

By Senators Hargrett, Dawson and Holzendorf

21-22-00

1 A bill to be entitled
 2 An act relating to elections; amending s.
 3 97.041, F.S.; providing for automatic
 4 restoration of former felons' right to vote
 5 following completion and satisfaction of
 6 sentence of incarceration and community
 7 supervision; providing conditions on such
 8 automatic restoration; amending ss. 97.052,
 9 97.053, 98.0975, F.S., to conform; providing a
 10 conditional effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraph (b) of subsection (2) of section
 15 97.041, Florida Statutes, is amended to read:

16 97.041 Qualifications to register or vote.--

17 (2) The following persons, who might be otherwise
 18 qualified, are not entitled to register or vote:

19 (b) A person who has been convicted of any felony by
 20 any court of record; however, such a person's right to
 21 register or vote is automatically restored by operation of law
 22 1 year after completion and satisfaction of all sentences
 23 imposed upon such person. For the purposes of this paragraph,
 24 "completion and satisfaction of all sentences" occurs when a
 25 person is released from incarceration upon expiration of
 26 sentence and has achieved or completed all other nonmonetary
 27 terms and conditions of the sentence or subsequent supervision
 28 or, if the person has not been incarcerated for the felony
 29 offense, has achieved or completed all nonmonetary terms and
 30 conditions of community supervision imposed by a court ~~and who~~
 31 ~~has not had his or her right to vote restored pursuant to law.~~

1 If a majority of the Board of Executive Clemency objects
2 before the automatic restoration of the right to register or
3 vote, such rights shall be restored only upon application to,
4 and approval by, the Board of Executive Clemency.

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

7 97.052 Uniform statewide voter registration
8 application.--

9 (2) The uniform statewide voter registration
10 application must be designed to elicit the following
11 information from the applicant:

- 12 (a) Full name.
13 (b) Date of birth.
14 (c) Address of legal residence.
15 (d) Mailing address, if different.
16 (e) County of legal residence.
17 (f) Address of property for which the applicant has
18 been granted a homestead exemption, if any.

19 (g) Race or ethnicity that best describes the
20 applicant:

- 21 1. American Indian or Alaskan Native.
22 2. Asian or Pacific Islander.
23 3. Black, not Hispanic.
24 4. White, not Hispanic.
25 5. Hispanic.
26 (h) Sex.
27 (i) Party affiliation.
28 (j) Whether the applicant needs assistance in voting.
29 (k) Name and address where last registered.
30 (l) Last four digits of the applicant's social
31 security number.

1 (m) Florida driver's license number or the
2 identification number from a Florida identification card
3 issued under s. 322.051.

4 (n) Telephone number (optional).

5 (o) Signature of applicant under penalty for false
6 swearing pursuant to s. 104.011, by which the person
7 subscribes to the oath required by s. 3, Art. VI of the State
8 Constitution and s. 97.051, and swears or affirms that the
9 information contained in the registration application is true.

10 (p) Whether the application is being used for initial
11 registration, to update a voter registration record, or to
12 request a replacement registration identification card.

13 (q) Whether the applicant is a citizen of the United
14 States.

15 (r) That the applicant has not been convicted of a
16 felony or, if convicted, has had his or her voting ~~civil~~
17 rights restored.

18 (s) That the applicant has not been adjudicated
19 mentally incapacitated with respect to voting or, if so
20 adjudicated, has had his or her right to vote restored.

21
22 The registration form must be in plain language and designed
23 so that convicted felons whose voting ~~civil~~ rights have been
24 restored and persons who have been adjudicated mentally
25 incapacitated and have had their voting rights restored are
26 not required to reveal their prior conviction or adjudication.

27 Section 3. Paragraph (a) of subsection (5) of section
28 97.053, Florida Statutes, is amended to read:

29 97.053 Acceptance of voter registration
30 applications.--

31

1 (5)(a) A voter registration application is complete if
2 it contains:

- 3 1. The applicant's name.
- 4 2. The applicant's legal residence address.
- 5 3. The applicant's date of birth.
- 6 4. An indication that the applicant is a citizen of
7 the United States.
- 8 5. The last four digits of the applicant's social
9 security number.

10 6. An indication that the applicant has not been
11 convicted of a felony or that, if convicted, has had his or
12 her voting ~~civil~~ rights restored.

13 7. An indication that the applicant has not been
14 adjudicated mentally incapacitated with respect to voting or
15 that, if so adjudicated, has had his or her right to vote
16 restored.

17 8. Signature of the applicant swearing or affirming
18 under the penalty for false swearing pursuant to s. 104.011
19 that the information contained in the registration application
20 is true and subscribing to the oath required by s. 3, Art. VI
21 of the State Constitution and s. 97.051.

22 Section 4. Subsection (1) of section 98.0975, Florida
23 Statutes, is amended to read:

24 98.0975 Central voter file; periodic list
25 maintenance.--

26 (1) ~~By August 15, 1998,~~The division shall provide to
27 each county supervisor of elections a list containing the
28 name, address, date of birth, race, gender, and any other
29 available information identifying the voter of each person
30 included in the central voter file as a registered voter in
31 the supervisor's county who:

- 1 (a) Is deceased;
- 2 (b) Has been convicted of a felony and has not had his
- 3 or her voting ~~civil~~ rights restored; or
- 4 (c) Has been adjudicated mentally incompetent and
- 5 whose mental capacity with respect to voting has not been
- 6 restored.

7 Section 5. This act shall take effect on the effective
8 date of Senate Joint Resolution No. ____ or another amendment
9 to the State Constitution which authorizes, or removes
10 impediments to, enactment of this act by the Legislature.

11 *****

12 SENATE SUMMARY

13 Provides that a convicted felon who is incarcerated or is
14 on probation, parole, or community control may not vote.
15 Provides for restoration of that right 1 year after
16 completion of the sentence, unless automatic restoration
is objected to by a majority of the Board of Executive
17 Clemency.

18
19
20
21
22
23
24
25
26
27
28
29
30
31