



# FLORIDA RIGHTS RESTORATION COALITION

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## Volunteer Guide

### BEFORE YOU BEGIN

Thank you for volunteering! As a volunteer, your objective is to help Applicants complete the Restoration of Civil Rights (“RCR”) Data Worksheet. **Volunteers do not give legal advice;** you provide guidance and assistance in completing the Data Worksheet.

At every workshop, there will be at least one Workshop Leader available to assist you. **Do not hesitate to ask the Workshop Leader for assistance if you are unsure how to proceed with an Applicant.** The RCR process can be complicated. It is better to ask for help, than to give incorrect advice.

### I. INTAKE (Optional)

If a large number of Applicants are expected, the Host Organization will set up a separate Intake process.

Intake Volunteers should greet Applicants and ask them to complete an Intake Form (Form A-1) before they proceed to meet a RCR Volunteer.

Inform the Applicant that completing the Intake Form is optional; if the person does not wish to fill out an Intake Form, assistance will still be provided. (Note: some people may require assistance in completing the Intake Form. Intake Volunteers may provide this assistance, or this assistance may be provided by RCR Volunteers.)

Once the Intake Form is completed, the Applicant should then take the completed Intake Form to a RCR Volunteer.

[In some counties, it is possible to look up the person’s criminal record online. If this is possible, one or more computers at the Workshop may be set up with an Intake Volunteer who can look up the Applicant’s record during Intake. The record can be printed out and given to the Applicant with his/her Intake Form. The Applicant should be instructed to provide the Intake Form and the print out to the RCR Volunteer. (Note: Explain to the Applicant that the online information may be out-of-date and may not provide his or her entire criminal record.)]

## II. RCR ASSISTANCE

### Introduction

The RCR Volunteer should:

- ❖ Introduce him/herself to the Applicant.
- ❖ Tell the Applicant that the Volunteer is not an attorney and therefore cannot offer any legal advice.
- ❖ Advise the Applicant that all information discussed with the volunteer will be kept confidential and will not be discussed or disclosed except in connection with providing assistance to the Applicant.
- ❖ Explain to the Applicant that the Volunteer is going to ask a few questions to make sure that this is the process that he or she needs.

If the Applicant has already completed an Intake Form, the RCR Volunteer should review the form and clarify any information provided on the form. If the Applicant has chosen not to complete the Intake Form, the Volunteer should complete the Intake Form with the Applicant.

## Determine Eligibility

The RCR Volunteer will first go over some preliminary questions. The answers to these questions will help the Volunteer determine whether the individual has lost his/her civil rights and the nature of assistance that is required.

The RCR Volunteer should use the Intake Form (Form A-1) as a guide in going through these preliminary questions:

1. **Confirm that the Applicant is a U.S. Citizen.** If the answer is no, consult the Workshop Leader for further information.
2. **Confirm that the Applicant does indeed have a felony conviction.** Confirm that the disposition of the case was not a withhold of adjudication on a felony and that it was not a misdemeanor conviction.

If it was a felony conviction, then proceed as usual.

If it was an adjudication withheld or a misdemeanor conviction, tell the person that they did NOT lose their civil rights and that she/he can register to vote.

3. **Confirm that the Applicant is no longer under supervision, including probation or parole.**

If the person is not under supervision (including probation or parole), proceed as usual.

If the person is still under supervision, tell him/her that the Rules of Executive Clemency say the individual must complete supervision in order to apply for RCR.

*Ask for assistance from the Workshop Leader, if you are unsure how to proceed.*

4. **Ask the Applicant if he or she owes court-ordered restitution.**

If no, proceed as usual.

If yes, inform the Applicant that under the Rules of Executive Clemency, he or she is not eligible to apply for RCR. Inquire about the possibility of paying the restitution before applying. Additionally, please be sure to note if the Applicant owes restitution on the Intake Form so that we can track this data.

5. **As if the Applicant has any outstanding detainers or pending criminal charges.**

If yes, inform the person that under the Rules of Executive Clemency, he or she is not eligible to apply for RCR. Please be sure to note if the Applicant has outstanding detainers or pending criminal charges on the Intake Form so that we can track this data.

6. **Ask the person if the felony conviction(s) occurred in Florida.** If the Applicant has an out-of-state, federal, or military conviction, consult the Workshop Leader before proceeding.

7. **Ask the person if he or she was a Florida resident at the time of conviction.**

8. **Ask the person if he or she served all the time, including probation or parole, in Florida.**

9. **Ask the person if he or she continued to be a Florida resident after he or she was released from supervision.**

If the answers to any of questions 6 through 9 are out-of-state, find out which state and review the suggested procedures (below) for out-of-state convictions. Contact a Workshop Leader for assistance.

10. **Confirm that the person is now a Florida resident.**

11. **Ask the person what type of conviction she/he has.** (Go through the list of offenses on the Intake Form.)

If the Applicant was NOT convicted of any offense that disqualifies him or her from “Level 1” he/she is **NOT** required to “apply” for RCR but we recommend that she/he submit a Data Worksheet as a means of providing the OEC the Applicant’s current contact information. (Also, if the Applicant is mistaken about his/her conviction(s), submitting the Data Worksheet puts the Applicant in “queue” for consideration of his/her application under the Level 2 or Level 3 review process.)

If the Applicant has a conviction that places him/her in the “Level 2” or “Level 3” category of felony convictions, in addition to assisting the Applicant complete the Data Worksheet, the RCR Volunteer should encourage the Applicant to submit a personal portfolio. The portfolio is OPTIONAL, but strongly recommended.

**Additional Information**

**12. Ask the person whether he or she has voted since the conviction.**

If the answer is no, proceed normally.

If the answer is yes, inform the person that it is a felony to vote if a person has a felony conviction and has not had his or her civil rights restored. *Do not proceed with the Applicant.* Contact the Workshop Leader, who will then continue the process with the Applicant.

**13. Ask the person if he or she owes is in arrears in child support payments.**

Although being current with child support payments is not required for RCR eligibility, the Clemency Board often inquires about child support, and looks unfavorably on the applications of individuals who are in arrears.

The possible impact of being in arrears on child support payments arises primarily with Level 1 and 2 applicants. If the applicant is in arrears, he or she should be advised to attempt to start payments. If this is not possible, to be prepared to address questions about child support when his or her case is heard.

Many of the questions listed above are intended to help you identify situations that should raise “red flags.”

If you encounter any of these situations, please contact a Workshop Leader for further assistance.

Many of these situations can be easily resolved at the Rights Restoration Workshop. However, if the Workshop Leader is not able to answer the questions at the Workshop, the Host Organization will arrange for further assistance.

Volunteers should feel no pressure to answer difficult questions on-site.

**See the attached list of “Red Flag” Issues and “Out-of-State Conviction” Issues**

**IMPORTANT NOTE:**

**If the Applicant’s circumstances raise a “Red Flag” or involve an Out-of-State Conviction, contact the Workshop Leader.**

## Assisting with RCR Paperwork

1. **Restoration of Civil Rights Data Worksheet:** Help the Applicant fill out the **Data Worksheet** if the Applicant is eligible for RCR.

*Volunteers should **NOT** fill out the Data Worksheet for the Applicant, unless the Applicant is unable to do so. Applicants should fill out the Data Worksheet themselves (in their own handwriting). **TELL THE APPLICANT TO PRINT CLEARLY!***

- a. Give the Applicant an overview of the RCR process by reviewing the *Florida Clemency Rules Summary* (Form A-2)
- b. At the top of the Data Worksheet, check the box or boxes that apply: “*Restoration of Civil Rights for Florida Conviction*” – or – “*Restoration of Civil Rights in Florida for Federal, Military or Out-of-State Convictions.*”
- c. Make sure that a response is provided for each blank on the application. **If the Applicant does not have a required piece of information, consult the Workshop Leader** to determine whether there is sufficient information to submit the Data Worksheet to the Office of Executive Clemency (“OEC”).
- d. Where the Applicant is asked to indicate the crime for which the Applicant was sentenced, provide as comprehensive a list of convictions as possible. **If there is more than one, start with the most recent and work back in time. (Use the Intake Form as a guide).**

If a conviction was out-of-state, it is advisable to indicate this. It is also helpful to provide the year of each conviction, if known. Blank paper is available if more space is needed.

- e. Ask the Applicant if s/he wants to authorize a Representative to assist the Applicant by obtaining information from the OEC about the Applicant’s RCR request.

If the Applicant desires this assistance, have the Applicant cross out the word “Attorney” on the Data Worksheet and write in “Representative” and then write in the name of the Representative authorized by the Host Organization.

Fill in only the Name(s) and Address(es) provided to you by the Workshop Leader. (The Host Organization has put a copy of the language at your table so the Applicant can copy it.) For example:

***Representative***

Attorney Name, Address & Telephone Number: \_ (NOTE: You do not need an attorney for this process.)

ACLU of Florida staff, 4500 Biscayne Blvd. Ste. 340 Miami, FL 33137

Sign:

Phone: 786-363-2731

- f. **Make sure the Applicant signs and dates the application.**
  - g. Contact the Workshop Leader, who will help you conduct a final check of the Data Worksheet.
2. **Optional Steps for Level 2 or Level 3 Applicants.** If the Applicant is in Level 2 or Level 3, inform the Applicant that it is a good idea to submit two or more letters of recommendation (from employers, clergy, etc.) in support of his/her application.

Provide the Applicant a copy of “*Restoration of Civil Rights Self-Preparation Guide – Assembling a Personal Portfolio and Preparing for your Hearing*” (Form A-4). Review the optional (but suggested) steps that the Applicant can take to assemble a portfolio. **Make sure that the Applicant knows that supporting letters are OPTIONAL – the application can be submitted without them.**

**3. Submitting the Data Worksheet to the OEC**

- a. Ask the Applicant if he/she would like the Host Organization to take responsibility for submitting the Data Worksheet to the OEC.

If the Applicant wants this assistance, give both the Intake Form and the Data Worksheet to the Workshop Leader.

If a photocopier is available at the Workshop, the Workshop Leader will return a copy of the Data Worksheet to the Applicant. If a photocopier is not available, advise the Applicant that the Host Organization will mail a copy of the Data Worksheet to him/her within one week.

Inform the Applicant that he/she should retain a copy of the Data Worksheet in a secure place for his/her own records. (This applies to ALL documents submitted to the OEC.)

- b. If the Applicant wishes to submit his/her own Application, advise the Applicant to retain a copy of the Data Worksheet in a secure place for his/her own records. (This applies to ALL documents submitted to the OEC.)
5. **“After the Application...What Now?”** Provide the Applicant a copy of this form (Form A-3) and review the form with the Applicant.

Explain to the Applicant what will happen with his/her Data Worksheet after it is received by the OEC.

Point out the telephone numbers that the Applicant can call if he or she needs help with the rights restoration process at a later date.

4. **Congratulate the Applicant:** for taking this first step in regaining his or her civil rights.

**At the end of the Workshop, the Applicant should take home a copy of the following resource documents:**

- *Florida Clemency Rules Summary* (Form A-2 / Form V-4)
- *After the Application... What Now?* (Form A-3), which provides instructions on how to follow up on the application.
- *Restoration of Civil Rights Self-Preparation Guide – Assembling a Personal Portfolio and Preparing for Your Hearing* (Form A-4) – only if the Applicant is in Level 2 or Level 3; this document is not necessary for Applicants in Level 1.

**THANK YOU for your help!**

## “RED FLAG” APPLICATIONS

### IMPORTANT NOTE:

Contact the Workshop Leader if the Applicant’s circumstances raise a “Red Flag.”

Be on the lookout for the following situations:

- **The Applicant has voted even though she was convicted of a felony and has not had her civil rights restored.**

Please inform the Applicant that it is a felony to vote if there is a felony conviction on one’s record and the Applicant’s voting rights have not been restored. He or she should stop voting immediately. (A person may receive a voter information card in the mail and assume she is eligible to vote.) Please have the Applicant fill out an application, ***but do not have the person sign and date the application.*** Alert the Workshop Leader about the Applicant’s voting history and give the application (and Intake Form) to the Workshop Leader.

- **The Applicant has only a withhold of adjudication or a misdemeanor conviction, rather than an actual felony conviction, but received notice that he was being removed from the voter rolls.**

Only people who have actually been convicted of a felony should lose his/her civil rights. If you speak with someone who was convicted of a misdemeanor or who had a withhold of adjudication on a felony, he should not have lost his civil rights. *Do not fill out an RCR application for this person.* Instead, tell the person to contact his Supervisor of Elections and explain the situation. If that does not remedy the problem, tell him to call the ACLU of Florida’s Voting Rights Project at 877-U-COUNT-2 or (786) 363-2731 and we will do our best to help the Applicant resolve this issue.

- **The Applicant says she is still under supervision (for example, she is still on probation or parole).**

Unless a person under supervision requests and receives a waiver of the Rules of Executive Clemency, that person is not eligible to apply for restoration of civil rights until he or she is out from under supervision, or “off paper.” Since requesting a waiver of the Rules is somewhat more complicated than completing the RCR application alone, we cannot assist with the waiver at the Workshop. However, you can assist the person in completing an RCR application, ***but do not have the person sign and date the application.*** Please contact the Workshop Leader for further assistance.

- **The Applicant owes court-ordered restitution.**

Even after the April 5, 2007, changes to the Rules of Executive Clemency, unpaid court-ordered restitution continues to disqualify a person from applying for RCR. Volunteers who encounter someone who owes court-ordered restitution should ask whether it would be possible for the person to pay the restitution prior to applying for RCR.

In cases of “exceptional merit,” a member of the Clemency Board may recommend restoration of civil rights even if the person owes restitution. If an Applicant would like assistance submitting a request to a Clemency Board member for this “Rule 17” relief, please ask the Applicant to contact the Voting Rights Project staff at the ACLU of Florida: 877-826-8682 (toll-free), 786-363-2731 or -786-363-2729 (phone), 786- 363-1448 (fax), [info@restorerights.org](mailto:info@restorerights.org).

- **The Applicant has an out-of-state conviction.**

Please see the “Out-Of-State Conviction Information Sheet” and contact a Workshop Leader for further information.

- **The Applicant wishes to apply for restoration of civil rights but she is not a citizen.**

The rights restored are rights of citizens (i.e. voting, etc.). If someone is not a citizen, he or she will need to consult an immigration attorney before taking any action with regard to restoration of his or her alien status.

## OUT-OF-STATE CONVICTIONS

### IMPORTANT NOTE:

**Contact the Workshop Leader if the Applicant has an Out-of-State Conviction.**

Below are a few guidelines for handling situations in which a person's conviction occurred in another state. These are *only* guidelines. They will not answer all questions about every situation. **All people with out-of-state convictions should be directed to a Workshop Leader.** If the Workshop Leader cannot determine whether the person needs to apply for RCR in Florida, the person's information may be sent to the ACLU of Florida office so that we provide additional assistance.

**REMEMBER: You do not have to answer every question at the workshop. It is better to tell the Applicant you do not know than to give the person incorrect information.**

**When in doubt, tell the Applicant that you'll have to get more information and then give the file to the Workshop Leader.** If the Workshop Leader is unable to assist the Applicant, he/she will refer the case to the ACLU of Florida Voting Rights Project. All such correspondence and/or calls can be directed to the ACLU of Florida Voting Rights Project at 4500 Biscayne Blvd., Suite 340, Miami, FL 33137, 786-363-2729 or -2731(phone), 786- 363-1448 (fax), info@restorerights.org.

The guiding principle in examining out-of-state convictions is that Florida cannot subsequently take away rights that another state restored or never took away in the first place (for example, Maine and Vermont never take away voting rights). Florida must recognize the restoration of civil rights that has been granted in another state.

However, whether a person's civil rights were actually restored by the other state can sometimes be difficult to determine. The following questions may help you determine whether a person needs to apply for restoration of civil rights in Florida:

1. **Where was the conviction?**

If the conviction was in Kentucky or Virginia, then the person will probably need to apply in Florida. The process for restoring rights in those states is long and difficult and the person would probably know if his or her rights were restored by one of these states. If the civil rights were restored, the person does not need to apply for restoration of these rights in Florida.

If the conviction was in Maine or Vermont, the person does **not** need to apply in Florida. He or she can register to vote.

If the conviction was in a state not listed above, the Workshop Leader will likely need to send the file to the ACLU of Florida.

2. **Where was the Applicant a resident at the time of conviction?**

If the person was a resident of Florida at the time he or she was convicted in another state (ie., the person went on vacation to New York and was convicted) and was a resident of Florida both before and after release, then the person will probably need to apply for RCR in Florida.

3. **Where did the person serve his or her time, including probation or parole?**

If the person committed the crime in another state but had his/her supervision (including probation or parole) transferred to Florida, and then continued to live in Florida after release from supervision, he or she will probably need to apply for RCR in Florida.

4. **Where was the person a resident at the time of release from supervision (including probation or parole)?**

Even if the person was convicted and served his or her time in an automatic restoration state, his or her rights may not have been restored if he or she moved to Florida immediately upon release. In cases like these, it can be difficult to determine whether the person needs to apply for RCR in Florida.