

By Representative Smith

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

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15           Section 1. This act may be cited as the "Citizens'  
 16 Empowerment Act."

17           Section 2. Paragraph (b) of subsection (2) of section  
 18 97.041, Florida Statutes, is amended to read:

19           97.041 Qualifications to register or vote.--

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

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

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

8 Section 3. Subsection (2) of section 97.052, Florida  
9 Statutes, is amended to read:

10 97.052 Uniform statewide voter registration  
11 application.--

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

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

1           (k) Name and address where last registered.  
2           (l) Last four digits of the applicant's social  
3 security number.  
4           (m) Florida driver's license number or the  
5 identification number from a Florida identification card  
6 issued under s. 322.051.  
7           (n) Telephone number (optional).  
8           (o) Signature of applicant under penalty for false  
9 swearing pursuant to s. 104.011, by which the person  
10 subscribes to the oath required by s. 3, Art. VI of the State  
11 Constitution and s. 97.051, and swears or affirms that the  
12 information contained in the registration application is true.  
13           (p) Whether the application is being used for initial  
14 registration, to update a voter registration record, or to  
15 request a replacement registration identification card.  
16           (q) Whether the applicant is a citizen of the United  
17 States.  
18           (r) That the applicant has not been convicted of a  
19 felony or, if convicted, has had his or her voting ~~civil~~  
20 rights restored.  
21           (s) That the applicant has not been adjudicated  
22 mentally incapacitated with respect to voting or, if so  
23 adjudicated, has had his or her right to vote restored.  
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25 The registration form must be in plain language and designed  
26 so that convicted felons whose voting ~~civil~~ rights have been  
27 restored and persons who have been adjudicated mentally  
28 incapacitated and have had their voting rights restored are  
29 not required to reveal their prior conviction or adjudication.  
30           Section 4. Paragraph (a) of subsection (5) of section  
31 97.053, Florida Statutes, is amended to read:

1           97.053 Acceptance of voter registration  
2 applications.--  
3           (5)(a) A voter registration application is complete if  
4 it contains:  
5           1. The applicant's name.  
6           2. The applicant's legal residence address.  
7           3. The applicant's date of birth.  
8           4. An indication that the applicant is a citizen of  
9 the United States.  
10          5. The last four digits of the applicant's social  
11 security number.  
12          6. An indication that the applicant has not been  
13 convicted of a felony or that, if convicted, has had his or  
14 her voting ~~civil~~ rights restored.  
15          7. An indication that the applicant has not been  
16 adjudicated mentally incapacitated with respect to voting or  
17 that, if so adjudicated, has had his or her right to vote  
18 restored.  
19          8. Signature of the applicant swearing or affirming  
20 under the penalty for false swearing pursuant to s. 104.011  
21 that the information contained in the registration application  
22 is true and subscribing to the oath required by s. 3, Art. VI  
23 of the State Constitution and s. 97.051.  
24          Section 5. Section 98.0975, Florida Statutes, is  
25 amended to read:  
26          98.0975 Central voter file; periodic list  
27 maintenance.--  
28          (1) ~~By August 15, 1998,~~The division shall provide to  
29 each county supervisor of elections a list containing the  
30 name, address, date of birth, race, gender, and any other  
31 available information identifying the voter of each person

1 included in the central voter file as a registered voter in  
2 the supervisor's county who:  
3       (a) Is deceased;  
4       (b) Has been convicted of a felony and has not had his  
5 or her voting ~~civil~~ rights restored; or  
6       (c) Has been adjudicated mentally incompetent and  
7 whose mental capacity with respect to voting has not been  
8 restored.  
9       (2) The division shall annually update the information  
10 required in subsection (1) and forward a like list to each  
11 supervisor by June 1 of each year.  
12       (3)(a) In order to meet its obligations under this  
13 section, the division shall annually contract with a private  
14 entity to compare information in the central voter file with  
15 available information in other computer databases, including,  
16 without limitation, databases containing reliable criminal  
17 records and records of deceased persons.  
18       (b) The entity contracted by the division is  
19 designated as an agent of the division for purposes of  
20 administering the contract, and must be limited to seeking  
21 only that information which is necessary for the division to  
22 meet its obligations under this section. Information obtained  
23 under this section may not be used for any purpose other than  
24 determining voter eligibility.  
25       (4) Upon receiving the list from the division, the  
26 supervisor must attempt to verify the information provided. If  
27 the supervisor does not determine that the information  
28 provided by the division is incorrect, the supervisor must  
29 remove from the registration books by the next subsequent  
30 election the name of any person who is deceased, convicted of  
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1 a felony, or adjudicated mentally incapacitated with respect  
2 to voting.

3 Section 6. This act shall take effect on the effective  
4 date of House Joint Resolution No. \_\_\_ or another amendment to  
5 the State Constitution which authorizes, or removes  
6 impediments to, enactment of this act by the Legislature.

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9 HOUSE SUMMARY

10 Creates the "Citizens' Empowerment Act." Provides that a  
11 convicted felon who is incarcerated or is on probation,  
12 parole, or community control may not vote. Provides for  
13 restoration of that right 1 year after completion of the  
14 sentence, unless automatic restoration is objected to by  
15 a majority of the Board of Executive Clemency.

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