

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SJR 434

SPONSOR: Senator Dawson

SUBJECT: Felon's Right to Vote

DATE: March 16, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Bradshaw	EE	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	APJ	_____
4.	_____	_____	AP	_____
5.	_____	_____	RC	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Joint Resolution 434 removes language from the Florida Constitution which disqualifies a convicted felon from being eligible to vote until his or her *civil rights* are restored; it replaces that language with a requirement that the persons *right to vote* has been restored, as *provided by law*. Senate Bill 152, the implementing bill for the constitutional amendment proposed in this joint resolution, provides that the right to vote is automatically restored by operation of law one year after the date of completion and satisfaction of all non-monetary components of a convicted felon's sentence, unless a majority of the members of the Board of Executive Clemency object.

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.

In contrast, the majority of states automatically restore a convicted felon's right to vote upon release from imprisonment or completion of the sentence --- major states such as California, New York, Texas, Ohio, Pennsylvania, and Georgia.

III. Effect of Proposed Changes:

Senate Joint Resolution 434 removes the constitutional bar in Article VI, Section 4, disqualifying a convicted felon from being eligible to vote 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*. Under this joint resolution, a person would still be required to have his or her civil rights restored in order to *hold office*.

The joint resolution is to be implemented through Senate Bill 152, which amends a provision of Florida Statutes addressing qualifications to register to vote. Senate Bill 152 maintains current law by disqualifying persons convicted of a felony from being eligible to register or vote while incarcerated or otherwise under supervision or control. However, Senate Bill 152 provides that the right to vote is automatically restored one 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 \$25,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lawsuits are currently pending in state and federal court challenging Florida's provisions barring many ex-felons from voting. The state suit charges that state officials have failed to assist ex-felons in the process of having their civil rights restored. The federal suit attacks Florida's provisions as discriminatory.

VIII. Amendments:

None.

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