

HM 1283

2014

House Memorial

A memorial to the Congress of the United States,
urging Congress to propose to the states for
ratification an amendment to the United States
Constitution providing that it is a fundamental right
of a citizen to vote in certain elections.

WHEREAS, sixty-four percent of registered Florida voters
voted in the 2012 presidential election and 42.2 percent of
registered Florida voters voted in the 2010 general election,
and

WHEREAS, Title IX of the Florida Statutes does not permit
local control of elections, with all rules regarding voter
eligibility, registration, and election administration, even for
purely local elections, being prescribed by state law, and

WHEREAS, Florida has enacted legislation that impacts
eligible voters' ability to vote, such as restricting voter
registration drives, making it more difficult for people who
move to stay registered, reducing early voting periods, and
requiring voter identification for a regular ballot, and

WHEREAS, Florida has taken executive action that hinders a
person with a felony conviction from having his or her suffrage
rights restored, and

WHEREAS, these laws have the potential to affect voting
access for Florida's young persons, senior citizens, and racial

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26 and ethnic minorities, and to directly disfranchise people with
27 felony convictions, and

28 WHEREAS, approximately 50 percent of 18 to 24 year olds in
29 Florida cast a ballot in the 2012 presidential election, and

30 WHEREAS, approximately 77 percent of eligible voters
31 nationwide aged 65 or older are registered to vote and,
32 nationwide, approximately 70 percent of the eligible population
33 over the age of 65 cast a ballot in the 2008 presidential
34 election, and

35 WHEREAS, in Florida, registered African-American and
36 Hispanic voters were more likely than registered White voters to
37 vote in the 2012 presidential election, and

38 WHEREAS, in one Florida county, voter registration
39 organizations were responsible for registering 62.7 percent of
40 newly registered voters, and census data shows that Hispanic and
41 African-American voters are twice as likely as White voters to
42 register through a voter registration drive, and

43 WHEREAS, the reduction of the early voting period from 14
44 days to 8 days and the elimination of early voting on the Sunday
45 before election day contributed to a drop in the early voting
46 percentage rate from 32 percent of all votes cast in 2008 to 29
47 percent of all votes cast in 2012, and

48 WHEREAS, although African Americans represent 13.6 percent
49 of all registered voters, African Americans constituted more

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50 than 20 percent of all voters who voted early in Florida in the
51 2012 presidential election, and

52 WHEREAS, in 2012, a reduced early voting period contributed
53 to 225,000 fewer Florida voters casting early ballots in person,
54 resulting in longer lines at the polls on election day, and

55 WHEREAS, Florida ranked first among all states in having
56 the longest wait times at the polls on election day in the 2012
57 presidential election, and

58 WHEREAS, it is estimated that more than 200,000 Florida
59 voters were discouraged from voting in the 2012 presidential
60 election due to their felony convictions, and

61 WHEREAS, Florida is one of only three states that
62 permanently disfranchises a person with a felony conviction, and
63 accordingly, Florida has the highest number of disfranchised
64 voters due to felony convictions in the nation, and

65 WHEREAS, more than one in five African-American adults are
66 disfranchised in Florida as a result of Florida's felony
67 disfranchisement law, and

68 WHEREAS, due to executive action, more than 87,000 persons
69 who could have restored their voting rights under prior clemency
70 rules will not have their suffrage rights restored, and

71 WHEREAS, of the 119 nations that elect public officials
72 using democratic elections, the United States is one of only 11
73 nations that does not provide its citizens an explicit right to
74 vote in its constitution, and

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75 WHEREAS, the Fifteenth, Nineteenth, and Twenty-Sixth
76 Amendments to the United States Constitution provide that the
77 right to vote shall not be denied or abridged based on race,
78 color, sex, and age, respectively, and the Twenty-Fourth
79 Amendment to the United States Constitution provides that the
80 right to vote shall not be denied or abridged based on failure
81 to pay poll taxes or other taxes, but these amendments do not
82 guarantee Americans an explicit right to vote, and

83 WHEREAS, in 2013, the Supreme Court of the United States
84 ruled in *Shelby County v. Holder*, 133 S. Ct. 2612, 186 L. Ed. 2d
85 651 (2013), that the coverage formula in Section 4 of the Voting
86 Rights Act of 1965 is unconstitutional, thereby invalidating the
87 formula used to determine which states are covered by Section 5
88 of the Voting Rights Act of 1965, and

89 WHEREAS, Section 4 of the Voting Rights Act of 1965 was an
90 effective tool in curbing racial discrimination in elections in
91 1965 and continued to be a critical instrument for free, fair,
92 and accessible elections, prohibiting laws hindering the ability
93 to vote for nearly half a century, and

94 WHEREAS, an individual's right to vote is a fundamental
95 right, and fundamental rights should be guaranteed to all
96 Americans in the United States Constitution, NOW, THEREFORE,

97
98 Be It Resolved by the Legislature of the State of Florida:
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100 That the Congress of the United States is urged to propose
101 to the states for ratification an amendment to the Constitution
102 of the United States to read as follows:

103 ARTICLE _____

104 Section 1. Every citizen of the United States who is of
105 legal voting age has a fundamental right to vote in any public
106 election held in the jurisdiction in which the citizen resides.

107 Section 2. Congress shall have the power to enforce and
108 implement this article by appropriate legislation.

109 BE IT FURTHER RESOLVED that copies of this memorial be
110 dispatched to the President of the United States, to the
111 President of the United States Senate, to the Speaker of the
112 United States House of Representatives, and to each member of
113 the Florida delegation to the United States Congress.