

By Senator Wilson

33-6A-06

See HB

1 A bill to be entitled

2 An act relating to restoration of voting

3 rights; providing a short title; providing

4 findings and purpose; creating s. 944.294,

5 F.S.; providing for automatic restoration of a

6 former felon's right to vote following

7 completion of his or her sentence of

8 incarceration and community supervision;

9 providing conditions for and exemptions from

10 automatic restoration; providing for education

11 on the voting rights of people with felony

12 convictions; amending ss. 97.052, 97.053,

13 98.045, 98.093, 940.061, 944.292, 944.293, and

14 944.705, F.S., to conform; providing

15 applicability; providing a contingent effective

16 date.

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

20 Section 1. Short title.--This act may be cited as the

21 "Restoration of Voting Rights Act."

22 Section 2. Findings and purpose.--

23 (1) FINDINGS.--The Legislature finds that:

24 (a) Voting is both a fundamental right and a civic

25 duty. Restoring the right to vote strengthens our democracy by

26 increasing voter participation and ensuring fair

27 representation of the diverse constituencies that make up our

28 communities.

29 (b) Restoring the right to vote helps felons who have

30 completed their sentences to reintegrate into society. Their

31 participation in the most fundamental of democratic practices

1 reinforces their ties to the community and thus helps to
2 prevent recidivism.

3 (c) Under current law, the state permanently denies
4 the right to vote to all persons convicted of felonies unless
5 they receive discretionary executive clemency.

6 (d) As of 2000, more than 827,000 people were
7 disenfranchised under general law, 613,000 of whom had
8 completed their felony sentences. The law has a
9 disproportionate impact on minority communities. Excluding
10 those who are still serving their sentences, the law
11 disenfranchises 10.5 percent of the African-American
12 voting-age population and 4.4 percent of the
13 non-African-American voting-age population.

14 (e) The restoration of voting rights through the
15 clemency process is cumbersome and costly and produces long
16 delays. The clemency process imposes administrative burdens on
17 the state and economic burdens on state taxpayers, and it
18 should be reserved for extraordinary cases. Streamlining the
19 restoration process for the majority of former offenders will
20 advance administrative efficiency, fiscal responsibility,
21 fairness, and democracy.

22 (2) PURPOSE.--The purposes of this act are to
23 strengthen democratic institutions by increasing participation
24 in the voting process, to help felons who have completed their
25 sentences to become productive members of society, and to
26 streamline procedures for restoring the right to vote.

27 Section 3. Section 944.294, Florida Statutes, is
28 created to read:

29 944.294 Restoration of voting rights.--
30
31

1 (1) A person who has been convicted of a felony, other
2 than those set forth in subsection (3), shall be restored the
3 right to vote upon completion of his or her sentence.

4 (2) For purposes of this section, "completion of
5 sentence" occurs when a person is released from incarceration
6 upon expiration of his or her sentence and has completed all
7 other nonmonetary terms and conditions of the sentence or
8 subsequent supervision or, if the person has not been
9 incarcerated for the felony offense, has completed all
10 nonmonetary terms and conditions of supervision imposed on him
11 or her.

12 (3)(a) Persons convicted of crimes defined by the
13 following statutes shall be ineligible for restoration of
14 voting rights under this section:

15 1. Section 782.04, relating to murder.

16 2. Section 782.07(3), relating to aggravated
17 manslaughter of a child.

18 3. Section 794.011, relating to sexual battery.

19 4. Section 796.03, relating to procuring a person
20 under 18 for prostitution.

21 5. Section 796.035, relating to selling or buying
22 minors into sex trafficking or prostitution.

23 6. Section 826.04, relating to incest.

24 7. Section 827.071, relating to sexual performance by
25 a child.

26 8. Section 847.0145, relating to selling or buying
27 minors.

28 (b) Persons convicted of treason or whose impeachment
29 has resulted in conviction, as referred to in s. 8, Art. IV of
30 the State Constitution, shall also be ineligible for
31 restoration of voting rights under this section.

1 (4) Nothing in this section shall be construed to
2 impair the ability of any person convicted of a felony to
3 apply for executive clemency under s. 8, Art. IV of the State
4 Constitution.

5 (5) A court shall, before accepting a plea of guilty
6 or nolo contendere to a felony without trial or, if a trial is
7 held, before imposing sentence for a felony, notify the
8 defendant as follows:

9 (a) If the felony is described in subsection (3), that
10 conviction will result in permanent loss of the right to vote
11 unless he or she receives executive clemency under s. 8, Art.
12 IV of the State Constitution.

13 (b) If the felony is not described in subsection (3),
14 that conviction will result in loss of the right to vote until
15 the defendant completes his or her sentence and that voting
16 rights will be restored thereafter.

17 (6) The Secretary of State shall ensure that persons
18 who become eligible to vote upon completion of sentence face
19 no continued barriers to registration or voting resulting from
20 their felony convictions.

21 (7) The Secretary of State shall develop and implement
22 a program to educate attorneys; judges; election officials;
23 corrections officials, including parole and probation
24 officers; and members of the public about the requirements of
25 this section, ensuring that:

26 (a) Judges are informed of their obligation to notify
27 criminal defendants of the potential loss and restoration of
28 their voting rights as required by subsection (5).

29 (b) The Department of Corrections, including offices
30 of probation and parole, is prepared to assist people with
31 registering to vote in anticipation of their completion of

1 sentence, including forwarding their completed voter
2 registration forms to the appropriate voter registration
3 official.

4 (c) Accurate and complete information about the voting
5 rights of people who have been charged with or convicted of
6 crimes, whether disenfranchising or not, is made available
7 through a single publication to government officials and the
8 public.

9 Section 4. Paragraph (s) of subsection (2) of section
10 97.052, Florida Statutes, is amended to read:

11 97.052 Uniform statewide voter registration
12 application.--

13 (2) The uniform statewide voter registration
14 application must be designed to elicit the following
15 information from the applicant:

16 (s) Whether the applicant has been convicted of a
17 felony, and, if convicted, has had his or her voting ~~civil~~
18 rights restored by including the statement "I affirm I am not
19 a convicted felon, or, if I am, my voting rights ~~relating to~~
20 ~~voting~~ have been restored." and providing a box for the
21 applicant to check to affirm the statement.

22
23 The registration application must be in plain language and
24 designed so that convicted felons whose civil rights have been
25 restored and persons who have been adjudicated mentally
26 incapacitated and have had their voting rights restored are
27 not required to reveal their prior conviction or adjudication.

28 Section 5. Paragraph (a) of subsection (5) of section
29 97.053, Florida Statutes, is amended to read:

30 97.053 Acceptance of voter registration
31 applications.--

1 (5)(a) A voter registration application is complete if
2 it contains the following information necessary to establish
3 the applicant's eligibility pursuant to s. 97.041, including:

- 4 1. The applicant's name.
- 5 2. The applicant's legal residence address.
- 6 3. The applicant's date of birth.
- 7 4. A mark in the checkbox affirming that the applicant
8 is a citizen of the United States.

9 5.a. The applicant's current and valid Florida
10 driver's license number or the identification number from a
11 Florida identification card issued under s. 322.051, or

12 b. If the applicant has not been issued a current and
13 valid Florida driver's license or a Florida identification
14 card, the last four digits of the applicant's social security
15 number.

16
17 In case an applicant has not been issued a current and valid
18 Florida driver's license, Florida identification card, or
19 social security number, the applicant shall affirm this fact
20 in the manner prescribed in the uniform statewide voter
21 registration application.

22 6. A mark in the checkbox affirming that the applicant
23 has not been convicted of a felony or that, if convicted, has
24 had his or her voting ~~civil~~ rights restored.

25 7. A mark in the checkbox affirming that the applicant
26 has not been adjudicated mentally incapacitated with respect
27 to voting or that, if so adjudicated, has had his or her right
28 to vote restored.

29 8. The original signature or a digital signature
30 transmitted by the Department of Highway Safety and Motor
31 Vehicles of the applicant swearing or affirming under the

1 penalty for false swearing pursuant to s. 104.011 that the
2 information contained in the registration application is true
3 and subscribing to the oath required by s. 3, Art. VI of the
4 State Constitution and s. 97.051.

5 Section 6. Paragraph (c) of subsection (1) of section
6 98.045, Florida Statutes, is amended to read:

7 98.045 Administration of voter registration.--

8 (1) ELIGIBILITY OF APPLICANT.--The supervisor must
9 ensure that any eligible applicant for voter registration is
10 registered to vote and that each application for voter
11 registration is processed in accordance with law. The
12 supervisor shall determine whether a voter registration
13 applicant is ineligible based on any of the following:

14 (c) The applicant has been convicted of a felony for
15 which his or her voting ~~civil~~ rights have not been restored.

16 Section 7. Paragraph (g) of subsection (2) of section
17 98.093, Florida Statutes, is redesignated as paragraph (h),
18 and a new paragraph (g) is added to that subsection to read:

19 98.093 Duty of officials to furnish lists of deceased
20 persons, persons adjudicated mentally incapacitated, and
21 persons convicted of a felony.--

22 (2) To the maximum extent feasible, state and local
23 government agencies shall facilitate provision of information
24 and access to data to the department, including, but not
25 limited to, databases that contain reliable criminal records
26 and records of deceased persons. State and local government
27 agencies that provide such data shall do so without charge if
28 the direct cost incurred by those agencies is not significant.

29 (g) The Department of Corrections shall furnish
30 monthly to the department a list of those persons who, in the
31 preceding month, have been released from incarceration upon

1 expiration of sentence and have completed all other
2 nonmonetary terms and conditions of the sentence or subsequent
3 supervision, or who were not incarcerated for the felony
4 offense but have completed all nonmonetary terms and
5 conditions of supervision imposed upon them. The Department of
6 Corrections shall also furnish any updates to prior records
7 which have occurred in the preceding month. The list shall
8 contain the name, address, date of birth, race, sex, social
9 security number, Department of Corrections record
10 identification number, and associated Department of Law
11 Enforcement felony conviction record number of each person.

12 Section 8. Section 940.061, Florida Statutes, is
13 amended to read:

14 940.061 Informing persons about executive clemency and
15 restoration of ~~civil~~ rights.--The Department of Corrections
16 shall inform and educate inmates and offenders on community
17 supervision about:

18 (1) The restoration of voting rights and assist
19 eligible inmates and offenders on community supervision with
20 the completion of a voter registration application, unless the
21 inmate or offender on community supervision declines such
22 assistance.

23 (2) The restoration of civil rights and assist
24 eligible inmates and offenders on community supervision with
25 the completion of the application for the restoration of civil
26 rights.

27 Section 9. Subsection (1) of section 944.292, Florida
28 Statutes, is amended to read:

29 944.292 Suspension of civil rights.--

30 (1) Upon conviction of a felony as defined in s. 10,
31 Art. X of the State Constitution, the civil rights of the

1 person convicted shall be suspended in Florida until such
2 rights are restored by a full pardon, conditional pardon, or
3 restoration of civil rights granted pursuant to s. 8, Art. IV
4 of the State Constitution or, as to voting rights, until
5 restoration of voting rights pursuant to s. 944.294.

6 Section 10. Section 944.293, Florida Statutes, is
7 amended to read:

8 944.293 Initiation of restoration of ~~civil~~
9 rights.--With respect to those persons convicted of a felony,
10 the following procedures ~~procedure~~ shall apply:

11 (1) Prior to the time an eligible offender is
12 discharged from supervision, an authorized agent of the
13 department shall obtain from the Department of State the
14 necessary application for registering to vote. An authorized
15 agent shall provide this application to the eligible offender
16 and inform him or her that the decision whether to register to
17 vote is voluntary and that applying to register or declining
18 to register to vote will not affect any term or condition of
19 the offender's supervision.

20 (2) The authorized agent shall inform the eligible
21 offender of the opportunity to file a complaint with the
22 Secretary of State on the belief that someone has interfered
23 with the offender's right to register or to decline to
24 register to vote, the right to privacy in deciding whether to
25 register or in applying to register to vote, or the right to
26 choose a political party or other political preference. The
27 authorized agent shall provide the address and telephone
28 number of the appropriate office in the Department of State
29 where a complaint may be filed.

30 (3) The authorized agent shall offer the eligible
31 offender assistance with the voter registration application

1 but shall make clear that the offender may fill out the
2 application in private. Unless the offender declines
3 assistance, the authorized agent shall assist the offender in
4 completing the application and shall ensure that the completed
5 application is forwarded to the appropriate voter registration
6 official before the eligible offender is discharged from
7 supervision.

8 (4) Prior to the time an offender is discharged from
9 supervision, an authorized agent of the department shall
10 obtain from the Governor the necessary application and other
11 forms required for the restoration of civil rights. The
12 authorized agent shall assist the offender in completing these
13 forms and shall ensure that the application and all necessary
14 material are forwarded to the Governor before the offender is
15 discharged from supervision.

16 Section 11. Paragraph (g) of subsection (2) of section
17 944.705, Florida Statutes, is redesignated as paragraph (h),
18 and a new paragraph (g) is added to that subsection to read:

19 944.705 Release orientation program.--

20 (2) The release orientation program instruction must
21 include, but is not limited to:

22 (g) Restoration of voting rights and restoration of
23 civil rights.

24 Section 12. This act shall take effect on the
25 effective date of House Joint Resolution No. ____ or another
26 amendment to the State Constitution which authorizes, or
27 removes impediments to, enactment of this act by the
28 Legislature and shall apply retroactively to all persons who
29 are eligible to vote under its terms, regardless of whether
30 they were convicted or discharged from sentence prior to its
31 effective date.