

HB 1139

2015

1 A bill to be entitled
2 An act relating to elections; creating s. 97.0111,
3 F.S.; declaring the right to vote as a fundamental
4 right; prohibiting the state from restricting the
5 right to vote without a compelling interest; providing
6 equal protection of the right to vote; authorizing the
7 use of a violation of the act as a claim or defense in
8 a judicial proceeding; providing an effective date.

9
10 WHEREAS, in 1965, President Lyndon Johnson signed the
11 Voting Rights Act of 1965 into law, which outlawed various
12 tactics used to prevent African Americans and other historically
13 underrepresented groups from registering to vote and
14 participating in the electoral process, and

15 WHEREAS, the Voting Rights Act of 1965 would not have
16 garnered the requisite support for passage were it not for the
17 grassroots efforts of ordinary Americans from all backgrounds,
18 and

19 WHEREAS, on March 7, 1965, hundreds of marchers who
20 supported the fundamental right to vote and other civil rights
21 were brutally beaten as they crossed the Edmund Pettis Bridge in
22 Selma, Alabama, an act that raised awareness of the American
23 people of the violent harassment of those who sought to exercise
24 the right to vote, and

25 WHEREAS, the events in Selma prompted more than 25,000
26 people of conscience to travel to Alabama to support those who

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27 | were attacked and complete the march from Selma to Montgomery,
28 | which spurred Congress to pass the Voting Rights Act of 1965
29 | several months later, and

30 | WHEREAS, by the end of the 20th century, the marchers'
31 | sacrifice and the subsequent passage of the Voting Rights Act of
32 | 1965 helped to significantly curtail racial disparity among
33 | those registered to vote, resulting in an exponential increase
34 | in the number of African-American, Latino, and Asian-American
35 | voters and the diversification of elected officials serving at
36 | all levels of government, and

37 | WHEREAS, despite the proud achievements and legacy of the
38 | Voting Rights Act of 1965, voting rights protections are
39 | currently being scaled back at both the local and the national
40 | level, and

41 | WHEREAS, on June 25, 2013, the Supreme Court of the United
42 | States in *Shelby County v. Holder*, 133 S. Ct. 2612, 186 L. Ed.
43 | 2d 651, overturned portions of the Voting Rights Act of 1965,
44 | prompting a dysfunctional Congress to begin examining how to
45 | restore all portions of the law, and

46 | WHEREAS, for more than a decade, Floridians have witnessed
47 | changes that have made it more difficult to vote, such as
48 | repeated threats to remove thousands of eligible voters from the
49 | voter rolls, reductions in the number of mandatory early voting
50 | days, and attempts to severely limit help for voters who need
51 | election assistance, and

52 | WHEREAS, such changes in the election process have

53 reinforced Florida's dubious reputation as a state where voting
 54 is less a right than a privilege and not all votes are counted,
 55 and

56 WHEREAS, the Legislature is committed to ensuring that this
 57 state protects the fundamental right of all Floridians to cast a
 58 ballot and have their voices heard, NOW, THEREFORE,

59

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

61

62 Section 1. Section 97.0111, Florida Statutes, is created
 63 to read:

64 97.0111 Rights of the electorate.-

65 (1) The right to vote is a fundamental right. This
 66 fundamental right requires that voting be free and fair. The
 67 state may not deny or restrict the right to vote without a
 68 compelling state interest. Any denial of or restriction on
 69 voting rights by the state must use the least restrictive means
 70 in advancing the compelling state interest.

71 (2) Each United States citizen who is at least 18 years of
 72 age and who is a resident of this state has equal protection of
 73 his or her right to vote.

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

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