

By Senator Braynon

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1 A bill to be entitled
2 An act relating to elections; creating s. 97.0111,
3 F.S.; providing legislative intent; amending s.
4 97.041, F.S.; revising the qualifications to register
5 to vote; authorizing a person who has been convicted
6 of a felony and has served his or her sentence to
7 preregister to vote; amending s. 97.052, F.S.;
8 revising the uniform statewide voter registration
9 application; amending s. 97.053, F.S.; revising what
10 constitutes a complete voter registration application;
11 amending s. 97.057, F.S.; authorizing the Department
12 of Highway Safety and Motor Vehicles to automatically
13 register to vote or update a voter registration record
14 of an eligible individual; requiring the department to
15 notify the individual that certain information
16 gathered for the completion of a driver license or
17 identification card application, renewal, or change of
18 address is automatically transferred to a voter
19 registration application or used to update a voter
20 registration record; requiring a driver license
21 examiner to notify an applicant that, by applying for,
22 renewing, or updating a driver license or
23 identification card, the applicant is consenting to
24 automatically register to vote or update his or her
25 voter registration record; authorizing an applicant to
26 revoke consent to automatically register to vote or
27 update a voter registration record; requiring that an
28 applicant who fails to designate party affiliation be
29 registered without party affiliation; amending s.

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30 98.035, F.S.; revising the requirements of the
31 statewide voter registration system; amending s.
32 98.045, F.S.; revising the eligibility requirements
33 for applicants for voter registration; revising
34 procedures for removal of registered voters; amending
35 s. 98.075, F.S.; revising procedures for ineligibility
36 determinations of registered voters; amending s.
37 101.045, F.S.; authorizing an elector to vote a
38 regular ballot at the polling place in the precinct to
39 which he or she has moved by completing an
40 affirmation; deleting a requirement that the elector's
41 change of residence must occur within the same county
42 for the elector to be able to vote in the new
43 precinct; providing an effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 97.0111, Florida Statutes, is created to
48 read:

49 97.0111 Rights of the electorate.—Every citizen who is over
50 18 years of age and a permanent resident of this state has an
51 explicit, fundamental right to vote and a guarantee to free,
52 fair, and accessible elections in this state. The Legislature
53 declares that it is the policy of this state to protect electors
54 against discrimination based on gender, race, age, income level,
55 sexual orientation, gender identity or expression, or
56 disability. The Legislature further declares that any
57 restriction on voting rights, or any change in voting practices
58 or procedures that would diminish access to the ballot, must be

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59 narrowly tailored to serve a compelling government interest.

60 Section 2. Subsections (1) and (2) of section 97.041,
61 Florida Statutes, are amended to read:

62 97.041 Qualifications to register or vote.—

63 (1) (a) A person may become a registered voter only if that
64 person:

65 1. Is at least 18 years of age;

66 2. Is a citizen of the United States;

67 3. Is a legal resident of the State of Florida;

68 4. Is a legal resident of the county in which that person
69 seeks to be registered; and

70 5. Registers pursuant to the Florida Election Code.

71 (b) A person who is otherwise qualified may preregister on
72 or after that person's 16th birthday and may vote in any
73 election occurring on or after that person's 18th birthday.

74 (c) A person who has been convicted of a felony by any
75 court of record and has served his or her sentence may
76 preregister to vote and may vote in any election after his or
77 her right to vote has been restored.

78 ~~(2) The following persons, who might be otherwise~~
79 ~~qualified, are not entitled to register or vote:~~

80 ~~(a) A person who has been adjudicated mentally~~
81 ~~incapacitated with respect to voting in this or any other state~~
82 ~~and who has not had his or her right to vote restored pursuant~~
83 ~~to law is not entitled to register to vote.~~

84 ~~(b) A person who has been convicted of any felony by any~~
85 ~~court of record and who has not had his or her right to vote~~
86 ~~restored pursuant to law.~~

87 Section 3. Subsection (2) of section 97.052, Florida

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88 Statutes, is amended to read:

89 97.052 Uniform statewide voter registration application.—

90 (2) The uniform statewide voter registration application
91 must be designed to elicit the following information from the
92 applicant:

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

94 (b) Date of birth.

95 (c) Address of legal residence.

96 (d) Mailing address, if different.

97 (e) County of legal residence.

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

99 1. American Indian or Alaskan Native.

100 2. Asian or Pacific Islander.

101 3. Black, not Hispanic.

102 4. White, not Hispanic.

103 5. Hispanic.

104 (g) State or country of birth.

105 (h) Sex.

106 (i) Party affiliation.

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

108 (k) Name and address where last registered.

109 (l) Last four digits of the applicant's social security
110 number.

111 (m) Florida driver ~~driver's~~ license number or the
112 identification number from a Florida identification card issued
113 under s. 322.051.

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

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117 (o) Telephone number (optional).

118 (p) Signature of applicant under penalty for false swearing
119 pursuant to s. 104.011, by which the person subscribes to the
120 oath required by s. 3, Art. VI of the State Constitution and s.
121 97.051, and swears or affirms that the information contained in
122 the registration application is true.

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

126 (r) Whether the applicant is a citizen of the United States
127 by asking the question "Are you a citizen of the United States
128 of America?" and providing boxes for the applicant to check to
129 indicate whether the applicant is or is not a citizen of the
130 United States.

131 (s) Whether the applicant has been convicted of a felony,
132 and, if convicted, has completed his or her sentence ~~had his or~~
133 ~~her civil rights restored~~ by including the statement "I affirm I
134 am not a convicted felon, or, if I am, I have completed my
135 sentence ~~my rights relating to voting have been restored.~~" and
136 providing a box for the applicant to check to affirm the
137 statement.

138 (t) Whether the applicant has been adjudicated mentally
139 incapacitated with respect to voting or, if so adjudicated, has
140 had his or her right to vote restored by including the statement
141 "I affirm I have not been adjudicated mentally incapacitated
142 with respect to voting, or, if I have, my competency has been
143 restored." and providing a box for the applicant to check to
144 affirm the statement.

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146 The registration application must be in plain language and
147 designed so that convicted felons whose civil rights have been
148 restored and persons who have been adjudicated mentally
149 incapacitated and have had their voting rights restored are not
150 required to reveal their prior conviction or adjudication. In
151 addition, the registration application must indicate that a
152 convicted felon who has completed his or her sentence is
153 entitled to preregister to vote and may vote in any election
154 after his or her right to vote has been restored.

155 Section 4. Paragraph (a) of subsection (5) of section
156 97.053, Florida Statutes, is amended to read:

157 97.053 Acceptance of voter registration applications.—

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

- 161 1. The applicant's name.
- 162 2. The applicant's legal residence address.
- 163 3. The applicant's date of birth.
- 164 4. A mark in the checkbox affirming that the applicant is a
165 citizen of the United States.

166 5.a. The applicant's current and valid Florida driver
167 ~~driver's~~ license number or the identification number from a
168 Florida identification card issued under s. 322.051, or

169 b. If the applicant has not been issued a current and valid
170 Florida driver ~~driver's~~ license or a Florida identification
171 card, the last four digits of the applicant's social security
172 number.

173
174 In case an applicant has not been issued a current and valid

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175 Florida driver ~~driver's~~ license, Florida identification card, or
176 social security number, the applicant shall affirm this fact in
177 the manner prescribed in the uniform statewide voter
178 registration application.

179 6. A mark in the checkbox affirming that the applicant has
180 not been convicted of a felony or that, if convicted, has
181 completed his or her sentence ~~has had his or her civil rights~~
182 ~~restored~~.

183 7. A mark in the checkbox affirming that the applicant has
184 not been adjudicated mentally incapacitated with respect to
185 voting or that, if so adjudicated, has had his or her right to
186 vote restored.

187 8. The original signature or a digital signature
188 transmitted by the Department of Highway Safety and Motor
189 Vehicles of the applicant swearing or affirming under the
190 penalty for false swearing pursuant to s. 104.011 that the
191 information contained in the registration application is true
192 and subscribing to the oath required by s. 3, Art. VI of the
193 State Constitution and s. 97.051.

194 Section 5. Subsections (1) and (2) of section 97.057,
195 Florida Statutes, are amended to read:

196 97.057 Voter registration by the Department of Highway
197 Safety and Motor Vehicles.—

198 (1) The Department of Highway Safety and Motor Vehicles
199 shall automatically ~~provide the opportunity to~~ register to vote
200 or ~~to~~ update a voter registration record of ~~to~~ each individual
201 who comes to an office of that department to:

202 (a) Apply for or renew a driver ~~driver's~~ license;

203 (b) Apply for or renew an identification card pursuant to

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204 chapter 322; or

205 (c) Change an address on an existing driver ~~driver's~~
206 license or identification card.

207 (2) The Department of Highway Safety and Motor Vehicles
208 shall:

209 (a) Notify each individual, orally or in writing, that:

210 1. Information gathered for the completion of a driver
211 ~~driver's~~ license or identification card application, renewal, or
212 change of address will ~~can~~ be automatically transferred to a
213 voter registration application;

214 2. If additional information and a signature are provided,
215 the voter registration application will be completed and sent to
216 the proper election authority;

217 3. Information provided will ~~can~~ also be used to update a
218 voter registration record;

219 4. All declinations will remain confidential and may be
220 used only for voter registration purposes; and

221 5. The particular driver license office in which the person
222 applies to register to vote or updates a voter registration
223 record will remain confidential and may be used only for voter
224 registration purposes.

225 (b) Require a driver ~~driver's~~ license examiner to notify
226 ~~inquire~~ orally or, if the applicant is hearing impaired, notify
227 ~~inquire~~ in writing that by applying for or renewing a driver
228 license, by applying for or renewing an identification card
229 pursuant to chapter 322, or by changing an address on an
230 existing driver license or identification card, the qualified
231 applicant is consenting to register to vote or to update his or
232 her voter registration record. However, the applicant may revoke

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233 consent by notifying the driver license examiner, orally or in
234 writing, that he or she chooses not to automatically register to
235 vote or update his or her voter registration record ~~whether the~~
236 applicant wishes to register to vote or update a voter
237 registration record during the completion of a driver's license
238 or identification card application, renewal, or change of
239 address.

240 1. If the applicant does not revoke consent to
241 automatically chooses to register to vote or to update his or
242 her a voter registration record:

243 a. All applicable information received by the Department of
244 Highway Safety and Motor Vehicles in the course of filling out
245 the forms necessary under subsection (1) must be transferred to
246 a voter registration application.

247 b. The additional necessary information must be obtained by
248 the driver ~~driver's~~ license examiner and must not duplicate any
249 information already obtained while completing the forms required
250 under subsection (1).

251 c. A voter registration application with all of the
252 applicant's voter registration information required to establish
253 the applicant's eligibility pursuant to s. 97.041 must be
254 presented to the applicant to review and verify the voter
255 registration information received and provide an electronic
256 signature affirming the accuracy of the information provided.

257 d. A qualified applicant who is automatically registered to
258 vote under this section and who fails to designate party
259 affiliation must be registered without party affiliation
260 pursuant to s. 97.053(5) (b).

261 2. If the applicant revokes consent to automatically

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262 ~~declines to~~ register to vote or, update his or her the
263 ~~applicant's~~ voter registration record, ~~or change the applicant's~~
264 ~~address by either orally~~ declining orally or in writing or by
265 failing to sign the voter registration application, the
266 Department of Highway Safety and Motor Vehicles must note such
267 declination on its records and shall forward the declination to
268 the statewide voter registration system.

269 Section 6. Section 98.035, Florida Statutes, is amended to
270 read:

271 98.035 Statewide voter registration system; implementation,
272 operation, and maintenance.—

273 (1) The Secretary of State, as chief election officer of
274 the state, shall implement, operate, and maintain ~~be responsible~~
275 ~~for implementing, operating, and maintaining,~~ in a uniform and
276 nondiscriminatory manner, a single, uniform, official,
277 centralized, interactive, computerized statewide voter
278 registration system as required by the Help America Vote Act of
279 2002. The department may adopt rules to administer this section.

280 (2) The statewide voter registration system must contain
281 the name and registration information of every legally
282 registered voter in the state. All voters shall be assigned a
283 unique identifier. The system shall be the official list of
284 registered voters in the state and shall provide secured access
285 by authorized voter registration officials. The system shall
286 enable voter registration officials to provide, access, and
287 update voter registration information.

288 (3) The statewide voter registration system, accessible
289 through the department's website, must allow any registered
290 voter of this state to:

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291 (a) Review his or her existing voter registration record.

292 (b) Determine the polling place to which the voter is
293 currently assigned and the assigned polling place associated
294 with any valid residential address within the state.

295 (c) Update his or her address, party affiliation, or name
296 in the voter's existing registration record.

297 (d) Request to replace his or her voter information card.

298 (4) If a registered voter updates his or her existing voter
299 registration record after the book-closing date before an
300 upcoming election through the statewide voter registration
301 system, the system must notify the voter that the update will
302 not take effect for the upcoming election. However, if the voter
303 submitted a change of residence or name after the book-closing
304 date, the system must notify the voter that he or she may use
305 the procedure prescribed in s. 101.046.

306 (5)~~(3)~~ The department may not contract with any other
307 entity for the operation of the statewide voter registration
308 system.

309 (6)~~(4)~~ The implementation of the statewide voter
310 registration system shall not prevent any supervisor of
311 elections from acquiring, maintaining, or using any hardware or
312 software necessary or desirable to carry out the supervisor's
313 responsibilities related to the use of voter registration
314 information or the conduct of elections, provided that such
315 hardware or software does not conflict with the operation of the
316 statewide voter registration system.

317 (7)~~(5)~~ The department may adopt rules governing the access,
318 use, and operation of the statewide voter registration system to
319 ensure security, uniformity, and integrity of the system.

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320 Section 7. Subsection (1) and paragraph (a) of subsection
321 (2) of section 98.045, Florida Statutes, are amended to read:
322 98.045 Administration of voter registration.—

323 (1) ELIGIBILITY OF APPLICANT.—The supervisor must ensure
324 that any eligible applicant for voter registration is registered
325 to vote and that each application for voter registration is
326 processed in accordance with law. The supervisor shall determine
327 whether a voter registration applicant is ineligible based on
328 any of the following:

329 (a) The failure to complete a voter registration
330 application as specified in s. 97.053.

331 (b) The applicant is deceased.

332 ~~(c) The applicant has been convicted of a felony for which
333 his or her civil rights have not been restored.~~

334 (c)~~(d)~~ The applicant has been adjudicated mentally
335 incapacitated with respect to the right to vote and such right
336 has not been restored.

337 (d)~~(e)~~ The applicant does not meet the age requirement
338 pursuant to s. 97.041.

339 (e)~~(f)~~ The applicant is not a United States citizen.

340 (f)~~(g)~~ The applicant is a fictitious person.

341 (g)~~(h)~~ The applicant has provided an address of legal
342 residence that is not his or her legal residence.

343 (h)~~(i)~~ The applicant has provided a driver ~~driver's~~ license
344 number, Florida identification card number, or the last four
345 digits of a social security number that is not verifiable by the
346 department.

347 (2) REMOVAL OF REGISTERED VOTERS.—

348 (a) Once a voter is registered, the name of that voter may

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349 not be removed from the statewide voter registration system
350 except at the written request of the voter, by reason of the
351 voter's conviction of a felony or adjudication as mentally
352 incapacitated with respect to voting, by death of the voter, or
353 pursuant to a registration list maintenance activity conducted
354 pursuant to s. 98.065 or s. 98.075. However, a convicted felon
355 who has served his or her sentence and has preregistered
356 pursuant to s. 97.041(1)(c) may not be removed from the
357 statewide voter registration system.

358 Section 8. Subsections (5) and (6) of section 98.075,
359 Florida Statutes, are amended to read:

360 98.075 Registration records maintenance activities;
361 ineligibility determinations.—

362 (5) FELONY CONVICTION.—The department shall identify those
363 registered voters who have been convicted of a felony and whose
364 rights have not been restored by comparing information received
365 from, but not limited to, a clerk of the circuit court, the
366 Board of Executive Clemency, the Department of Corrections, the
367 Department of Law Enforcement, or a United States Attorney's
368 Office, as provided in s. 98.093. The department shall review
369 such information and make an initial determination as to whether
370 the information is credible and reliable. If the department
371 determines that the information is credible and reliable, the
372 department shall notify the supervisor and provide a copy of the
373 supporting documentation ~~indicating the potential ineligibility~~
374 ~~of the voter to be registered.~~ Upon receipt of the notice that
375 the department has made a determination of initial credibility
376 and reliability, the supervisor shall adhere to the procedures
377 set forth in subsection (7) prior to the removal of a registered

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378 voter's name from the statewide voter registration system.

379 (6) OTHER BASES FOR INELIGIBILITY.—If the department or
380 supervisor receives information from sources other than those
381 identified in subsections (2)-(5) that a registered voter is
382 ineligible because he or she is deceased, ~~adjudicated a~~
383 ~~convicted felon without having had his or her civil rights~~
384 ~~restored~~, adjudicated mentally incapacitated without having had
385 his or her voting rights restored, does not meet the age
386 requirement pursuant to s. 97.041, is not a United States
387 citizen, is a fictitious person, or has listed a residence that
388 is not his or her legal residence, the supervisor must adhere to
389 the procedures set forth in subsection (7) before ~~prior to~~ the
390 removal of a registered voter's name from the statewide voter
391 registration system. However, a convicted felon who has served
392 his or her sentence and has preregistered pursuant to s.
393 97.041(1)(c) may not be removed from the statewide voter
394 registration system.

395 Section 9. Section 101.045, Florida Statutes, is amended to
396 read:

397 101.045 Electors must be registered in precinct; provisions
398 for change of residence or name.—

399 (1) A person may ~~is not permitted to~~ vote in any election
400 precinct or district other than the one in which the person has
401 his or her legal residence and in which the person is
402 registered. However, a person temporarily residing outside the
403 county must ~~shall~~ be registered in the precinct in which the
404 main office of the supervisor, as designated by the supervisor,
405 is located if ~~when~~ the person has no permanent address in the
406 county and if it is the person's intention to remain a resident

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407 of this state ~~Florida~~ and of the county in which he or she is
 408 registered to vote. Such persons who are registered in the
 409 precinct in which the main office of the supervisor, as
 410 designated by the supervisor, is located and who are residing
 411 outside the county with no permanent address in the county are
 412 ~~shall not be~~ registered electors of a municipality and therefore
 413 may not ~~shall not be permitted to~~ vote in any municipal
 414 election.

415 (2) (a) An elector who moves from the precinct in which the
 416 elector is registered may ~~be permitted to~~ vote in the precinct
 417 to which he or she has moved his or her legal residence, ~~if the~~
 418 ~~change of residence is within the same county and~~ the elector
 419 completes an affirmation in substantially the following form:

421 Change of Legal Residence of Registered
 422 Voter

423
 424 Under penalties for false swearing, I, ...(Name of voter)...,
 425 swear (or affirm) that the former address of my legal residence
 426 was ...(Address of legal residence)... in the municipality of
 427, in County, Florida, and I was registered to vote in
 428 the precinct of County, Florida; that I have not voted
 429 in the precinct of my former registration in this election; that
 430 I now reside at ...(Address of legal residence)... in the
 431 Municipality of, in County, Florida, and am therefore
 432 eligible to vote in the precinct of County, Florida;
 433 and I further swear (or affirm) that I am otherwise legally
 434 registered and entitled to vote.

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436 ... (Signature of voter whose address of legal residence has
437 changed) ...

438
439 ~~(b) Except for an active uniformed services voter or a~~
440 ~~member of his or her family, an elector whose change of address~~
441 ~~is from outside the county may not change his or her legal~~
442 ~~residence at the polling place and vote a regular ballot;~~
443 ~~however, such elector is entitled to vote a provisional ballot.~~

444 (b) ~~(c)~~ An elector whose name changes because of marriage or
445 other legal process may ~~be permitted to vote~~ if the elector,
446 ~~provided such elector~~ completes an affirmation in substantially
447 the following form:

448
449 Change of Name of Registered
450 Voter

451
452 Under penalties for false swearing, I, ... (New name of
453 voter) ..., swear (or affirm) that my name has been changed
454 because of marriage or other legal process. My former name and
455 address of legal residence appear on the registration records of
456 precinct as follows:

457 Name.....
458 Address.....
459 Municipality.....
460 County.....
461 Florida, Zip.....
462 My present name and address of legal residence are as follows:
463 Name.....
464 Address.....

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465 Municipality.....
466 County.....
467 Florida, Zip.....

468 and I further swear (or affirm) that I am otherwise legally
469 registered and entitled to vote.

470
471 ...(Signature of voter whose name has changed)...

472
473 (c)~~(d)~~ Instead of the affirmation contained in paragraph
474 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter
475 registration application that indicates the change of name or
476 change of address of legal residence.

477 (d)~~(e)~~ Such affirmation or application, when completed and
478 presented at the precinct in which such elector is entitled to
479 vote, and upon verification of the elector's registration,
480 entitles ~~shall entitle~~ such elector to vote as provided in this
481 subsection. If the elector's eligibility to vote cannot be
482 determined, he or she is ~~shall be~~ entitled to vote a provisional
483 ballot, subject to the requirements and procedures in s.
484 101.048. Upon receipt of an affirmation or application
485 certifying a change in address of legal residence or name, the
486 supervisor shall ~~as soon as practicable~~ make the necessary
487 changes in the statewide voter registration system as soon as
488 practicable to indicate the change in address of legal residence
489 or name of such elector.

490 Section 10. This act shall take effect July 1, 2013.