Bureau of Voter Registration Services
Processing Potential Felon Match Files
(s. 4, Art. VI, Fla. Const.[1] and Section 98.075 and 98.0751, Fla. Stat.)

Internal Procedures

Examiners and Reviewers shall apply the following procedures to create and review credible and reliable felon (FDLE – Florida Department of Law Enforcement, DOC – Florida Department of Corrections, FED –Federal Felony Convictions, SOP – Sexual Offender Predator, INT – Interstate) match files.

These procedures supersede any previously provided procedures.

> Note: Each match that is assigned, examined, and reviewed must be worked in the manner detailed herein. All previously assigned matches will be placed back in the "felon queue". The older document images for those matches will still be available, but you will need to treat the case file as if you are looking at the match for the very first time under the new procedures. This means you will need to re-scan all screenshots. The older screenshots are only there for your reference. You are required to continue highlighting the 3 demographics you are using to confirm the felon/voter matching. Disclaimer: All processes and procedures are subject to change upon written notification.

1. **Order**

    Pay close attention to bundles. Work DOC matches first, instead of FDLE matches. Some cases will need to be saved to your folder with a specialized comment. We will review those in the procedures below.

2. **Comments**

    - Categorize all felon match case files with the new Comments in the table below when sending for review.
    - Copy and paste the comment into the comment field – do not type or re-type. This will reduce errors in the comment field. Enter comments using all caps and letters as indicated:

Table 1
Do not use the CREDIBLE and INVALID comment notations at this time.

Comment	Defined
MURDER_V	Murder felony valid case file
MURDER_I	Murder felony invalid case file
FELONYSO_V	Sexual offense felony valid case file
FELONYSO_I	Sexual offense felony invalid case file
NMNSO_V	Not a murder, not a sexual offense felony valid case file
NMNSO_I	Not a murder, not a sexual offense felony invalid case file
ID_I	Identity mismatch invalid case file
CM_I	Found in County Match File invalid case file
NRCOC_I	No response from Clerk of Court invalid case file
CDU_I	Court docs unavailable invalid case file

---

[1] Art. VI, Fla. Const. - SECTION 4. Disqualifications.—

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

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

3. Notations (when saving to your folder)

Use the following notations:

- o Court Docs Ordered (county 3 letter code), date ordered
- o FDLE (#of blank cases), date ordered
- o FDLE adding found case, date ordered
- o FDLE correcting match info, date ordered
- o Waiting on IRIS, date ordered
- o Waiting on HSMV, date sent to SMAS

4. Types of felony conviction cases

- The files in the queue will be a mix of those with cases that show Incarcerated, Under Supervision, and not incarcerated or under supervision. The charges will be a mix of Murder, Felony Sexual Offense (SO) and Not Murder, Not Felony Sexual Offense (NMNSO) cases.

- A judgment and sentence showing the conviction is required for all cases used in the determination of the file, regardless of the underlying felony offense. This is further explained below. Whenever reaching out to the Clerk of Court, all documents showing conviction entered by the court and sentencing document showing financial obligations (restitution[2], fines, fees, and court costs if any ordered) will be requested. You will need to also search for documents, if any, that show the judgment and sentence were modified.

5. Initial search process

- Send all court doc requests not found in CCIS/Online to: BVRSCourtDocs@dos.myflorida.com

- Start examination by searching the County Match folder. Invalidate the case if the Voter Identification Number (VID) appears in the County Match and the notification date is within 6 months of the current date, or if the file is an ID Mismatch. Make sure you are properly notating the invalidation reason in the Other field on the case file review certificate.

- Search the Advisory Opinion Database to see if an Advisory Opinion was previously provided for any of the matched cases. Invalidate the case if the Advisory Opinion stated that the requestor was Eligible to vote and has no new convictions to research. If the Advisory Opinion stated that the requestor was Ineligible to vote, continue with processing the file to determine if rights were restored after the date the Advisory Opinion was provided.

- Search the DOC offender network webpage in order to see if the individual is incarcerated or under supervision for a felony conviction. You will need to include a DOC screenshot of the individual from the DOC offender network webpage, if available, along with all of your other documents for a full case file[3].

- Start research with the most recent matched case and work your way down. Once you find a valid case you do not need to look at further matched cases. However, in some matches you may have to research all matched cases.

a. For Felony Sexual Offenses and Murder Convictions

Refer to the attached Quick Reference Guide (incorporated by reference) for such offenses. Please note that the statute used in valid felony determination will need to be documented in the Other field on the case file review certificate for murder and SO cases. If the case(s) has a statute that is not included in the Quick Reference Guide (example: felony conviction for attempted murder) this would be considered an NMNSO case.

---

[2] Unless ordered to be paid through the Clerk of Court, restitution information may not be available through CCIS.
[3] Full case file breakdown is found on page 6 of this document.

o If an incarcerated or under supervision (for a felony conviction) Murder or SO case is found, then proceed with that case – do not consider additional matched cases at that juncture.

o If not incarcerated or under supervision (for a felony conviction), and a Murder or SO case is not found, then continue to look at all matched cases to identify the proper file determination.

Example of no valid cases: If you have two matched cases and the older case is a Murder_I(nvalid) and the most recent case is a NMNSO_I (nvalid) due to adjudication withheld you would make the final file determination on the most recent case information.

b. For Felony NMNSO conviction(s) that are no longer incarcerated or under supervision

1. Determinations to be Made

   a. The amount ordered (i.e., restitution, fines, fees, and/or court costs, hereinafter "legal financial obligations" or "LFOs") as part of the felony judgment and sentence; and
   b. Whether evidence shows satisfaction or payments total or exceed the amount ordered as part of the judgment and sentence.

2. To Determine Amounts Ordered

Obtain from CCIS or the Clerk of Court's docket, the judgment and sentencing document(s) that identify the total amount of legal financial obligations ordered, if any. If an amount ordered as part of the judgment and sentence was converted to a civil judgment lien, access the Clerk of Court's Official Records database to determine and obtain satisfaction of lien, if any.

   a. If no LFOs were ordered, or if ordered LFOs were satisfied or paid in amount that totals or exceeds the LFOs, proceed to Section 3. If there is no judgment and sentence available after consultation with the Clerk of Court, or if the judgment and sentence is illegible, invalidate the match as no evidence of LFOs ordered.

   b. If LFOs were ordered but it is indeterminate from the online records if the LFOs are satisfied or whether payments made total or exceed the amount ordered, then a request must be submitted to the Clerk of Court in the county where the sentence was ordered for records indicating status of LFOs.

   c. If, after researching the above (paragraph b), records do not show satisfaction or payments totaling or exceeding the amount ordered, take the following additional step if the individual was under DOC incarceration or supervision at any time since the judgment and sentence:

      i. Contact Florida Department of Corrections (DOC) to inquire as to whether any payments were made to DOC toward the judgment and sentence during the time of incarceration or supervision that are not reflected in the Clerk of Court records.

ii. If the answer is yes, and these payments total or exceed the amount ordered as part of the judgment and sentence, invalidate the match because the individual has completed all terms of the judgment and sentence for purposes of voting under section 98.0751(2)(a)5.c, Florida Statutes.

3. To Determine Satisfaction or Payments Made

a. If records show satisfaction or payments that total or exceed the amount ordered as part of the felony judgment and sentence, or if there were no LFOs ordered as part of the judgment and sentence, invalidate the match because the individual has completed all terms of the judgment and sentence for purposes of voting under section 98.0751(2)(a)5.c, Florida Statutes.

b. If, after completing the steps in Section 2, records show that LFOs have not been satisfied or paid, as part of the judgment and sentence including outstanding civil lien, if any, validate the match and notate NMNSO_V – Financial Obligations Outstanding. Include the records and screenshots used to make this determination.

6. Special Felony Case Types

a. Interstate (INT) cases:

Complete the full case file examination. Make out-of-state court doc requests through the designated staff member. We are working INT cases by using the state of conviction guideline for voting rights restoration as notated in ProCon: https://felonvoting.procon.org/view.resource.php?resourceID=000286

b. FED felons:

This is a manual match and review process.

- Work FL FED files including the use of Federal Bureau of Prisoners (FBOP) website[4] to search the incarceration status. We will complete a full case file, which includes obtaining sentencing and financial information, on these convictions. If the information is indeterminate we will need to invalidate based on incomplete information.

- Work Out of State (OOS) FED cases by using the state of conviction guideline for voting rights restoration as notated in ProCon: https://felonvoting.procon.org/view.resource.php?resourceID=000286

---

[4] https://www.bop.gov/inmateloc/. Search can be by BOP number, DCDC number, INS number, or FBI number if available or by name, age, gender, and race.

7. Match Examples – Invalid

Folder comments shall be noted as **MURDER_I**, **FELONYSO_I**, **NMNSO_I**, **CM_I**, **ID_I**, **NRCOC_I** or **CDU_I** based on examination of case files.

a. Special matches

- Types: Misdemeanor (MM), Nolle Pros, Adjudication W/H, juvenile delinquent and blank cases. These matches are still to be referred to FDLE for further research as to why the match occurred.

- Pending feedback from FDLE, forward special matches - MM, Nolle Pros, Adjudication W/H and juvenile delinquent – to Reviewer with the appropriate new invalid folder comment. You will also state the reason for invalidation in the Other field. Based on information received from FDLE, such as if there was a Violation of Probation (VOP) resulting in a felony conviction, the match will be reassigned.

- Blank cases are addressed below in section 9. (Match Examples - To Be Sent or Saved).

Reviewers <u>must</u> only use the auto invalid reasons in this table.

Examples of Other include: Found in County Match file

> Select a Reason for Felon Match Invalidation:
> - ○ Identity Mismatch
> - ○ Insufficient Demographics
> - ○ No response from COC
> - ○ Clemency Applies
> - ○ Court docs unavailable
> - ○ Adjudication withheld
> - ○ Misdemeanor Adjudication
> - ○ Deceased
> - ○ Already removed by SOE
> - ○ Felony case Nolle Pros
> - ○ No Financial Obligations Outstanding
> - ○ Other
>
> Write other reason here (50 character limit).
>
> Enter 'Clemency Applied Date' here   *(MM/DD/YYYY)*
>
> Finalize Invalidation   Cancel Invalidation

b. ID Mismatches

Send to Reviewer. A judgment/arrest information will continue to be ordered, even if information is under a different name in CCIS. There are exceptions to this when an Examiner finds:

- A DOC for felon(non-voter) which has the matched case number listed.

- The felon and voter match only on a common last name (Example: Brown) and have two different sexes – everything you look at points to two different individuals (verified by HSMV info/pics). *Use common sense to make these determinations.* If the Examiner and Reviewer disagree on the outcome, the Reviewer's immediate supervisor will make the final determination.

c. Other Invalid Matches – Clemency and Insufficient Demographics

The below can be sent for review and finalized. The Examiner would use the appropriate invalid comment from Table 1 (Page 1) for the folder comment and notate the reason for invalidation in the Other field

(examples below). The Reviewer will select the correct felon match invalidation reason as notated in section 7 above.

- Insufficient demographics

- Clemency applies (which must postdate all prior felony conviction(s), if any)

8. Match Examples – To be Sent or Saved

a. Found cases

If an Examiner is unable to make a valid match with the cases already listed and finds a valid case for the voter record that was not matched, the Examiner must provide the BVRSA page, CCIS case information and judgment to the BVRS Administrative Assistant's inbox. BVRS will reach out to FDLE to have the match updated. These files will be saved to your folder until the match is updated. Please make sure your folder comment reflects, "FDLE adding found case, date ordered" as notated in Section 3.

b. Blank cases

An Examiner should only request further information if the blank case is the only case in the match and/or if the Examiner cannot make a valid case with any of the other cases listed and there is a blank case.
Under this process if there is not a valid Murder, SO, nor NMNSO case with any of the cases listed and there is a blank case, you must request the blank case from FDLE. Provide the BVRSA screen with the blank case exposed to the Administrative Assistant's inbox. These files will be saved to your folder until FDLE updates the match. Please make sure your folder comment reflects, "FDLE (#of blank cases), date ordered" as notated in Section 3.

c. Correcting Case Info or DAVID Record

If the case number or county listed in the match is found to be incorrect, the Examiner will provide the BVRSA screen showing the case, the CCIS case information, and judgment to the Administrative Assistant's inbox. These files will be saved to your folder until FDLE updates the match. Please make sure your folder comment reflects, "FDLE correcting match info, date ordered" as notated in section 3.

If some research and/or possible correction needs to be done concerning the DAVID record (example: DAVID has two people combined in the record), the Examiner will send an email to the Senior Management Analyst Supervisor that includes the match ID, the issue, and DL(s) involved. These files will be saved to your folder until a response is received from HSMV and, potentially, the DAVID record is updated. Please make sure your folder comment reflects, "Waiting on HSMV, date sent to SMAS" as notated in section 3.

d. Review

Do not forward for review Found cases and Blank cases until hearing back from FDLE.   After hearing back from FDLE, if the case is:

- Valid, notate appropriately as MURDER_V, FELONYSO_V and send for review.

- Invalid, notate appropriately as MURDER_I, FELONYSO_I and send for review.

- NMNSO, you will complete a case file in its entirety, including the court fees as described in Section 4.

Reminders/Special Notes

1. Case Search and Review for Examiners and Reviewers

- Search the voter's name and DOB in DAVID for every file creation, even if there is a DL listed for the felon. This is part of your check to assure voter and felon are the same.

- Make sure you are including the full uniformed 20-digit case number in the CCIS field. You can still notate "not in CCIS" after the case number if applicable.

- Include cases by person (this is the search done in CCIS which shows all cases under the person's name) in all invalid files to verify Examiner has looked at everything.

- Review all documents related to the felony conviction and pay attention to the counts. There may be multiple documents needed to include all counts for a particular case.

- **Do not hesitate to ask questions - every case is different.** Some of these will be on a case by case basis depending on the complexity of the match.

2. County Match[5]

Anything added to the County Match File within 6 months of the current date will negate the need to work the electronic match. These should be invalidated accordingly.

3. Work Order

At this time everyone should begin selecting Next Doc as there are no longer matches assigned in your folder.

4. Full Case File

A full case file will consist of the following elements:

- Case File Review Certificate

- BVRSA Screenshot

- DAVID Screenshot(s) – DAVID Screenshot(s) will be removed by the Reviewer for valid case files

- CCIS Screenshot(s)

- Court Documents (at a minimum, the judgment and sentence documents (all pages))

- DOC Screenshots – DOC-BVRS will be removed by the Reviewer for valid case files

- FCOR Clemency Screenshot(s)

---

[5] County initiated felon file.

Employee Acknowledgement

Sign and date the block below and provide the signed page to your immediate supervisor.

Staff to sign: I have read and understood the procedures in this document, *Processing Potential Felon Match Files (4/9/2021)*. If I have any questions, I will consult with my immediate supervisor.

Print Name/Signature_____   Date _____