

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SJR 208

SPONSOR: Senators Hargrett, Holzendorf, and others

SUBJECT: Voter registration; convicted felons

DATE: February 23, 1999 REVISED: 3/4/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Fav/2 amendments</u>
2.	_____	_____	<u>RC</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Senate Joint Resolution 208 removes language from the Florida Constitution which disqualifies a convicted felon from being eligible to register to vote or hold office until his or her *civil rights* are restored; it replaces that language with a requirement that the person's *right to vote* has been restored, as provided by law.

This joint resolution proposes an amendment to Art. VI, section 4, of the Florida Constitution.

II. Present Situation:

The restoration of the civil rights of a convicted felon, which includes the right to register to vote, is a form of executive clemency --- a power granted by the Florida Constitution to the Governor with the consent of at least three members of the Cabinet. Art. IV, s. 8(a), Fla. Const. The Florida Constitution specifically bars any person convicted of a felony from being qualified to vote or hold office until that person's civil rights have been restored. Art. VI, s. 4(a), Fla. Const. Florida Statutes implement the constitutional bar against felons voting by providing that any person convicted of a felony who has not had his or her right to vote restored pursuant to law may not register or vote. s. 97.041(2)(b), F.S. (1997).

III. Effect of Proposed Changes:

Senate Joint Resolution 208 removes the constitutional bar in Article VI, Section 4, disqualifying a convicted felon from being eligible to register to vote or hold office until his or her civil rights have been restored. It replaces it with a requirement that the person's right to vote has been restored, as provided by law.

The joint resolution is to be implemented through Senate Bill 210, which amends a provision of Florida Statutes addressing qualifications to register to vote. Senate Bill 210 maintains current law by disqualifying persons convicted of a felony from being eligible to register to vote while

incarcerated, or on parole, probation, or community control. However, Senate Bill 210 provides that the right to vote is automatically restored 1 year after the date of completion and satisfaction of all non-monetary components of the sentences imposed, unless a majority of the members of the Board of Executive Clemency object. If a majority of the Board does object, the convicted felon must petition the Board for restoration of the right to register or vote.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending on the length of the amendment; however, it is estimated that the cost per amendment averages about \$46,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

Amendment #1 by Ethics and Elections

Separates out voting rights from the right to hold office, and allows the Legislature to prescribe by law how a convicted felon may have his or her *right to vote* restored. In order to get the *right to hold office* back, the person would need to have his or her civil rights restored.

Amendment #2 by Ethics and Elections

Conforming; modifies the proposed constitutional amendment ballot title.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
