

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 269 Elections
SPONSOR(S): Bendross-Mindingall
TIED BILLS: HJR 271, HJR 1363 **IDEN./SIM. BILLS:** SB 132

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Ethics & Elections Committee</u>	<u></u>	<u>Wiggins</u>	<u>Mitchell</u>
2) <u>Criminal Justice Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Judiciary Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
5) <u>State Administration Council</u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 269 proposes to change the method by which a convicted felon would have his voting rights restored. Currently, the right to vote is one component of the civil rights that are restored by the Board of Executive Clemency (Board).

Under current Board rules, a felon's civil rights are restored without a hearing if the individual has been arrest-free for five years, *unless* convicted of certain violent crimes or if the felon still owes victim restitution. Any convicted felon who has been arrest-free for 15 years or more can have his rights restored without a hearing, regardless of the crime.

This bill amends s. 97.041, F.S., to automatically restore a felon's voting rights one year after completion and satisfaction of all sentences imposed, unless the Board objects to such restoration. If the Board objects before the restoration, a person must apply to the Board and receive approval under current clemency rules.

HB 269 is tied to HJR 271 which authorizes the Legislature to provide by general law the conditions under which a felon's right to register to vote may be restored. HB 269 takes effect on the effective date of HJR 271, if approved by the voters in 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Expand individual freedom

Authorizing the Legislature to provide the conditions under which a convicted felon's right to vote may empower thousands of individuals who are hampered by the current clemency process.

Reduce government

Permitting the Legislature to provide the conditions under which a convicted felon's right to register to vote may reduce the duties and workload of the Board.

B. EFFECT OF PROPOSED CHANGES:

Pursuant to art. VI, s. 4, State Constitution, persons convicted of a felony that have not had their civil rights restored, are not eligible to vote in Florida.

In fiscal year 2003-2004, 68,241 "restoration of civil rights" applications were processed and of those, 20,141 felons had their rights restored. The Board recently approved amendments to its rules to reduce the backlog of clemency cases and automate the process of applying for clemency for several large classes of convicted felons. These persons must have completed and satisfied all sentences and conditions of supervision, including probation and victim restitution. The Board had previously streamlined the clemency process by reducing the 12-page clemency application to one page. In addition, effective January 2002, persons released from state incarceration or supervision have their names electronically transmitted to the Office of Executive Clemency for restoration of civil rights without a hearing.

HB 269 is tied to the passage of HJR 271 and subsequent approval by the state's electors. HJR 271 authorizes the Legislature to provide by general law the conditions under which a felon's right to register to vote may be restored.

C. SECTION DIRECTORY:

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. Expenditures:

This bill may result in a reduction of Board staffing and resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill would *not* require a convicted felon to meet any fiscal requirement of his sentence as a condition of restoration, and as such, may provide a disincentive to pay restitution to the victim.

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