

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 98.0977, F.S., to conform;
11 providing a conditional effective date.

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

14
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.
- 24
- 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. Subsection (1) of section 98.0977, Florida
25 Statutes, is amended to read:
26 98.0977 Statewide voter registration database;
27 development and maintenance.--
28 (1) From the funds appropriated, the department may
29 contract with the Florida Association of Court Clerks to
30 analyze, design, develop, operate, and maintain a statewide,
31 on-line voter registration database and associated website, to

1 be fully operational statewide by June 1, 2002. The database
2 shall contain voter registration information from each of the
3 67 supervisors of elections in this state and shall be
4 accessible through an Internet website. The system shall
5 provide functionality for ensuring that the database is
6 updated on a daily basis to determine if a registered voter is
7 ineligible to vote for any of the following reasons,
8 including, but not limited to:

- 9 (a) The voter is deceased;
10 (b) The voter has been convicted of a felony and has
11 not had his or her voting ~~civil~~ rights restored; or
12 (c) The voter has been adjudicated mentally
13 incompetent and his or her mental capacity with respect to
14 voting has not been restored.

15
16 The database shall also allow for duplicate voter
17 registrations to be identified.

18 Section 6. This act shall take effect on the effective
19 date of House Joint Resolution No. ___ or another amendment to
20 the State Constitution which authorizes, or removes
21 impediments to, enactment of this act by the Legislature.

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24 HOUSE SUMMARY

25
26 Creates the "Citizens' Empowerment Act." Provides that a
27 convicted felon who is incarcerated or is on probation,
28 parole, or community control may not vote. Provides for
restoration of that right 1 year after completion of the
sentence, unless automatic restoration is objected to by
a majority of the Board of Executive Clemency.