

By Senator Dawson

29-138-04

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A bill to be entitled
An act relating to elections; providing a short
title; amending s. 97.041, F.S.; providing for
automatic restoration of former felons' right
to vote following completion and satisfaction
of sentence of incarceration and community
supervision; providing conditions for such
automatic restoration; amending ss. 97.052,
97.053, and 98.0977, F.S., to conform;
providing a conditional effective date.

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

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

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

97.041 Qualifications to register or vote.--

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

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

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

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

9 97.052 Uniform statewide voter registration
10 application.--

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

- 14 (a) Full name.
- 15 (b) Date of birth.
- 16 (c) Address of legal residence.
- 17 (d) Mailing address, if different.
- 18 (e) County of legal residence.
- 19 (f) Address of property for which the applicant has
20 been granted a homestead exemption, if any.

21 (g) Race or ethnicity that best describes the
22 applicant:

- 23 1. American Indian or Alaskan Native.
- 24 2. Asian or Pacific Islander.
- 25 3. Black, not Hispanic.
- 26 4. White, not Hispanic.
- 27 5. Hispanic.
- 28 (h) Sex.
- 29 (i) Party affiliation.
- 30 (j) Whether the applicant needs assistance in voting.
- 31 (k) Name and address where last registered.

1 (l) Last four digits of the applicant's social
2 security number.

3 (m) Florida driver's license number or the
4 identification number from a Florida identification card
5 issued under s. 322.051.

6 (n) Telephone number (optional).

7 (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 (p) Whether the application is being used for initial
13 registration, to update a voter registration record, or to
14 request a replacement registration identification card.

15 (q) Whether the applicant is a citizen of the United
16 States.

17 (r) That the applicant has not been convicted of a
18 felony or, if convicted, has had his or her voting ~~civil~~
19 rights restored.

20 (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.

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24 The registration form must be in plain language and designed
25 so that convicted felons whose voting ~~civil~~ rights have been
26 restored and persons who have been adjudicated mentally
27 incapacitated and have had their voting rights restored are
28 not required to reveal their prior conviction or adjudication.

29 Section 4. Paragraph (a) of subsection (5) of section
30 97.053, Florida Statutes, is amended to read:
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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 applicant's Florida driver's license number,
11 the identification number from a Florida identification card
12 issued under s. 322.051, or the last four digits of the
13 applicant's social 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 5. Subsection (1)of section 98.0977, Florida
27 Statutes, is amended to read:
28 98.0977 Statewide voter registration database;
29 operation and maintenance.--
30 (1) The department shall operate and maintain the
31 statewide, on-line voter registration database and associated

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

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

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

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

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25 SENATE SUMMARY

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
29 restoration of that right 1 year after completion of the
30 sentence, unless automatic restoration is objected to by
31 a majority of the Board of Executive Clemency.