

1 A bill to be entitled
2 An act relating to elections; creating s. 97.0111,
3 F.S.; providing legislative intent; amending s.
4 97.041, F.S.; revising the qualifications to register
5 to vote; authorizing a person who has been convicted
6 of a felony and has served his or her sentence to
7 preregister to vote; amending s. 97.052, F.S.;
8 revising the uniform statewide voter registration
9 application; amending s. 97.053, F.S.; revising what
10 constitutes a complete voter registration application;
11 amending s. 97.057, F.S.; authorizing the Department
12 of Highway Safety and Motor Vehicles to automatically
13 register to vote or update a voter registration record
14 of an eligible individual; requiring the department to
15 notify the individual that certain information
16 gathered for the completion of a driver license or
17 identification card application, renewal, or change of
18 address is automatically transferred to a voter
19 registration application or used to update a voter
20 registration record; requiring a driver license
21 examiner to notify an applicant that, by applying for,
22 renewing, or updating a driver license or
23 identification card, the applicant is consenting to
24 automatically register to vote or update his or her
25 voter registration record; authorizing an applicant to
26 revoke consent to automatically register to vote or
27 update a voter registration record; requiring that an
28 applicant who fails to designate party affiliation be

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29 registered without party affiliation; amending s.
30 98.035, F.S.; revising the requirements of the
31 statewide voter registration system; requiring the
32 Department of State to develop a system that allows
33 eligible citizens to register to vote online;
34 prohibiting certain citizens from voting an absentee
35 ballot until a signature is provided; amending s.
36 98.045, F.S.; revising the eligibility requirements
37 for applicants for voter registration; revising
38 procedures for removal of registered voters; amending
39 s. 98.075, F.S.; revising procedures for ineligibility
40 determinations of registered voters; amending s.
41 101.045, F.S.; authorizing an elector to vote a
42 regular ballot at the polling place in the precinct to
43 which he or she has moved by completing an
44 affirmation; deleting a requirement that the elector's
45 change of residence must occur within the same county
46 for the elector to be able to vote in the new
47 precinct; providing an effective date.

48
49 Be It Enacted by the Legislature of the State of Florida:

50
51 Section 1. Section 97.0111, Florida Statutes, is created
52 to read:

53 97.0111 Rights of the electorate.—Every citizen who is
54 over 18 years of age and a permanent resident of this state has
55 an explicit, fundamental right to vote and a guarantee to free,
56 fair, and accessible elections in this state. The Legislature

57 | declares that it is the policy of this state to protect electors
 58 | against discrimination based on gender, race, age, income level,
 59 | sexual orientation, gender identity or expression, or
 60 | disability. The Legislature further declares that any
 61 | restriction on voting rights, or any change in voting practices
 62 | or procedures that would diminish access to the ballot, must be
 63 | narrowly tailored to serve a compelling government interest.

64 | Section 2. Subsections (1) and (2) of section 97.041,
 65 | Florida Statutes, are amended to read:

66 | 97.041 Qualifications to register or vote.-

67 | (1) (a) A person may become a registered voter only if that
 68 | person:

- 69 | 1. Is at least 18 years of age;
- 70 | 2. Is a citizen of the United States;
- 71 | 3. Is a legal resident of the State of Florida;
- 72 | 4. Is a legal resident of the county in which that person
 73 | seeks to be registered; and
- 74 | 5. Registers pursuant to the Florida Election Code.

75 | (b) A person who is otherwise qualified may preregister on
 76 | or after that person's 16th birthday and may vote in any
 77 | election occurring on or after that person's 18th birthday.

78 | (c) A person who has been convicted of a felony by any
 79 | court of record and has served his or her sentence may
 80 | preregister to vote and may vote in any election after his or
 81 | her right to vote has been restored.

82 | ~~(2) The following persons, who might be otherwise~~
 83 | ~~qualified, are not entitled to register or vote:~~

84 | ~~(a) A person who has been adjudicated mentally~~

85 | incapacitated with respect to voting in this or any other state
 86 | and who has not had his or her right to vote restored pursuant
 87 | to law is not entitled to register to vote.

88 | ~~(b) A person who has been convicted of any felony by any~~
 89 | ~~court of record and who has not had his or her right to vote~~
 90 | ~~restored pursuant to law.~~

91 | Section 3. Subsection (2) of section 97.052, Florida
 92 | Statutes, is amended to read:

93 | 97.052 Uniform statewide voter registration application.—

94 | (2) The uniform statewide voter registration application
 95 | must be designed to elicit the following information from the
 96 | applicant:

97 | (a) Last, first, and middle name, including any suffix.

98 | (b) Date of birth.

99 | (c) Address of legal residence.

100 | (d) Mailing address, if different.

101 | (e) County of legal residence.

102 | (f) Race or ethnicity that best describes the applicant:

103 | 1. American Indian or Alaskan Native.

104 | 2. Asian or Pacific Islander.

105 | 3. Black, not Hispanic.

106 | 4. White, not Hispanic.

107 | 5. Hispanic.

108 | (g) State or country of birth.

109 | (h) Sex.

110 | (i) Party affiliation.

111 | (j) Whether the applicant needs assistance in voting.

112 | (k) Name and address where last registered.

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113 (l) Last four digits of the applicant's social security
114 number.

115 (m) Florida driver ~~driver's~~ license number or the
116 identification number from a Florida identification card issued
117 under s. 322.051.

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

121 (o) Telephone number (optional).

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

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

130 (r) Whether the applicant is a citizen of the United
131 States by asking the question "Are you a citizen of the United
132 States of America?" and providing boxes for the applicant to
133 check to indicate whether the applicant is or is not a citizen
134 of the United States.

135 (s) Whether the applicant has been convicted of a felony,
136 and, if convicted, has completed his or her sentence ~~had his or~~
137 ~~her civil rights restored~~ by including the statement "I affirm I
138 am not a convicted felon, or, if I am, I have completed my
139 sentence ~~my rights relating to voting have been restored.~~" and
140 providing a box for the applicant to check to affirm the

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141 statement.

142 (t) Whether the applicant has been adjudicated mentally
143 incapacitated with respect to voting or, if so adjudicated, has
144 had his or her right to vote restored by including the statement
145 "I affirm I have not been adjudicated mentally incapacitated
146 with respect to voting, or, if I have, my competency has been
147 restored." and providing a box for the applicant to check to
148 affirm the statement.

149

150 The registration application must be in plain language and
151 designed so that convicted felons whose civil rights have been
152 restored and persons who have been adjudicated mentally
153 incapacitated and have had their voting rights restored are not
154 required to reveal their prior conviction or adjudication. In
155 addition, the registration application must indicate that a
156 convicted felon who has completed his or her sentence is
157 entitled to preregister to vote and may vote in any election
158 after his or her right to vote has been restored.

159 Section 4. Paragraph (a) of subsection (5) of section
160 97.053, Florida Statutes, is amended to read:

161 97.053 Acceptance of voter registration applications.—

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

- 165 1. The applicant's name.
- 166 2. The applicant's legal residence address.
- 167 3. The applicant's date of birth.
- 168 4. A mark in the checkbox affirming that the applicant is

169 a citizen of the United States.

170 5.a. The applicant's current and valid Florida driver
 171 ~~driver's~~ license number or the identification number from a
 172 Florida identification card issued under s. 322.051, or

173 b. If the applicant has not been issued a current and
 174 valid Florida driver ~~driver's~~ license or a Florida
 175 identification card, the last four digits of the applicant's
 176 social security number.

177

178 In case an applicant has not been issued a current and valid
 179 Florida driver ~~driver's~~ license, Florida identification card, or
 180 social security number, the applicant shall affirm this fact in
 181 the manner prescribed in the uniform statewide voter
 182 registration application.

183 6. A mark in the checkbox affirming that the applicant has
 184 not been convicted of a felony or that, if convicted, has
 185 completed his or her sentence ~~has had his or her civil rights~~
 186 ~~restored~~.

187 7. A mark in the checkbox affirming that the applicant has
 188 not been adjudicated mentally incapacitated with respect to
 189 voting or that, if so adjudicated, has had his or her right to
 190 vote restored.

191 8. The original signature or a digital signature
 192 transmitted by the Department of Highway Safety and Motor
 193 Vehicles of the applicant swearing or affirming under the
 194 penalty for false swearing pursuant to s. 104.011 that the
 195 information contained in the registration application is true
 196 and subscribing to the oath required by s. 3, Art. VI of the

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197 State Constitution and s. 97.051.

198 Section 5. Subsections (1) and (2) of section 97.057,
199 Florida Statutes, are amended to read:

200 97.057 Voter registration by the Department of Highway
201 Safety and Motor Vehicles.—

202 (1) The Department of Highway Safety and Motor Vehicles
203 shall automatically ~~provide the opportunity to~~ register to vote
204 or ~~to~~ update a voter registration record of ~~to~~ each individual
205 who comes to an office of that department to:

206 (a) Apply for or renew a driver ~~driver's~~ license;

207 (b) Apply for or renew an identification card pursuant to
208 chapter 322; or

209 (c) Change an address on an existing driver ~~driver's~~
210 license or identification card.

211 (2) The Department of Highway Safety and Motor Vehicles
212 shall:

213 (a) Notify each individual, orally or in writing, that:

214 1. Information gathered for the completion of a driver
215 ~~driver's~~ license or identification card application, renewal, or
216 change of address will ~~can~~ be automatically transferred to a
217 voter registration application;

218 2. If additional information and a signature are provided,
219 the voter registration application will be completed and sent to
220 the proper election authority;

221 3. Information provided will ~~can~~ also be used to update a
222 voter registration record;

223 4. All declinations will remain confidential and may be
224 used only for voter registration purposes; and

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225 5. The particular driver license office in which the
226 person applies to register to vote or updates a voter
227 registration record will remain confidential and may be used
228 only for voter registration purposes.

229 (b) Require a driver ~~driver's~~ license examiner to notify
230 ~~inquire~~ orally or, if the applicant is hearing impaired, notify
231 ~~inquire~~ in writing that by applying for or renewing a driver
232 license, by applying for or renewing an identification card
233 pursuant to chapter 322, or by changing an address on an
234 existing driver license or identification card, the qualified
235 applicant is consenting to register to vote or to update his or
236 her voter registration record. However, the applicant may revoke
237 consent by notifying the driver license examiner, orally or in
238 writing, that he or she chooses not to automatically register to
239 vote or update his or her voter registration record ~~whether the~~
240 ~~applicant wishes to register to vote or update a voter~~
241 ~~registration record during the completion of a driver's license~~
242 ~~or identification card application, renewal, or change of~~
243 ~~address.~~

244 1. If the applicant does not revoke consent to
245 automatically ~~chooses to~~ register to vote or ~~to~~ update his or
246 her a voter registration record:

247 a. All applicable information received by the Department
248 of Highway Safety and Motor Vehicles in the course of filling
249 out the forms necessary under subsection (1) must be transferred
250 to a voter registration application.

251 b. The additional necessary information must be obtained
252 by the driver ~~driver's~~ license examiner and must not duplicate

253 any information already obtained while completing the forms
 254 required under subsection (1).

255 c. A voter registration application with all of the
 256 applicant's voter registration information required to establish
 257 the applicant's eligibility pursuant to s. 97.041 must be
 258 presented to the applicant to review and verify the voter
 259 registration information received and provide an electronic
 260 signature affirming the accuracy of the information provided.

261 d. A qualified applicant who is automatically registered
 262 to vote under this section and who fails to designate party
 263 affiliation must be registered without party affiliation
 264 pursuant to s. 97.053(5)(b).

265 2. If the applicant revokes consent to automatically
 266 ~~declines to register to vote or,~~ update his or her the
 267 ~~applicant's voter registration record, or change the applicant's~~
 268 ~~address by either orally declining orally or in writing~~ or by
 269 failing to sign the voter registration application, the
 270 Department of Highway Safety and Motor Vehicles must note such
 271 declination on its records and shall forward the declination to
 272 the statewide voter registration system.

273 Section 6. Section 98.035, Florida Statutes, is amended to
 274 read:

275 98.035 Statewide voter registration system;
 276 implementation, operation, and maintenance.—

277 (1) The Secretary of State, as chief election officer of
 278 the state, shall implement, operate, and maintain ~~be responsible~~
 279 ~~for implementing, operating, and maintaining,~~ in a uniform and
 280 nondiscriminatory manner, a single, uniform, official,

281 centralized, interactive, computerized statewide voter
 282 registration system as required by the Help America Vote Act of
 283 2002. The department may adopt rules to administer this section.

284 (2) The statewide voter registration system must contain
 285 the name and registration information of every legally
 286 registered voter in the state. All voters shall be assigned a
 287 unique identifier. The system shall be the official list of
 288 registered voters in the state and shall provide secured access
 289 by authorized voter registration officials. The system shall
 290 enable voter registration officials to provide, access, and
 291 update voter registration information.

292 (3) The statewide voter registration system, accessible
 293 through the department's website, must allow any registered
 294 voter of this state to:

295 (a) Review his or her existing voter registration record.

296 (b) Determine the polling place to which the voter is
 297 currently assigned and the assigned polling place associated
 298 with any valid residential address within the state.

299 (c) Update his or her address, party affiliation, or name
 300 in the voter's existing registration record.

301 (d) Request to replace his or her voter information card.

302 (4) If a registered voter updates his or her existing
 303 voter registration record after the book-closing date before an
 304 upcoming election through the statewide voter registration
 305 system, the system must notify the voter that the update will
 306 not take effect for the upcoming election. However, if the voter
 307 submitted a change of residence or name after the book-closing
 308 date, the system must notify the voter that he or she may use

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309 | the procedure prescribed in s. 101.046.

310 | (5) The department shall develop a system to allow all
311 | eligible citizens in the state to access, through the
312 | department's website, a mechanism to register to vote online. A
313 | citizen who does not have on record an electronic signature
314 | stored through the Department of Highway Safety and Motor
315 | Vehicles may provide the required signature at the polls and is
316 | prohibited from voting an absentee ballot until such time that a
317 | signature is provided.

318 | (6)~~(3)~~ The department may not contract with any other
319 | entity for the operation of the statewide voter registration
320 | system.

321 | (7)~~(4)~~ The implementation of the statewide voter
322 | registration system shall not prevent any supervisor of
323 | elections from acquiring, maintaining, or using any hardware or
324 | software necessary or desirable to carry out the supervisor's
325 | responsibilities related to the use of voter registration
326 | information or the conduct of elections, provided that such
327 | hardware or software does not conflict with the operation of the
328 | statewide voter registration system.

329 | (8)~~(5)~~ The department may adopt rules governing the
330 | access, use, and operation of the statewide voter registration
331 | system to ensure security, uniformity, and integrity of the
332 | system.

333 | Section 7. Subsection (1) and paragraph (a) of subsection
334 | (2) of section 98.045, Florida Statutes, are amended to read:

335 | 98.045 Administration of voter registration.—

336 | (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure

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337 that any eligible applicant for voter registration is registered
338 to vote and that each application for voter registration is
339 processed in accordance with law. The supervisor shall determine
340 whether a voter registration applicant is ineligible based on
341 any of the following:

342 (a) The failure to complete a voter registration
343 application as specified in s. 97.053.

344 (b) The applicant is deceased.

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

347 (c)~~(d)~~ The applicant has been adjudicated mentally
348 incapacitated with respect to the right to vote and such right
349 has not been restored.

350 (d)~~(e)~~ The applicant does not meet the age requirement
351 pursuant to s. 97.041.

352 (e)~~(f)~~ The applicant is not a United States citizen.

353 (f)~~(g)~~ The applicant is a fictitious person.

354 (g)~~(h)~~ The applicant has provided an address of legal
355 residence that is not his or her legal residence.

356 (h)~~(i)~~ The applicant has provided a driver ~~driver's~~
357 license number, Florida identification card number, or the last
358 four digits of a social security number that is not verifiable
359 by the department.

360 (2) REMOVAL OF REGISTERED VOTERS.—

361 (a) Once a voter is registered, the name of that voter may
362 not be removed from the statewide voter registration system
363 except at the written request of the voter, by reason of the
364 voter's conviction of a felony or adjudication as mentally

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365 incapacitated with respect to voting, by death of the voter, or
366 pursuant to a registration list maintenance activity conducted
367 pursuant to s. 98.065 or s. 98.075. However, a convicted felon
368 who has served his or her sentence and has preregistered
369 pursuant to s. 97.041(1)(c) may not be removed from the
370 statewide voter registration system.

371 Section 8. Subsections (5) and (6) of section 98.075,
372 Florida Statutes, are amended to read:

373 98.075 Registration records maintenance activities;
374 ineligibility determinations.—

375 (5) FELONY CONVICTION.—The department shall identify those
376 registered voters who have been convicted of a felony and whose
377 rights have not been restored by comparing information received
378 from, but not limited to, a clerk of the circuit court, the
379 Board of Executive Clemency, the Department of Corrections, the
380 Department of Law Enforcement, or a United States Attorney's
381 Office, as provided in s. 98.093. The department shall review
382 such information and make an initial determination as to whether
383 the information is credible and reliable. If the department
384 determines that the information is credible and reliable, the
385 department shall notify the supervisor and provide a copy of the
386 supporting documentation ~~indicating the potential ineligibility~~
387 ~~of the voter to be registered.~~ Upon receipt of the notice that
388 the department has made a determination of initial credibility
389 and reliability, the supervisor shall adhere to the procedures
390 set forth in subsection (7) prior to the removal of a registered
391 voter's name from the statewide voter registration system.

392 (6) OTHER BASES FOR INELIGIBILITY.—If the department or

393 supervisor receives information from sources other than those
 394 identified in subsections (2)-(5) that a registered voter is
 395 ineligible because he or she is deceased, ~~adjudicated a~~
 396 ~~convicted felon without having had his or her civil rights~~
 397 ~~restored~~, adjudicated mentally incapacitated without having had
 398 his or her voting rights restored, does not meet the age
 399 requirement pursuant to s. 97.041, is not a United States
 400 citizen, is a fictitious person, or has listed a residence that
 401 is not his or her legal residence, the supervisor must adhere to
 402 the procedures set forth in subsection (7) before ~~prior to~~ the
 403 removal of a registered voter's name from the statewide voter
 404 registration system. However, a convicted felon who has served
 405 his or her sentence and has preregistered pursuant to s.
 406 97.041(1)(c) may not be removed from the statewide voter
 407 registration system.

408 Section 9. Section 101.045, Florida Statutes, is amended
 409 to read:

410 101.045 Electors must be registered in precinct;
 411 provisions for change of residence or name.—

412 (1) A person may ~~is not permitted to~~ vote in any election
 413 precinct or district other than the one in which the person has
 414 his or her legal residence and in which the person is
 415 registered. However, a person temporarily residing outside the
 416 county must ~~shall~~ be registered in the precinct in which the
 417 main office of the supervisor, as designated by the supervisor,
 418 is located if ~~when~~ the person has no permanent address in the
 419 county and if it is the person's intention to remain a resident
 420 of this state ~~Florida~~ and of the county in which he or she is

421 registered to vote. Such persons who are registered in the
 422 precinct in which the main office of the supervisor, as
 423 designated by the supervisor, is located and who are residing
 424 outside the county with no permanent address in the county are
 425 ~~shall not be~~ registered electors of a municipality and therefore
 426 may not ~~shall not be permitted to~~ vote in any municipal
 427 election.

428 (2) (a) An elector who moves from the precinct in which the
 429 elector is registered may ~~be permitted to~~ vote in the precinct
 430 to which he or she has moved his or her legal residence, ~~if the~~
 431 ~~change of residence is within the same county and the elector~~
 432 completes an affirmation in substantially the following form:

434 Change of Legal Residence of Registered
 435 Voter

436
 437 Under penalties for false swearing, I, ...(Name of voter)...,
 438 swear (or affirm) that the former address of my legal residence
 439 was ...(Address of legal residence)... in the municipality of
 440, in County, Florida, and I was registered to vote in
 441 the precinct of County, Florida; that I have not voted
 442 in the precinct of my former registration in this election; that
 443 I now reside at ...(Address of legal residence)... in the
 444 Municipality of, in County, Florida, and am therefore
 445 eligible to vote in the precinct of County, Florida;
 446 and I further swear (or affirm) that I am otherwise legally
 447 registered and entitled to vote.

477 | Address.....
 478 | Municipality.....
 479 | County.....
 480 | Florida, Zip.....
 481 | and I further swear (or affirm) that I am otherwise legally
 482 | registered and entitled to vote.

483 |
 484 | ... (Signature of voter whose name has changed) ...
 485 |

486 | (c)~~(d)~~ Instead of the affirmation contained in paragraph
 487 | (a) or paragraph (b) ~~(e)~~, an elector may complete a voter
 488 | registration application that indicates the change of name or
 489 | change of address of legal residence.

490 | (d)~~(e)~~ Such affirmation or application, when completed and
 491 | presented at the precinct in which such elector is entitled to
 492 | vote, and upon verification of the elector's registration,
 493 | entitles ~~shall entitle~~ such elector to vote as provided in this
 494 | subsection. If the elector's eligibility to vote cannot be
 495 | determined, he or she is ~~shall be~~ entitled to vote a provisional
 496 | ballot, subject to the requirements and procedures in s.
 497 | 101.048. Upon receipt of an affirmation or application
 498 | certifying a change in address of legal residence or name, the
 499 | supervisor shall ~~as soon as practicable~~ make the necessary
 500 | changes in the statewide voter registration system as soon as
 501 | practicable to indicate the change in address of legal residence
 502 | or name of such elector.

503 | Section 10. This act shall take effect July 1, 2013.