

By the Committee on Ethics and Elections; and Senators Dawson, Campbell and Miller

313-1674-01

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:

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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  
22 law, for nonviolent felons, 1 year after completion and  
23 satisfaction of all sentences imposed upon such person or, for  
24 violent felons, 5 years after completion and satisfaction of  
25 all sentences imposed upon such person. For the purposes of  
26 this paragraph, "completion and satisfaction of all sentences"  
27 occurs when a person is released from incarceration upon  
28 expiration of sentence and has paid all court costs and  
29 court-ordered restitution and has achieved or completed all  
30 other nonmonetary terms and conditions of the sentence or  
31 subsequent supervision or, if the person has not been

1 incarcerated for the felony offense, has paid all court costs  
2 and court-ordered restitution and has achieved or completed  
3 all nonmonetary terms and conditions of community supervision  
4 imposed by a court and who has not had his or her right to  
5 vote restored pursuant to law. If a majority of the Board of  
6 Executive Clemency objects before the automatic restoration of  
7 the right to register or vote, such rights shall be restored  
8 only upon application to, and approval by, the Board of  
9 Executive Clemency.

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

12 97.052 Uniform statewide voter registration  
13 application.--

14 (2) The uniform statewide voter registration  
15 application must be designed to elicit the following  
16 information from the applicant:

- 17 (a) Full name.  
18 (b) Date of birth.  
19 (c) Address of legal residence.  
20 (d) Mailing address, if different.  
21 (e) County of legal residence.  
22 (f) Address of property for which the applicant has  
23 been granted a homestead exemption, if any.  
24 (g) Race or ethnicity that best describes the  
25 applicant:  
26 1. American Indian or Alaskan Native.  
27 2. Asian or Pacific Islander.  
28 3. Black, not Hispanic.  
29 4. White, not Hispanic.  
30 5. Hispanic.  
31 (h) Sex.

- 1 (i) Party affiliation.
- 2 (j) Whether the applicant needs assistance in voting.
- 3 (k) Name and address where last registered.
- 4 (l) Last four digits of the applicant's social  
5 security number.
- 6 (m) Florida driver's license number or the  
7 identification number from a Florida identification card  
8 issued under s. 322.051.
- 9 (n) Telephone number (optional).
- 10 (o) Signature of applicant under penalty for false  
11 swearing pursuant to s. 104.011, by which the person  
12 subscribes to the oath required by s. 3, Art. VI of the State  
13 Constitution and s. 97.051, and swears or affirms that the  
14 information contained in the registration application is true.
- 15 (p) Whether the application is being used for initial  
16 registration, to update a voter registration record, or to  
17 request a replacement registration identification card.
- 18 (q) Whether the applicant is a citizen of the United  
19 States.
- 20 (r) That the applicant has not been convicted of a  
21 felony or, if convicted, has had his or her voting ~~civil~~  
22 rights restored.
- 23 (s) That the applicant has not been adjudicated  
24 mentally incapacitated with respect to voting or, if so  
25 adjudicated, has had his or her right to vote restored.
- 26
- 27 The registration form must be in plain language and designed  
28 so that convicted felons whose voting ~~civil~~ rights have been  
29 restored and persons who have been adjudicated mentally  
30 incapacitated and have had their voting rights restored are  
31 not required to reveal their prior conviction or adjudication.

1           Section 3. Paragraph (a) of subsection (5) of section  
2 97.053, Florida Statutes, is amended to read:

3           97.053 Acceptance of voter registration  
4 applications.--

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

- 7           1. The applicant's name.
- 8           2. The applicant's legal residence address.
- 9           3. The applicant's date of birth.
- 10          4. An indication that the applicant is a citizen of  
11 the United States.

12          5. The last four digits of the applicant's social  
13 security number.

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

17          7. An indication that the applicant has not been  
18 adjudicated mentally incapacitated with respect to voting or  
19 that, if so adjudicated, has had his or her right to vote  
20 restored.

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

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

28           98.0975 Central voter file; periodic list  
29 maintenance.--

30           (1) ~~By August 15, 1998,~~The division shall provide to  
31 each county supervisor of elections a list containing the

1 name, address, date of birth, race, gender, and any other  
2 available information identifying the voter of each person  
3 included in the central voter file as a registered voter in  
4 the supervisor's county who:

5 (a) Is deceased;

6 (b) Has been convicted of a felony and has not had his  
7 or her voting ~~civil~~ rights restored; or

8 (c) Has been adjudicated mentally incompetent and  
9 whose mental capacity with respect to voting has not been  
10 restored.

11 Section 5. This act shall take effect on the effective  
12 date of Senate Joint Resolution No. 434 or another amendment  
13 to the State Constitution which authorizes, or removes  
14 impediments to, enactment of this act by the Legislature.

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16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
17 COMMITTEE SUBSTITUTE FOR  
18 SB 152

19 The Committee Substitute for Senate Bill 152 differs from the  
20 original bill in that it: provides that violent ex-felons  
21 will have their right to vote restored by operation of law 5  
22 years after completion and satisfaction of all sentences, not  
23 1 year as the bill originally provided; makes paying court  
24 costs and court-ordered restitution a condition of the  
25 automatic restoration of voting rights.  
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