Restoration of Voter Rights

Number: PETITION

Date: October 06, 2016

The Honorable Jorge Labarga
Chief Justice, and Justices of
The Supreme Court of Florida
The Supreme Court Building
Tallahassee, Florida 32399-1925

Dear Chief Justice Labarga and Justices:

In accordance with the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, it is the responsibility of the Attorney General to petition this Honorable Court for a written opinion as to the validity of an initiative petition circulated pursuant to Article XI, section 3, Florida Constitution.

On September 15, 2016, this office received a letter from the Secretary of State (a copy of which is attached) advising this office that the initiative petition entitled “Voting Restoration Amendment” had met the registration, submission, and signature criteria set forth in section 15.21, Florida Statutes.

The full text of the proposed amendment to Article IV, Section 4 of the Florida Constitution, states:

“SECTION 4. Disqualifications.—
(a) No person convicted of a felony, or adjudicated in this or any other state to be mentally incompetent, shall be qualified to vote or hold office until restoration of civil rights or removal of disability. Except as provided in subsection (b) of this section, any disqualification from voting arising from a felony conviction shall terminate and voting rights shall be restored upon completion of all terms of sentence including parole or probation.
(b) No person convicted of murder or a felony sexual offense shall be qualified to vote until restoration of civil rights.
(bc) No person may appear on the ballot for re-election to any of the following offices:
(1) Florida representative,
(2) Florida senator,
(3) Florida Lieutenant governor,
(4) any office of the Florida cabinet,
(5) U.S. Representative from Florida, or
(6) U.S. Senator from Florida
if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.”

The ballot title for the proposed amendment is: “Voting Restoration Amendment.” The ballot

summary for the proposed amendment states:

“This amendment restores the voting rights of Floridians with felony convictions after they complete all terms of their sentence including parole or probation. The amendment would not apply to those convicted of murder or sexual offenses, who would continue to be permanently barred from voting unless the Governor and Cabinet vote to restore their voting rights on a case by case basis.”

Pursuant to Rule 9.510(b), Florida Rules of Appellate Procedure, this petition provides the following information:

1. The name of the sponsor and address: Mr. Desmond Meade, Chairperson, Floridians for a Fair Democracy, 3000 Gulf-to-Bay Boulevard, Suite 503, Clearwater, Florida 33759.

2. The name and address of the sponsor's attorney, if the sponsor is represented: Whether the sponsor is represented by an attorney is unknown.

3. A statement as to whether the sponsor has obtained the requisite number of signatures to have the initiative placed on the ballot: As of September 14, 2016, the sponsor had not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 683,149 valid signatures were required for placement on the 2016 general election ballot. The total number of signatures required to have an item placed on the 2018 general election ballot will not be known until after the 2016 general election.

4. The current status of the signature collection process: As of September 14, 2016, the Supervisors of Elections have certified a total of 70,012 valid petition signatures to the Division of Elections for this initiative petition. This number represents more than 10% of the total number of valid signatures needed from electors statewide and in at least one-fourth of the congressional districts in order to have the initiative placed on the 2016 general election ballot.

5. The date of the election during which the sponsor is planning to submit the proposed amendment: Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 6, 2018, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2018.

6. The last possible date that the ballot for the target election can be printed in order to be ready for the election: Unknown.

7. A statement identifying the date by which the Financial Impact Statement will be filed, if the Financial Impact Statement is not filed concurrently with the request: The Secretary of State forwarded a letter to the Financial Impact Estimating Conference in the care of the coordinator on September 14, 2016.

8. The names and complete mailing addresses of all of the parties who are to be served: The names and complete mailing addresses of all of the parties who are to be served are unknown at this time. Section 16.061(2), Florida Statutes, requires that a copy of the petition be provided to

the Secretary of State and to the principal officer of the sponsor:

Mr. Ken Detzner Mr. Desmond Meade,
Secretary of State Chairperson
Florida Department of State Floridians for a Fair Democracy
R.A. Gray Building, Room 316 3000 Gulf-to-Bay Boulevard,
500 South Bronough Street Suite 503
Tallahassee, Florida 32399-0250 Clearwater, Florida 33759

While not required by law, this office provides copies of the petition to:

The Honorable Rick Scott The Honorable Andy Gardiner
Governor, State of Florida President, Florida Senate
The Capitol Room 409, The Capitol
400 South Monroe Street 404 South Monroe Street
Tallahassee, Florida 32399-0001 Tallahassee, Florida 32399-1100

The Honorable Steve Crisafulli
Speaker, Florida House of Representatives
Room 420, The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

In accordance with the provisions of Article IV, section 10, Florida Constitution, I respectfully request this Honorable Court's opinion as to whether the proposed amendment complies with the single-subject requirement of Article XI, section 3, Florida Constitution, and whether the ballot title and summary of the proposed constitutional amendment comply with section 101.161(1), Florida Statutes, setting forth substantive and technical requirements for the ballot title and summary.

Respectfully submitted,

Pamela Jo Bondi
Attorney General