

## House Bill No. 493

An act relating to voter registration; amending s. 97.052, F.S.; authorizing private individuals and groups to reproduce voter registration applications under certain conditions; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to forward copies of unsigned voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.058, F.S.; requiring voter registration agencies to forward copies of incompleated voter registration applications within a specified period to the appropriate supervisors of elections; amending s. 97.071, F.S.; requiring voter registration identification cards to have the name, rather than the signature, of the supervisor of elections; amending s. 97.1031, F.S.; revising notice requirements for change of residence within the same county; amending s. 98.0977, F.S.; revising duties of the supervisor of elections relating to maintenance of the voter registration rolls; providing for a hearing, as an alternative to notice, to determine the eligibility of voters convicted of a felony or adjudicated mentally incapacitated with respect to voting; requiring removal of a person's name from the registration books upon a determination of sufficient evidence; providing for appeal and for payment of the costs thereof; amending s. 97.052, F.S.; modifying information requested on the voter registration application; creating s. 98.077, F.S.; providing for update of voter signatures; providing for publication of notice of procedures for doing so at least once each general election year; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(1) The department shall prescribe a uniform statewide voter registration application for use in this state.

(c) The uniform statewide voter registration application may ~~not~~ be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed under this section.

Section 2. Paragraph (b) of subsection (2) of section 97.057, Florida Statutes, is amended to read:

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

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

(b) Require a driver's license examiner to inquire orally, or inquire in writing if the applicant is hearing impaired, and whether the applicant

wishes to register to vote or update a voter registration record during the completion of a driver's license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote or to update a voter registration record:

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

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

c. A voter registration application with all of the applicant's voter registration information must be presented to the applicant to sign.

2. If the applicant declines to register to vote, update the applicant's voter registration record, or change the applicant's address by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must keep the declination for 2 years but must forward a copy of the unsigned voter registration application within 5 days after receipt to the appropriate supervisor of elections.

Section 3. Subsection (7) of of section 97.058, Florida Statutes, is amended to read:

97.058 Voter registration agencies.—

(7) A voter registration agency must retain declinations for a period of 2 years, during which time the declinations are not considered a record of the client pursuant to the laws governing the agency's records. However, a voter registration agency must forward a copy of each incompleated voter registration application within 5 days after receipt to the appropriate supervisor of elections.

Section 4. Paragraph (j) of subsection (1) of section 97.071, Florida Statutes, is amended to read:

97.071 Registration identification card.—

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

(j) Name ~~Signature~~ of supervisor.

Section 5. Subsection (1) of section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence within the same county, change of name, or change of party.—

(1) When an elector moves from the address named on that person's voter registration record to another address within the same county, the elector

~~must provide a signed, written notification of such move to the supervisor of elections of that county. The elector may provide the supervisor a signed, written notice or may notify the supervisor by telephone or electronic means. However, notification of such move other than by signed, written notice must include the elector's date of birth, and obtain~~ A registration identification card reflecting the new address of legal residence shall be issued to the elector as provided in subsection (4).

Section 6. Subsection (3) of section 98.0977, Florida Statutes, is amended to read:

98.0977 Statewide voter registration database; development and maintenance.—

(3)(a) In administering the database, each supervisor of elections shall compare registration information provided by a voter with information held by the Department of Law Enforcement, the Board of Executive Clemency, the Office of Vital Statistics, and other relevant sources.

(b) The supervisor of elections shall remove from the voter registration rolls the name of any person who is listed in the database as deceased.

(c) Information in the database indicating that a person registered to vote in a given county has subsequently registered to vote in another jurisdiction shall be considered as a written request from that voter to have his or her name removed from the voter registration rolls of that county, and the supervisor of elections of that county shall remove that voter's name from the county's voter registration rolls.

(d) When If the supervisor of elections finds information through the database that suggests that a voter has been convicted of a felony and has not had his or her civil rights restored or has been adjudicated mentally incompetent and his or her mental capacity with respect to voting has not been restored is ineligible to register to vote, the supervisor of elections shall notify the voter by certified United States mail. The notification shall contain a statement as to the reason for the voter's potential ineligibility to ~~be registered register~~ to vote and shall request information from the voter on forms provided by the supervisor of elections ~~in order to make a final determination on the voter's eligibility.~~ As an alternative, the voter may attend a hearing at a time and place specified in the notice. If there is evidence that the notice was not received, notice must be given once by publication in a newspaper of general circulation in the county. The notice must plainly state that the voter is potentially ineligible to be registered to vote and must state a time and place for the person to appear before the supervisor of elections to show cause why his or her name should not be removed from the voter registration rolls. After reviewing the information requested by the supervisor of elections and provided by the voter, if the supervisor of elections determines that the voter is not eligible to vote under the laws of this state, the supervisor of elections shall notify the voter by certified United States mail that he or she has been found ineligible to be registered register to vote in this state, shall state the reason for the ineligibility, and shall inform the voter that he or she has been ~~will be~~ removed from the voter registration rolls. The supervisor of elections shall remove from the voter registration

rolls the name of any voter who fails either to respond within 30 days to the notice sent by certified mail or to attend the hearing.

(e) Upon hearing all evidence in a hearing, the supervisor of elections must determine whether there is sufficient evidence to strike the person's name from the registration books. If the supervisor determines that there is sufficient evidence, he or she must strike the name.

(f) Appeal may be taken to the circuit court in and for the county where the person was registered. Notice of appeal must be filed within the time and in the manner provided by the Florida Rules of Appellate Procedure and acts as supersedeas. Trial in the circuit court is de novo and governed by the rules of that court. Unless the person can show that his or her name was erroneously or illegally stricken from the registration books or that he or she is indigent, the person must bear the costs of the trial in the circuit court. Otherwise, the cost of the appeal must be paid by the board of county commissioners.

Section 7. Subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

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

- (a) Full name.
- (b) Date of birth.
- (c) Address of legal residence.
- (d) Mailing address, if different.
- (e) County of legal residence.
- (f) Address of property for which the applicant has been granted a homestead exemption, if any.
- (g) Race or ethnicity that best describes the applicant:
  1. American Indian or Alaskan Native.
  2. Asian or Pacific Islander.
  3. Black, not Hispanic.
  4. White, not Hispanic.
  5. Hispanic.
- (h) State or country of birth.
- (i)(h) Sex.

- (j)(i) Party affiliation.
- (k)(j) Whether the applicant needs assistance in voting.
- (l)(k) Name and address where last registered.
- (m)(l) Last four digits of the applicant's social security number.
- (n)(m) Florida driver's license number or the identification number from a Florida identification card issued under s. 322.051.
- (o)(n) Telephone number (optional).
- (p)(o) Signature of applicant under penalty for false swearing pursuant to s. 104.011, by which the person subscribes to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, and swears or affirms that the information contained in the registration application is true.
- (q)(p) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement registration identification card.
- (r)(q) Whether the applicant is a citizen of the United States.
- (s)(r) That the applicant has not been convicted of a felony or, if convicted, has had his or her civil rights restored.
- (t)(s) That the applicant has not been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored.

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

Section 8. Section 98.077, Florida Statutes, is created to read:

98.077 Update of voter signature.—The supervisor of elections shall provide to each registered voter of the county the opportunity to update his or her signature on file at the supervisor's office by providing notification of the ability to do so in any correspondence, other than postcard notifications, sent to the voter. The notice shall advise when, where, and how to update the signature and shall provide the voter information on how to obtain a form from the supervisor that can be returned to update the signature. In addition, at least once during each general election year, the supervisor shall publish in a newspaper of general circulation or other newspaper in the county deemed appropriate by the supervisor a notice specifying when, where, or how a voter can update his or her signature that is on file or or how a voter can obtain a form from the supervisor to do so.

Section 9. This act shall take effect upon becoming a law.

Approved by the Governor April 25, 2002.

Filed in Office Secretary of State April 25, 2002.