

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.)

Prepared By: Criminal Justice Committee

BILL: CS/SJR 1190

SPONSOR: Ethics and Elections Committee, Senator Wilson and others

SUBJECT: Ex-Felon Voting Rights

DATE: April 21, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cannon</u>	<u>CJ</u>	<u>Favorable</u>
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>RC</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Committee Substitute for Senate Joint Resolution 1190 amends the Florida Constitution to permit a person convicted of a felony to regain his or her right to vote or hold office after release from incarceration and any postconviction supervision, and payment of all court-ordered restitution. The Joint Resolution also removes language relating to term limits for U.S. Representatives and U.S. Senators which the courts have deemed unconstitutional.

The Joint Resolution substantially amends Article 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 two members of the Cabinet.¹ 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.² 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.³

Thirty four states currently restore voting rights to felons at some point after their release from prison, and 2 states allow felons to vote from prison. Of the remaining states, 7 permit some felons to vote, but prohibit others, while 7 states prohibit all felons from voting.

¹ Article IV, s. 8(a), Florida Constitution.

² Article VI, s. 4(a), Florida Constitution.

³ Section 97.041(2)(b), Florida Statutes.

III. Effect of Proposed Changes:

The Joint Resolution would permit a person convicted of a felony to be qualified to vote or hold office after that person has been released from incarceration and any postconviction supervision, and has paid all court-ordered restitution.

In addition, the Joint Resolution removes inoperative language from the constitution relating to term limits for U.S. Senators and Representatives from Florida, language which has been deemed unconstitutional pursuant to the U.S. Supreme Court's decision in *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995).

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 upon the length of the amendment; however, the cost per amendment is estimated to be approximately \$37,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The United States Court of Appeals for the 11th Circuit recently upheld the constitutionality of Florida's current restrictions on the restoration of ex-felon voting rights.⁴

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

⁴ *Johnson v. State of Florida*, Case No. 02-14469 (11th Cir., April 19, 2004).

VIII. Summary of Amendments:

None.

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