

HJR 1363

2005

House Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VI of the State Constitution relating to suffrage and elections, to provide for restoration of felony offenders' rights to vote and hold office and to delete inoperative provisions.

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

That the amendment to Section 4 of Article VI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2006:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 4. Disqualifications.--

(a) No person convicted of a felony involving the use or threat of physical force or violence against any person, ~~or adjudicated in this or any other state to be mentally incompetent,~~ shall be qualified to vote or hold office until he or she has been released from incarceration and any postconviction supervision restoration of civil rights or removal of disability. No person adjudicated in this or any other state to be mentally incompetent shall be qualified to vote or hold office until removal of disability.

(b) No person may appear on the ballot for re-election to any of the following offices:

- (1) Florida representative,

HJR 1363

2005

- 29 (2) Florida senator,
- 30 (3) Florida Lieutenant governor, or
- 31 (4) any office of the Florida cabinet,
- 32 ~~(5) U.S. Representative from Florida, or~~
- 33 ~~(6) U.S. Senator from Florida~~

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35 if, by the end of the current term of office, the person will

36 have served (or, but for resignation, would have served) in that

37 office for eight consecutive years.

38 BE IT FURTHER RESOLVED that the title and substance of the

39 amendment proposed herein shall appear on the ballot as follows:

40 RIGHT TO VOTE AND HOLD OFFICE

41 Proposes an amendment to Section 4 of Article VI of the

42 State Constitution to provide that a felony offender whose

43 offense did not involve the use or threat of physical force or

44 violence against any person would no longer be disqualified from

45 voting and holding office and one whose offense did involve the

46 use or threat of physical force or violence against any person

47 would have such disqualification removed once released from

48 incarceration and postconviction supervision. The amendment also

49 deletes inoperative provisions relating to term limits for

50 members of Congress and U.S. Senators, which provisions have

51 been determined by the U.S. Supreme Court to violate the U.S.

52 Constitution.