

By the Committee on Ethics and Elections; and Senator Sebesta

313-2042-02

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A bill to be entitled
An act relating to voter registration; amending
s. 97.052, F.S.; authorizing the voter
registration application to be reproduced;
modifying information requested on the voter
registration application; amending s. 97.057,
F.S.; requiring the Department of Highway
Safety and Motor Vehicles to forward unsigned
voter registration applications to the
supervisors of elections; amending s. 97.058,
F.S.; modifying a voter registration agency's
duties with respect to incompleting voter
registration applications; amending s. 97.071,
F.S.; removing the requirement that the
supervisor of election's name appear on voter
identification cards; amending s. 97.1031,
F.S.; providing for electors to change their
address on the voter registration rolls by
telephonic or electronic means; amending s.
98.0977, F.S.; providing for the removal from
the registration rolls of the names of persons
convicted of a felony or adjudicated mentally
incompetent; providing for a hearing; providing
an effective date.

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

Section 1. Subsections (1) and (2) of section 97.052,
Florida Statutes, are amended to read:

97.052 Uniform statewide voter registration
application.--

1 (1) The department shall prescribe a uniform statewide
2 voter registration application for use in this state.

3 (a) The uniform statewide voter registration
4 application must be accepted for any one or more of the
5 following purposes:

- 6 1. Initial registration.
- 7 2. Change of address.
- 8 3. Change of party affiliation.
- 9 4. Change of name.
- 10 5. Replacement of voter registration identification
11 card.

12 (b) The department is responsible for printing the
13 uniform statewide voter registration application and the voter
14 registration application form prescribed by the Federal
15 Election Commission pursuant to the National Voter
16 Registration Act of 1993. The applications and forms must be
17 distributed, upon request, to the following:

- 18 1. Individuals seeking to register to vote.
- 19 2. Individuals or groups conducting voter registration
20 programs. A charge of 1 cent per application shall be assessed
21 on requests for 10,000 or more applications.

22 3. The Department of Highway Safety and Motor
23 Vehicles.

- 24 4. Voter registration agencies.
- 25 5. Armed forces recruitment offices.
- 26 6. Qualifying educational institutions.
- 27 7. Supervisors, who must make the applications and
28 forms available in the following manner:

29 a. By distributing the applications and forms in their
30 offices to any individual or group.

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1 b. By distributing the applications and forms at other
2 locations designated by each supervisor.

3 c. By mailing the applications and forms to applicants
4 upon the request of the applicant.

5 (c) The uniform statewide voter registration
6 application may ~~not~~ be reproduced by any private individual or
7 group. However, such reproductions must be in the same format
8 as the uniform statewide 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) State or country of birth.

27 (i)~~(h)~~ Sex.

28 (j)~~(i)~~ Party affiliation.

29 (k)~~(j)~~ Whether the applicant needs assistance in
30 voting.

31 (l)~~(k)~~ Name and address where last registered.

1 (m)~~(l)~~ Last four digits of the applicant's social
2 security number.
3 (n)~~(m)~~ Florida driver's license number or the
4 identification number from a Florida identification card
5 issued under s. 322.051.
6 (o)~~(n)~~ Telephone number (optional).
7 (p)~~(o)~~ Signature of applicant under penalty for false
8 swearing pursuant to s. 104.011, by which the person
9 subscribes to the oath required by s. 3, Art. VI of the State
10 Constitution and s. 97.051, and swears or affirms that the
11 information contained in the registration application is true.
12 (q)~~(p)~~ Whether the application is being used for
13 initial registration, to update a voter registration record,
14 or to request a replacement registration identification card.
15 (r)~~(q)~~ Whether the applicant is a citizen of the
16 United States.
17 (s)~~(r)~~ That the applicant has not been convicted of a
18 felony or, if convicted, has had his or her civil rights
19 restored.
20 (t)~~(s)~~ That the applicant has not been adjudicated
21 mentally incapacitated with respect to voting or, if so
22 adjudicated, has had his or her right to vote restored.
23
24 The registration form must be in plain language and designed
25 so that convicted felons whose civil rights have been restored
26 and persons who have been adjudicated mentally incapacitated
27 and have had their voting rights restored are not required to
28 reveal their prior conviction or adjudication.
29 Section 2. Subsection (2) of section 97.057, Florida
30 Statutes, is amended to read:
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1 97.057 Voter registration by the Department of Highway
2 Safety and Motor Vehicles.--

3 (2) The Department of Highway Safety and Motor
4 Vehicles shall:

5 (a) Notify each individual, orally or in writing,
6 that:

7 1. Information gathered for the completion of a
8 driver's license or identification card application, renewal,
9 or change of address can be automatically transferred to a
10 voter registration application;

11 2. If additional information and a signature are
12 provided, the voter registration application will be completed
13 and sent to the proper election authority;

14 3. Information provided can also be used to update a
15 voter registration record;

16 4. All declinations will remain confidential and may
17 be used only for voter registration purposes; and

18 5. The particular driver license office in which the
19 person applies to register to vote or updates a voter
20 registration record will remain confidential and may be used
21 only for voter registration purposes.

22 (b) Require a driver's license examiner to inquire
23 orally, or inquire in writing if the applicant is hearing
24 impaired, and whether the applicant wishes to register to vote
25 or update a voter registration record during the completion of
26 a driver's license or identification card application,
27 renewal, or change of address.

28 1. If the applicant chooses to register to vote or to
29 update a voter registration record:

30 a. All applicable information received by the
31 Department of Highway Safety and Motor Vehicles in the course

1 of filling out the forms necessary under subsection (1) must
2 be transferred to a voter registration application;

3 b. The additional necessary information must be
4 obtained by the driver's license examiner and must not
5 duplicate any information already obtained while completing
6 the forms required under subsection (1); and

7 c. A voter registration application with all of the
8 applicant's voter registration information must be presented
9 to the applicant to sign.

10 2. If the applicant declines to register to vote,
11 update the applicant's voter registration record, or change
12 the applicant's address by either orally declining or by
13 failing to sign the voter registration application, the
14 Department of Highway Safety and Motor Vehicles must keep the
15 declination for 2 years. The department shall forward any
16 unsigned voter registration application to the appropriate
17 supervisor of elections within 5 days after receipt.

18 Section 3. Subsection (7) of section 97.058, Florida
19 Statutes, is amended to read:

20 97.058 Voter registration agencies.--

21 (7) A voter registration agency must retain
22 declinations for a period of 2 years, during which time the
23 declinations are not considered a record of the client
24 pursuant to the laws governing the agency's records. However,
25 a voter registration agency must forward a copy of each
26 incompleted voter registration application within 5 days after
27 receipt to the appropriate supervisor of elections.

28 Section 4. Subsection (1) of section 97.071, Florida
29 Statutes, is amended to read:

30 97.071 Registration identification card.--

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1 (1) A registration identification card must be
2 furnished to all voters registering under the permanent single
3 registration system and must contain:

- 4 (a) Voter's registration number.
5 (b) Date of registration.
6 (c) Full name.
7 (d) Party affiliation.
8 (e) Date of birth.
9 (f) Race or ethnicity, if provided by the applicant.
10 (g) Sex, if provided by the applicant.
11 (h) Address of legal residence.
12 (i) Precinct number.
13 (j) Name ~~Signature~~ of supervisor.
14 (k) Place for voter's signature.
15 (l) Other information deemed necessary by the
16 department.

17 Section 5. Subsection (1) of section 97.1031, Florida
18 Statutes, is amended to read:

19 97.1031 Notice of change of residence within the same
20 county, change of name, or change of party.--

21 (1) When an elector moves from the address named on
22 that person's voter registration record to another address
23 within the same county, the elector must notify ~~provide a~~
24 ~~signed, written notification of such move to~~ the supervisor
25 and obtain a registration identification card reflecting the
26 new address of legal residence. Notification may be made by a
27 signed, written notice, or by telephonic or electronic means,
28 in which case the elector's birthdate must be included.

29 Section 6. Subsection (3) of section 98.0977, is
30 amended to read:

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1 98.0977 Statewide voter registration database;
2 development and maintenance.--

3 (3)(a) In administering the database, each supervisor
4 of elections shall compare registration information provided
5 by a voter with information held by the Department of Law
6 Enforcement, the Board of Executive Clemency, the Office of
7 Vital Statistics, and other relevant sources.

8 (b) The supervisor of elections shall remove from the
9 registration rolls the name of any deceased person.

10 (c) Information on the statewide voter registration
11 database which indicates that a voter in one county has
12 subsequently registered to vote in another shall be considered
13 a written request to have the voter's name removed from the
14 registration rolls of the first county, and the supervisor
15 shall remove that voter's name from the rolls.

16 (d) If the supervisor of elections finds information
17 that suggests that a voter has been convicted of a felony and
18 has not had his or her civil rights restored or has been
19 adjudicated mentally incompetent and has not had his or her
20 right to vote restored ~~is ineligible to register to vote~~, the
21 supervisor of elections shall notify the voter by certified
22 United States mail. The notification shall contain a
23 statement concerning ~~as to~~ the reason for the voter's
24 potential ineligibility to ~~register to vote~~ and shall request
25 information from the voter on forms provided by the supervisor
26 ~~of elections in order to make a final determination on the~~
27 ~~voter's eligibility.~~

28 e. As an alternative, the voter may attend a hearing
29 at a time and place specified in the notice. If there is
30 evidence that the notice was not received, notice must be
31 given once by publication in a newspaper of general

1 circulation in the county. The notice must plainly state that
2 the voter is potentially ineligible to be registered to vote
3 and must state a time and place for the person to appear to
4 show cause why his or her name should not be removed from the
5 voter registration rolls.After reviewing the information
6 ~~requested by the supervisor of elections and provided by the~~
7 ~~voter~~, if the supervisor ~~of elections~~ determines that the
8 voter is not eligible to vote under the laws of this state,
9 the supervisor ~~of elections~~ shall notify the voter by
10 certified United States mail that he or she has been found
11 ineligible to register to vote in this state, shall state the
12 reason for the ineligibility, and shall inform the voter that
13 he or she has been ~~will be~~ removed from the voter registration
14 rolls. The supervisor shall remove from the voter registration
15 rolls the name of any voter who fails to respond within 30
16 days to the notice sent by certified mail or to attend the
17 hearing.

18 1. Upon hearing all evidence, the supervisor must
19 determine whether there is sufficient evidence to strike the
20 person's name from the registration books. If the supervisor
21 determines that there is sufficient evidence, he or she must
22 strike the name.

23 2. Appeal may be taken to the circuit court in the
24 county where the person was registered. Notice of appeal must
25 be filed within the time and in the manner provided by the
26 Florida Rules of Appellate Procedure and acts as supersedeas.
27 Trial in the circuit court is de novo and governed by the
28 rules of that court. Unless the person shows that his or her
29 name was erroneously or illegally stricken from the
30 registration books or that he or she is indigent, the person
31 must bear the costs of the trial in the circuit court.

1 Otherwise, the cost of the appeal must be paid by the board of
2 county commissioners.

3 Section 7. This act shall take effect upon becoming a
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 Senate Bill 1300

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9 The committee substitute differs from the original bill in
10 that it: Revises the statewide voter registration application
11 to elicit the state or country of birth of the applicant and
12 requires voter registration agencies to forward incompletd
13 voter registration applications to the appropriate supervisors
14 of elections within 5 days after receipt.

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