

1 A bill to be entitled
2 An act relating to voting rights; amending s. 14.28,
3 F.S.; requiring that records developed or maintained
4 by a state agency pursuant to an investigation by the
5 Board of Executive Clemency be released to the person
6 who is the subject of such investigation or his or her
7 legal representative; authorizing public access to
8 certain data; creating s. 97.017, F.S.; requiring that
9 an authorized agent of the Division of Elections
10 provide to the Governor the necessary voter
11 registration applications and other forms required for
12 the restoration of a convicted felon's voting rights
13 before the convicted felon is released from
14 supervision; requiring the authorized agent to perform
15 certain tasks; amending s. 98.045, F.S.; providing
16 that any information indicating that a person's civil
17 rights have been restored through the executive
18 clemency process be considered a written request from
19 that person to have his or her name placed back into
20 the statewide voter registration system; requiring
21 that the supervisor of elections perform certain
22 tasks; amending s. 98.065, F.S.; requiring that a
23 supervisor of elections who receives certain
24 information from the Office of Executive Clemency send
25 an address-confirmation notice to the address at which
26 the subject voter was last registered; providing for
27 the immediate addition of names to the statewide voter
28 registration system under certain circumstances;

29 | amending s. 98.0755, F.S.; providing an exemption from
30 | payment of costs for a trial in which a person appeals
31 | a determination of ineligibility to register to vote;
32 | amending s. 98.081, F.S.; providing for the
33 | restoration of the names of certain individuals to the
34 | statewide voter registration system under certain
35 | circumstances, even if the registration period for a
36 | given election is closed; amending s. 98.093, F.S.;
37 | including a list of persons whose civil rights have
38 | been restored among the required information that must
39 | be furnished by state and local government agencies to
40 | the Department of State; requiring that the department
41 | identify certain individuals upon receipt of such
42 | list; requiring that the board furnish certain
43 | information to each supervisor of elections; amending
44 | s. 104.051, F.S.; providing that any department
45 | employee who attempts to influence or interfere with
46 | any elector voting a ballot commits a felony of the
47 | third degree; creating s. 940.09, F.S.; requiring that
48 | the office provide a voter registration applicant who
49 | has been granted clemency with a certified copy of the
50 | applicant's certificate of rights restoration free of
51 | charge and without delay; creating s. 940.066, F.S.;
52 | requiring that the division inform and educate certain
53 | persons about voting and the voting process, and
54 | provide such persons with voter registration
55 | applications on a certain date; amending s. 945.10,
56 | F.S.; authorizing access to certain data, even if such

57 data were considered confidential when originally
 58 transferred to the office; providing an effective
 59 date.

60
 61 Be It Enacted by the Legislature of the State of Florida:

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 63 Section 1. Section 14.28, Florida Statutes, is amended to
 64 read:

65 14.28 Executive clemency.--All records developed or
 66 received by any state entity pursuant to a Board of Executive
 67 Clemency investigation shall be confidential and exempt from the
 68 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 69 Constitution. However, such records shall ~~may~~ be released to the
 70 person who is the subject of such investigation or his or her
 71 legal representative upon request by such person or legal
 72 representative upon the approval of the Governor. This section
 73 does not deny any person access to data that is transferred to
 74 the Office of Executive Clemency regarding felons whose civil
 75 rights have been restored.

76 Section 2. Section 97.017, Florida Statutes, is created to
 77 read:

78 97.017 Initiation of restoration of voting rights for
 79 those persons whose civil rights have been restored.--Before a
 80 convicted felon is discharged from supervision, an authorized
 81 agent of the Division of Elections shall provide to the Governor
 82 the necessary voter registration applications and other forms
 83 required for the restoration of that individual's voting rights.
 84 The authorized agent shall assist the offender in completing

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85 these forms and shall ensure that the application and all
86 necessary materials are forwarded to the department after the
87 person is granted executive clemency or pardon.

88 Section 3. Present subsections (3), (4), and (5) of
89 section 98.045, Florida Statutes, are renumbered as subsections
90 (4), (5), and (6), respectively, and a new subsection (3) is
91 added to that section, to read:

92 98.045 Administration of voter registration.--

93 (3) RESTORATION OF REGISTERED VOTERS.--

94 (a) Any information indicating that a person has had his
95 or her civil rights restored through the executive clemency
96 process after a registered voter's name is removed from
97 registration list pursuant to s. 98.065 or s. 98.075 shall be
98 considered as a written request from that person to have his or
99 her name restored in the statewide voter registration system.
100 The corresponding supervisor of elections shall verify the
101 continued eligibility of such person to vote in that county.

102 (b) The supervisor of elections for each county shall
103 forward voter registration information to any person to whom
104 clemency has been granted.

105 Section 4. Paragraph (a) of subsection (4) and subsection
106 (5) of section 98.065, Florida Statutes, are amended to read:

107 98.065 Registration list maintenance programs.--

108 (4)(a) If the supervisor receives change-of-address
109 information pursuant to the activities conducted in subsection
110 (2), from jury notices signed by the voter and returned to the
111 courts, from the Department of Highway Safety and Motor Vehicles
112 or the Office of Executive Clemency, or from other sources,

113 | which information indicates that the legal address of a
 114 | registered voter might have changed, the supervisor shall send
 115 | by forwardable return-if-undeliverable mail an address
 116 | confirmation notice to the address at which the voter was last
 117 | registered. A supervisor may also send an address confirmation
 118 | notice to any voter who the supervisor has reason to believe has
 119 | moved from his or her legal residence.

120 | (5) A notice may not be issued pursuant to this section
 121 | and a voter's name may not be removed from the statewide voter
 122 | registration system later than 90 days before ~~prior to~~ the date
 123 | of a federal election. However, this section does not preclude
 124 | the removal or addition of the name of a voter from the
 125 | statewide voter registration system at any time upon the voter's
 126 | written request, by reason of the voter's death, ~~or~~ upon a
 127 | determination of the voter's ineligibility as provided in s.
 128 | 98.075(7), or upon the granting of executive clemency.

129 | Section 5. Section 98.0755, Florida Statutes, is amended
 130 | to read:

131 | 98.0755 Appeal of determination of ineligibility.--Appeal
 132 | of the supervisor's determination of ineligibility pursuant to
 133 | s. 98.075(7) may be taken to the circuit court in and for the
 134 | county where the person was registered. Notice of appeal must be
 135 | filed within the time and in the manner provided by the Florida
 136 | Rules of Appellate Procedure and acts as supersedeas. Trial in
 137 | the circuit court is de novo and governed by the rules of that
 138 | court. Unless the person can show that his or her name was
 139 | erroneously or illegally removed from the statewide voter
 140 | registration system, that his or her name was improperly or

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141 illegally omitted from the voter registration system upon the
 142 proper granting of executive clemency and forwarding of
 143 information to election officials, or that he or she is
 144 indigent, the person must bear the costs of the trial in the
 145 circuit court. Otherwise, the cost of the appeal must be paid by
 146 the supervisor of elections.

147 Section 6. Section 98.081, Florida Statutes, is amended to
 148 read:

149 98.081 Names removed from the statewide voter registration
 150 system; restrictions on reregistering; recordkeeping;
 151 restoration of erroneously or illegally removed names.--

152 (1) If ~~When~~ the name of any elector is removed from the
 153 statewide voter registration system pursuant to s. 98.065 or s.
 154 98.075, the elector's original registration application shall be
 155 retained by the supervisor of elections having custody of the
 156 application. Alternatively ~~As alternatives,~~ registrations
 157 removed from the statewide voter registration system may be
 158 microfilmed and such microfilms substituted for the original
 159 registration applications. If, ~~or, when~~ voter registration
 160 information, including the voter's signature, is maintained
 161 digitally or on electronic, magnetic, or optic media, such
 162 stored information may be substituted for the original
 163 registration application. Such microfilms or stored information
 164 shall be retained by the supervisor of elections having custody.
 165 If ~~In the event~~ the original registration applications are
 166 microfilmed or maintained digitally or on electronic or other
 167 media, such originals may be destroyed in accordance with the
 168 schedule approved by the Bureau of Archives and Records

169 Management of the Division of Library and Information Services
 170 of the department.

171 (2) If ~~When~~ the name of any elector has been erroneously
 172 or illegally removed from the statewide voter registration
 173 system, the name of the elector shall be restored by a voter
 174 registration official upon satisfactory proof, even though the
 175 registration period for that election is closed.

176 (3) If the name of any eligible person has not been
 177 properly restored or added to the statewide voter registration
 178 system, a voter registration official shall restore the name of
 179 that eligible person immediately upon satisfactory proof of
 180 clemency or other qualifying basis, even if the registration
 181 period for that election is closed.

182 Section 7. Section 98.093, Florida Statutes, is amended to
 183 read:

184 98.093 Duty of officials to furnish lists of deceased
 185 persons, persons adjudicated mentally incapacitated, ~~and~~ persons
 186 convicted of a felony, and persons whose civil rights have been
 187 restored.--

188 (1) In order to ensure the maintenance of accurate and
 189 current voter registration records, it is necessary for the
 190 department to receive certain information from state and federal
 191 officials and entities. The department and supervisors of
 192 elections shall use the information provided from the sources in
 193 subsection (2) to maintain the voter registration records.

194 (2) To the maximum extent feasible, state and local
 195 government agencies shall facilitate provision of information
 196 and access to data to the department, including, but not limited

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197 to, databases that contain reliable criminal records and records
198 of deceased persons. State and local government agencies that
199 provide such data shall do so without charge if the direct cost
200 incurred by those agencies is not significant.

201 (a) The Department of Health shall furnish monthly to the
202 department a list containing the name, address, date of birth,
203 date of death, social security number, race, and sex of each
204 deceased person 17 years of age or older.

205 (b) Each clerk of the circuit court shall furnish monthly
206 to the department a list of those persons who have been
207 adjudicated mentally incapacitated with respect to voting during
208 the preceding calendar month, a list of those persons whose
209 mental capacity with respect to voting has been restored during
210 the preceding calendar month, and a list of those persons who
211 have returned signed jury notices during the preceding months to
212 the clerk of the circuit court indicating a change of address.
213 Each list shall include the name, address, date of birth, race,
214 sex, and, whichever is available, the Florida driver's license
215 number, Florida identification card number, or social security
216 number of each such person.

217 (c) Upon receipt of information from the United States
218 Attorney, listing persons convicted of a felony in federal
219 court, the department shall use such information to identify
220 registered voters or applicants for voter registration who may
221 be potentially ineligible based on information provided in
222 accordance with s. 98.075.

223 (d) The Department of Law Enforcement shall identify those
224 persons who have been convicted of a felony who appear in the

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225 voter registration records supplied by the statewide voter
226 registration system, in a time and manner that enables the
227 department to meet its obligations under state and federal law.

228 (e) The Board of Executive Clemency shall furnish monthly
229 to the department and each supervisor of elections a list of
230 those persons granted clemency in the preceding month or any
231 updates to prior records which have occurred in the preceding
232 month. The list shall contain the Board of Executive Clemency
233 case number, name, address, telephone number, date of birth,
234 race, sex, social security number, if available, and references
235 to record identifiers assigned by the Department of Corrections,
236 a unique identifier of each clemency case, and the effective
237 date of clemency of each person.

238 (f) The Department of Corrections shall furnish monthly to
239 the department a list of those persons transferred to the
240 Department of Corrections in the preceding month or any updates
241 to prior records which have occurred in the preceding month. The
242 list shall contain the name, address, date of birth, race, sex,
243 social security number, Department of Corrections record
244 identification number, and associated Department of Law
245 Enforcement felony conviction record number of each person.

246 (g) The Department of Highway Safety and Motor Vehicles
247 shall furnish monthly to the department a list of those persons
248 whose names have been removed from the driver's license database
249 because they have been licensed in another state. The list shall
250 contain the name, address, date of birth, sex, social security
251 number, and driver's license number of each such person.

252 (h) Upon receipt of a list of persons whose civil rights
 253 have been restored from the Office of Executive Clemency, the
 254 department shall identify formerly registered voters or
 255 registrants who are now eligible to reregister.

256 (3) Nothing in this section shall limit or restrict the
 257 supervisor in his or her duty to remove or restore the names of
 258 persons from the statewide voter registration system pursuant to
 259 s. 98.075(7) based upon information received from other sources.

260 Section 8. Subsection (4) of section 104.051, Florida
 261 Statutes, is amended to read:

262 104.051 Violations; neglect of duty; corrupt practices.--

263 (4) Any supervisor, deputy supervisor, ~~or~~ election
 264 employee, or department employee who attempts to influence or
 265 interfere with any elector voting a ballot commits a felony of
 266 the third degree, punishable as provided in s. 775.082, s.
 267 775.083, or s. 775.084.

268 Section 9. Section 940.09, Florida Statutes, is created to
 269 read:

270 940.09 Copy of certificate of rights restoration to be
 271 furnished free of charge.--If any voter registration applicant
 272 who has been granted executive clemency is required to supply a
 273 copy or certified copy of the applicant's certificate of rights
 274 restoration, the Office of Executive Clemency shall furnish such
 275 documentation to the applicant free of charge and without delay.

276 Section 10. Section 940.066, Florida Statutes, is created
 277 to read:

278 940.066 Informing persons about executive clemency and
 279 restoration of civil rights.--The Division of Elections shall

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280 inform and educate persons whose civil rights have been restored
281 about voting and the voting process, and provide such persons
282 with voter registration applications on the date on which
283 clemency is granted.

284 Section 11. Paragraph (i) is added to subsection (1) of
285 section 945.10, Florida Statutes, to read:

286 945.10 Confidential information.--

287 (1) Except as otherwise provided by law or in this
288 section, the following records and information held by the
289 Department of Corrections are confidential and exempt from the
290 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
291 Constitution:

292 (i) This section does not prohibit access to data
293 regarding felons convicted of nonviolent offenses who have been
294 granted clemency, even if such data were considered confidential
295 when originally transferred to the Office of Executive Clemency.

296 Section 12. This act shall take effect July 1, 2008.