

|            | LEGISLATIVE ACTION |       |
|------------|--------------------|-------|
| Senate     |                    | House |
| Comm: RCS  |                    |       |
| 04/23/2019 | •                  |       |
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The Committee on Rules (Brandes) recommended the following:

## Senate Amendment (with title amendment)

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Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 97.052, Florida Statutes, is amended to read:

- 97.052 Uniform statewide voter registration application.-
- (2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:
  - (a) Last, first, and middle name, including any suffix.



12 (b) Date of birth. 13 (c) Address of legal residence. 14 (d) Mailing address, if different. 15 (e) E-mail address and whether the applicant wishes to receive sample ballots by e-mail. 16 17 (f) County of legal residence. (g) Race or ethnicity that best describes the applicant: 18 1. American Indian or Alaskan Native. 19 2. Asian or Pacific Islander. 2.0 21 3. Black, not Hispanic. 4. White, not Hispanic. 22 23 5. Hispanic. 24 (h) State or country of birth. 25 (i) Sex. (j) Party affiliation. 2.6 27 (k) Whether the applicant needs assistance in voting. 28 (1) Name and address where last registered. 29 (m) Last four digits of the applicant's social security 30 number. 31 (n) Florida driver license number or the identification 32 number from a Florida identification card issued under s. 33 322.051. 34 (o) An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida 35 36 identification card, or a social security number. 37 (p) Telephone number (optional). 38 (q) Signature of applicant under penalty for false swearing

pursuant to s. 104.011, by which the person subscribes to the

oath required by s. 3, Art. VI of the State Constitution and s.

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97.051, and swears or affirms that the information contained in the registration application is true.

- (r) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information card.
- (s) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (t) Whether the applicant has been convicted of a felony, and, if convicted, has had his or her voting civil rights restored by including the statement "I affirm I am not a convicted felon, or, if I am, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement.
- (u) Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting, or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement.

65 The registration application must be in plain language and 66 designed so that convicted felons whose voting civil rights have 67 been restored and persons who have been adjudicated mentally incapacitated and have had their voting rights restored are not 68

required to reveal their prior conviction or adjudication.

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Section 2. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read:

97.053 Acceptance of voter registration applications.-

- (5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:
  - 1. The applicant's name.
- 2. The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.
  - 3. The applicant's date of birth.
- 4. A mark in the checkbox affirming that the applicant is a citizen of the United States.
- 5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or
- b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the

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manner prescribed in the uniform statewide voter registration application.

- 6. A mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her voting civil rights restored.
- 7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.
- 8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.
- Section 3. Paragraph (c) of subsection (1) of section 98.045, Florida Statutes, is amended to read:
  - 98.045 Administration of voter registration.
- (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:
- (c) The applicant has been convicted of a felony for which his or her voting civil rights have not been restored.
- Section 4. Subsections (5) and (6) and paragraph (a) of subsection (7) of section 98.075, Florida Statutes, are amended



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98.075 Registration records maintenance activities; ineligibility determinations.-

- (5) FELONY CONVICTION. The department shall identify those registered voters who have been convicted of a felony and whose voting rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.
- (6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information from sources other than those identified in subsections (2)-(5) that a registered voter is ineligible because he or she is deceased, adjudicated a convicted felon without having had his or her voting civil rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that

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is not his or her legal residence, the supervisor must adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

- (7) PROCEDURES FOR REMOVAL.-
- (a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:
- 1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:
- a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based. Such documentation shall include any conviction from another jurisdiction determined to be a similar offense to murder or a felony sexual offense as defined in s. 98.0751.
- b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.
- c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.
- d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

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- e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.
- f. Instructions for seeking restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution and information explaining voting rights restoration pursuant to s. 4., Art. VI of the State Constitution following a felony conviction, if applicable.
- 2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:
  - a. The voter's name and address.
- b. A statement that the voter is potentially ineligible to be registered to vote.
- c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.
- d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.
- e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.
- 3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If

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the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

- 4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.
- 5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

Section 5. Section 98.0751, Florida Statutes, is created to read:

98.0751 Restoration of voting rights; termination of

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ineligibility subsequent to a felony conviction.-

- (1) A person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense must have such disqualification terminated and his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of his or her sentence, including parole or probation. The voting disqualification does not terminate unless a person's civil rights are restored pursuant to s. 8, Art. IV of the State Constitution if the disqualification arises from a felony conviction of murder or a felony sexual offense, or if the person has not completed all terms of sentence, as specified under subsection (2).
  - (2) For purposes of this section, the term:
- (a) "Completion of all terms of sentence" means any portion of a sentence that is contained in the four corners of the sentencing document, including, but not limited to:
- 1. Release from any term of imprisonment ordered by the court as a part of the sentence;
- 2. Termination from any term of probation or community control ordered by the court as a part of the sentence;
- 3. Fulfillment of any term ordered by the court as a part of the sentence;
- 4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including, but not limited to, parole; and
  - 5. Payment of all:
- a. Restitution ordered by the court as a part of the sentence, regardless of whether such restitution is converted to



a civil lien; and

b. Fees or fines ordered by the court as part of the sentence or that are ordered by the court as a condition of any form of supervision including, but not limited to, probation, community control, or parole. A financial obligation required under this sub-subparagraph is deemed to have been completed to the extent that the financial obligation has been converted to a civil lien.

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- A term required to be completed in accordance with this paragraph shall be deemed completed if the court modifies the original sentencing order to no longer require completion of such term.
  - (b) "Felony sexual offense" means any of the following:
- 1. Any felony offense that serves as a predicate to registration as a sexual offender in accordance with s. 943.0435;
  - 2. Section 872.06; or
- 3. Any similar offense committed in another jurisdiction which would be an offense listed in this paragraph if it had been committed in violation of the laws of this state.
  - (c) "Murder" means either of the following:
- 1. A violation of any of the following sections which results in the actual killing of a human being:
  - a. Section 775.33(4).
- b. Section 782.04(1) or (2). 298
- 299 c. Section 782.09.
- 300 2. Any similar offense committed in another jurisdiction 301 which would be an offense listed in this paragraph if it had

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been committed in violation of the laws of this state.

- (3) A local supervisor of elections shall verify whether a person who has been convicted of a felony offense and subsequently registers or applies to register to vote has completed all the terms of his or her sentence as required by this section. The supervisor of elections may request the assistance of the department to make such determination.
- (4) For the purpose of determining a voter registration applicant's eligibility, the provisions of this section shall be strictly construed. If a provision is susceptible to differing interpretations, it shall be construed in favor of the applicant.

Section 6. Section 104.011, Florida Statutes, is amended to read:

- 104.011 False swearing; submission of false voter registration information; prosecution prohibited.-
- (1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (2) A person who willfully submits any false voter registration information commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.
- (3) A person may not be charged or convicted for a violation of this section for affirming that he or she has not been convicted of a felony or that, if convicted, he or she has had voting right restored, if such violation is alleged to have

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occurred on or after January 8, 2019, but before the effective date of this act.

Section 7. Section 940.061, Florida Statutes, is amended to read:

940.061 Informing persons about executive clemency, and restoration of civil rights, and restoration of voting rights.-The Department of Corrections shall inform and educate inmates and offenders on community supervision about the restoration of civil rights and the restoration of voting rights resulting from the removal of the disqualification to vote pursuant to s. 4, Art. VI of the State Constitution. Each month, the Department of Corrections shall send to the Florida Commission on Offender Review by electronic means a list of the names of inmates who have been released from incarceration and offenders who have been terminated from supervision who may be eligible for restoration of civil rights.

Section 8. Subsection (1) of section 944.292, Florida Statutes, is amended to read:

944.292 Suspension of civil rights.-

(1) Upon conviction of a felony as defined in s. 10, Art. X of the State Constitution, the civil rights of the person convicted shall be suspended in Florida until such rights are restored by a full pardon, conditional pardon, or restoration of civil rights granted pursuant to s. 8, Art. IV of the State Constitution. Notwithstanding the suspension of civil rights, such a convicted person may obtain restoration of his or her voting rights pursuant to s. 4, Art. VI of the State Constitution and s. 98.0751.

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Section 9. Subsection (6) of section 944.705, Florida



Statutes, is amended to read:

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944.705 Release orientation program.-

- (6) (a) The department shall notify every inmate, in no less than 18-point type in the inmate's release documents:7
- 1. Of all outstanding terms of the inmate's sentence at the time of release to assist the inmate in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751. This subparagraph does not apply to inmates who are being released from the custody of the department to any type of supervision monitored by the department; and
- 2. In not less than 18-point type, that the inmate may be sentenced pursuant to s. 775.082(9) if the inmate commits any felony offense described in s. 775.082(9) within 3 years after the inmate's release. This notice must be prefaced by the word "WARNING" in boldfaced type.
- (b) Nothing in This section does not preclude precludes the sentencing of a person pursuant to s. 775.082(9), and nor shall evidence that the department failed to provide this notice does not prohibit a person from being sentenced pursuant to s. 775.082(9). The state is shall not be required to demonstrate that a person received any notice from the department in order for the court to impose a sentence pursuant to s. 775.082(9).

Section 10. Subsection (3) of section 947.24, Florida Statutes, is renumbered as subsection (4), respectively, and subsection (3) is added to that section, to read:

947.24 Discharge from parole supervision or release supervision.-

(3) Upon the termination of an offender's term of

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supervision, which is monitored by the commission, including, but not limited to, parole, the commission must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 11. Section 948.041, Florida Statutes, is created to read:

948.041 Notification of outstanding terms of sentence upon termination of probation or community control.-Upon the termination of an offender's term of probation or community control, the department must notify the offender in writing of all outstanding terms at the time of termination to assist the offender in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in s. 98.0751.

Section 12. Subsection (1) of section 951.29, Florida Statutes, is amended to read:

951.29 Procedure for requesting restoration of civil rights or restoration of voting rights of county prisoners convicted of felonies.-

- (1) With respect to a person who has been convicted of a felony and is serving a sentence in a county detention facility, the administrator of the county detention facility shall provide the following to the prisoner, at least 2 weeks before discharge, if possible: -
- (a) An application form obtained from the Florida Commission on Offender Review which the prisoner must complete in order to begin the process of having his or her civil rights



418 restored; -419 (b) Information explaining voting rights restoration 420 pursuant to s. 4, Art. VI of the State Constitution; and 421 (c) Written notification of all outstanding terms of the 422 prisoner's sentence at the time of release to assist the 423 prisoner in determining his or her status with regard to the completion of all terms of sentence, as that term is defined in 424 425 s. 98.0751. 426 Section 13. Restoration of Voting Rights Work Group.-The 427 Restoration of Voting Rights Work Group is created within the 428 Department of State for the purpose of conducting a 429 comprehensive review of the department's process of verifying 430 registered voters, applicants, or potential applicants who have 431 been convicted of a felony, but who may be eligible for 432 restoration of voting rights under s. 4, Article VI of the State 433 Constitution. 434 (1) MEMBERSHIP.—The work group is comprised of the 435 following members: 436 (a) The Secretary of State or his or her designee, who 437 shall serve as chair for the work group. 438 (b) The Secretary of Corrections or his or her designee. 439 (c) The executive director of the Department of Law 440 Enforcement or his or her designee. 441 (d) The Chairman of the Florida Commission on Offender 442 Review or his or her designee. 443 (e) Two clerks of the circuit court appointed by the 444 Governor. 445 (f) Two supervisors of elections appointed by the Governor. 446 (2) TERMS OF MEMBERSHIP.—Appointments to the work group

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shall be made within 30 days of the effective date of this act. All members shall serve for the duration of the work group. Any vacancy shall be filled by the original appointing authority for the remainder of the work group's existence.

- (3) DUTIES.—The work group is authorized and directed to study, evaluate, analyze, and undertake a comprehensive review of the Department of State's process of verifying registered voters, applicants, or potential applicants who have been convicted of a felony, but who may be eligible for restoration of voting rights under s. 4, Article VI of the State Constitution, to develop recommendations for the Legislature, related to:
- (a) The consolidation of all relevant data necessary to verify the eligibility of a registered voter, applicant, or potential applicant for restoration of voting rights under s. 4, Article VI of the State Constitution. If any entity is recommended to manage the consolidated relevant data, the recommendations must provide the feasibility of such entity to manage the consolidated relevant data and a timeline for implementation of such consolidation.
- (b) The process of informing a registered voter, applicant, or potential applicant of the entity or entities that are custodians of the relevant data necessary for verifying his or her eligibility for restoration of voting rights under s. 4, Article VI of the State Constitution.
- (c) Any other relevant policies or procedures for verifying the eligibility of a registered voter, applicant, or potential applicant for restoration of voting rights under s. 4, Article VI of the State Constitution.

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(4) REPORT.—The work group shall submit a report of its findings, conclusions, and recommendations for the Legislature to the President of the Senate and the Speaker of the House of Representatives by November 1, 2019. Upon submission of the report, the work group is dissolved and discharged of further duties. (5) STAFFING.—The Department of State shall provide support for the work group in performing its duties. (6) PER DIEM AND TRAVEL EXPENSES.—Work group members shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061, Florida Statutes. (7) EXPIRATION.—This section expires January 31, 2020. Section 14. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law. Section 15. This act shall take effect upon becoming a law. ======= T I T L E A M E N D M E N T ========= And the title is amended as follows: Delete everything before the enacting clause and insert: A bill to be entitled An act relating to voting rights restoration; amending ss. 97.052, 97.053, and 98.045, F.S.; revising terminology regarding voting rights restoration to conform to the State Constitution; amending s. 98.075, F.S.; revising terminology regarding voting rights restoration to conform to the State Constitution;

requiring the supervisor of elections of the county in

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which an ineligible voter is registered to notify the voter of instructions for seeking restoration of voting rights pursuant to s. 4, Art. VI of the State Constitution, in addition to restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution; requiring a notice of a registered voter's potential ineligibility to include specified information; creating s. 98.0751, F.S.; requiring the voting disqualification of certain felons to be removed and voting rights restored pursuant to s. 4, Art. VI of the State Constitution; providing that the voting disqualification arising from specified factors is not removed unless a person's civil rights are restored through the clemency process pursuant to s. 8, Art. IV of the State Constitution; providing definitions; authorizing the supervisor of elections to verify whether a person who has been convicted of a felony offense is eligible to register to vote, including if he or she has completed all the terms of his or her sentence; authorizing the Department of State to assist the supervisor of elections with such verification; requiring specified provisions to be construed in favor of a voter registration applicant; amending s. 104.011, F.S.; prohibiting a person from being charged or convicted for certain violations; amending s. 940.061, F.S.; requiring the Department of Corrections to inform inmates and offenders of voting rights restoration pursuant to s. 4, Art. VI of the State Constitution, in addition to executive clemency

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and civil rights restoration; amending s. 944.292, F.S.; conforming a provision regarding the suspension of civil rights; amending s. 944.705, F.S.; requiring the Department of Corrections to include notification of all outstanding terms of sentence in an inmate's release documents; providing an exception to the notification requirement for inmates who are released to any type of supervision monitored by the department; amending s. 947.24, F.S.; requiring the Florida Commission on Offender Review, upon the termination of an offender's term of parole, control release, or conditional release, to provide written notification to the offender of all outstanding terms of sentence; creating s. 948.041, F.S.; requiring the department, upon the termination of an offender's term of probation or community control, to provide written notification to the offender of all outstanding terms of sentence; amending s. 951.29, F.S.; requiring each county detention facility to provide information on the restoration of voting rights pursuant to s. 4, Art. VI of the State Constitution to certain prisoners; requiring each county detention facility to provide written notification to certain prisoners of all outstanding terms of sentence upon release; creating the Restoration of Voting Rights Work Group within the Department of State; specifying membership of the work group; establishing the manner of appointments and the terms of membership; prescribing the duties of the work group; requiring the work group



| to submit a report to the Legislature by a specified   |  |  |
|--|--|--|
| date; providing for staffing; authorizing              |  |  |
| reimbursement for per diem and travel expenses;        |  |  |
| providing for expiration of the work group; providing  |  |  |
| a directive to the Division of Law Revision; providing |  |  |
| an effective date.                                     |  |  |