

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
Gainesville Division**

JEFF GRUVER, EMORY MARQUIS )  
"MARQ" MITCHELL, BETTY RIDDLE, )  
KRISTOPHER WRENCH, KEITH IVEY, )  
KAREN LEICHT, RAQUEL WRIGHT, )  
STEVEN PHALEN, CLIFFORD TYSON, )  
JERMAINE MILLER, FLORIDA STATE )  
CONFERENCE OF THE NAACP, ORANGE )  
COUNTY BRANCH OF THE NAACP, AND )  
LEAGUE OF WOMEN VOTERS OF )  
FLORIDA, )

*Plaintiffs,*

v.

KIM A. BARTON, in her official capacity as )  
Supervisor of Elections for Alachua County, )  
PETER ANTONACCI, in his official capacity as )  
Supervisor of Elections for Broward County, )  
MIKE HOGAN, in his official capacity as )  
Supervisor of Elections for Duval County, )  
CRAIG LATIMER, in his official capacity as )  
Supervisor of Elections for Hillsborough County, )  
LESLIE ROSSWAY SWAN in her official )  
capacity as Supervisor of Elections for Indian )  
River County, MARK EARLEY in his official )  
capacity as Supervisor of Elections for Leon )  
County, MICHAEL BENNETT, in his official )  
capacity as Supervisor of Elections for Manatee )  
County, CHRISTINA WHITE, in her official )  
capacity as Supervisor of Elections for Miami- )  
Dade County, BILL COWLES, in his official )  
capacity as Supervisor of Elections for Orange )  
County, RON TURNER, in his official capacity )  
as Supervisor of Elections for Sarasota County, )  
and LAUREL M. LEE, in her official capacity as )  
Secretary of State of the State of Florida, )

*Defendants.*

**Complaint**

No: \_\_\_\_\_

## **COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF**

This lawsuit challenges Florida’s new law, SB7066, which unconstitutionally denies the right to vote to returning citizens with a past felony conviction based solely on their inability to pay outstanding fines, fees, or restitution.<sup>1</sup> Plaintiffs allege as follows:

### **PRELIMINARY STATEMENT**

1. On November 6, 2018, a supermajority of nearly 65 percent of Florida voters—more than 5 million people—approved one of the largest expansions of voting rights in the United States since the passage of the Voting Rights Act of 1965. In enacting the Voting Restoration Amendment, known as Amendment 4, voters revised the Florida Constitution to abolish permanent disenfranchisement of nearly all citizens convicted of a felony offense. Amendment 4 automatically restored voting rights to over a million previously disenfranchised Floridians who had completed the terms of their sentences including parole or probation—ending a broken system that disenfranchised more than 10 percent of *all* of the state’s voting-age population and more than 20 percent of its African American voting-age population, *Hand v. Scott*, 285 F. Supp. 3d 1289, 1310 (N.D. Fla. 2018). Its passage was a historic achievement for American

---

<sup>1</sup> This document refers to persons with felony convictions as “returning citizens” throughout.

democracy and made clear that Florida voters intended to end lifetime disenfranchisement and give their fellow citizens a voice in the political process.

2. Florida’s prior disenfranchisement provision originated in the 1860s, as part of Florida’s prolonged history of denying voting rights to Black citizens and using the criminal justice system to achieve that goal. From the shadow of that history, voters overwhelmingly chose to expand the franchise to persons previously excluded. Floridians recognized, as the United States Supreme Court has, that “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

3. This action challenges the attempt by certain Florida lawmakers to vitiate Amendment 4’s enfranchising impact by making restoration of voting rights contingent on a person’s wealth. Amendment 4’s language is clear and simple—individuals with a conviction for any felony other than murder or a sexual offense will have their voting rights “restored upon completion of all terms of sentence including parole or probation.” Yet, on June 28, 2019, Governor Ron DeSantis signed legislation—which the Senate and House ultimately passed along party line votes—that attempts to drastically claw back the voting rights conferred by Amendment 4 and retract Plaintiffs’ right to vote. SB7066 provides that returning

citizens are not eligible to register or vote until they settle *any* form of legal financial obligation (“LFO”) that arises from their conviction—even if those returning citizens will never be able to pay outstanding balances, and even where their outstanding debt has been converted to a civil lien.

4. SB7066 conditions Plaintiffs’ right to vote on their wealth and penalizes returning citizens who are unable to pay, in violation of the First, Fourteenth, Fifteenth, and Twenty-Fourth Amendments and the Ex Post Facto Clause of the U.S. Constitution. If not enjoined, the law will have a massive disenfranchising effect, and result in sustained, and likely permanent, disenfranchisement for individuals without means.<sup>2</sup> It creates two classes of returning citizens: those who are wealthy enough to vote and those who cannot afford to. This disenfranchisement will be borne disproportionately by low-income individuals and racial minorities, due to longstanding and well-documented racial gaps in poverty and employment.

---

<sup>2</sup> The Florida Clerk of the Courts Association anticipates that 83 percent of all legal financial obligations will remain unpaid, due to the payor’s financial status. See Daniel Rivero, *Felons Might Have to Pay Hundreds of Millions Before Being Able to Vote in Florida*, WLRN Public Radio and Television (Jan. 20, 2019), <https://www.wlrn.org/post/felons-might-have-pay-hundreds-millions-being-able-vote-florida>. Similarly, the Florida Circuit Criminal Courts failed to collect nearly 80 percent of all fines and fees in 2018. Fines & Fees Justice Center, *Annual Assessments and Collections Report [Florida, 2013-2018]* (Sep. 30, 2018) <https://finesandfeesjusticecenter.org/articles/annual-assessments-and-collections-report-florida-2013-2018/>.

5. SB7066 is further unlawful because it was motivated, at least in part, by a racially discriminatory purpose. It is well-established that people with felony convictions in Florida are disproportionately Black—a product of higher rates of police stops, arrest, prosecution, and conviction of Black citizens in the criminal justice system. It is also well-established that a large majority of returning citizens have LFOs they cannot pay now or in the foreseeable future. In addition, Black Floridians with a felony conviction face intersecting barriers to paying off their LFOs due to hurdles to employment and long-standing racial disparities in wealth and employment across the state. Yet, notwithstanding this disproportionate impact on Black returning citizens, before SB7066 was enacted, lawmakers expressly refused to consider evidence about the racial and socioeconomic impacts of the law and the foreseeable harm to Black communities, and rejected ameliorative amendments that they were advised could have lessened the law’s impact on Black returning citizens. There is a strong inference that the law was motivated by discriminatory purposes in violation of the Fourteenth and Fifteenth Amendments to the U.S. Constitution in light of: the history of racial discrimination underlying Florida’s felony disenfranchisement regime; the sequence of events and procedural irregularities leading to SB7066’s enactment; the reasonably foreseeable and known discriminatory impact; and the tenuousness of the stated justifications for SB7066.

6. SB7066 will also prevent or at least chill voter registration and voting among returning citizens because Florida has no unified system to accurately record data on LFOs, and no system to access data on federal or out-of-state financial obligations, leaving returning citizens without any reasonable or accessible method of determining if they would violate the law by registering to vote, or means to defend against challenges to their eligibility to vote based on LFOs. Such a scheme violates the Fourteenth Amendment of the U.S. Constitution.

7. SB7066 will also significantly impede organizational Plaintiffs' ability to engage in voter registration activities and thus directly burdens fundamental First Amendment speech and associational rights, which are inseparable and intertwined aspects of those activities. Organizational Plaintiffs' members and volunteers must hesitate in conducting their core voter registration activities due to the risk of creating legal liability for returning citizens who have no means to determine whether their LFOs would make them ineligible to register. As a result, members have been deterred from registering voters. The need to inquire into the status of potential applicants' LFOs has undermined the feasibility of organizational Plaintiffs' voter registration drives.

8. Floridians spoke loud and clear last November by amending their constitution by citizen initiative, "the most sacrosanct of all expressions of the people," *Fla. Hosp. Waterman, Inc. v. Buster*, 984 So. 2d 478, 485–86 (Fla. 2008).

It was regularly reported that Amendment 4 would restore voting rights to roughly 1.4 million people in Florida, reflecting the public's understanding that restoration of voting rights would not be contingent on one's wealth.

9. SB7066 reinstates a system of lifetime disenfranchisement for a large number of returning citizens—imposing precisely the unjust system that Floridians overwhelmingly rejected through Amendment 4. The Florida Legislature's attempt to retract voting rights and revert to a system of permanent disenfranchisement for the large class of citizens who cannot afford to pay LFOs—and who are disproportionately people of color—is an affront to the U.S. Constitution. It cannot stand.

### **PARTIES**

~~10. Plaintiff JEFF GRUVER is a U.S. citizen and Florida resident. Mr. Gruver, a 33-year-old white man, works at Grace Marketplace, a facility for the homeless in Gainesville, where he is the director of shelter services assisting shelter residents to access treatment, employment, and permanent housing. He just completed his first semester of a Master of Social Work degree at Florida State University. Nearly ten years ago, Mr. Gruver was struggling with addiction. He was convicted of possession of cocaine in 2008 and was assessed \$801 in LFOs—including a court attorney and indigent application fee, court costs, and a fine. Mr. Gruver is unable to pay his outstanding LFOs. Mr. Gruver's voting rights were~~

## STATEMENT OF FACTS

### **I. Background on the Passage of Amendment 4**

37. On November 6, 2018, Florida voters resoundingly and decisively approved Amendment 4 to the Florida Constitution with 64.55 percent in support. 5,148,926 Floridians of every race and political party voted in favor of Amendment 4, reflecting the clear will of the people that individuals with felony convictions should re-join the electorate once they complete their sentence. Fla. Div. of Elections, *Voting Restoration Amendment 14-01*, <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64388&seqnum=1> (last visited May 24, 2019).

38. The full text of the Amended Article VI, Section 4 (Disqualifications), reads:

(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.

Fla. Const., Art. VI, § 4 (italics added).



39. Amendment 4’s language is clear and simple—the constitutional amendment ensures that individuals with a felony conviction, for a felony crime other than murder or a sexual offense, will have their voting rights “restored upon completion of all terms of sentence including parole or probation.” *Id.* The Florida Supreme Court, in approving the title and summary of the amendment in 2017, declared that Amendment 4 conveyed to voters “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.” *Advisory Opinion to the Attorney Gen. Re: Voting Restoration Amendment*, 215 So. 3d 1202, 1208 (Fla. 2017) (emphasis added).<sup>3</sup>

40. “[T]he power of the people to amend their state constitution by initiative is an integral part of Florida’s lawmaking power.” *Brown v. Sec’y of State of Fla.*, 668 F.3d 1271, 1281 (11th Cir. 2012). The Elections Clause of the U.S.

---

<sup>3</sup> There is a presumption that provisions of the Florida Constitution are self-executing, *see, e.g., Browning v. Fla. Hometown Democracy, Inc.*, 29 So. 3d 1053, 1064 (Fla. 2010), because “in the absence of such presumption the legislature would have the power to nullify the will of the people expressed in their constitution, the most sacrosanct of all expressions of the people,” *Fla. Hosp. Waterman v. Buster*, 984 So. 2d 478, 485–86 (Fla. 2008) (quoting *Gray v. Bryant*, 125 So. 2d 846, 851 (Fla. 1960)). The Supreme Court’s determination that Amendment 4 confers *automatic* rights restoration clarifies that the constitutional amendment does not require legislation and is self-executing. *See Gray*, 125 So. 2d at 851 (determining that a constitutional provision is self-executing if the right conferred “may be determined, enjoyed, or protected without the aid of legislative enactment.”).

Constitution permits citizens, through the initiative process, to regulate elections as a lawmaking apparatus of a state. *Ariz. State Leg. v. Ariz. Indep. Redistricting Comm'n*, 135 S. Ct. 2652, 2677 (2015). Floridians' initiative power permits them to constrain the state legislature's *own* authority, by amending the state constitution. *Brown*, 668 F.3d at 1278. They did so in Amendment 4.

41. Self-executing constitutional provisions constrain the Legislature's authority. While the Legislature may "supplement, protect, or further the availability of the constitutionally conferred right . . . the Legislature may not modify the right in such a fashion that it alters or frustrates the intent of the framers and the people." *Browning v. Fla. Hometown Democracy, Inc.*, 29 So. 3d 1053, 1064 (Fla. 2010). As such, the Legislature cannot pass any legislation that would reduce (a) the rights guaranteed under Amendment 4, or (b) the number of people to whom they are guaranteed. *See id.*

42. Amendment 4 was passed on November 6, 2018, and became effective on January 8, 2019.

43. Returning citizens, like individual Plaintiffs and members of organizational Plaintiffs Florida NAACP and Orange County NAACP, began registering to vote on January 8, 2019, and subsequently voted in local elections

across Florida.<sup>4</sup> Just months after it was enacted, Amendment 4 had already made Florida's electorate more representative of its voting-age population by reinstating the voting rights of many people of color and less affluent individuals. More than 2,000 formerly incarcerated Floridians registered to vote between January and March 2019, about 44 percent of whom were Black people. Kevin Morris, *Analysis: Thwarting Amendment 4*, Brennan Ctr. for Just. 2–3 (May 9, 2019) [https://www.brennancenter.org/sites/default/files/analysis/2019\\_05\\_FloridaAmendment\\_FINAL-3.pdf](https://www.brennancenter.org/sites/default/files/analysis/2019_05_FloridaAmendment_FINAL-3.pdf). Similarly, the average income of formerly incarcerated Floridians who registered to vote during that time period was \$14,000 below the average Florida voter. *Id.*

---

<sup>4</sup> Mainstream and widespread media coverage of the Amendment 4 campaign estimated that it would restore rights to between 1.2 and 1.6 million people in Florida. *See, e.g.*, Steve Bousquet, Connie Humburg & McKenna Oxenden, *What's Riding on Amendment 4 and Voting Rights for Convicted Felons*, Tampa Bay Times (Nov. 2, 2018), <https://www.tampabay.com/florida-politics/buzz/2018/11/02/amendment-4-democrats-and-blacks-more-likely-to-have-lost-voting-rights-than-republicans-and-whites/> (citing an estimated 1.2 million people affected by Amendment 4); Samantha J. Gross & Elizabeth Koh, *What is Amendment 4 on Florida ballot? It Affects Restoration of Felons' Voting Rights*, Miami Herald (Oct. 5, 2018), <https://www.miamiherald.com/news/politics-government/election/article219547680.html> (estimated 1.6 million); Steven Lemongello, *Floridians Will Vote This Fall on Restoring Voting Rights to 1.5 Million Felons*, Fla. Sun Sentinel (Jan. 23, 2018), <https://www.sun-sentinel.com/news/politics/os-florida-felon-voting-rights-on-ballot-20180123-story.html> (estimated 1.5 million). These estimates included returning citizens with outstanding LFOs, reflecting the common understanding—including by the Floridians who voted for it—that Amendment 4 was not intended to condition voting rights on ability to pay LFOs.

44. Florida has been an ignominious outlier among states because of the breadth of, and racial disparities present in, its disenfranchisement. Prior to Amendment 4's passage, Florida was one of just four states that permanently disenfranchised its citizens for committing a single felony offense. Br. for The Sentencing Project as Amicus Curiae ("Brief for Sentencing Project"), *Hand v. Scott*, No. 18-11388, 2018 WL 3328534, at \*5 (11th Cir. June 28, 2018). Florida disenfranchised a higher percentage of its citizens than any other state in the United States and was responsible for more than 25 percent of all U.S. citizens disenfranchised nationwide. *Id.* at \*14–\*15. As of November 2016, more than 1.6 million Floridians—about 92 percent of whom had already completed their terms of sentence, *id.*, were disenfranchised on account of a felony conviction, comprising "[m]ore than *one-tenth* of Florida's voting population," *Hand*, 285 F. Supp. 3d at 1310 (emphasis in original).

45. The racial disparities within the disenfranchised community are pervasive and deeply entrenched.<sup>5</sup> Prior to Amendment 4's passage, "[m]ore than

---

<sup>5</sup> There was widespread and mainstream media coverage of these racial disparities during the Amendment 4 campaign. See, e.g., Gabby Deutch, *Florida Felons Want Their Voting Rights Restored*, The Atlantic (Sept. 13, 2018), <https://www.theatlantic.com/politics/archive/2018/09/florida-felons-want-their-voting-rights-restored/570103/>; see also Steve Bousquet et al., *1.2 Million Floridians Have a Lot Riding on Passage of Amendment 4*, Miami Herald (Nov. 2, 2018), <https://www.miamiherald.com/news/politics-government/state-politics/article221021940.html>.

one in five of Florida’s African American voting-age population” could not vote. *Id.* One reason for this staggering percentage is that Black Floridians are more likely to be arrested, charged, convicted, and face harsher sentences than white Floridians. *See Racial Bias in Florida’s Electoral System*, Brennan Ctr. for Just. & Fla. Rights Restoration Coal. (Jan. 2006), [https://www.brennancenter.org/sites/default/files/legacy/d/download\\_file\\_9477.pdf](https://www.brennancenter.org/sites/default/files/legacy/d/download_file_9477.pdf); *see also* Nick Petersen et. al, *Unequal Treatment: Racial and Ethnic Disparities in Miami-Dade Criminal Justice* at 5, ACLU of Fla. – Greater Miami Chapter (July 2018), [https://www.aclufi.org/sites/default/files/aclufi\\_unequaltreatmentreport2018.pdf](https://www.aclufi.org/sites/default/files/aclufi_unequaltreatmentreport2018.pdf).

While Black people comprised 16 percent of Florida’s population in 2016, they made up nearly 33 percent of all those disenfranchised by a felony conviction. Erika L. Wood, *Florida: An Outlier in Denying Voting Rights* (“Wood”) 1, 3 Brennan Ctr. for Just. (2016), [https://www.brennancenter.org/sites/default/files/publications/Florida\\_Voting\\_Rights\\_Outlier.pdf](https://www.brennancenter.org/sites/default/files/publications/Florida_Voting_Rights_Outlier.pdf).

46. Florida has a long, troubling history with voter suppression tactics, many explicitly motivated by racial discrimination—including the very felony disenfranchisement provision revised by Amendment 4. In its 1865 constitution, Florida “explicitly limited the right to vote to ‘free white males.’” *Id.* at 4. A year later, Florida became one of ten former Confederate states to reject the Fourteenth Amendment to the U.S. Constitution, and thus, the constitutional mandate that no

state can deny any person the equal protection of the laws. *Id.* In 1868, after Congress mandated that Florida adopt a constitution without an explicitly racially discriminatory suffrage rule, Florida ratified a constitution that permanently banned individuals with felony convictions from voting, a provision that Florida paired with the Black Codes, which increased the number of felonies and “increased prosecution . . . for certain crimes the legislature believed were more likely to be committed by freed blacks.” *Id.* at 4–5.<sup>6</sup> The intent of these measures, which came in the immediate aftermath of the abolition of slavery, “was quite clear: to eliminate as many black voters as possible.” Tim Elfrink, *The Long, Racist History of Florida’s Now-Repealed Ban on Felons Voting*, Wash. Post (Nov. 7, 2018), [https://www.washingtonpost.com/nation/2018/11/07/long-racist-history-floridas-now-repealed-ban-felons-voting/?utm\\_term=.aa37bdf36300](https://www.washingtonpost.com/nation/2018/11/07/long-racist-history-floridas-now-repealed-ban-felons-voting/?utm_term=.aa37bdf36300) (quoting Darryl Paulson, emeritus professor of government at the University of South Florida). In 1889, Florida became the first state to adopt a poll tax, followed shortly after by other Jim Crow voter suppression tactics such as literacy tests and residency requirements. *See id.* Florida’s voter suppression tactics effectuated their purpose; in 1940, only 3 percent of Florida’s Black population was registered to

---

<sup>6</sup> *See Timbs v. Indiana*, 139 S. Ct. 682, 689–90 (2019) (“Among these laws’ provisions were draconian fines for violating broad proscriptions on ‘vagrancy’ and other dubious offenses. When newly freed [enslaved people] were unable to pay imposed fines, States often demanded involuntary labor instead.”) (citations omitted).

vote. *Id.* The history of discrimination and vestiges of Jim Crow underlying Florida’s felon disenfranchisement statute were known and expressly acknowledged by Florida lawmakers during the legislative debate over SB7066. *See, e.g.*, Video: April 24, 2019 House Sess. (“April 24 House Hearing”) at 5:25:05, [https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804\\_2019041282](https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019041282) (testimony from Rep. Jacquet) (“In 1868, we decided in order to limit the voice of certain communities, to set aside a certain population, this was the strategy.”).

47. The ramifications of this history continue into the present. Wealth disparities persist for Black and Latinx families in Florida as compared to white families. Alan J. Aja et al., *The Color of Wealth*, The Kirwan Institute, Samuel DuBois Cook Center on Social Equity, and Insight Center for Community Economic Development 1, 7—10 (2019), <http://kirwaninstitute.osu.edu/wp-content/uploads/2019/02/The-Color-of-Wealth-in-Miami-Metro.pdf>; *How Families of Color are Faring in Florida*, Corp. for Enterprise Dev. (Jan. 2016), <https://catalystmiami.org/wp-content/uploads/2016/02/racial-disparity-FL.pdf>. The Black unemployment rate is twice as high in Florida when compared to the white unemployment rate. Aja at 39–40.

48. There are a multitude of collateral consequences triggered by a felony conviction, including ineligibility for federally subsidized housing, driver’s

license suspension, and employment barriers. These collateral consequences make the financial circumstances of returning citizens far less tenable, hampering reentry and leaving them with limited resources to pay outstanding LFOs.

## ~~H. Florida's Voter Registration Process~~

~~49. Once Amendment 4 became effective, Floridians who had their rights restored by operation of the amendment could register to vote using the same process as all other voters.~~

~~50. Before SB7066, to register to vote, an individual must first obtain a voter registration form in hard copy or online. See Fla. Stat. §§ 97.052, 97.0525. This form is statewide and is currently Form DS-DE #39, R1s-2.040, F.A.C., available at <https://dos.myflorida.com/media/693757/dsde39.pdf> (last visited May 24, 2019).~~

~~51. The form gave the applicant the option to check a box with the following statement. "I affirm that I am not a convicted felon, or if I am, my right to vote has been restored." Id. (emphasis added).~~

~~52. Voter registration forms were "designed so that convicted felons whose civil rights have been restored . . . are not required to reveal their prior conviction or adjudication." Fla. Stat. § 97.052(2)(u).~~

~~53. SB7066 amends Florida's voter registration form to give returning citizens three options—one stating that an individual has "never been convicted of~~



~~probation or parole, from eligibility to vote because of outstanding financial obligations that they are unable to pay.~~

#### **IV. Legislative History of SB7066**

76. After Amendment 4's passage, the House and Senate held hearings related to HB7089, SB7086, and SB7066, discussed in more detail below. Even though these hearings were truncated because sponsors openly refused to consider key information, the record revealed three overriding flaws with the Legislature's alteration of the rights guaranteed by Amendment 4. First, the hearings showed that it will be practically impossible for Florida officials to determine who is, and is not, automatically restored and eligible to register under SB7066. For example, Lee Adams, Chief of FDOC's Bureau of Admission and Release, testified that FDOC in many cases "has no way of knowing" if an individual has not completed her financial obligations after termination of supervision. Video: Feb. 14, 2019, Jnt. House Meeting of the Criminal J. Subcomm. & the Judiciary Comm. at 1:18, <https://thefloridachannel.org/videos/2-14-19-joint-house-meeting-of-the-criminal-justice-subcommittee-and-the-judiciary-committee/> (last visited May 7, 2019). Carolyn Timmann, Martin County Clerk of Court, stated that county clerks have "some [] limitations" in their data on returning citizens, the biggest one being restitution, and "in the majority [of cases], we do not [have restitution information]." *Id.* at 29:56, 54:18. Timmann testified that courts often order

individuals to pay restitution directly to victims, for which there are no receipts or documentation. *Id* at 54:18.

77. Representative Grant, who sponsored HB7089, conceded that there is no existing database or repository that conclusively provides SOEs with information about whether a returning citizen paid all LFOs. Video: Apr. 23, 2019, House Floor Hearing (“April 23 Hearing”) at 7:04:00–7:04:07, [https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804\\_2019041264](https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019041264) (“There is no stakeholder in the State of Florida that can serve as a source of truth that somebody completed all terms of their sentence.”); *see also* Video Feb. 14, 2019, House Comm. Joint Hearing at 1:03:30–1:04:05, [https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804\\_2019021160](https://www.myfloridahouse.gov/VideoPlayer.aspx?eventID=2443575804_2019021160); May 3 House Hearing at 42:49 (stating that there were “data . . . spread out all over government,” and that there was no “efficient or effective” way for Florida officials to compile that data in one place).

78. Additionally, SB7066 fails to provide any criteria or guidelines for how an SOE is supposed to “verify and make a final determination . . . regarding whether the person who registers to vote is eligible pursuant” to Amendment 4, Fla. Stat. § 98.0751(3)(b) (2019), or to evaluate evidence presented at a hearing to determine the eligibility of a returning citizen when the evidence is questioned or challenged.

79. Second, legislators heard from returning citizens who were permitted to testify at some committee hearings, all of whom testified that provisions enacted in SB7066 would permanently disenfranchise them based on their inability to pay outstanding LFOs. Legislators heard from Plaintiff Karen Leicht, who testified that she had \$58 million in outstanding restitution obligations despite dutifully making monthly payments. Video: Mar. 25, 2019, Hearing of Senate Comm. on Criminal J. (“March 25 Hearing”) at 1:31, <https://thefloridachannel.org/videos/3-25-19-senate-committee-on-criminal-justice> (last visited May 7, 2019). Ms. Leicht testified that at the time her probation officially ended, “it was my complete and total understanding that at that point, when I signed that paper, I was free,” *id.* at 1:32, but that at first she was too “timorous” to register to vote because she did not “want to be considered to have committed any crime,” *id.* at 1:36. After her testimony, Senator Jason Pizzo, who represents Ms. Leicht’s state senate district, told her to “go register to vote” and that she would not be prosecuted. *Id.* at 1:38.<sup>13</sup>

Legislators also heard from Erica Racz, a returning citizen who spent 13 years in

---

<sup>13</sup> Nothing about Senator Pizzo’s recommendation prevents Florida from attempting to purge Ms. Leicht or any of the other individual Plaintiffs from the voter rolls based on outstanding LFOs. Nothing about Senator Pizzo’s recommendation prevents the State from prosecuting returning citizens with outstanding LFOs who believe that their rights were restored under Amendment 4 and register to vote after July 1, 2019. Senator Brandes stated as much: it would “depend on individual facts” and be “up to the discretion of the prosecutor.” May 2 Senate Hearing at 7:16:28–7:16:51 (colloquy between Senator Rodriguez and Senator Brandes).

prison and four years on probation, who testified that she “cannot afford” her \$57,000 in outstanding financial obligations as a single mother: “You want me to pay the government \$57,000 to vote?” Video: Apr. 4, 2019, Hearing of House Comm. on State Affairs (“April 4 Hearing”) at 3:42, <https://thefloridachannel.org/videos/4-4-19-house-state-affairs-committee/> (last visited May 7, 2019). And legislators heard from Coral Nichols, a returning citizen who now runs a nonprofit called Empowered to Change, who testified that she has \$190,000 in outstanding restitution. “At \$100 a month, I will be 190 years old before I am eligible to vote,” she testified. Video: Apr. 9, 2019, Hearing of House Comm. on Judiciary at 3:24, <https://thefloridachannel.org/videos/4-9-19-house-committee-on-judiciary/> (last visited May 7, 2019).

80. Public debate among legislators showed that they were plainly aware that SB7066 would disenfranchise voters. At one hearing, for example, Representative Adam Hattersley stated, “we’d create two classes of returning citizens. . . . There would be a minority of well-off individuals who would be able to repay their fines quickly and regain the right to vote; then, there’d be indigent citizens.” April 4 Hearing at 3:49. Representative Michael Grieco warned that the proposed legislation would not be faithful to “the will of the voters,” which was “very clear” that “1.4 million Floridians or more” would have their voting rights restored. Video: Mar. 19, 2019, Hearing of House Subcomm. on Criminal J. at

1:41, <https://thefloridachannel.org/videos/3-19-19-house-criminal-justice-subcommittee/> (last visited May 7, 2019).

81. Third, the sponsors of the House and Senate legislation willfully refused to empirically study or determine how many people would be disenfranchised on account of their legislation. In the House, sponsor Representative Grant said that he did not know or care how many people would be disenfranchised if the legislation passed: “I was asked, have I done a study to know how many people are impacted by this. I said no. They said, are you willing to take a study. I said no. And here’s why. I’m happy to review when we’re done, members. But members, I don’t want to know the impact of this. Because it’s irrelevant.” April 4 Hearing at 3:57. A month later, he told the full House that he “intentionally stayed blind to the data of the affected classes.” May 3 House Hearing at 1:06.

82. In the Senate, when asked how many Floridians have outstanding financial obligations, bill co-sponsor Senator Keith Perry said that he did not know. March 25 Hearing at 35:07. These statements suggest that legislators deliberately chose not to consider specific data documenting the fact that the law will disenfranchise hundreds of thousands of returning citizens because they are experiencing poverty, with a stark disproportionate impact based on race. But the U.S. Supreme Court has recognized that lawmakers may be presumed to be

familiar with the demographics and socioeconomics of their state. *Cf. Shaw v. Reno*, 509 U.S. 630, 646 (1993) (“[T]he legislature always is *aware* of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors.”). This presumption should be particularly salient in this context, given that HB7089 and SB7086 arose in the House and Senate’s respective Criminal Justice Subcommittees, where members are aware of the racial and socioeconomic demographics of the Florida and federal criminal systems, including the rates of felony disenfranchisement by race, discussed *supra*. These members are aware that people with felony convictions commonly have LFOs following completion of incarceration and supervision, that the vast majority of LFOs go uncollected by the state because many people cannot pay them, and that persistent wealth disparities exist between Black and non-Black individuals and families in Florida.

83. Similarly, willful avoidance of inconvenient information does not preclude knowledge of such facts, particularly when they are a matter of “common sense.” *See United States v. Schaffer*, 600 F.2d 1120, 1122 (5th Cir. 1979) (“[D]eliberate ignorance is the equivalent of knowledge.”). The Legislature presumptively knew that SB7066 would disproportionately harm Black citizens.

84. Based on the likely racial and socioeconomic impact of the proposed laws and the difficulties that many returning citizens have in paying LFOs,

advocates urged both chambers to study the racial and other impact of the bills. *See, e.g.*, Letter from Leah Aden et al., Deputy Dir. of Litig., LDF, to the Fla. Senate (Apr. 30, 2019), <https://www.naacpldf.org/wp-content/uploads/NAACP-LDF-and-FLorida-NAACP-Opposition-to-SB-7086.pdf>; Letter from Leah Aden et al., Deputy Dir. of Litig., LDF, to the Fla. House of Representatives (Apr. 22, 2019), [https://www.naacpldf.org/wp-content/uploads/House-of-Representatives\\_2019-04-22\\_NAACP-LDF-and-FL-NAACP-Opposition-to-HB-7089\\_final.pdf](https://www.naacpldf.org/wp-content/uploads/House-of-Representatives_2019-04-22_NAACP-LDF-and-FL-NAACP-Opposition-to-HB-7089_final.pdf).

85. Members of the Black caucus inquired about the racial impact of the bills. *See, e.g.*, April 23 Hearing at 7:05:31-7:05:40, (colloquy between Rep. Driskell and Rep. Grant). As discussed above, Representative Grant went on to state that: “I have intentionally not looked at the numbers.” *Id.* at 7:06:00–7:06:40.

#### ~~V. Specific Sequence of Events Leading to SB7066’s Passage~~

~~86. During consideration of HB7089 and SB7086, House and Senate members proposed amendments to each bill that would have mitigated the restrictive and discriminatory impacts of the proposed legislation. Both chambers, however, rejected significantly ameliorative amendments, such as one introduced by Representative McGhee, who is Black, that would have removed the requirement to pay all LFOs. *Id.* at 8:21:45.~~

~~87. On April 29, 2019, Senator Brandes introduced a strike-all amendment to the House bill, HB7089, that included the harshest LFO~~

~~support the inference that the proffered justifications are pretext for an impermissible motive.~~

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **Fourteenth Amendment to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Violation of Fundamental Fairness**

91. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

92. Section 1 of the Fourteenth Amendment to the U.S. Constitution bars states from depriving “any person of . . . liberty . . . without due process of law” and from depriving “any person within its jurisdiction the equal protection of the laws.”

93. The Due Process and Equal Protection Clauses of the Fourteenth Amendment prohibit states from imposing punishment for non-payment of LFOs without a prior determination that the individual was able to pay and willfully refused to do so. The Fourteenth Amendment’s doctrine of fundamental fairness prevents states from punishing individuals if they fail to do the impossible—satisfy legal financial obligations when they do not have the means to do so. *See, e.g., M.L.B. v. S.L.J.*, 519 U.S. 102 (1996); *Bearden v. Georgia*, 461 U.S. 660 (1983); *Tate v. Short*, 401 U.S. 395 (1971); *Mayer v. City of Chicago*, 404 U.S. 189



pay outstanding LFOs despite the fact that (1) they are unable to pay, and (2) there has been no prior determination that they willfully refused to pay.

98. SB7066 violates the Fourteenth Amendment by conditioning Plaintiffs' right to vote on payment of LFOs that Plaintiffs cannot pay.

## COUNT TWO

### **Fourteenth Amendment to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Unconstitutional Discrimination in Violation of Equal Protection**

99. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

100. SB7066 invidiously discriminates between Florida citizens with a prior felony who can pay their LFOs, and Florida citizens with a prior felony who cannot pay.

101. It is well established that “a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction.” *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972); *see Bush v. Gore*, 531 U.S. 98, 104–05 (2000) (“Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person’s vote over that of another.”).

102. A state “violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an

electoral standard.” *Harper v. Va. State Bd. of Elections*, 383 U.S. 663, 666 (1966); *see also Johnson v. Governor of State of Fla.*, 405 F.3d 1214, 1216 n.1 (11th Cir. 2005) (“Access to the franchise cannot be made to depend on an individual’s financial resources.”) (quoting *Harper*, 383 U.S. at 668)).

103. The Equal Protection Clause applies to felony disenfranchisement and rights-restoration laws. *See Johnson*, 405 F.3d at 1230 (“Plaintiffs have a remedy if the state’s [felony disenfranchisement] provision violates the Equal Protection Clause.”).

104. SB7066 unconstitutionally conditions exercise of Plaintiffs’ voting rights on their ability to pay outstanding LFOs, even after Plaintiffs have completed the terms of their sentences and probation.

105. Plaintiffs are not able to pay their outstanding LFOs.

106. There is no rational, let alone compelling, basis for disenfranchising Plaintiffs when they cannot pay LFOs or when they are paying LFOs but cannot afford to complete payment immediately.

107. Plaintiffs’ ability to pay these financial obligations is not germane to their qualification to participate in elections.

108. SB7066 would keep Plaintiffs in limbo and deprived of the right to vote for election after election—often for life—based solely on their lack of wealth, an arbitrary and unconstitutional distinction.

109. SB7066 serves no legitimate state purpose because it disenfranchises Plaintiffs solely due to inability to pay their LFOs, a distinction not at all connected to participation in elections.

110. For those who cannot pay, disenfranchisement will not foster their payment.

111. Denying the right to vote does not and cannot incentivize payment of LFOs that a person cannot pay.

### **COUNT THREE**

#### **Fourteenth Amendment to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Unconstitutional Burden on the Fundamental Right to Vote**

112. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

113. The Fourteenth Amendment safeguards the “precious” and “fundamental” right to vote, *Harper*, 383 U.S. at 670, and prohibits any encumbrance on the right to vote that is not adequately justified by valid and specific state interests, *Anderson v. Celebrezze*, 460 U.S. 780, 788–89 (1983).

114. Courts reviewing a challenge to a law that burdens the right to vote “must weigh ‘the character and magnitude of the asserted injury to the right[]’” to vote “against ‘the precise interests put forward by the State as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to which those

interests make it necessary to burden the plaintiff's rights.'" *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson*, 460 U.S. at 789).

~~115. Plaintiffs are registered voters and have the fundamental right to vote.~~

~~116. Defendants confirmed Plaintiffs' eligibility to vote and added Plaintiffs to the registration rolls.~~

~~117. As an eligible registered voter, Mr. Gruver voted in the March 2019 Gainesville municipal election.~~

~~118. As an eligible registered voter, Mr. Ivey voted in the March and May 2019 Duval County elections.~~

~~119. As an eligible registered voter, Pastor Tyson voted in March and April 2019 Tampa municipal elections.~~

~~120. SB7066 imposes a severe burden on Plaintiffs' right to vote. Plaintiffs will be completely, and likely permanently, disenfranchised by Fla. Stat. §§ 98.0751(1)-(2)(a).~~

~~121. The severity of SB7066's burden is heightened because the barrier to the franchise disparately affects those citizens who are already among the most vulnerable: people with a past conviction who lack the means to pay outstanding LFOs.~~

## COUNT FOUR

### **Twenty-Fourth Amendment to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Unconstitutional Poll Tax**

128. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

129. SB7066 violates the prohibition against poll taxes enshrined in the Twenty-Fourth Amendment.

130. The Twenty-Fourth Amendment guarantees that the right to vote “shall not be denied or abridged . . . by reason of failure to pay any poll tax or other tax.” U.S. Const. Am. XXIV.

131. SB7066 requires LFO payment as a condition for exercising the right to vote and without regard to whether Plaintiffs are able to pay.

132. SB7066 excludes returning citizens with outstanding restitution obligations from all means of restoration. Returning citizens cannot apply for restoration through clemency unless they have completed their restitution obligations. Bd. of Exec. Clemency, Rule 9.A. The Florida Supreme Court understood Amendment 4 to limit the Clemency Board’s case-by-case restoration review to “only for those persons convicted of murder or felony sexual offenses, rather than for all felony offenders[.]” Advisory Opinion to the Attorney General, 215 So. 3d at 1207.

133. Excluding Plaintiffs entirely from any chance at restoration imposes an unconstitutional poll tax on Plaintiffs and other returning citizens.

### COUNT FIVE

#### **Fourteenth Amendment to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Vagueness and Violation of Procedural Due Process**

134. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

135. A law is unconstitutionally vague in violation of the Due Process Clause if it either (1) “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits,” *Hill v. Colorado*, 530 U.S. 703, 732 (2000), or (2) fails to “provide explicit standards for those who apply” the law such that “arbitrary and discriminatory enforcement” is authorized or even encouraged, *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972). *See also League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155, 1160–61 (N.D. Fla. 2012) (finding a “virtually unintelligible” voter registration regulation that is accompanied by substantial penalties is void for vagueness).

136. Florida lacks any accurate or centralized data on outstanding LFOs that prospective voter registrants may access.

~~143. Furthermore, while SB7066 delineates LFOs in terms of the type of fines, fees, and restitution incurred and owed for offenses adjudicated in Florida courts, it provides no information or guidance on analogous financial obligations or civil debt incurred in other states that would be disqualifying for purposes of SB7066.~~

144. SB7066 violates procedural due process by failing to provide prospective registrants sufficient information or fair warning regarding whether LFOs continue to disqualify them from voting. The absence of this information impermissibly chills Plaintiffs' exercise of their fundamental right to register and vote.

145. SB7066 violates procedural due process by failing to provide any standards or factors under which an SOE can "verify and make a final determination . . . regarding whether the person who registers to vote is eligible pursuant to [Amendment 4] and this section," therefore ensuring arbitrary and discriminatory enforcement. Fla. Stat. § 98.0751(3)(b) (2019).

146. SB7066 violates procedural due process by failing to provide any standards or factors under which a prospective voter registrant would be able to seek, or a court would grant, termination of LFOs or conversion to community service hours pursuant to Fla. Stat. § 98.0751(2)(a)(5)(e)(II–III), therefore ensuring arbitrary and discriminatory enforcement.

147. SB7066 violates procedural due process by failing to provide any mechanism or standard by which a prospective registrant would be able to appeal an adverse determination on a request for termination of financial obligations or conversion to community service.

148. SB7066 violates procedural due process by failing to provide any process for individuals with convictions in other states to seek waiver, termination, or conversion to community service.

~~COUNT SIX~~

~~First and Fourteenth Amendments to the U.S. Constitution,  
as enforced by 42 U.S.C. § 1983  
Burden on Core Political Speech and Associational Rights~~

~~149. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.~~

~~150. LWVF has a First Amendment right to speak, associate, and act collectively with others in order to register voters.~~

~~151. LWVF cannot determine whether many potential registrants have satisfied their LFOs. LWVF volunteers do not have access to state data to help potential registrants determine whether all terms of their sentences are complete. Some volunteers will not engage in registration activities because of their concerns.~~



~~163. Florida’s felony disenfranchisement law has been used for nearly two centuries as a form of criminal punishment.~~

~~164. The sanction of disenfranchisement involves an affirmative restraint on Plaintiffs’ right to vote. There is no alternative, non-punitive purpose for disenfranchising individuals who are unable to pay.~~

~~165. SB7066 imposes and extends punitive sanctions on Plaintiffs in violation of the Ex Post Facto Clause.~~

## COUNT EIGHT

### **Fourteenth and Fifteenth Amendments to the U.S. Constitution, as enforced by 42 U.S.C. § 1983 Intentional Race Discrimination**

166. Plaintiffs re-allege and incorporate by reference each allegation contained in the preceding paragraphs as though fully set forth herein.

167. The Equal Protection Clause of the Fourteenth Amendment prohibits intentional discrimination on the basis of race. U.S. Const. amend. XIV. The Fifteenth Amendment forbids the denial or abridgment of the right to vote on account of race or ethnicity. U.S. Const. amend. XV. Both constitutional protections guard against any deprivation of the right to vote that is motivated by race. *Rogers v. Lodge*, 458 U.S. 613, 621–25 (1982).

168. Because a discriminatory motive may hide behind legislation that “appears neutral on its face,” the U.S. Supreme Court articulated several non-

exhaustive factors to inform an analysis of discriminatory intent: (1) evidence that defendants' decision bears more heavily on one race than another; (2) the historical background of the decision; (3) the specific sequence of events leading up to the decision; (4) departures from the normal procedural sequence; (5) substantive departures; and (6) legislative history, including "contemporary statements by members of the decision making body, minutes of its meetings, or reports." *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266–28 (1977).

169. An official action taken for the purpose of discriminating on account of race has no legitimacy under the U.S. Constitution. *City of Richmond, Va. v. U.S.*, 422 U.S. 358, 378–79 (1975).

170. Demonstrating intentional discrimination "does not require a plaintiff to prove that the challenged action rested solely on racially discriminatory purposes." *Arlington Heights*, 429 U.S. at 265. Instead, the plaintiff's burden is to show that the discriminatory purpose was a motivating factor, rather than the primary or sole purpose. *Id.* at 265–66.

171. Applying the *Arlington Heights* factors to the evidence reveals that SB7066 was enacted, at least in part, with a racially discriminatory intent to discriminate against Black returning citizens in violation of the U.S. Constitution.

172. The history underlying Florida's felony disenfranchisement regime, the known and reasonably foreseeable discriminatory impact of SB7066, the

sequence of events and substantive departures from the normal legislative process which resulted in the enactment of SB7066, and the tenuousness of the stated justifications for SB7066 raise a strong inference of a discriminatory purpose in violation of the Fourteenth and Fifteenth Amendments.

**REQUEST FOR RELIEF**

WHEREFORE Plaintiffs respectfully request the following relief:

- a) Declare Fla. Stat. §§ 98.0751(1)–(2)(a), as amended by SB7066, unconstitutional in derogation of the First, Fourteenth, Fifteenth, and Twenty-Fourth Amendments and the Ex Post Facto Clause of the United States Constitution;
- b) Temporarily, preliminarily, and permanently restrain and enjoin the State of Florida from enforcing the provision of Fla. Stat. §§ 98.0751(1)–(2)(a);
- c) Award Plaintiffs’ attorneys’ fees in this action pursuant to 42 U.S.C. § 1988(b);
- d) Award Plaintiffs their costs of suit; and
- e) Grant such other and further relief as this Court deems just and proper in the circumstances.

Dated: June 28, 2019

Respectfully Submitted,

/s/ Julie A. Ebenstein  
Julie A. Ebenstein (Fla. Bar No. 91033)

R. Orion Danjuma\*  
Jonathan S. Topaz\*  
Dale E. Ho\*  
American Civil Liberties Union  
Foundation, Inc.  
125 Broad Street, 18th Floor  
New York, NY 10004  
Phone: (212) 284-7332  
Fax: (212) 549-2654  
jebenstein@aclu.org  
odanjuma@aclu.org  
jtopaz@aclu.org  
dho@aclu.org

Daniel Tilley (Fla. Bar No. 102882)  
Anton Marino\*  
American Civil Liberties Union of  
Florida  
4343 West Flagler St., Suite 400  
Miami, FL 33134  
(786) 363-2714  
dtalley@aclufl.org  
amarino@aclufl.org

Jimmy Midyette (Fla. Bar No. 0495859)  
American Civil Liberties Union Foundation  
of Florida  
118 W. Adams Street, Suite 510  
Jacksonville, FL 32202  
904-353-8097  
jmidyette@aclufl.org

Leah C. Aden\*  
John S. Cusick\*  
NAACP Legal Defense and Educational  
Fund, Inc.  
40 Rector Street, 5th Floor  
New York, NY 10006  
(212) 965-2200

laden@naacpldf.org  
jcusick@naacpldf.org

*and*

Wendy Weiser  
Myrna Pérez  
Sean Morales-Doyle\*  
Eliza Sweren-Becker\*  
Brennan Center for Justice at NYU  
School of Law  
120 Broadway, Suite 1750  
New York, NY 10271  
(646) 292-8310  
wendy.weiser@nyu.edu  
myrna.perez@nyu.edu  
sean.morales-doyle@nyu.edu  
eliza.sweren-becker@nyu.edu

*Counsel for Plaintiffs*

\* *pro hac vice* applications forthcoming

**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2019, I electronically filed the foregoing with the Clerk of Court by using CM/ECF, which automatically serves all counsel of record for the parties who have appeared.

Additionally, the parties are concurrently being served via email and physical service of summons and complaint at the following addresses:

KIM A. BARTON, In her Official Capacity as  
Alachua County Supervisor of Elections  
Josiah T. Walls Building  
515 North Main St., Suite 300  
Gainesville, FL 32601  
*kbarton@alachuacounty.us*

PETER ANTONACCI, in his Official Capacity as  
Broward County Supervisor of Elections  
115 S. Andrews Ave.  
Room 102  
Fort Lauderdale, FL 33301  
*elections@browardsoe.org*

MIKE HOGAN, In his Official Capacity as  
Duval County Supervisor of Elections  
105 E. Monroe St.  
Jacksonville, FL 32202  
*mhogan@coj.net*

CRAIG LATIMER, In his Official Capacity as  
Hillsborough County Supervisor of Elections  
Fred B. Karl County Center,  
601 E. Kennedy Blvd., 16th Floor  
Tampa, FL 33602  
*Voter@hcsoe.org*

LESLIE ROSSWAY SWAN, In her Official Capacity as  
Indian River County Supervisor of Elections  
4375 43rd Ave.  
Vero Beach, FL 32967  
*Info@voterindianriver.com*

MARK EARLEY, In his Official Capacity as  
Leon County Supervisor of Elections  
2990-1 Apalachee Parkway,  
Tallahassee, FL 32301  
*Vote@LeonCountyFL.gov*

MICHAEL BENNETT, In his Official Capacity as  
Manatee County Supervisor of Elections  
600 301 Boulevard, W., Suite 108  
Bradenton, FL 34205  
*Info@votemanatee.com*

CHRISTINA WHITE, In her Official Capacity as  
Miami-Dade County Supervisor of Elections  
2700 NW 87 Ave.  
Miami, FL 33172  
*soedade@miamidade.gov*

BILL COWLES, In his Official Capacity as  
Orange County Supervisor of Elections  
119 West Kaley St.  
Orlando, FL 32856  
*voter@ocfelections.com*

RON TURNER, in his Official Capacity as  
Sarasota County Supervisor of Elections  
Terrace Building  
101 South Washington Blvd.  
Sarasota, FL 34236  
*rturner@sarasotavotes.com*

LAUREL M. LEE, In her Official Capacity as  
Secretary of State of Florida  
Florida Department of State

R.A. Gray Building  
500 South Bronough St.  
Tallahassee, Florida 32399-0250  
*secretaryofState@DOS.MyFlorida.com*  
*DOS.GeneralCounsel@DOS.MyFlorida.com*

ASHLEY MOODY, In her Official Capacity as Attorney  
General of Florida  
Office of Attorney General  
State of Florida  
The Capitol PL-01  
Tallahassee, FL 32399-1050  
*oag.civil.eserve@myfloridalegal.com*

/s/ Julie A. Ebenstein  
Julie A. Ebenstein (Fla. Bar No. 91033)  
American Civil Liberties Union  
Foundation, Inc.  
Voting Rights Project  
125 Broad Street, 18th Floor  
New York, NY 10004  
Phone: (212) 284-7332  
Fax: (212) 549-2654  
[jebenstein@aclu.org](mailto:jebenstein@aclu.org)