

By Senator Siplin

19-174-06

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

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

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

16 Section 2. Paragraph (b) of subsection (2) of section
17 97.041, Florida Statutes, is amended to read:

18 97.041 Qualifications to register or vote.--

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

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

1 conditions of community supervision imposed by a court and who
2 has not had his or her right to vote restored pursuant to law.
3 If a majority of the Board of Executive Clemency objects
4 before the automatic restoration of the right to register or
5 vote, such rights shall be restored only upon application to,
6 and approval by, the Board of Executive Clemency.

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

9 97.052 Uniform statewide voter registration
10 application.--

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

14 (a) Last, first, and middle name, including any
15 suffix.

16 (b) Date of birth.

17 (c) Address of legal residence.

18 (d) Mailing address, if different.

19 (e) County of legal residence.

20 (f) Race or ethnicity that best describes the
21 applicant:

22 1. American Indian or Alaskan Native.

23 2. Asian or Pacific Islander.

24 3. Black, not Hispanic.

25 4. White, not Hispanic.

26 5. Hispanic.

27 (g) State or country of birth.

28 (h) Sex.

29 (i) Party affiliation.

30 (j) Whether the applicant needs assistance in voting.

31 (k) Name and address where last registered.

1 (l) Last four digits of the applicant's social
2 security number.

3 (m) Florida driver's license number or the
4 identification number from a Florida identification card
5 issued under s. 322.051.

6 (n) An indication, if applicable, that the applicant
7 has not been issued a Florida driver's license, a Florida
8 identification card, or a social security number.

9 (o) Telephone number (optional).

10 (p) Signature of applicant under penalty for false
11 swearing pursuant to s. 104.011, by which the person
12 subscribes to the oath required by s. 3, Art. VI of the State
13 Constitution and s. 97.051, and swears or affirms that the
14 information contained in the registration application is true.

15 (q) Whether the application is being used for initial
16 registration, to update a voter registration record, or to
17 request a replacement voter information card.

18 (r) Whether the applicant is a citizen of the United
19 States by asking the question "Are you a citizen of the United
20 States of America?" and providing boxes for the applicant to
21 check to indicate whether the applicant is or is not a citizen
22 of the United States.

23 (s) Whether the applicant has been convicted of a
24 felony, and, if convicted, has had his or her voting ~~civil~~
25 rights restored by including the statement "I affirm I am not
26 a convicted felon, or, if I am, my rights relating to voting
27 have been restored." and providing a box for the applicant to
28 check to affirm the statement.

29 (t) Whether the applicant has been adjudicated
30 mentally incapacitated with respect to voting or, if so
31 adjudicated, has had his or her right to vote restored by

1 including the statement "I affirm I have not been adjudicated
2 mentally incapacitated with respect to voting, or, if I have,
3 my competency has been restored." and providing a box for the
4 applicant to check to affirm the statement.

5
6 The registration application must be in plain language and
7 designed so that convicted felons whose voting ~~civil~~ rights
8 have been restored and persons who have been adjudicated
9 mentally incapacitated and have had their voting rights
10 restored are not required to reveal their prior conviction or
11 adjudication.

12 Section 4. Paragraph (a) of subsection (5) of section
13 97.053, Florida Statutes, is amended to read:

14 97.053 Acceptance of voter registration
15 applications.--

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

- 19 1. The applicant's name.
- 20 2. The applicant's legal residence address.
- 21 3. The applicant's date of birth.
- 22 4. A mark in the checkbox affirming that the applicant
23 is a citizen of the United States.

24 5.a. The applicant's current and valid Florida
25 driver's license number or the identification number from a
26 Florida identification card issued under s. 322.051, or

27 b. If the applicant has not been issued a current and
28 valid Florida driver's license or a Florida identification
29 card, the last four digits of the applicant's social security
30 number.

1 In case an applicant has not been issued a current and valid
2 Florida driver's license, Florida identification card, or
3 social security number, the applicant shall affirm this fact
4 in the manner prescribed in the uniform statewide voter
5 registration application.

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

9 7. A mark in the checkbox affirming that the applicant
10 has not been adjudicated mentally incapacitated with respect
11 to voting or that, if so adjudicated, has had his or her right
12 to vote restored.

13 8. The original signature or a digital signature
14 transmitted by the Department of Highway Safety and Motor
15 Vehicles of the applicant swearing or affirming under the
16 penalty for false swearing pursuant to s. 104.011 that the
17 information contained in the registration application is true
18 and subscribing to the oath required by s. 3, Art. VI of the
19 State Constitution and s. 97.051.

20 Section 5. This act shall take effect on the effective
21 date of Senate Joint Resolution ___ or another amendment to
22 the State Constitution which authorizes, or removes
23 impediments to, enactment of this act by the Legislature.

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26 SENATE SUMMARY

27 Creates the "Citizens' Empowerment Act." Provides that a
28 convicted felon who is incarcerated or is on probation,
29 parole, or community control may not vote. Provides for
30 restoration of that right 1 year after completion of the
31 sentence, unless automatic restoration is objected to by
a majority of the Board of Executive Clemency.