

By Senator Braynon

36-01318A-14

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1                           A bill to be entitled  
2       An act relating to elections; creating s. 97.0111,  
3       F.S.; establishing the rights of the electorate;  
4       requiring that any restriction on voting rights or any  
5       change in voting practices be narrowly tailored to  
6       serve a compelling state interest; providing equal  
7       protection of the right to vote; authorizing the use  
8       of a violation of the act as a claim or defense in a  
9       judicial proceeding; providing an effective date.

10  
11       WHEREAS, Florida has a long history of problems in election  
12       administration which has resulted in significant barriers to  
13       participation in the democratic process, and

14       WHEREAS, in 2011, the Florida Legislature passed House Bill  
15       1355, which was signed into law by the Governor and yielded many  
16       restrictive and undemocratic changes in election administration,  
17       including the reduction of the number of early voting days,  
18       stringent restrictions on third-party voter registration  
19       organizations, and the requirement that certain electors  
20       changing their addresses at polling places vote provisional  
21       ballots, and

22       WHEREAS, as a result, many residents of this state  
23       experienced long lines at early voting sites and polling places  
24       in the 2012 general election, with wait times of several hours,  
25       causing potentially thousands of voters to leave early voting  
26       sites and polling places before exercising their right to vote,  
27       and

28       WHEREAS, in 2012, the Florida Department of State issued  
29       inaccurate lists of potential noncitizen voters to county

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30 supervisors of elections, which created confusion among  
31 predominantly minority voters, and

32 WHEREAS, the right to vote is the most precious of all  
33 American rights, and the right to free, fair, and accessible  
34 elections should be a fundamental right, NOW, THEREFORE,

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Section 97.0111, Florida Statutes, is created to  
39 read:

40 97.0111 Rights of the electorate.-

41 (1) A United States citizen who is at least 18 years of age  
42 and who is a resident of this state has an explicit, fundamental  
43 right to vote in any election held in the political subdivision  
44 in which the citizen resides. The right to vote may not be  
45 denied or abridged by this state or its political subdivisions  
46 or by any private or public entity or person. Any restriction on  
47 voting rights, or any change in voting practices or procedures  
48 which would diminish access to the ballot, must be narrowly  
49 tailored to serve a compelling state interest.

50 (2) A United States citizen who is at least 18 years of age  
51 and who is a resident of this state shall have equal protection  
52 of his or her right to vote.

53 (3) A person whose right to vote has been denied or  
54 abridged by this state or its political subdivisions or by any  
55 private or public entity or person in violation of this section  
56 may assert such violation as a claim or defense in a judicial  
57 proceeding to obtain appropriate relief.

58 Section 2. This act shall take effect upon becoming a law.