

1 A bill to be entitled

2 An act relating to restoration of voting rights; providing
3 a short title; providing findings and purpose; creating s.
4 944.294, F.S.; providing for automatic restoration of a
5 former felon's right to vote following completion of his
6 or her sentence of incarceration and community
7 supervision; providing conditions for and exemptions from
8 automatic restoration; providing for education on the
9 voting rights of people with felony convictions; amending
10 ss. 97.052, 97.053, 98.045, 98.075, 98.093, 940.061,
11 944.292, 944.293, and 944.705, F.S., to conform; providing
12 applicability; providing a contingent effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Short title.--This act may be cited as the
17 "Restoration of Voting Rights Act."

18 Section 2. Findings and purpose.--

19 (1) FINDINGS.--The Legislature finds that:

20 (a) Voting is both a fundamental right and a civic duty.

21 Restoring the right to vote strengthens our democracy by
22 increasing voter participation and ensuring fair representation
23 of the diverse constituencies that make up our communities.

24 (b) Restoring the right to vote helps felons who have
25 completed their sentences to reintegrate into society. Their
26 participation in the most fundamental of democratic practices
27 reinforces their ties to the community and thus helps to prevent
28 recidivism.

29 (c) Under current law, the state permanently denies the
 30 right to vote to all persons convicted of felonies unless they
 31 receive discretionary executive clemency.

32 (d) The restoration of voting rights through the clemency
 33 process is cumbersome and costly and produces long delays. The
 34 clemency process imposes administrative burdens on the state and
 35 economic burdens on state taxpayers, and it should be reserved
 36 for extraordinary cases. Streamlining the restoration process
 37 for the majority of former offenders will advance administrative
 38 efficiency, fiscal responsibility, fairness, and democracy.

39 (2) PURPOSE.--The purposes of this act are to strengthen
 40 democratic institutions by increasing participation in the
 41 voting process, help felons who have completed their sentences
 42 to become productive members of society, and streamline
 43 procedures for restoring the right to vote.

44 Section 3. Section 944.294, Florida Statutes, is created
 45 to read:

46 944.294 Restoration of voting rights.--

47 (1) A person who has been convicted of a felony, other
 48 than those set forth in subsection (3), shall be restored the
 49 right to vote upon completion of his or her sentence.

50 (2) For purposes of this section, "completion of sentence"
 51 occurs when a person is released from incarceration upon
 52 expiration of his or her sentence and has completed all other
 53 terms and conditions of the sentence or subsequent supervision
 54 or, if the person has not been incarcerated for the felony
 55 offense, has completed all terms and conditions of supervision
 56 imposed on him or her.

57 (3) (a) Persons convicted of crimes defined by the
58 following statutes shall be ineligible for restoration of voting
59 rights under this section:

60 1. Section 782.04, relating to murder.

61 2. Section 782.07(3), relating to aggravated manslaughter
62 of a child.

63 3. Section 794.011, relating to sexual battery.

64 4. Section 796.03, relating to procuring a person under 18
65 for prostitution.

66 5. Section 796.035, relating to selling or buying minors
67 into sex trafficking or prostitution.

68 6. Section 826.04, relating to incest.

69 7. Section 827.071, relating to sexual performance by a
70 child.

71 8. Section 847.0145, relating to selling or buying minors.

72 (b) Persons convicted of treason or whose impeachment has
73 resulted in conviction, as referred to in s. 8, Art. IV of the
74 State Constitution, shall also be ineligible for restoration of
75 voting rights under this section.

76 (4) Nothing in this section shall be construed to impair
77 the ability of any person convicted of a felony to apply for
78 executive clemency under s. 8, Art. IV of the State
79 Constitution.

80 (5) A court shall, before accepting a plea of guilty or
81 nolo contendere to a felony without trial or, if a trial is
82 held, before imposing sentence for a felony, notify the
83 defendant as follows:

84 (a) If the felony is described in subsection (3), that

85 conviction will result in permanent loss of the right to vote
 86 unless he or she receives executive clemency under s. 8, Art. IV
 87 of the State Constitution.

88 (b) If the felony is not described in subsection (3), that
 89 conviction will result in loss of the right to vote until the
 90 defendant completes his or her sentence and that voting rights
 91 will be restored thereafter.

92 (6) The Secretary of State shall ensure that persons who
 93 become eligible to vote upon completion of sentence face no
 94 continued barriers to registration or voting resulting from
 95 their felony convictions.

96 (7) The Secretary of State shall develop and implement a
 97 program to educate attorneys; judges; election officials;
 98 corrections officials, including parole and probation officers;
 99 and members of the public about the requirements of this
 100 section, ensuring that:

101 (a) Judges are informed of their obligation to notify
 102 criminal defendants of the potential loss and restoration of
 103 their voting rights as required by subsection (5).

104 (b) The Department of Corrections, including offices of
 105 probation and parole, is prepared to assist people with
 106 registering to vote in anticipation of their completion of
 107 sentence, including forwarding their completed voter
 108 registration forms to the appropriate voter registration
 109 official.

110 (c) Accurate and complete information about the voting
 111 rights of people who have been charged with or convicted of
 112 crimes, whether disenfranchising or not, is made available

113 through a single publication to government officials and the
 114 public.

115 Section 4. Subsection (2) of section 97.052, Florida
 116 Statutes, is amended to read:

117 97.052 Uniform statewide voter registration application.--

118 (2) The uniform statewide voter registration application
 119 must be designed to elicit the following information from the
 120 applicant:

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

122 (b) Date of birth.

123 (c) Address of legal residence.

124 (d) Mailing address, if different.

125 (e) County of legal residence.

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

127 1. American Indian or Alaskan Native.

128 2. Asian or Pacific Islander.

129 3. Black, not Hispanic.

130 4. White, not Hispanic.

131 5. Hispanic.

132 (g) State or country of birth.

133 (h) Sex.

134 (i) Party affiliation.

135 (j) Whether the applicant needs assistance in voting.

136 (k) Name and address where last registered.

137 (l) Last four digits of the applicant's social security
 138 number.

139 (m) Florida driver's license number or the identification
 140 number from a Florida identification card issued under s.

141 322.051.

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

145 (o) Telephone number (optional).

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

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

154 (r) Whether the applicant is a citizen of the United
 155 States by asking the question "Are you a citizen of the United
 156 States of America?" and providing boxes for the applicant to
 157 check to indicate whether the applicant is or is not a citizen
 158 of the United States.

159 (s) Whether the applicant has been convicted of a felony,
 160 and, if convicted, has had his or her voting ~~civil~~ rights
 161 restored by including the statement "I affirm I am not a
 162 convicted felon, or, if I am, my voting rights ~~relating to~~
 163 ~~voting~~ have been restored." and providing a box for the
 164 applicant to check to affirm the statement.

165 (t) Whether the applicant has been adjudicated mentally
 166 incapacitated with respect to voting or, if so adjudicated, has
 167 had his or her right to vote restored by including the statement
 168 "I affirm I have not been adjudicated mentally incapacitated

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169 with respect to voting, or, if I have, my competency has been
 170 restored." and providing a box for the applicant to check to
 171 affirm the statement.

172
 173 The registration application must be in plain language and
 174 designed so that convicted felons whose voting ~~civil~~ rights have
 175 been restored and persons who have been adjudicated mentally
 176 incapacitated and have had their voting rights restored are not
 177 required to reveal their prior conviction or adjudication.

178 Section 5. Paragraph (a) of subsection (5) of section
 179 97.053, Florida Statutes, is amended to read:

180 97.053 Acceptance of voter registration applications.--

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

- 184 1. The applicant's name.
- 185 2. The applicant's legal residence address.
- 186 3. The applicant's date of birth.
- 187 4. A mark in the checkbox affirming that the applicant is
 188 a citizen of the United States.

189 5.a. The applicant's current and valid Florida driver's
 190 license number or the identification number from a Florida
 191 identification card issued under s. 322.051, or

192 b. If the applicant has not been issued a current and
 193 valid Florida driver's license or a Florida identification card,
 194 the last four digits of the applicant's social security number.

195
 196 In case an applicant has not been issued a current and valid

197 Florida driver's license, Florida identification card, or social
 198 security number, the applicant shall affirm this fact in the
 199 manner prescribed in the uniform statewide voter registration
 200 application.

201 6. A mark in the checkbox affirming that the applicant has
 202 not been convicted of a felony or that, if convicted, has had
 203 his or her voting ~~civil~~ rights restored.

204 7. A mark in the checkbox affirming that the applicant has
 205 not been adjudicated mentally incapacitated with respect to
 206 voting or that, if so adjudicated, has had his or her right to
 207 vote restored.

208 8. The original signature or a digital signature
 209 transmitted by the Department of Highway Safety and Motor
 210 Vehicles of the applicant swearing or affirming under the
 211 penalty for false swearing pursuant to s. 104.011 that the
 212 information contained in the registration application is true
 213 and subscribing to the oath required by s. 3, Art. VI of the
 214 State Constitution and s. 97.051.

215 Section 6. Paragraph (c) of subsection (1) of section
 216 98.045, Florida Statutes, is amended to read:

217 98.045 Administration of voter registration.--

218 (1) ELIGIBILITY OF APPLICANT.--The supervisor must ensure
 219 that any eligible applicant for voter registration is registered
 220 to vote and that each application for voter registration is
 221 processed in accordance with law. The supervisor shall determine
 222 whether a voter registration applicant is ineligible based on
 223 any of the following:

224 (c) The applicant has been convicted of a felony for which

225 his or her voting ~~civil~~ rights have not been restored.

226 Section 7. Paragraph (a) of subsection (7) of section
 227 98.075, Florida Statutes, is amended to read:

228 98.075 Registration records maintenance activities;
 229 ineligibility determinations.--

230 (7) PROCEDURES FOR REMOVAL.--

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

234 1. Notify the registered voter of his or her potential
 235 ineligibility by mail within 7 days after receipt of notice or
 236 information. The notice shall include:

237 a. A statement of the basis for the registered voter's
 238 potential ineligibility and a copy of any documentation upon
 239 which the potential ineligibility is based.

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

244 c. A return form that requires the registered voter to
 245 admit or deny the accuracy of the information underlying the
 246 potential ineligibility for purposes of a final determination by
 247 the supervisor.

248 d. A statement that, if the voter is denying the accuracy
 249 of the information underlying the potential ineligibility, the
 250 voter has a right to request a hearing for the purpose of
 251 determining eligibility.

252 e. Instructions for the registered voter to contact the
253 supervisor of elections of the county in which the voter is
254 registered if assistance is needed in resolving the matter.

255 f. Instructions for seeking restoration of voting ~~civil~~
256 rights following a felony conviction, if applicable.

257 2. If the mailed notice is returned as undeliverable, the
258 supervisor shall publish notice once in a newspaper of general
259 circulation in the county in which the voter was last
260 registered. The notice shall contain the following:

261 a. The voter's name and address.

262 b. A statement that the voter is potentially ineligible to
263 be registered to vote.

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

268 d. An instruction for the voter to contact the supervisor
269 no later than 30 days after the date of the published notice to
270 receive information regarding the basis for the potential
271 ineligibility and the procedure to resolve the matter.

272 e. An instruction to the voter that, if further assistance
273 is needed, the voter should contact the supervisor of elections
274 of the county in which the voter is registered.

275 3. If a registered voter fails to respond to a notice
276 pursuant to subparagraph 1. or subparagraph 2., the supervisor
277 shall make a final determination of the voter's eligibility. If
278 the supervisor determines that the voter is ineligible, the
279 supervisor shall remove the name of the registered voter from

280 the statewide voter registration system. The supervisor shall
281 notify the registered voter of the supervisor's determination
282 and action.

283 4. If a registered voter responds to the notice pursuant
284 to subparagraph 1. or subparagraph 2. and admits the accuracy of
285 the information underlying the potential ineligibility, the
286 supervisor shall make a final determination of ineligibility and
287 shall remove the voter's name from the statewide voter
288 registration system. The supervisor shall notify the registered
289 voter of the supervisor's determination and action.

290 5. If a registered voter responds to the notice issued
291 pursuant to subparagraph 1. or subparagraph 2. and denies the
292 accuracy of the information underlying the potential
293 ineligibility but does not request a hearing, the supervisor
294 shall review the evidence and make a final determination of
295 eligibility. If such registered voter requests a hearing, the
296 supervisor shall send notice to the registered voter to attend a
297 hearing at a time and place specified in the notice. Upon
298 hearing all evidence presented at the hearing, the supervisor
299 shall make a determination of eligibility. If the supervisor
300 determines that the registered voter is ineligible, the
301 supervisor shall remove the voter's name from the statewide
302 voter registration system and notify the registered voter of the
303 supervisor's determination and action.

304 Section 8. Paragraph (g) of subsection (2) of section
305 98.093, Florida Statutes, is redesignated as paragraph (h), and
306 a new paragraph (g) is added to that subsection to read:

307 98.093 Duty of officials to furnish lists of deceased

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308 persons, persons adjudicated mentally incapacitated, and persons
309 convicted of a felony.--

310 (2) To the maximum extent feasible, state and local
311 government agencies shall facilitate provision of information
312 and access to data to the department, including, but not limited
313 to, databases that contain reliable criminal records and records
314 of deceased persons. State and local government agencies that
315 provide such data shall do so without charge if the direct cost
316 incurred by those agencies is not significant.

317 (g) The Department of Corrections shall furnish monthly to
318 the department a list of those persons who, in the preceding
319 month, have been released from incarceration upon expiration of
320 sentence and have completed all other terms and conditions of
321 the sentence or subsequent supervision, or who were not
322 incarcerated for the felony offense but have completed all terms
323 and conditions of supervision imposed upon them. The Department
324 of Corrections shall also furnish to the department any updates
325 to prior records that have occurred in the preceding month. The
326 list shall contain the name, address, date of birth, race, sex,
327 social security number, Department of Corrections record
328 identification number, and associated Department of Law
329 Enforcement felony conviction record number of each person.

330 Section 9. Section 940.061, Florida Statutes, is amended
331 to read:

332 940.061 Informing persons about executive clemency and
333 restoration of ~~civil~~ rights.--The Department of Corrections
334 shall inform and educate inmates and offenders on community
335 supervision about:

336 (1) The restoration of voting rights and assist eligible
 337 inmates and offenders on community supervision with the
 338 completion of a voter registration application, unless the
 339 inmate or offender on community supervision declines such
 340 assistance.

341 (2) The restoration of civil rights and assist eligible
 342 inmates and offenders on community supervision with the
 343 completion of the application for the restoration of civil
 344 rights.

345 Section 10. Subsection (1) of section 944.292, Florida
 346 Statutes, is amended to read:

347 944.292 Suspension of ~~civil~~ rights.--

348 (1) Upon conviction of a felony as defined in s. 10, Art.
 349 X of the State Constitution, the civil rights of the person
 350 convicted shall be suspended in Florida until such rights are
 351 restored by a full pardon, conditional pardon, or restoration of
 352 civil rights granted pursuant to s. 8, Art. IV of the State
 353 Constitution or, as to voting rights, until restoration of
 354 voting rights pursuant to s. 944.294.

355 Section 11. Section 944.293, Florida Statutes, is amended
 356 to read:

357 944.293 Initiation of restoration of ~~civil~~ rights.--With
 358 respect to those persons convicted of a felony, the following
 359 procedures ~~procedure~~ shall apply:

360 (1) Prior to the time an eligible offender is discharged
 361 from supervision, an authorized agent of the department shall
 362 obtain from the Department of State the necessary application
 363 for registering to vote. An authorized agent shall provide this

364 application to the eligible offender and inform him or her that
365 the decision to register to vote is voluntary and that applying
366 to register or declining to register to vote will not affect any
367 term or condition of the offender's supervision.

368 (2) The authorized agent shall inform the eligible
369 offender of the opportunity to file a complaint with the
370 Secretary of State on the belief that someone has interfered
371 with the offender's right to register or to decline to register
372 to vote, the right to privacy in deciding whether to register or
373 in applying to register to vote, or the right to choose a
374 political party or other political preference. The authorized
375 agent shall provide the address and telephone number of the
376 appropriate office in the Department of State where a complaint
377 may be filed.

378 (3) The authorized agent shall offer the eligible offender
379 assistance with the voter registration application but shall
380 make clear that the offender may fill out the application in
381 private. Unless the offender declines assistance, the authorized
382 agent shall assist the offender in completing the application
383 and shall ensure that the completed application is forwarded to
384 the appropriate voter registration official before the eligible
385 offender is discharged from supervision.

386 (4) Prior to the time an offender is discharged from
387 supervision, an authorized agent of the department shall obtain
388 from the Governor the necessary application and other forms
389 required for the restoration of civil rights. The authorized
390 agent shall assist the offender in completing these forms and
391 shall ensure that the application and all necessary material are

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392 forwarded to the Governor before the offender is discharged from
393 supervision.

394 Section 12. Paragraph (g) of subsection (2) of section
395 944.705, Florida Statutes, is redesignated as paragraph (h), and
396 a new paragraph (g) is added to that subsection to read:

397 944.705 Release orientation program.--

398 (2) The release orientation program instruction must
399 include, but is not limited to:

400 (g) Restoration of voting rights and restoration of civil
401 rights.

402 Section 13. This act shall take effect on the effective
403 date of House Joint Resolution 101 or another amendment to the
404 State Constitution which authorizes, or removes impediments to,
405 enactment of this act by the Legislature and shall apply
406 retroactively to all persons who are eligible to vote under its
407 terms, regardless of whether they were convicted or discharged
408 from sentence prior to its effective date.