

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HJR 1363  
**SPONSOR(S):** Roberson  
**TIED BILLS:** HB 269

Right to Vote and Hold Office

**IDEN./SIM. BILLS:** HJR 271, SJR 130, SJR 1190

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Ethics & Elections Committee		Wiggins	Mitchell
2) Criminal Justice Committee			
3) State Administration Council			
4) _____			
5) _____			

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**SUMMARY ANALYSIS**

HJR 1363 would change the process by which felons have their voting rights restored. Currently, voting rights are a part of an individual's civil rights which are restored by the Board of Executive Clemency. HJR 1363 proposes an amendment to the State Constitution to provide that a person whose felony conviction did not involve the use or threat of physical force or violence against any person would no longer be disqualified from voting and holding office. A person whose offense did involve the use or threat of physical force or violence would have such disqualification removed *after* the person is released from incarceration and postconviction supervision.

Under current clemency regulations, a convicted felon must be arrest-free for five years to obtain restoration of civil rights without a hearing, unless convicted of certain violent crimes or if he owes victim restitution. Any convicted felon who is arrest-free for 15 years or more can have their rights restored without a hearing regardless of the underlying crime.

The joint resolution does not contain a specific effective date. Therefore, if adopted by the voters, it will take effect January 2, 2007.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

##### Expand individual freedom

Restoring a convicted felon's right to register to would empower thousands of individuals currently outside of the process.

#### B. EFFECT OF PROPOSED CHANGES:

Pursuant to article VI, section 4, of the State Constitution, persons convicted of a felony, who have not had their civil rights restored, are not eligible to vote in Florida.

If enacted, the proposed constitutional amendment will appear on the November 2006 ballot as follows:

##### RIGHT TO VOTE AND HOLD OFFICE

Proposes an amendment to Section 4 of Article VI of the State Constitution to provide that a felony offender whose offense did not involve the use or threat of physical force or violence against any person would no longer be disqualified from voting and holding office and one whose offense did involve the use or threat of physical force or violence against any person would have such disqualification removed once released from incarceration and postconviction supervision.

The joint resolution also proposes to delete the inoperative eight-year term limitation for United States Representatives and United States Senators from Florida, which provision was declared unconstitutional by the United States Supreme Court in 1995.<sup>1</sup>

#### C. SECTION DIRECTORY:

The legislation is a joint resolution proposing a constitutional amendment and, therefore, does not contain bill sections. The joint resolution proposes to amend s. 4, Art. VI, of the State Constitution providing the circumstances for restoring the right to vote to anyone convicted of a felony.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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<sup>1</sup> *U.S. Term Limits, Inc. v. Thornton*, 115 S.Ct. 1842 (1995).

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

### **III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**