## Florida Senate - 2005

By Senator Dawson

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29-139-05
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1	A bill to be entitled
2	An act relating to elections; providing a short
3	title; amending s. 97.041, F.S.; providing for
4	automatic restoration of former felons' right
5	to vote following completion and satisfaction
6	of sentence of incarceration and community
7	supervision; providing conditions for such
8	automatic restoration; amending ss. 97.052,
9	97.053, and 98.0977, F.S., to conform;
10	providing a conditional effective date.
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12	Be It Enacted by the Legislature of the State of Florida:
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14	Section 1. This act may be cited as the "Citizens'
15	Empowerment Act."
16	Section 2. Paragraph (b) of subsection (2) of section
17	97.041, Florida Statutes, is amended to read:
18	97.041 Qualifications to register or vote
19	(2) The following persons, who might be otherwise
20	qualified, are not entitled to register or vote:
21	(b) A person who has been convicted of any felony by
22	any court of record; however, such a person's right to
23	register or vote is automatically restored by operation of law
24	1 year after completion and satisfaction of all sentences
25	imposed upon such person. For the purposes of this paragraph,
26	"completion and satisfaction of all sentences" occurs when a
27	person is released from incarceration upon expiration of
28	sentence and has achieved or completed all other nonmonetary
29	terms and conditions of the sentence or subsequent supervision
30	or, if the person has not been incarcerated for the felony
31	offense, has achieved or completed all nonmonetary terms and
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conditions of community supervision imposed by a court and who 1 has not had his or her right to vote restored pursuant to law. 2 If a majority of the Board of Executive Clemency objects 3 4 before the automatic restoration of the right to register or 5 vote, such rights shall be restored only upon application to, б 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.--(2) The uniform statewide voter registration 11 12 application must be designed to elicit the following 13 information from the applicant: (a) Full name. 14 (b) Date of birth. 15 (c) Address of legal residence. 16 17 (d) Mailing address, if different. (e) County of legal residence. 18 (f) Address of property for which the applicant has 19 been granted a homestead exemption, if any. 20 21 (g) Race or ethnicity that best describes the 22 applicant: 23 1. American Indian or Alaskan Native. 2. Asian or Pacific Islander. 2.4 3. Black, not Hispanic. 25 4. White, not Hispanic. 26 27 5. Hispanic. 28 (h) State or country of birth. 29 (i) Sex. (j) Party affiliation. 30 (k) Whether the applicant needs assistance in voting. 31

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1 (1) Name and address where last registered. 2 (m) Last four digits of the applicant's social security number. 3 4 (n) Florida driver's license number or the identification number from a Florida identification card 5 б issued under s. 322.051. 7 (o) Telephone number (optional). 8 (p) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person 9 10 subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the 11 12 information contained in the registration application is true. 13 (q) Whether the application is being used for initial registration, to update a voter registration record, or to 14 request a replacement registration identification card. 15 (r) Whether the applicant is a citizen of the United 16 17 States. 18 (s) That the applicant has not been convicted of a felony or, if convicted, has had his or her voting civil 19 rights restored. 20 21 (t) 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. 2.4 The registration form must be in plain language and designed 25 26 so that convicted felons whose voting civil rights have been 27 restored and persons who have been adjudicated mentally 2.8 incapacitated and have had their voting rights restored are not required to reveal their prior conviction or adjudication. 29 30 Section 4. Paragraph (a) of subsection (5) of section 97.053, Florida Statutes, is amended to read: 31

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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. б 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 the United States. 9 10 5. The applicant's Florida driver's license number, the identification number from a Florida identification card 11 issued under s. 322.051, or the last four digits of the 12 13 applicant's social security number. 6. An indication that the applicant has not been 14 convicted of a felony or that, if convicted, has had his or 15 her voting civil rights restored. 16 17 7. An indication that the applicant has not been adjudicated mentally incapacitated with respect to voting or 18 that, if so adjudicated, has had his or her right to vote 19 restored. 20 21 Signature of the applicant swearing or affirming 8. 22 under the penalty for false swearing pursuant to s. 104.011 23 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI 2.4 of the State Constitution and s. 97.051. 25 Section 5. Subsection (1) of section 98.0977, Florida 26 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 statewide, on-line voter registration database and associated 31

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1 website until such time as the statewide voter registration 2 system required to be developed pursuant to the Help America Vote Act of 2002 is operational. The database shall contain 3 voter registration information from each of the 67 supervisors 4 of elections in this state and shall be accessible through an 5 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 of the following reasons, including, but not limited to: 9 10 (a) The voter is deceased; The voter has been convicted of a felony and has 11 (b) 12 not had his or her voting civil rights restored; or 13 (c) The voter has been adjudicated mentally incompetent and his or her mental capacity with respect to 14 voting has not been restored. 15 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 date of Senate Joint Resolution No. \_\_\_\_ or another amendment 20 21 to the State Constitution which authorizes, or removes 22 impediments to, enactment of this act by the Legislature. 23 2.4 25 SENATE SUMMARY Creates the "Citizens' Empowerment Act." Provides that a 26 convicted felon who is incarcerated or is on probation, parole, or community control may not vote. Provides for restoration of that right 1 year after completion of the 27 2.8 sentence, unless automatic restoration is objected to by a majority of the Board of Executive Clemency. 29 30 31

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