed their sentences.

Alcohol and drug abuse are also rampant in our society and by no means limited to convicted felons or ex-felons. To suggest otherwise by focusing on ex-felons' struggles with substance abuse is to hold them to a higher standard than the electorate and perpetuate their disenfranchisement by imposing a test that has not been, would never and could never lawfully be applied to non-felon voters.

The Board also reviews applicants' history of registration and voting as an ex-felon, if any. These individuals have not been convicted; otherwise they would be independently disenfranchised by reason of a third-degree state felony conviction. *See* FLA. STAT. ANN. § 104.011 (willfully submitting false voter registration information constitutes a third-degree felony); FLA. STAT. ANN. § 104.15 (ineligible individuals who willfully vote guilty of third-degree felony). These crimes require a showing of willful intent. Almost all persons with felony convictions who register and cast a ballot do so out of ignorance of the law and because they are sometimes given misinformation. The Defendants' Board hearings over the years are replete with examples of applicants pleading that they would never have registered or voted if they had known it was illegal or that they received a mailing or information from a local or state office that made them believe they had regained their rights upon sentence completion. DE 102 at 28 & n.56. Even Board

members have stated that there is widespread public confusion because corrections and other state and local officials are doing a woefully inadequate job of educating returning citizens on felon disenfranchisement and the restoration process.[4] Because many do not know what "restored" means as a legal term when they read it on the Florida voter registration form or elsewhere, many of these individuals understandably assume that their right to vote was restored when they completed their full sentence including parole, probation and any other period of supervised release. Again, if there is no felony conviction for a willful violation of the voting eligibility requirements, then there should be no continued disenfranchisement. A person could not be disenfranchised by reason of an instance of illegal voting, unless s/he was prosecuted and convicted.

The remaining factors and criteria have zero place in a non-arbitrary, non-discriminatory, and uniform restoration system. Employment and military service are commendable, but as these are not – and could not constitutionally be made –

[4] At the June 15, 2006 hearing, Governor Bush noted it is "common" for ex-felons to be misinformed or confused about their ineligibility. DE 102 at 28 n.56 (DE 96-3, Executive Clemency Board Hearing (June 15, 2006) (transcript at 104-08)). Defendant Commissioner Putnam said the following at the September 20, 2012 Board hearing: "Clearly supervisors [of elections] aren't doing a good job educating people what they can and can't do, and our corrections obviously is not giving clear guidance in their exit packets. As a member of the Executive Clemency Board, I think we should ask for some kind of recommendation from the Parole Commission on how to make it clear what people can and can't do." DE 101-151, Hearing (Sept. 2012) (video, Disc 2 at 00:36:06-00:37:00).

prerequisites for voting, unemployment and a lack of military service cannot be grounds for continued disenfranchisement. The unemployed, including retirees, and individuals without military service vote all the time. Delinquency on child support is not unique to felons or ex-felons and can play no lawful role in a non-arbitrary, objective scheme for voting rights restoration. Finally, judicial/state attorney comments, the statements of interested citizens, the applicant's attitude, his/her reasons for regaining civil rights, and the Florida Commission on Offender Review's recommendation are all inherently subjective and can serve no function in a non-arbitrary restoration scheme governed by objective, uniform rules.

Prior to this Court's ruling on the cross-motions for summary judgment, it was the Board's practice to use the above factors and criteria – in haphazard and inconsistent fashion – to assess whether someone had "turned his/her life around" or sufficiently shown remorse, in their view. But, as this Court has noted, those standards are hopelessly subjective and applied in wildly inconsistent ways. DE 144 at 18. Making these criteria nominally objective will still result in an arbitrary process because some of this information can only be supplied by the applicant and not all applicants will volunteer this information. These criteria have no place in a non-arbitrary restoration scheme. As the Court has held, the First Amendment does not tolerate subjecting rights of free expression and association to arbitrary decision-

making based on whim, subjective beliefs, and/or randomly applied criteria and information.

If currently eligible voters can be "responsible voters," *see Shepherd*, 575 F.2d at 1115, notwithstanding extensive traffic violations short of a felony conviction, extensive domestic violence records short of a felony conviction, alcohol and/or drug abuse short of a felony conviction, unlawful registration and/or voting short of a felony conviction (prior to becoming eligible), unemployment, and a lack of military service, then there is no rational basis to conclude that ex-felons who have completed the full terms of their incarceration, parole, probation and any supervised release cannot be "responsible voters," notwithstanding any negative marks regarding the CCA factors. A different restoration scheme based on objective versions of these arbitrarily selected criteria – which have never been used as litmus tests for eligible voters at large – would invite further litigation because such requirements lack "a rational relationship to the achieving of a legitimate state interest," specifically "the state's interest in limiting the franchise to responsible voters." *Shepherd*, 575 F.2d at 1115.

Further, it should be underscored that the state does not continue to monitor individuals who have been previously restored to their voting rights, as to any of the above criteria and factors from the CCAs. Those individuals have criminal records but, once restored to their civil rights, they are released from the state's scrutiny and

would never have to prove they satisfy these criteria in order to register and vote. Accordingly, ex-felon applicants for restoration must not be forced to jump through those hoops.

Imposing a list of (even objective) factors and criteria will also necessarily require levels of individualized investigation, document review, and paperwork from the Office of Clemency Investigations and the Office of Executive Clemency similar to the current unconstitutional system, which will inevitably delay the process for restoration and keep the restoration applicant backlog lengthy. This Court also granted Plaintiffs summary judgment on Count Three, finding the First Amendment prohibits the lack of any reasonable, definite time limits for processing restoration of voting rights applications. To impose such criteria or requirements is necessarily to increase the length of time that restoration applicants will be forced to wait for an ultimate decision with or without a hearing, even if officials redirect more resources and staff to processing and investigating these applications. As it stands, there are already 10,377 pending applications that need to be cleared, with many years old and at least some pushing a decade old. DE 102 at 4-5 & n.7, 46 & n.139. If the Court preserves a restoration process that involves detailed investigation of each applicant against a range of criteria, it will still take years just to clear the existing backlog, and Count Three's First Amendment violation will not be redressed. Because Plaintiffs propose a remedy that does not involve any state investigation

and evaluation of criteria and obviates the need for an application, Plaintiffs do not propose any time limit for processing and issuing decisions on restoration applications.

3. Other possible uniform, objective requirements

If this Court agrees with Plaintiffs that the above criteria and factors previously incorporated into the CCAs – even if rendered neutral, objective, and uniform – would perpetuate the restoration scheme's arbitrariness, add to the Board's delays and backlog, and/or impose new unconstitutional requirements, then what remains? The state may nevertheless argue for other sorts of theoretically uniform, neutral reenfranchisement requirements, including but perhaps not limited to: (1) the preservation of an affirmative application requirement, a cumbersome process for ex-felons, requiring assembling all their criminal case documents, DE 85-17; and (2) a waiting period of some specified duration.

i. An Application Requirement

The requirement to submit an application would serve no purpose in a non-arbitrary, non-discriminatory, uniform scheme. The state should not need to affirmatively grant a person his/her voting rights. The former felon who wants to register and vote should simply have an objective rule to follow and apply. If the Court agrees that even objective versions of the CCA criteria and factors need not and/or cannot lawfully be imposed, then there is no need for an application

requirement. If the Court did impose one or more modified, objective requirements or criteria from the CCAs, there would *still* be no need for an application requirement. A former felon can review the objective requirements and determine whether s/he is presently eligible to vote.

Additionally, if the application requirement is eliminated, then there is no need to set a definite time limit for processing and deciding restoration applications—the remedy for Count 3 will be a moot point. If, however, the Court does preserve an application process, the length of a reasonable, definite time period for processing and rendering a decision on a restoration application would turn on what, if any, other requirements the applicant must fulfill and what bureaucratic investigations, procedures, and paperwork would be required by those criteria and/or requirements.

If this Court agrees with Plaintiffs' proposed remedy, Plaintiffs respectfully request that this Court expressly enjoin the affirmative application requirement.

ii. Waiting Periods

The Court has found the five- and seven-year waiting periods are "reasonable restrictions" and do not violate the First and Fourteenth Amendments. DE 144 at 37-38. Accordingly, Plaintiffs propose that this Court order the restoration of the right to vote for all ex-felons immediately following the expiration of any pre-restoration waiting period set forth in the Rules of Executive Clemency or any

superseding Florida state law. At present, the Rules provide for five and seven pre-application waiting periods following sentence completion, which would become pre-*restoration* waiting periods. DE 85-15 at 127, 131.[5]

Such an order will effectively eliminate the requirement for ex-felons to affirmatively apply for restoration and eliminate the need for the state to investigate each ex-felon in the State of Florida prior to making what must be an objective determination. If the Court adopts this approach, Plaintiffs respectfully request that this Court not set forth a specific number of years for any such pre-restoration waiting period. This will preserve the flexibility of future Board members to modify or eliminate the existing waiting periods, which were imposed by the Board for the first time in 2011,[6] and preserve Florida voters' opportunity to approve an amendment to the state Constitution, creating a uniform rule of automatic restoration upon sentence completion for most felony convictions.[7] If the Court adopts this approach, Plaintiffs respectfully request that the Court explicitly state in the

[5] No waiting periods are set forth in the Florida Constitution or in Florida statutes. FLA. CONST. art. VI, § 4(a), FLA. STAT. ANN. § 97.041(2)(b), FLA. CONST. art. IV, § 8, FLA. STAT. ANN. § 944.292(1).

[6] As far as Plaintiffs' research has revealed, no previous gubernatorial administration has imposed a pre-application waiting period above and beyond the completion of the full sentence. Florida's state legislators and constitutional framers have never adopted such a requirement.

[7] *See* Florida Department of State, Division of Elections, Voting Restoration Amendment 14-01, *available at* http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64388&seqnum=1.

injunction that the order does not preclude the Board from changing or eliminating any uniform, pre-restoration waiting periods and does not preclude Ballot Question Number 4 from taking effect, if approved by the voters in November.

Defendants have argued the waiting period allows them to wait and see whether the applicant is leading a reformed life, *i.e.* has "demonstrate[d] rehabilitation through their post-sentence conduct." DE 137 at 18-20. Since even objective reincarnations of the CCA factors and criteria previously invoked in the unconstitutional restoration scheme lack a rational connection to voting and would not serve any rational distinction from countless eligible voters, there is no function for a waiting period where there is no need to evaluate anything. Defendants would surely disagree, arguing that they want to ensure that felons go felony-free for a certain period of time before they are granted their rights back. But a waiting period is redundant because these individuals have already successfully completed any parole, probation, and/or supervised release.

Nevertheless, the Court found that the waiting periods did not violate the First and Fourteenth Amendments. Accordingly, if Florida proposes to maintain such a waiting period – even in the absence of an application requirement and in the absence of criteria for the state to investigate and weigh – Plaintiffs ask that it be limited to whatever period is set forth in Florida state law and rules, that the Court not set a fixed, immutable number of years. Respectfully, there is no reason for this Court to

enshrine in its injunction a requirement that was so recently imposed and could so readily be changed. It would better service justice in this case to preserve the possibility of further reform as a matter of state law through constitutional amendment, legislation, or a vote of the Board members.

Felon reenfranchisement policies nationwide are a significant source of guidance for this Court. Thirty-eight states and the District of Columbia automatically restore the voting rights of persons with felony convictions at a time certain.[8] Thirty-seven of those states restore voting rights upon release from

[8] Maine and Vermont do not disenfranchise felons, even while they are incarcerated. ME. CONST. art. II, § 1; VT. STAT. ANN. tit. 28, § 807(a). There are four categories of automatic restoration schemes: (1) D.C. MUN. REGS. tit. 3 § 500.2; HAW. REV. STAT. § 831-2(a)(1); ILL. CONST. art. III, § 2, 730 ILL. COMP. STAT. 5/5-5-5; IND. CODE §§ 3-7-13-4, 3-7-13-5; MD. CODE ANN. ELEC. LAW § 3-102(b)(1); MASS. CONST. amend. art. III, MASS. GEN. LAWS ch. 51, § 1; MICH. COMP. LAWS § 168.758b; MONT. CONST. art. IV, § 2, MONT. CODE ANN. § 46-18-801(2); N.H. REV. STAT. ANN. §§ 607-A:2, 607-A:3; N.D. CENT. CODE ANN. §§ 12.1-33-01, 12.1-33-03; OHIO REV. CODE ANN. § 2961.01(A); OR. REV. STAT. § 137.281(7); 25 PA. CONS. STAT. §§ 2602(t), 2602(w) 3146.1, http://www.votespa.com/en-us/Pages/Convicted-Felon.aspx; R.I. CONST. art. II, § 1; UTAH CODE ANN. § 20A-2-101.5(2) (automatic restoration upon release from incarceration); (2) CAL. ELEC. CODE § 2101(a); COLO. CONST. art. 7, § 10; COLO. REV. STAT. § 1-2-103(4); CONN. GEN. STAT. §§ 9-46, 9-46a; N.Y. ELEC. LAW § 5-106(3) (automatic restoration after completion of parole, but prior to the end of probation); (3) ALASKA STAT. § 15.05.030; ARK. CONST. amend. 51, § 11(d); DEL. CODE ANN. tit. 15, §§ 6103, 6104 (automatic restoration except permanent disenfranchisement for certain disqualifying felony convictions); GA. CONST. art. II, § I, para. III; IDAHO CODE ANN. § 18-310(2); KAN. STAT. ANN. §§ 21-6613, 22-3722; LA. CONST. art. I, §§ 10, 20; MINN. STAT. § 609.165; MO. REV. STAT. § 115.133; N.J. STAT. ANN. §§ 2C:51-3, 19:4-1(8); N.M. STAT. ANN. § 31-13-1; N.C. GEN. STAT. ANN. §§ 13-1, 13-2; OKLA. STAT. tit. 26, § 4-101; S.C. CODE ANN. § 7-5-120(B); S.D. CODIFIED LAWS § 24-5-2; TEX. ELEC. CODE ANN. § 11.002; WASH. REV. CODE § 29A.08.520(1); W. VA.

incarceration, parole and/or probation, and one state, Nebraska, restores voting rights at the end of a two-year waiting period. A few additional states have non-arbitrary schemes for restoring the right to vote to some categories of felons.[9] Ordering restoration following a waiting period – as defined in Florida law and/or rules – would be the strictest automatic restoration scheme in the country, with current 5- and 7-year waiting periods which exceed the 2-year waiting periods in Nebraska (for all felons) and Nevada (for some felons). But such a structure would still move Florida into the mainstream of state policies on felon reenfranchisement. Only four states in the country still have purely discretionary, arbitrary restoration schemes for *all* ex-felons.[10]

CODE § 3-2-2; WIS. STAT. § 304.078(2) (automatic restoration following completion of parole and probation); and (4) NEB. REV. STAT. ANN. § 29-112 (automatic restoration two years after completion of sentence).

[9] ALA. CODE §§ 15-22-36, 15-22-36.1 (non-discretionary executive restoration for certain felony convictions upon satisfaction of objective criteria, but permanent disenfranchisement for murder, treason and various sex offenses); ARIZ. REV. STAT. ANN. §§ 13-905–13-912 (discretionary judicial restoration for individuals with two or more felony convictions, but automatic restoration for first-time offenders); NEV. REV. STAT. § 213.157 *as amended by* 2017 Nevada Laws Ch. 362 (A.B. 181) (discretionary judicial restoration for individuals with multiple felony convictions, if previously convicted for more serious, violent offenses and/or two or more offenses; otherwise, automatic restoration immediately upon release or following two-year waiting period for Category B felonies); WYO. STAT. ANN. § 7-13-105 (discretionary executive restoration for all felony convictions but automatic restoration for non-violent first-time felony convictions).

[10] FLA. CONST. art. VI, § 4 (executive restoration for all felony convictions); IOWA CODE § 914.2 (executive restoration for all felony convictions); KY. CONST. § 145 (executive restoration for all felony convictions); VA. CONST. art. II, § 1 (executive restoration for all felony convictions).

Plaintiffs James Michael Hand, Joseph James Galasso, Harold Gircsis, Jr., Christopher Smith, William Bass, Jermaine Johnekins, Virginia Atkins, James Exline, and Yraida Leonides Guanipa finished their full sentences in 2002, 2004, 2003, 1997, 2008, 1998, 2003, 2009, and June 2012, respectively. Ordering restoration of persons with felony convictions following the current pre-application or, under this proposal, pre-*restoration* waiting periods would immediately restore the rights of 8 of the 9 plaintiffs. Plaintiff Yraida Guanipa would be restored to her civil rights in June 2019.

DATED: February 12, 2018 Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2018, a true and correct copy of the foregoing document was served upon counsel for Defendants, including those listed below, by filing it in the Court's NextGen CM/ECF system.

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7.1(F) of the Local Rules of the Northern District of Florida, I certify that the foregoing Supplemental Memorandum Regarding Remedy in Support of Plaintiffs' Motion for Summary Judgment contains 4,399 words.

February 12, 2018

/s/ Jon Sherman
Attorney for Plaintiffs