

By Senator Siplin

19-298-07

1 A bill to be entitled

2 An act relating to elections; providing a short

3 title; amending s. 97.041, F.S.; providing for

4 automatic restoration of former felons' right

5 to vote following completion and satisfaction

6 of 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.

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

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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 and who has not had his or her right

26 to vote restored pursuant to law. For the purposes of this

27 paragraph, "completion and satisfaction of all sentences"

28 occurs when a person is released from incarceration upon

29 expiration of sentence and has achieved or completed all other

30 nonmonetary terms and conditions of the sentence or subsequent

31 supervision or, if the person has not been incarcerated for

1 the felony offense, has achieved or completed all nonmonetary
2 terms and conditions of community supervision imposed by a
3 court. If a majority of the Board of Executive Clemency
4 objects before the automatic restoration of the right to
5 register or vote, such rights shall be restored only upon
6 application to, and approval by, the Board of Executive
7 Clemency.

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

10 97.052 Uniform statewide voter registration
11 application.--

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

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

17 (b) Date of birth.

18 (c) Address of legal residence.

19 (d) Mailing address, if different.

20 (e) County of legal residence.

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

23 1. American Indian or Alaskan Native.

24 2. Asian or Pacific Islander.

25 3. Black, not Hispanic.

26 4. White, not Hispanic.

27 5. Hispanic.

28 (g) State or country of birth.

29 (h) Sex.

30 (i) Party affiliation.

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

1 (k) Name and address where last registered.

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

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

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

10 (o) Telephone number (optional).

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

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

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

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

30 (t) Whether the applicant has been adjudicated
31 mentally incapacitated with respect to voting or, if so

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

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

13 Section 4. Paragraph (a) of subsection (5) of section
14 97.053, Florida Statutes, is amended to read:

15 97.053 Acceptance of voter registration
16 applications.--

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

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

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

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

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

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

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

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

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

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27 SENATE SUMMARY

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