

HB 523

2016

1 A bill to be entitled
2 An act relating to voter list maintenance; amending s.
3 98.075, F.S.; revising requirements for the notice of
4 a registered voter's potential ineligibility published
5 in a newspaper of general circulation to include the
6 voter's party affiliation; requiring that such notices
7 be posted on the supervisor's website; revising
8 components of the supervisor's certification provided
9 to the Department of State to require party
10 affiliation statistics of voters removed from the
11 statewide voter registration system; providing an
12 effective date.

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

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16 Section 1. Subsections (7) and (8) of section 98.075,
17 Florida Statutes, are amended to read:

18 98.075 Registration records maintenance activities;
19 ineligibility determinations.—

20 (7) PROCEDURES FOR REMOVAL.—

21 (a) If the supervisor receives notice or information
22 pursuant to subsections (4)-(6), the supervisor of the county in
23 which the voter is registered shall:

24 1. Notify the registered voter of his or her potential
25 ineligibility by mail within 7 days after receipt of notice or
26 information. The notice must ~~shall~~ include:

27 a. A statement of the basis for the registered voter's
 28 potential ineligibility and a copy of any documentation upon
 29 which the potential ineligibility is based.

30 b. A statement that failure to respond within 30 days
 31 after receipt of the notice may result in a determination of
 32 ineligibility and in removal of the registered voter's name from
 33 the statewide voter registration system.

34 c. A return form that requires the registered voter to
 35 admit or deny the accuracy of the information underlying the
 36 potential ineligibility for purposes of a final determination by
 37 the supervisor.

38 d. A statement that, if the voter is denying the accuracy
 39 of the information underlying the potential ineligibility, the
 40 voter has a right to request a hearing for the purpose of
 41 determining eligibility.

42 e. Instructions for the registered voter to contact the
 43 supervisor of elections of the county in which the voter is
 44 registered if assistance is needed in resolving the matter.

45 f. Instructions for seeking restoration of civil rights
 46 following a felony conviction, if applicable.

47 2. If the mailed notice is returned as undeliverable, the
 48 supervisor shall publish notice once in a newspaper of general
 49 circulation in the county in which the voter was last
 50 registered. The notice must ~~shall~~ contain the following:

51 a. The voter's name, and ~~and~~ address, and party affiliation.

52 b. A statement that the voter is potentially ineligible to

53 | be registered to vote.

54 | c. A statement that failure to respond within 30 days
55 | after the notice is published may result in a determination of
56 | ineligibility by the supervisor and removal of the registered
57 | voter's name from the statewide voter registration system.

58 | d. An instruction for the voter to contact the supervisor
59 | no later than 30 days after the date of the published notice to
60 | receive information regarding the basis for the potential
61 | ineligibility and the procedure to resolve the matter.

62 | e. An instruction to the voter that, if further assistance
63 | is needed, the voter should contact the supervisor of elections
64 | of the county in which the voter is registered.

65 | 3. If a registered voter fails to respond to a notice
66 | pursuant to subparagraph 1. or subparagraph 2., the supervisor
67 | shall make a final determination of the voter's eligibility. If
68 | the supervisor determines that the voter is ineligible, the
69 | supervisor shall remove the name of the registered voter from
70 | the statewide voter registration system. The supervisor shall
71 | notify the registered voter of the supervisor's determination
72 | and action.

73 | 4. If a registered voter responds to the notice pursuant
74 | to subparagraph 1. or subparagraph 2. and admits the accuracy of
75 | the information underlying the potential ineligibility, the
76 | supervisor shall make a final determination of ineligibility and
77 | shall remove the voter's name from the statewide voter
78 | registration system. The supervisor shall notify the registered

79 voter of the supervisor's determination and action.

80 5. If a registered voter responds to the notice issued
81 pursuant to subparagraph 1. or subparagraph 2. and denies the
82 accuracy of the information underlying the potential
83 ineligibility but does not request a hearing, the supervisor
84 shall review the evidence and make a final determination of
85 eligibility. If such registered voter requests a hearing, the
86 supervisor shall send notice to the registered voter to attend a
87 hearing at a time and place specified in the notice. Upon
88 hearing all evidence presented at the hearing, the supervisor
89 shall make a determination of eligibility. If the supervisor
90 determines that the registered voter is ineligible, the
91 supervisor shall remove the voter's name from the statewide
92 voter registration system and notify the registered voter of the
93 supervisor's determination and action.

94 (b) The following shall apply to this subsection:

95 1. All determinations of eligibility must ~~shall~~ be based
96 on a preponderance of the evidence.

97 2. All proceedings are exempt from ~~the provisions of~~
98 chapter 120.

99 3. Any notice must ~~shall~~ be sent to the registered voter
100 by certified mail, return receipt requested, or other means that
101 provides a verification of receipt or must ~~shall~~ be published in
102 a newspaper of general circulation where the voter was last
103 registered, whichever is applicable. If the notice is published
104 in a newspaper of general circulation, the full notice must also

105 be posted on the supervisor's website for a reasonable period of
106 time.

107 4. The supervisor shall remove the name of any registered
108 voter from the statewide voter registration system only after
109 the supervisor makes a final determination that the voter is
110 ineligible to vote.

111 5. Any voter whose name has been removed from the
112 statewide voter registration system pursuant to a determination
113 of ineligibility may appeal that determination under the
114 provisions of s. 98.0755.

115 6. Any voter whose name was removed from the statewide
116 voter registration system on the basis of a determination of
117 ineligibility who subsequently becomes eligible to vote must
118 reregister in order to have his or her name restored to the
119 statewide voter registration system.

120 (8) CERTIFICATION.—

121 (a) No later than July 31 and January 31 of each year, the
122 supervisor shall certify to the department the activities
123 conducted pursuant to this section during the first 6 months and
124 the second 6 months of the year, respectively. The certification
125 must ~~shall~~ include the number of persons to whom notices were
126 sent pursuant to subsection (7), the number of persons who
127 responded to the notices, the number of notices returned as
128 undeliverable, the number of notices published in the newspaper,
129 the number of hearings conducted, and the number of persons
130 removed from the statewide voter registration system, which must

131 include the total number of persons removed categorized by party
132 affiliation ~~systems~~ and the reasons for such removals.

133 (b) If, based on the certification provided pursuant to
134 paragraph (a), the department determines that a supervisor has
135 not satisfied the requirements of this section, the department
136 shall satisfy the appropriate requirements for that county.
137 Failure to satisfy the requirements of this section shall
138 constitute a violation of s. 104.051.

139 Section 2. This act shall take effect October 1, 2016.