

By the Committees on Judiciary; Ethics and Elections; and
Senator Sebesta

308-2216-02

1 A bill to be entitled
2 An act relating to voter registration; amending
3 s. 97.052, F.S.; authorizing the voter
4 registration application to be reproduced;
5 modifying information requested on the voter
6 registration application; amending s. 97.057,
7 F.S.; requiring the Department of Highway
8 Safety and Motor Vehicles to forward unsigned
9 voter registration applications to the
10 supervisors of elections; amending s. 97.058,
11 F.S.; modifying a voter registration agency's
12 duties with respect to incompleting voter
13 registration applications; amending s. 97.071,
14 F.S.; removing the requirement that the
15 supervisor of election's name appear on voter
16 identification cards; amending s. 97.1031,
17 F.S.; providing for electors to change their
18 address on the voter registration rolls by
19 telephonic or electronic means; amending s.
20 98.0977, F.S.; providing for the removal from
21 the registration rolls of the names of persons
22 convicted of a felony or adjudicated mentally
23 incompetent; providing for a hearing;
24 reenacting ss. 97.057, 97.058, 98.015, and
25 98.461, F.S., to incorporate amendments to s.
26 97.052, F.S.; reenacting s. 97.0585, F.S., to
27 incorporate an amendment to ss. 97.057 and
28 97.058, F.S.; providing an effective date.
29
30 Be It Enacted by the Legislature of the State of Florida:
31

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

3 97.052 Uniform statewide voter registration
4 application.--

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

7 (a) The uniform statewide voter registration
8 application must be accepted for any one or more of the
9 following purposes:

- 10 1. Initial registration.
- 11 2. Change of address.
- 12 3. Change of party affiliation.
- 13 4. Change of name.
- 14 5. Replacement of voter registration identification
15 card.

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

- 22 1. Individuals seeking to register to vote.
- 23 2. Individuals or groups conducting voter registration
24 programs. A charge of 1 cent per application shall be assessed
25 on requests for 10,000 or more applications.
- 26 3. The Department of Highway Safety and Motor
27 Vehicles.
- 28 4. Voter registration agencies.
- 29 5. Armed forces recruitment offices.
- 30 6. Qualifying educational institutions.

31

1 7. Supervisors, who must make the applications and
2 forms available in the following manner:

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

5 b. By distributing the applications and forms at other
6 locations designated by each supervisor.

7 c. By mailing the applications and forms to applicants
8 upon the request of the applicant.

9 (c) The uniform statewide voter registration
10 application may ~~not~~ be reproduced by any private individual or
11 group. However, such reproductions must be in the same format
12 as the uniform statewide application.

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

16 (a) Full name.

17 (b) Date of birth.

18 (c) Address of legal residence.

19 (d) Mailing address, if different.

20 (e) County of legal residence.

21 (f) Address of property for which the applicant has
22 been granted a homestead exemption, if any.

23 (g) Race or ethnicity that best describes the
24 applicant:

25 1. American Indian or Alaskan Native.

26 2. Asian or Pacific Islander.

27 3. Black, not Hispanic.

28 4. White, not Hispanic.

29 5. Hispanic.

30 (h) State or country of birth.

31 (i)~~(h)~~ Sex.

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

1 and have had their voting rights restored are not required to
2 reveal their prior conviction or adjudication.

3 Section 2. Subsection (2) of section 97.057, Florida
4 Statutes, is amended to read:

5 97.057 Voter registration by the Department of Highway
6 Safety and Motor Vehicles.--

7 (2) The Department of Highway Safety and Motor
8 Vehicles shall:

9 (a) Notify each individual, orally or in writing,
10 that:

11 1. Information gathered for the completion of a
12 driver's license or identification card application, renewal,
13 or change of address can be automatically transferred to a
14 voter registration application;

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

18 3. Information provided can also be used to update a
19 voter registration record;

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

22 5. The particular driver license office in which the
23 person applies to register to vote or updates a voter
24 registration record will remain confidential and may be used
25 only for voter registration purposes.

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

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

3 a. All applicable information received by the
4 Department of Highway Safety and Motor Vehicles in the course
5 of filling out the forms necessary under subsection (1) must
6 be transferred to a voter registration application;

7 b. The additional necessary information must be
8 obtained by the driver's license examiner and must not
9 duplicate any information already obtained while completing
10 the forms required under subsection (1); and

11 c. A voter registration application with all of the
12 applicant's voter registration information must be presented
13 to the applicant to sign.

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

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

24 97.058 Voter registration agencies.--

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

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

3 97.071 Registration identification card.--

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

7 (a) Voter's registration number.

8 (b) Date of registration.

9 (c) Full name.

10 (d) Party affiliation.

11 (e) Date of birth.

12 (f) Race or ethnicity, if provided by the applicant.

13 (g) Sex, if provided by the applicant.

14 (h) Address of legal residence.

15 (i) Precinct number.

16 (j) Name ~~Signature~~ of supervisor.

17 (k) Place for voter's signature.

18 (l) Other information deemed necessary by the
19 department.

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

22 97.1031 Notice of change of residence within the same
23 county, change of name, or change of party.--

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

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

3 98.0977 Statewide voter registration database;
4 development and maintenance.--

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

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

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

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

30 (e) As an alternative, the voter may attend a hearing
31 at a time and place specified in the notice. If there is

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

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

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

1 registration books or that he or she is indigent, the person
2 must bear the costs of the trial in the circuit court.
3 Otherwise, the cost of the appeal must be paid by the board of
4 county commissioners.

5 Section 7. For purposes of incorporating amendments to
6 s. 97.052, Florida Statutes, subsections (3) and (5) of
7 section 97.057, Florida Statutes, are reenacted to read:

8 97.057 Voter registration by the Department of Highway
9 Safety and Motor Vehicles.--

10 (3) For the purpose of this section, the Department of
11 Highway Safety and Motor Vehicles, with the approval of the
12 Department of State, shall prescribe:

13 (a) A voter registration application that is the same
14 in content, format, and size as the uniform statewide voter
15 registration application prescribed under s. 97.052; and

16 (b) A form that will inform applicants under
17 subsection (1) of the information contained in paragraph
18 (2)(a).

19 (5) The Department of Highway Safety and Motor
20 Vehicles must send, with each driver's license renewal
21 extension application authorized pursuant to s. 322.18(8), a
22 uniform statewide voter registration application, the voter
23 registration application prescribed under paragraph (3)(a), or
24 a voter registration application developed especially for the
25 purposes of this subsection by the Department of Highway
26 Safety and Motor Vehicles, with the approval of the Department
27 of State, which must meet the requirements of s. 97.052.

28 Section 8. For purposes of incorporating amendments to
29 s. 97.052, Florida Statutes, subsection (3) of section 97.058,
30 Florida Statutes, is reenacted to read:

31 97.058 Voter registration agencies.--

1 (3)(a) A voter registration agency may use the uniform
2 statewide voter registration application or may create and use
3 a voter registration application that meets the requirements
4 of s. 97.052, with the approval of the department.

5 (b) A voter registration agency must provide to each
6 applicant under subsection (1) the voter registration
7 application that the agency decides to use pursuant to
8 paragraph (a). An applicant who indicates a desire to register
9 to vote or update a voter registration record must be provided
10 the same degree of assistance with regard to the completion of
11 that voter registration application as is provided by the
12 agency with regard to the completion of its own forms, unless
13 the applicant refuses that assistance.

14 Section 9. For purposes of incorporating an amendment
15 to sections 97.057 and 97.058, Florida Statutes, subsection
16 (1) of section 97.0585, Florida Statutes, is reenacted to
17 read:

18 97.0585 Declinations to register; place of
19 registration and registration information; confidentiality.--

20 (1) All declinations to register to vote made pursuant
21 to ss. 97.057 and 97.058 are confidential and exempt from the
22 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution and may be used only for voter registration
24 purposes.

25 Section 10. For purposes of incorporating an amendment
26 to section 97.052, Florida Statutes, subsection (11) of
27 section 98.015, Florida Statutes, is reenacted to read:

28 98.015 Supervisor of elections; election, tenure of
29 office, compensation, custody of books, office hours,
30 successor, seal; appointment of deputy supervisors; duties.--

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1 (11) Each supervisor of elections shall forward to the
2 property appraiser for the county in which the homestead is
3 claimed the name of the person and the address of the
4 homestead of each person who registers to vote at an address
5 other than that at which the person claims a homestead
6 exemption, as disclosed on the uniform statewide voter
7 registration application pursuant to s. 97.052.

8 Section 11. For purposes of incorporating an amendment
9 to section 97.052, Florida Statutes, section 98.461, Florida
10 Statutes, is reenacted to read:

11 98.461 Registration form, precinct register;
12 contents.--A registration form, approved by the Department of
13 State, containing the information required in s. 97.052 shall
14 be filed alphabetically in the office of the supervisor as the
15 master list of electors of the county. However, the
16 registration forms may be microfilmed and such microfilms
17 substituted for the original registration forms; or, when
18 voter registration information, including the voter's
19 signature, is maintained digitally or on electronic, magnetic,
20 or optic media, such stored information may be substituted for
21 the original registration form. Such microfilms or stored
22 information shall be retained in the custody of the supervisor
23 of elections. In the event the original registration forms are
24 microfilmed or maintained digitally or on electronic or other
25 media, such originals may be destroyed in accordance with the
26 schedule approved by the Bureau of Archives and Records
27 Management of the Division of Library and Information Services
28 of the Department of State. As an alternative, the information
29 from the registration form, including the signature, may be
30 electronically reproduced and stored as provided in s. 98.451.
31 A computer printout may be used at the polls as a precinct

1 register in lieu of the registration books. The precinct
2 register shall contain the date of the election, the precinct
3 number, and the following information concerning each
4 registered elector: last name, first name, and middle name or
5 initial; party affiliation; residence address; registration
6 number; date of birth; sex, if provided; race, if provided;
7 whether the voter needs assistance in voting; and such other
8 additional information as to readily identify the elector. The
9 precinct register may also contain a list of the forms of
10 identification, which must include, but is not limited to, a
11 Florida driver's license, a Florida identification card issued
12 under s. 322.051, or another form of picture identification
13 approved by the Department of State. The precinct register
14 may also contain a space for the elector's signature, a space
15 for the initials of the witnessing clerk or inspector, and a
16 space for the signature slip or ballot number.

17 Section 12. This act shall take effect upon becoming a
18 law.

19

20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 CS for Senate Bill 1300

23

24 Makes a technical change to correct a paragraph number.

25 Reenacts various subsections of s. 97.057, 97.058, 98.015, and
26 98.461, F.S., which cross-reference s 97.062, F.S., to
27 incorporate the amendments made to those sections of this
28 bill.

29 Reenacts subsection (1) of section 97.0585, F.S., which
30 cross-references ss. 97.057 and 97.058, F.S., to incorporate
31 the amendments made to this section in the bill.

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