

1 A bill to be entitled
 2 An act relating to elections; providing a popular name;
 3 amending s. 97.041, F.S.; providing for automatic
 4 restoration of former felons' right to vote following
 5 completion and satisfaction of sentence of incarceration
 6 and community supervision; providing conditions for such
 7 automatic restoration; amending ss. 97.052, 97.053, and
 8 98.0977, F.S., to conform; providing a contingent
 9 effective date.

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

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

15 Section 2. Paragraph (b) of subsection (2) of section
 16 97.041, Florida Statutes, is amended to read:

17 97.041 Qualifications to register or vote.--

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

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

29 been incarcerated for a felony offense, has achieved or
 30 completed all nonmonetary terms and conditions of community
 31 supervision imposed by a court. If a majority of the Board of
 32 Executive Clemency objects before the automatic restoration of
 33 the right to register or vote, such rights shall be restored
 34 only upon application to, and approval by, the Board of
 35 Executive Clemency ~~and who has not had his or her right to vote~~
 36 ~~restored pursuant to law.~~

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

39 97.052 Uniform statewide voter registration application.--

40 (2) The uniform statewide voter registration application
 41 must be designed to elicit the following information from the
 42 applicant:

- 43 (a) Full name.
- 44 (b) Date of birth.
- 45 (c) Address of legal residence.
- 46 (d) Mailing address, if different.
- 47 (e) County of legal residence.
- 48 (f) Address of property for which the applicant has been
 49 granted a homestead exemption, if any.
- 50 (g) Race or ethnicity that best describes the applicant:
 - 51 1. American Indian or Alaskan Native.
 - 52 2. Asian or Pacific Islander.
 - 53 3. Black, not Hispanic.
 - 54 4. White, not Hispanic.
 - 55 5. Hispanic.
- 56 (h) State or country of birth.

- 57 (i) Sex.
- 58 (j) Party affiliation.
- 59 (k) Whether the applicant needs assistance in voting.
- 60 (l) Name and address where last registered.
- 61 (m) Last four digits of the applicant's social security
- 62 number.
- 63 (n) Florida driver's license number or the identification
- 64 number from a Florida identification card issued under s.
- 65 322.051.
- 66 (o) Telephone number (optional).
- 67 (p) Signature of applicant under penalty for false
- 68 swearing pursuant to s. 104.011, by which the person subscribes
- 69 to the oath required by s. 3, Art. VI of the State Constitution
- 70 and s. 97.051, and swears or affirms that the information
- 71 contained in the registration application is true.
- 72 (q) Whether the application is being used for initial
- 73 registration, to update a voter registration record, or to
- 74 request a replacement registration identification card.
- 75 (r) Whether the applicant is a citizen of the United
- 76 States.
- 77 (s) That the applicant has not been convicted of a felony
- 78 or, if convicted, has had his or her voting ~~civil~~ rights
- 79 restored.
- 80 (t) That the applicant has not been adjudicated mentally
- 81 incapacitated with respect to voting or, if so adjudicated, has
- 82 had his or her right to vote restored.

83

84 The registration form must be in plain language and designed so
 85 that convicted felons whose voting ~~eivil~~ rights have been
 86 restored and persons who have been adjudicated mentally
 87 incapacitated and have had their voting rights restored are not
 88 required to reveal their prior conviction or adjudication.

89 Section 4. Paragraph (a) of subsection (5) of section
 90 97.053, Florida Statutes, is amended to read:

91 97.053 Acceptance of voter registration applications.--

92 (5)(a) A voter registration application is complete if it
 93 contains:

- 94 1. The applicant's name.
- 95 2. The applicant's legal residence address.
- 96 3. The applicant's date of birth.
- 97 4. An indication that the applicant is a citizen of the
 98 United States.
- 99 5. The applicant's Florida driver's license number, the
 100 identification number from a Florida identification card issued
 101 under s. 322.051, or the last four digits of the applicant's
 102 social security number.
- 103 6. An indication that the applicant has not been convicted
 104 of a felony or that, if convicted, has had his or her voting
 105 ~~eivil~~ rights restored.
- 106 7. An indication that the applicant has not been
 107 adjudicated mentally incapacitated with respect to voting or
 108 that, if so adjudicated, has had his or her right to vote
 109 restored.
- 110 8. Signature of the applicant swearing or affirming under
 111 the penalty for false swearing pursuant to s. 104.011 that the

112 information contained in the registration application is true
 113 and subscribing to the oath required by s. 3, Art. VI of the
 114 State Constitution and s. 97.051.

115 Section 5. Subsection (1) and paragraph (d) of subsection
 116 (3) of section 98.0977, Florida Statutes, are amended to read:

117 98.0977 Statewide voter registration database; operation
 118 and maintenance.--

119 (1) The department shall operate and maintain the
 120 statewide, on-line voter registration database and associated
 121 website until such time as the statewide voter registration
 122 system required to be developed pursuant to the Help America
 123 Vote Act of 2002 is operational. The database shall contain
 124 voter registration information from each of the 67 supervisors
 125 of elections in this state and shall be accessible through an
 126 Internet website. The system shall provide functionality for
 127 ensuring that the database is updated on a daily basis to
 128 determine if a registered voter is ineligible to vote for any of
 129 the following reasons, including, but not limited to:

130 (a) The voter is deceased;

131 (b) The voter has been convicted of a felony and has not
 132 had his or her voting ~~civil~~ rights restored; or

133 (c) The voter has been adjudicated mentally incompetent
 134 and his or her mental capacity with respect to voting has not
 135 been restored.

136
 137 The database shall also allow for duplicate voter registrations
 138 to be identified.

139 (3)

140 (d) When the supervisor of elections finds information
141 through the database that suggests that a voter has been
142 convicted of a felony and has not had his or her voting ~~civil~~
143 rights restored or has been adjudicated mentally incompetent and
144 his or her mental capacity with respect to voting has not been
145 restored, the supervisor of elections shall notify the voter by
146 certified United States mail. The notification shall contain a
147 statement as to the reason for the voter's potential
148 ineligibility to be registered to vote and shall request
149 information from the voter on forms provided by the supervisor
150 of elections. As an alternative, the voter may attend a hearing
151 at a time and place specified in the notice. If there is
152 evidence that the notice was not received, notice must be given
153 once by publication in a newspaper of general circulation in the
154 county. The notice must plainly state that the voter is
155 potentially ineligible to be registered to vote and must state a
156 time and place for the person to appear before the supervisor of
157 elections to show cause why his or her name should not be
158 removed from the voter registration rolls. After reviewing the
159 information provided by the voter, if the supervisor of
160 elections determines that the voter is not eligible to vote
161 under the laws of this state, the supervisor of elections shall
162 notify the voter by certified United States mail that he or she
163 has been found ineligible to be registered to vote in this
164 state, shall state the reason for the ineligibility, and shall
165 inform the voter that he or she has been removed from the voter
166 registration rolls. The supervisor of elections shall remove
167 from the voter registration rolls the name of any voter who

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168 | fails either to respond within 30 days to the notice sent by
169 | certified mail or to attend the hearing.

170 | Section 6. This act shall take effect on the effective
171 | date of House Joint Resolution 271 or another amendment to the
172 | State Constitution which authorizes, or removes impediments to,
173 | enactment of this act by the Legislature.