

FIEC

Citizenship Requirement to Vote in Florida Elections

18-14

2019

Financial Impact Estimating Conference

Citizenship Requirement to Vote in Florida Elections Serial Number 18-14

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Tab 1

Authorization



RECEIVED
6/13/19

Carolyn Glenn

FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

June 13, 2019

Financial Impact Estimating Conference
c/o Amy Baker, Coordinator
Office of Economic and Demographic Research
111 West Madison Street, Ste. 574
Tallahassee, Florida 32399-6588

Dear Ms. Baker:

Section 15.21, Florida Statutes, provides that the Secretary of State shall submit an initiative petition to the Financial Impact Estimating Conference when a sponsoring political committee has met the registration, petition form submission and signature criteria set forth in that section.

The criteria in section 15.21, Florida Statutes, has now been met for the initiative petition titled **Citizenship Requirement to Vote in Florida Elections**, Serial Number **18-14**. Therefore, I am submitting the proposed constitutional amendment petition form, along with a status update for the initiative petition, and a chart that provides a statewide signature count and count by congressional districts.

Sincerely,

A handwritten signature in blue ink that reads "Laurel M. Lee".

Laurel M. Lee
Secretary of State

LL/am/ljr

pc: John Loudon, Chairperson, Florida Citizen Voters

Enclosures

Attachment for Initiative Petition

Citizenship Requirement to Vote in Florida Elections
Serial Number 18-14

1. Name and address of the sponsor of the initiative petition:
John Loudon
Florida Citizen Voters
One Independent Drive
Suite 1300
Jacksonville, Florida 32202
2. Name and address of the sponsor's attorney, if the sponsor is represented:
Unknown
3. A statement as to whether the sponsor has obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot: As of June 13, 2019, the sponsor has not obtained the requisite number of signatures to have the proposed amendment placed on the ballot. A total of 766,200 valid signatures are required for placement on the 2020 general election ballot.
4. If the sponsor has not obtained the requisite number of signatures on the initiative petition to have the proposed amendment put on the ballot, the current status of the signature-collection process: As of June 13, 2019, Supervisors of Elections have certified a total of 85,695 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 2020 general election ballot.
5. The date of the election during which the sponsor is planning to submit the proposed amendment to the voters: Unknown. The earliest date of election that this proposed amendment can be placed on the ballot is November 3, 2020, provided the sponsor successfully obtains the requisite number of valid signatures by February 1, 2020.
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 June 13, 2019.
8. The names and complete mailing addresses of all of the parties who are to be served: This information is unknown at this time.

FLORIDA DEPARTMENT OF STATE
DIVISION OF ELECTIONS

SUMMARY OF PETITION SIGNATURES

Political Committee: **Florida Citizen Voters**

Amendment Title: **Citizenship Requirement to Vote in Florida Elections**

Congressional District	Voting Electors in 2016 Presidential Election	For Review 10% of 8% Required By Section 15.21 Florida Statutes	For Ballot 8% Required By Article XI, Section 3 Florida Constitution	Signatures Certified	
FIRST	386,504	3,093	30,921	0	
SECOND	360,098	2,881	28,808	0	
THIRD	356,715	2,854	28,538	0	
FOURTH	428,190	3,426	34,256	3,456	***
FIFTH	316,115	2,529	25,290	5,979	***
SIXTH	385,918	3,088	30,874	0	
SEVENTH	370,466	2,964	29,638	6,653	***
EIGHTH	409,569	3,277	32,766	4,871	***
NINTH	362,593	2,901	29,008	5,687	***
TENTH	320,548	2,565	25,644	5,414	***
ELEVENTH	417,253	3,339	33,381	0	
TWELFTH	386,775	3,095	30,942	7,260	***
THIRTEENTH	367,818	2,943	29,426	5,985	***
FOURTEENTH	336,289	2,691	26,904	5,183	***
FIFTEENTH	340,331	2,723	27,227	3,307	***
SIXTEENTH	403,805	3,231	32,305	928	
SEVENTEENTH	360,061	2,881	28,805	615	
EIGHTEENTH	388,772	3,111	31,102	1,423	
NINETEENTH	389,415	3,116	31,154	3,763	***
TWENTIETH	291,984	2,336	23,359	4,559	***
TWENTY-FIRST	355,842	2,847	28,468	4,624	***
TWENTY-SECOND	361,305	2,891	28,905	3,172	***
TWENTY-THIRD	342,784	2,743	27,423	2,651	
TWENTY-FOURTH	269,446	2,156	21,556	4,872	***
TWENTY-FIFTH	269,983	2,160	21,599	1,275	
TWENTY-SIXTH	294,742	2,358	23,580	2,288	
TWENTY-SEVENTH	304,012	2,433	24,321	1,730	
TOTAL:	9,577,333	76,632	766,200	85,695	

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: _____
Please Print Name as it appears on your Voter Information Card

Your address: _____

City: _____ Zip _____ County _____

☐ Please change my legal residence address on my voter registration records to the above residence address (check box, if applicable).

Voter Registration Number _____ or Date of Birth _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Citizenship Requirement to Vote in Florida Elections

BALLOT SUMMARY: This amendment provides that only United States Citizens who are at least eighteen years of age, a permanent resident of Florida, and registered to vote, as provided by law, shall be qualified to vote in a Florida election.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Amends Article VI, Section 2

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

ARTICLE VI, Section 2. Electors.

~~Every citizen~~ Only a citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

DATE OF SIGNATURE

X

SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by Florida Citizen Voters, 303 Evernia, West Palm Beach, FL 33401

If paid petition circulator is used:

Circulator's name _____

Circulator's address _____

For Official Use Only:

Serial Number: 18-14

Date Approved: 11/28/2018

CONSTITUTIONAL AMENDMENT PETITION FORM

Note:

- All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections.
- Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.08, Florida Statutes, to knowingly sign more than one petition for an issue. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid.

Your name: _____
Please Print Name as it appears on your Voter Information Card

Your address: _____

City: _____ **Zip** _____ **County** _____

☐ Please change my legal residence address on my voter registration records to the above residence address (check box, if applicable).

Voter Registration Number _____ **or** **Date of Birth** _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: Citizenship Requirement to Vote in Florida Elections

BALLOT SUMMARY: This amendment provides that only United States Citizens who are at least eighteen years of age, a permanent resident of Florida, and registered to vote, as provided by law, shall be qualified to vote in a Florida election.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Amends Article VI, Section 2

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

ARTICLE VI, Section 2. Electors.

~~Every citizen~~ Only a citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

DATE OF SIGNATURE

X _____
SIGNATURE OF REGISTERED VOTER

Initiative petition sponsored by Florida Citizen Voters, 303 Evernia, West Palm Beach, FL 33401

If paid petition circulator is used:

Circulator's name _____

Circulator's address _____

For Official Use Only:

Serial Number: 18-14

Date Approved: 11/28/2018

Tab 2

Current Law

ARTICLE VI
SUFFRAGE AND ELECTIONS

SECTION 1. Regulation of elections.

SECTION 2. Electors.

SECTION 3. Oath.

SECTION 4. Disqualifications.

SECTION 5. Primary, general, and special elections.

SECTION 6. Municipal and district elections.

SECTION 7. Campaign spending limits and funding of campaigns for elective state-wide office.

SECTION 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

History.—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 2. Electors.—Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.

History.—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 3. Oath.—Each eligible citizen upon registering shall subscribe the following: "I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida."

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.

(c) 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.

History.—Am. by Initiative Petition filed with the Secretary of State July 23, 1992; adopted 1992; Am. by Initiative Petition filed with the Secretary of State October 31, 2014; adopted 2018.

SECTION 5. Primary, general, and special elections.—

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

History.—Am. S.J.R. 162, 1992; adopted 1992; Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 6. Municipal and district elections.—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

SECTION 7. Campaign spending limits and funding of campaigns for elective state-wide office.—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.

History.—Proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

97.041 Qualifications to register or vote.—

(1)(a) A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

(b) A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday.

(2) The following persons, who might be otherwise qualified, are not entitled to register or vote:

(a) A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.

(b) A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.

(3) A person who is not registered may not vote.

History.—ss. 1, chs. 3850, 3879, 1889; RS 154; s. 1, ch. 4328, 1895; GS 170; RGS 215; s. 1, ch. 8583, 1921; CGL 248; s. 1, ch. 26870, 1951; s. 2, ch. 28156, 1953; s. 1, ch. 63-408; s. 3, ch. 65-60; s. 1, ch. 67-67; ss. 1, 4, ch. 71-108; s. 1, ch. 72-197; s. 2, ch. 73-157; s. 31, ch. 73-333; s. 1, ch. 74-5; s. 1, ch. 77-175; s. 2, ch. 89-338; s. 8, ch. 94-224; s. 12, ch. 2007-30; s. 2, ch. 2008-95.

Note.—Former s. 98.01.

97.052 Uniform statewide voter registration application.—

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

(a) The uniform statewide voter registration application must be accepted for any one or more of the following purposes:

1. Initial registration.
2. Change of address.
3. Change of party affiliation.
4. Change of name.
5. Replacement of a voter information card.
6. Signature update.

(b) The department is responsible for printing the uniform statewide voter registration application and the voter registration application form prescribed by the Election Assistance Commission pursuant to federal law. The applications and forms must be distributed, upon request, to the following:

1. Individuals seeking to register to vote or update a voter registration record.
2. Individuals or groups conducting voter registration programs. A charge of 1 cent per application shall be assessed on requests for 10,000 or more applications.

3. The Department of Highway Safety and Motor Vehicles.

4. Voter registration agencies.

5. Armed forces recruitment offices.

6. Qualifying educational institutions.

7. Supervisors, who must make the applications and forms available in the following manner:

- a. By distributing the applications and forms in their offices to any individual or group.
- b. By distributing the applications and forms at other locations designated by each supervisor.
- c. By mailing the applications and forms to applicants upon the request of the applicant.

(c) The uniform statewide voter registration application may be reproduced by any private individual or group, provided the reproduced application is in the same format as the application prescribed by rule under this section.

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

(a) Last, first, and middle name, including any suffix.

(b) Date of birth.

(c) Address of legal residence.

(d) Mailing address, if different.

(e) E-mail address and whether the applicant wishes to receive sample ballots by e-mail.

(f) County of legal residence.

(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) Sex.
- (j) Party affiliation.
- (k) Whether the applicant needs assistance in voting.
- (l) Name and address where last registered.
- (m) Last four digits of the applicant's social security number.
- (n) Florida driver license number or the identification number from a Florida identification card issued under s. 322.051.
- (o) An indication, if applicable, that the applicant has not been issued a Florida driver license, a Florida identification card, or a social security number.
- (p) Telephone number (optional).
- (q) 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.
- (r) Whether the application is being used for initial registration, to update a voter registration record, or to request a replacement voter information card.
- (s) Whether the applicant is a citizen of the United States by asking the question "Are you a citizen of the United States of America?" and providing boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (t) Whether the applicant has been convicted of a felony, and, if convicted, has had his or her civil rights restored by including the statement "I affirm I am not a convicted felon, or, if I am, my rights relating to voting have been restored." and providing a box for the applicant to check to affirm the statement.
- (u) Whether the applicant has been adjudicated mentally incapacitated with respect to voting or, if so adjudicated, has had his or her right to vote restored by including the statement "I affirm I have not been adjudicated mentally incapacitated with respect to voting, or, if I have, my competency has been restored." and providing a box for the applicant to check to affirm the statement.

The registration application 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.

- (3) The uniform statewide voter registration application must also contain:
 - (a) The oath required by s. 3, Art. VI of the State Constitution and s. 97.051.
 - (b) A statement specifying each eligibility requirement under s. 97.041.
 - (c) The penalties provided in s. 104.011 for false swearing in connection with voter registration.
 - (d) A statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and may be used only for voter registration purposes.
 - (e) A statement that informs the applicant who chooses to register to vote or update a voter registration record that the office at which the applicant submits a voter registration application or updates a voter registration record will remain confidential and may be used only for voter registration purposes.
 - (f) A statement informing an applicant who has not been issued a Florida driver license, a Florida identification card, or a social security number that if the application is submitted by mail and the

applicant is registering for the first time in this state, the applicant will be required to provide identification prior to voting the first time.

(4) A supervisor may produce a voter registration application that has the supervisor's direct mailing address if the department has reviewed the application and determined that it is substantially the same as the uniform statewide voter registration application.

(5) The voter registration application form prescribed by the Election Assistance Commission pursuant to federal law or the federal postcard application must be accepted as an application for registration in this state if the completed application or postcard application contains the information required by the constitution and laws of this state.

(6) If a voter registration applicant fails to provide any of the required information on the voter registration application form, the supervisor shall notify the applicant of the failure by mail within 5 business days after the supervisor has the information available in the voter registration system. The applicant shall have an opportunity to complete the application form to vote in the next election up until the book closing for that next election.

History.—s. 5, ch. 25391, 1949; s. 2, ch. 26870, 1951; s. 1, ch. 59-231; s. 8, ch. 65-134; s. 1, ch. 67-170; s. 8, ch. 69-377; ss. 10, 35, ch. 69-106; s. 2, ch. 72-63; s. 5, ch. 77-175; s. 23, ch. 84-302; s. 6, ch. 89-338; s. 10, ch. 94-224; s. 2, ch. 96-327; s. 26, ch. 97-13; s. 4, ch. 98-129; ss. 1, 7, ch. 2002-189; s. 3, ch. 2003-415; s. 4, ch. 2005-277; s. 5, ch. 2005-278; s. 1, ch. 2013-192.

Note.—Former s. 97.05; s. 98.111.

97.053 Acceptance of voter registration applications.—

(1) Voter registration applications, changes in registration, and requests for a replacement voter information card must be accepted in the office of any supervisor, the division, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.

(2) A voter registration application is complete and becomes the official voter registration record of that applicant when all information necessary to establish the applicant's eligibility pursuant to s. 97.041 is received by a voter registration official and verified pursuant to subsection (6). If the applicant fails to complete his or her voter registration application prior to the date of book closing for an election, then such applicant shall not be eligible to vote in that election.

(3) The registration date for a valid initial voter registration application that has been hand delivered is the date that the application is received by a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state.

(4) The registration date for a valid initial voter registration application that has been mailed to a driver license office, a voter registration agency, an armed forces recruitment office, the division, or the office of any supervisor in the state and bears a clear postmark is the date of that postmark. If an initial voter registration application that has been mailed does not bear a postmark or if the postmark is unclear, the registration date is the date the application is received by any supervisor or the division, unless it is received within 5 days after the closing of the books for an election, excluding Saturdays, Sundays, and legal holidays, in which case the registration date is the book-closing date.

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.
2. The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.
3. The applicant's date of birth.
4. A mark in the checkbox affirming that the applicant is a citizen of the United States.
- 5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or
- b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her civil rights restored.

7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(b) An applicant who fails to designate party affiliation must be registered without party affiliation. The supervisor must notify the voter by mail that the voter has been registered without party affiliation and that the voter may change party affiliation as provided in s. 97.1031.

(6) A voter registration application may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the number cannot be verified and that the applicant must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits of the social security number. If the applicant provides the necessary evidence, the supervisor shall place the applicant's name on the registration rolls as an active voter. If the applicant has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the number is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits of the social security number no later than 5 p.m. of the second day following the election.

(7) All voter registration applications received by a voter registration official shall be entered into the statewide voter registration system within 13 days after receipt. Once entered, the application shall be immediately forwarded to the appropriate supervisor of elections.

History.—s. 11, ch. 94-224; s. 27, ch. 97-13; s. 5, ch. 98-129; s. 4, ch. 2003-415; s. 5, ch. 2005-277; s. 6, ch. 2005-278; s. 13, ch. 2007-30; s. 3, ch. 2008-95; s. 2, ch. 2016-23.

98.045 Administration of voter registration.—

(1) **ELIGIBILITY OF APPLICANT.—**The supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:

- (a) The failure to complete a voter registration application as specified in s. 97.053.
- (b) The applicant is deceased.
- (c) The applicant has been convicted of a felony for which his or her civil rights have not been restored.
- (d) The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.
- (e) The applicant does not meet the age requirement pursuant to s. 97.041.
- (f) **The applicant is not a United States citizen.**
- (g) The applicant is a fictitious person.
- (h) The applicant has provided an address of legal residence that is not his or her legal residence.
- (i) The applicant has provided a driver license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

(2) **REMOVAL OF REGISTERED VOTERS.—**

(a) Once a voter is registered, the name of that voter may not be removed from the statewide voter registration system except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance activity conducted pursuant to s. 98.065 or s. 98.075.

(b) Information received by a voter registration official from an election official in another state indicating that a registered voter in this state has registered to vote in that other state shall be considered as a written request from the voter to have the voter's name removed from the statewide voter registration system.

(3) **PUBLIC RECORDS ACCESS AND RETENTION.—**Each supervisor shall maintain for at least 2 years, and make available for public inspection and copying, all records concerning implementation of registration list maintenance programs and activities conducted pursuant to ss. 98.065 and 98.075. The records must include lists of the name and address of each person to whom a notice was sent and information as to whether each such person responded to the mailing, but may not include any information that is confidential or exempt from public records requirements under this code.

(4) **STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—**

(a) The department shall compile and maintain a statewide electronic database of valid residential street addresses from the information provided by the supervisors of elections pursuant to s. 98.015. The department shall evaluate the information provided by the supervisors of elections to identify any duplicate addresses and any address that may overlap county boundaries.

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(10). The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

(5) **FORMS.**—The department may prescribe by rule forms necessary to conduct maintenance of records in the statewide voter registration system.

History.—s. 26, ch. 94-224; s. 36, ch. 97-13; s. 2, ch. 2002-17; s. 7, ch. 2003-415; s. 9, ch. 2005-277; s. 18, ch. 2005-278.

2018 Fl. Statutes retrieved 6/4/2019 by J.A.

98.075 Registration records maintenance activities; ineligibility determinations.—

(1) **MAINTENANCE OF RECORDS.**—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

(2) **DUPLICATE REGISTRATION.**—

(a) The department shall identify those voters who are registered more than once or those applicants whose registration applications within the state would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(b)1. The department may become a member of a nongovernmental entity whose sole purpose is to share and exchange information in order to verify voter registration information. The membership of the nongovernmental entity must be composed solely of election officials of state governments, except that such membership may also include election officials of the District of Columbia. If the department intends to become a member of such a nongovernmental entity, the agreement to join the entity must require that the Secretary of State, or his or her designee, serve as a full member with voting rights on the nongovernmental entity's board of directors within 12 months after joining the entity.

2. The department may share confidential and exempt information after becoming a member of a nongovernmental entity as provided in subparagraph 1. if:

a. Each member of the nongovernmental entity agrees to maintain the confidentiality of such information as required by the laws of the jurisdiction providing the information; or

b. The bylaws of the nongovernmental entity require member jurisdictions and the entity to maintain the confidentiality of information as required by the laws of the jurisdiction providing the information.

3. The department may only become a member of a nongovernmental entity as provided in subparagraph 1. if the entity is controlled and operated by the participating jurisdictions. The entity may not be operated or controlled by the Federal Government or any other entity acting on behalf of the Federal Government. The department must be able to withdraw at any time from any such membership entered into.

4. If the department becomes a member of a nongovernmental entity as provided in subparagraph 1., the Department of Highway Safety and Motor Vehicles must, pursuant to a written agreement with the department, provide driver license or identification card information to the department for the purpose of sharing and exchanging voter registration information with the nongovernmental entity.

5. If the department becomes a member of a nongovernmental entity as provided in subparagraph 1., the department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year. The report must describe the terms of the nongovernmental entity membership and provide information on the total number of voters removed from the voter registration system as a result of the membership and the reasons for their removal.

(c) Information received by the department from another state or the District of Columbia upon the department becoming a member of a nongovernmental entity as provided in subparagraph (b)1., which is confidential or exempt pursuant to the laws of that state or the District of Columbia, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department shall provide such

information to the supervisors to conduct registration list maintenance activities. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) DECEASED PERSONS.—

(a)1. The department shall identify those registered voters who are deceased by comparing information received from either:

- a. The Department of Health as provided in s. 98.093; or
- b. The United States Social Security Administration, including, but not limited to, any master death file or index compiled by the United States Social Security Administration.

2. Within 7 days after receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

(b) The supervisor shall remove the name of a deceased registered voter from the statewide voter registration system upon receipt of a copy of a death certificate issued by a governmental agency authorized to issue death certificates.

(4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.—The department shall identify those registered voters who have been convicted of a felony and whose rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department shall notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(6) OTHER BASES FOR INELIGIBILITY.—If the department or supervisor receives information from sources other than those identified in subsections (2)-(5) that a registered voter is ineligible because he or she is deceased, adjudicated a convicted felon without having had his or her civil rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed a residence that is not his or her legal residence, the supervisor must adhere to the procedures

set forth in subsection (7) prior to the removal of a registered voter's name from the statewide voter registration system.

(7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered shall:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice shall include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

2. If the mailed notice is returned as undeliverable, the supervisor shall publish notice once in a newspaper of general circulation in the county in which the voter was last registered. The notice shall contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor shall make a final determination of the voter's eligibility. If the supervisor determines that the voter is ineligible, the supervisor shall remove the name of the registered voter from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor shall make a final determination of ineligibility and shall remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor shall review the evidence and make a final determination of eligibility. If such registered voter requests a hearing, the supervisor shall send notice to the registered voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility. If the supervisor determines that the registered voter is ineligible, the supervisor shall remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action.

(b) The following shall apply to this subsection:

1. All determinations of eligibility shall be based on a preponderance of the evidence.
2. All proceedings are exempt from the provisions of chapter 120.
3. Any notice shall be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or shall be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.
4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under the provisions of s. 98.0755.

6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department the activities conducted pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification shall include the number of persons to whom notices were sent pursuant to subsection (7), the number of persons who responded to the notices, the number of notices returned as undeliverable, the number of notices published in the newspaper, the number of hearings conducted, and the number of persons removed from the statewide voter registration systems and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section shall constitute a violation of s. 104.051.

History.—s. 29, ch. 94-224; s. 1386, ch. 95-147; s. 20, ch. 2005-278; s. 9, ch. 2011-40; s. 1, ch. 2018-32; s. 1, ch. 2018-33.

104.011 False swearing; submission of false voter registration information.—

(1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who willfully submits any false voter registration information commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 15, ch. 14715, 1931; CGL 1936 Supp. 8202(6); s. 8, ch. 26870, 1951; s. 19, ch. 71-136; s. 33, ch. 77-175; s. 38, ch. 94-224; s. 31, ch. 97-13.

2018 Fl. Statutes retrieved 6/4/2019 by J.A.

Florida Voter Registration Application-Part 1 – Instructions**To Register in Florida, you must be:**

- a U.S. citizen,
- a Florida resident,
- at least 18 years old (you may pre-register at 16 or 17, but cannot vote until you are 18).

If you have been convicted of a felony, or if a court has found you to be mentally incapacitated as to your right to vote, you cannot register until your right to vote is restored.

If you do not meet any ONE of these requirements, you are not eligible to register.

Questions?

Contact the Supervisor of Elections in your county:

dos.elections.myflorida.com/supervisors/

Visit the Florida Division of Elections' website at:

dos.myflorida.com/elections/

CRIMINAL OFFENSE: It is a 3rd degree felony to submit false information. Maximum penalties are \$5,000 and/or 5 years in prison.

PUBLIC RECORD: Once filed, all information including your phone number and email address as provided become public record except for the following which can only be used for voter registration purposes: your FL DL#, FL ID#, SSN, where you registered to vote, and whether you declined to register or to update your voter registration record at a voter registration agency. Your signature can be viewed but not copied. (Section 97.0585, Fla. Stat.)

Where to Register: You can register to vote by completing this application and delivering it in person or by mail to any supervisor of elections' office, office that issues driver's licenses, or voter registration agency (public assistance office, center for independent living, office serving persons with disabilities, public library, or armed forces recruitment office) or the Division of Elections. Mailing addresses are on page 2 of this form.

Deadline to Register: The deadline to register to vote is 29 days before any election. You can update your registration record at any time, but for a Primary Election, party changes must be completed 29 days before that election. You will be contacted if your new application is incomplete, denied or a duplicate of an existing registration. Your Voter Information Card will be mailed to you once you are registered.

Identification (ID) Requirements: New applicants must provide a current and valid Florida driver's license number (FL DL#) or Florida identification card number (FL ID#). If you do not have a FL DL# or FL ID#, then you must provide the last four digits of your Social Security number (SSN). If you do not have any of these numbers, check "None." If you leave the field and box blank, your new registration may be denied. See section 97.053(6), Fla.Stat.

Special ID requirements: If you are registering by mail, have never voted in Florida, and have never been issued one of the ID numbers above, include one of the following with your application, or at a later time before you vote: 1) A copy of an ID that shows your name and photo (*acceptable IDs*--U.S. Passport, debit or credit card, military ID, student ID, retirement center ID, neighborhood association ID, or public assistance ID); or 2) A copy of an ID that shows your name and current residence address (*acceptable documents*--utility bill, bank statement, government check, paycheck, or other government document).

The special ID is not required if you are 65 or older, have a temporary or permanent physical disability, are a member of the active uniformed services or merchant marine who is absent from the county for active duty, or a spouse or dependent thereof, or are currently living outside the U.S. but otherwise eligible to vote in Florida.

Political Party Affiliation: Florida is a closed primary election state. In primary elections, registered voters can only vote for their registered party's candidates in a partisan race on the ballot. In a primary election, all registered voters, regardless of party affiliation, can vote on any issue, nonpartisan race, and race where a candidate faces no opposition in the General Election. If you do not indicate your party affiliation, you will be registered with no party affiliation. For a list of political parties, visit the Division of Elections' website at: dos.myflorida.com/elections/

Race/Ethnicity: It is optional to list your race or ethnicity.

Boxes: Please check boxes () where applicable.

Numbered rows 1 through 7 and 12 must be completed for a new registration.

**Florida Voter Registration Application**

Part 2 – Form (DS-DE #39, R1S-2.040, F.A.C.) (eff. 7/2019)

Form available online at/Formulario disponible en línea en:

registertovoteflorida.gov

This is: ☐ New Registration ☐ Record Update/Change (e.g., Address, Party Affiliation, Name, Signature) ☐ Request to Replace Voter Information Card

1	Are you a citizen of the United States of America? <input type="checkbox"/> YES <input type="checkbox"/> NO				OFFICIAL USE ONLY FVRS No:				
	<input type="checkbox"/> I affirm I have never been convicted of a felony. <input type="checkbox"/> If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency. <input type="checkbox"/> If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation.								
2									
3	<input type="checkbox"/> I affirm that I have not been adjudicated mentally incapacitated with respect to voting or, if I have, my right to vote has been restored.								
4	Date of Birth (MM-DD-YYYY) <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/>								
5	Florida Driver License (FL DL) or Florida identification (FL ID) Card Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				If <u>no</u> FL DL or FL ID, then provide <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		Last 4 digits of Social Security Number <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		<input type="checkbox"/> I have NONE of these numbers.
6	Last Name <input type="text"/>		First Name <input type="text"/>		Middle Name <input type="text"/>		Name Suffix (Jr., Sr., I, II, etc.): <input type="text"/>		
7	Address Where You Live (legal residence-no P.O. Box) <input type="text"/>		Apt/Lot/Unit <input type="text"/>	City <input type="text"/>		County <input type="text"/>		Zip Code <input type="text"/>	
8	Mailing Address (if different from above address) <input type="text"/>		Apt/Lot/Unit <input type="text"/>	City <input type="text"/>		State or Country <input type="text"/>		Zip Code <input type="text"/>	
9	Address Where You Were Last Registered to Vote <input type="text"/>		Apt/Lot/Unit <input type="text"/>	City <input type="text"/>		State <input type="text"/>		Zip Code <input type="text"/>	
10	Former Name (if name is changed) <input type="text"/>		Gender <input type="checkbox"/> M <input type="checkbox"/> F	State or Country of Birth <input type="text"/>		Telephone No. (optional) () - <input type="text"/>			
11	<input type="checkbox"/> Email me SAMPLE BALLOTS if option is available in my county. (See Public Record Notice above) My email address is: <input type="text"/>								
Party Affiliation (Check only one. If left blank, you will be registered without party affiliation) <input type="checkbox"/> Florida Democratic Party <input type="checkbox"/> Republican Party of Florida <input type="checkbox"/> No party affiliation <input type="checkbox"/> Minor party (print party name): <input type="text"/>		Race/Ethnicity (Check only one) <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> Black, <i>not of</i> Hispanic Origin <input type="checkbox"/> Hispanic <input type="checkbox"/> White, <i>not of</i> Hispanic Origin <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other: <input type="text"/>		(Check only one if applicable) <input type="checkbox"/> I am an active duty Uniformed Services or Merchant Marine member <input type="checkbox"/> I am a spouse or a dependent of an active duty uniformed services or merchant marine member <input type="checkbox"/> I am a U.S. citizen residing outside the U.S.				<input type="checkbox"/> I will need assistance with voting. <input type="checkbox"/> I am interested in becoming a poll worker.	

12

Oath: I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am qualified to register as an elector under the Constitution and laws of the State of Florida, and that all information provided in this application is true.

**SIGN/
MARK
HERE**



Date

Address your envelope to your County Supervisor of Elections. (Rev 07/2019)	Flagler -Supervisor of Elections PO Box 901 Bunnell, FL 32110 386-313-4170	Lake -Supervisor of Elections PO Box 457 Tavares, FL 32778 352-343-9734	Pasco -Supervisor of Elections PO Box 300 Dade City, FL 33526 800-851-8754
Alachua -Supervisor of Elections 515 North Main Street, Suite 300 Gainesville, FL 32601-3348 352-374-5252	Franklin -Supervisor of Elections 47 Ave F Apalachicola, FL 32320 850-653-9520	Lee -Supervisor of Elections 2480 Thompson St Fort Myers, FL 33901 239-533-8683	Pinellas -Supervisor of Elections 13001 Starkey Road Largo, FL 33773-1416 727-464-8683
Baker -Supervisor of Elections PO Box 505 Macclenny, FL 32063 904-259-6339	Gadsden -Supervisor of Elections PO Box 186 Quincy, FL 32353 850-627-9910	Leon -Supervisor of Elections PO Box 7357 Tallahassee, FL 32301 850-606-8683	Polk -Supervisor of Elections PO Box 1460 Bartow, FL 33831 863-534-5888
Bay -Supervisor of Elections 830 W. 11th Street Panama City, FL 32401 850-784-6100	Gilchrist -Supervisor of Elections 112 S. Main Street, Rm 128 Trenton, FL 32693 352-463-3194	Levy -Supervisor of Elections 421 South Court Street Bronson, FL 32621 352-486-5163	Putnam -Supervisor of Elections 2509 Crill Ave, Ste. 900 Palatka, FL 32177 386-329-0224
Bradford -Supervisor of Elections PO Box 58 Starke, FL 32091 904-966-6266	Glades -Supervisor of Elections PO Box 668 Moore Haven, FL 33471 863-946-6005	Liberty -Supervisor of Elections PO Box 597 Bristol, FL 32321 850-643-5226	Santa Rosa -Supervisor of Elections 6495 Caroline Street, Suite F Milton, FL 32570 850-983-1900
Brevard -Supervisor of Elections 2725 Judge Fran Jamieson Way Melbourne, FL 32940 321-633-2124	Gulf -Supervisor of Elections 401 Long Avenue Port St. Joe, FL 32456 850-229-6117	Madison -Supervisor of Elections 239 SW Pinckney St. Madison, FL 32340 850-973-6507	Sarasota -Supervisor of Elections PO Box 4194 Sarasota, FL 34230-4194 941-861-8600
Broward -Supervisor of Elections PO Box 029001 Ft. Lauderdale, FL 33302 954-357-7050	Hamilton -Supervisor of Elections 1153 US Hwy. 41 NW, Ste. 1 Jasper, FL 32052 386-792-1426	Manatee -Supervisor of Elections PO Box 1000 Bradenton, FL 34206-1000 941-741-3823	Seminole -Supervisor of Elections PO Box 1479 Sanford, FL 32772-1479 407-585-8683
Calhoun -Supervisor of Elections 20859 Central Ave. East, Rm 117 Blountstown, FL 32424 850-674-8568	Hardee -Supervisor of Elections 311 North 6th Ave. Wauchula, FL 33873 863-773-6061	Marion -Supervisor of Elections PO Box 289 Ocala, FL 34478-0289 352-620-3290	St. Johns -Supervisor of Elections 4455 Avenue A, Suite 101 St. Augustine, FL 32095 904-823-2238
Charlotte -Supervisor of Elections 226 Taylor St., Unit 120 Punta Gorda, FL 33950 941-833-5400	Hendry -Supervisor of Elections PO Box 174 LaBelle, FL 33975-0174 863-675-5230	Martin -Supervisor of Elections PO Box 1257 Stuart, FL 34991 772-288-5637	St. Lucie -Supervisor of Elections 4132 Okeechobee Road Fort Pierce, FL 34947 772-462-1500
Citrus -Supervisor of Elections 120 North Apopka Ave. Inverness, FL 34450 352-341-6740	Hernando -Supervisor of Elections 20 N. Main St., Rm 165 Brooksville, FL 34601 352-754-4125	Miami-Dade -Supervisor of Elections 2700 NW 87th Ave Miami, FL 33172 305-499-8363	Sumter -Supervisor of Elections 7375 Powell Road, Suite 125 Wildwood, FL 34785 352-569-1540
Clay -Supervisor of Elections PO Box 337 Green Cove, FL 32043 904-269-6350	Highlands -Supervisor of Elections PO Box 3448 Sebring, FL 33871-3448 863-402-6655	Monroe -Supervisor of Elections 530 Whitehead St #101 Key West, FL 33040-6577 305-292-3416	Suwanee -Supervisor of Elections 220 Pine Ave. S.W. Live Oak, FL 32064 386-362-2616
Collier -Supervisor of Elections 3750 Enterprise Avenue Naples, FL 34104 239-252-8683	Hillsborough -Supervisor of Elections 2514 North Falkenburg Rd. Tampa, FL 33619 813-744-5900	Nassau -Supervisor of Elections 96135 Nassau Place, Suite 3 Yulee, Florida 32097 904-491-7500	Taylor -Supervisor of Elections PO Box 1060 Perry, FL 32348 850-838-3515
Columbia -Supervisor of Elections 971 West Duval St., Suite 102 Lake City, FL 32055 386-758-1026	Holmes -Supervisor of Elections 201 N. Oklahoma St., Ste. 102 Bonifay, FL 32425 850-547-1107	Okaloosa -Supervisor of Elections 302 North Wilson St., Suite 102 Crestview, FL 32536 850-689-5600	Union -Supervisor of Elections 175 West Main St. Lake Butler, FL 32054 386-496-2236
Desoto -Supervisor of Elections PO Box 89 Arcadia, FL 34265 863-993-4871	Indian River -Supervisor of Elections 4375 43rd Avenue Vero Beach, FL 32967 772-226-3440	Okeechobee -Supervisor of Elections 304 NW 2nd Street, Rm 144 Okeechobee, FL 34972 863-763-4014	Volusia -Supervisor of Elections 125 W. New York Ave. DeLand, FL 32720 386-736-5930
Dixie -Supervisor of Elections PO Box 2057 Cross City, FL 32628 352-498-1216	Jackson -Supervisor of Elections PO Box 6046 Marianna, FL 32447 850-482-9652	Orange -Supervisor of Elections PO Box 562001 Orlando, FL 32856-2001 407-836-2070	Wakulla -Supervisor of Elections PO Box 305 Crawfordville, FL 32326 850-926-7575
Duval -Supervisor of Elections 105 East Monroe St. Jacksonville, FL 32202 904-630-1414	Jefferson -Supervisor of Elections 435 W. Walnut St. Monticello, FL 32344 850-997-3348	Osceola -Supervisor of Elections 2509 E. Irlo Bronson Memorial Hwy Kissimmee, FL 34744 407-742-6000	Walton -Supervisor of Elections 571 US Hwy. 90 East DeFuniak Springs, Florida 32433 850-892-8112
Escambia -Supervisor of Elections PO Box 12601 Pensacola, FL 32591 850-595-3900	Lafayette -Supervisor of Elections PO Box 76 Mayo, FL 32066 386-294-1261	Palm Beach -Supervisor of Elections PO Box 22309 West Palm Beach, FL 33416-2309 561-656-6200	Washington -Supervisor of Elections 1331 South Blvd., Suite 900 Chipley, FL 32428 850-638-6230

Tab 3

Other States

Citizenship Voting Requirement

Proposals in Other States

State: Alabama

Title: SB 313 of the 2019 Session

Summary: Proposes to place constitutional amendment on 2020 Presidential ballot to change the right to vote from “every citizen” to “only a citizen.”

Status: Passed the Alabama Legislature, will be on the 2020 ballot.

1 SB313
2 198837-2
3 By Senator Marsh (Constitutional Amendment)
4 RFD: Governmental Affairs
5 First Read: 18-APR-19

SB313

ENROLLED, An Act,

To amend Article VIII of the Constitution of Alabama of 1901, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that only a citizen of the United States has the right to vote.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Article VIII of the Constitution of Alabama of 1901, as amended, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, is amended to read as follows:

"ARTICLE VIII.

"SUFFRAGE AND ELECTIONS.

"(a) ~~Every~~ Only a citizen of the United States who has attained the age of eighteen years and has resided in this

1 state and in a county thereof for the time provided by law, if
 2 registered as provided by law, shall have the right to vote in
 3 the county of his or her residence. The Legislature may
 4 prescribe reasonable and nondiscriminatory requirements as
 5 prerequisites to registration for voting. The Legislature
 6 shall, by statute, prescribe a procedure by which eligible
 7 citizens can register to vote.

8 "(b) No person convicted of a felony involving moral
 9 turpitude, or who is mentally incompetent, shall be qualified
 10 to vote until restoration of civil and political rights or
 11 removal of disability.

12 "(c) The Legislature shall by law provide for the
 13 registration of voters, absentee voting, secrecy in voting,
 14 the administration of elections, and the nomination of
 15 candidates."

16 Section 2. An election upon the proposed amendment
 17 shall be held in accordance with Sections 284 and 285 of the
 18 Constitution of Alabama of 1901, now appearing as Sections 284
 19 and 285 of the Official Recompilation of the Constitution of
 20 Alabama of 1901, as amended, and the election laws of this
 21 state.

22 Section 3. The appropriate election official shall
 23 assign a ballot number for the proposed constitutional
 24 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to amend Article VIII of the Constitution of
5 Alabama of 1901, now appearing as Section 177 of the Official
6 Recompilation of the Constitution of Alabama of 1901, as
7 amended, to provide that only a citizen of the United States
8 has the right to vote.

9 "Proposed by Act _____."

10 This description shall be followed by the following
11 language:

12 "Yes () No ()."

1

2

3

4

President and Presiding Officer of the Senate

5

6

Speaker of the House of Representatives

7

SB313

8

Senate 08-MAY-19

9

I hereby certify that the within Act originated in and passed
the Senate.

10

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12

Patrick Harris,
Secretary.

13

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17

House of Representatives

18

Passed: 30-MAY-19

19

20

21

By: Senator Marsh

Committee: Governmental Affairs
Analyst: Bryan Young

Sponsor: Marsh
Date: 04/26/2019

FISCAL NOTE

Senate Bill 313 as introduced proposes an amendment to the Constitution of Alabama of 1901 which, if ratified, would provide that only a citizen of the United States has the right to vote. This bill will increase the proclamation expenses of the Governor, paid from the State General Fund, by an estimated \$100,000 for the fiscal year ending September 30, 2021.

Jimmy Holley, Chairperson
Governmental Affairs

Retrieved from Alabama Legislature Website on 6/7/2019 by JA.

http://alisondb.legislature.state.al.us/Alison/SESSBillStatusResult.ASPX?BILL=SB313&WIN_TYPE=BillResult

Alabama voters to decide in 2020 on citizen requirement for voting

By [Jackie Mitchell](#)

In [Ballot measures](#)

June 4, 2019 at 7:56 AM



On May 30, 2019, the Alabama Legislature gave final approval to Senate Bill 313, which would amend the Alabama Constitution to state that “*only a citizen* of the United States,” rather than “*every citizen* of the United States,” has the right to vote in Alabama (emphasis added).

Sen. Del Marsh (R-12) introduced the constitutional amendment as Senate Bill 313 (SB 313) during the 2019 legislative session. On May 8, 2019, the Alabama State Senate approved SB 313 in a vote of 27-0 with eight members (three Democrats and five Republicans) absent or not voting. On May 30, 2019, the state House passed the measure in a vote of 87-0 with 14 Democratic members abstaining and 3 members (two Democrats and one Republican) absent or not voting.

Joshua Jones of Citizen Voters, a group pushing for similar amendments across the nation, said, “Most people don’t realize cities around the country are already opening municipal elections to non-citizen voters. This constitutional amendment will ensure that trend never comes to Alabama. [The amendment’s sponsors] are warriors for ballot security, the rule of law and ensuring voting remains a sacred and solemn duty of citizens only.”

Voters in North Dakota decided on a similar measure, Measure 2, in 2018. The measure amended the North Dakota Constitution to state that “only a citizen” rather than “every citizen” of the U.S. can vote in federal, state, and local elections. Measure 2 was approved by a vote of 66% to 34%.

Similar initiatives have been proposed in Colorado and Florida targeting the 2019 and 2020 ballots, respectively.

As of 2019, neither Alabama nor any of the state's local jurisdictions allowed non-citizens to vote in elections. In 1996, the U.S. Congress passed a law prohibiting non-citizens from voting in federal elections, such as U.S. House, U.S. Senate, and presidential elections. Federal law did not address state or local elections. San Francisco and several local governments in Maryland had passed laws to expand voting to non-citizens for certain local elections.

The Alabama State Legislature referred a total of five constitutional amendments to the 2020 ballot during the 2019 legislative session. In Alabama, a 60 percent vote is needed in each chamber of the Alabama State Legislature to refer a constitutional amendment to the ballot for voter consideration.

On average since 1997, the legislature referred eight measures to even-year ballots, 81% of which were approved. The legislature may also refer additional amendments to the 2020 ballot during its 2020 legislative session.

As of June 3, 2019, **35 statewide ballot measures** had been certified for the 2020 ballot in 16 states.

Source: Retrieved on 6/7/19 by JA from Ballotpedia News

<https://news.ballotpedia.org/2019/06/04/alabama-voters-to-decide-in-2020-on-citizen-requirement-for-voting/>

Citizenship Voting Requirement

Proposals in Other States

State: Maine

Title: HP 149 of the 2019 Session

Summary: Proposes to place constitutional amendment on an upcoming ballot to add “only a citizen of the United States may vote in a state, county or municipal or other local election.”

Status: Failed to pass Maine Legislature.



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 186

H.P. 149

House of Representatives, January 17, 2019

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FAULKINGHAM of Winter Harbor.
Cosponsored by Senator GUERIN of Penobscot and
Representatives: DILLINGHAM of Oxford, FECTEAU of Augusta, HANLEY of Pittston,
O'CONNOR of Berwick, REED of Carmel, STETKIS of Canaan, STEWART of Presque Isle,
STROM of Pittsfield.

1 **Constitutional amendment. Resolved:** Two thirds of each branch of the
2 Legislature concurring, that the following amendment to the Constitution of Maine be
3 proposed:

4 **Constitution, Art. II, §1** is amended to read:

5 **Section 1. Qualifications of electors; written ballot; military servicemen;**
6 **students.** Only a citizen of the United States may vote in a state, county or municipal or
7 other local election. Every citizen of the United States of the age of 18 years and
8 upwards, excepting persons under guardianship for reasons of mental illness, having his
9 or her residence established in this State, shall be an elector for Governor, Senators and
10 Representatives; and county, local or municipal office in the city, town or plantation
11 where his or her residence has been established, if he or she continues to reside in this
12 State; and the elections shall be by written ballot. But persons in the military, naval or
13 marine service of the United States, or this State, shall not be considered as having
14 obtained such established residence by being stationed in any garrison, barrack or
15 military place, in any city, town or plantation; nor shall the residence of a student at any
16 seminary of learning entitle the student to the right of suffrage in the city, town or
17 plantation where such seminary is established. No person, however, shall be deemed to
18 have lost residence by reason of the person's absence from the state in the military service
19 of the United States, or of this State.

20 **Indians.** Every Indian, residing on tribal reservations and otherwise qualified, shall
21 be an elector in all county, state and national elections.

22 **Constitutional referendum procedure; form of question; effective date.**
23 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
24 respective cities, towns and plantations to meet, in the manner prescribed by law for
25 holding a statewide election, at a statewide election held in the month of November
26 following the passage of this resolution, to vote upon the ratification of the amendment
27 proposed in this resolution by voting upon the following question:

28 "Do you favor amending the Constitution of Maine to permit only
29 citizens of the United States to vote in state, county or municipal or other
30 local elections?"

31 The legal voters of each city, town and plantation shall vote by ballot on this question
32 and designate their choice by a cross or check mark placed within the corresponding
33 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
34 declared in open ward, town and plantation meetings and returns made to the Secretary of
35 State in the same manner as votes for members of the Legislature. The Governor shall
36 review the returns. If it appears that a majority of the legal votes are cast in favor of the
37 amendment, the Governor shall proclaim that fact without delay and the amendment
38 becomes part of the Constitution of Maine on the date of the proclamation.

39 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State
40 shall prepare and furnish to each city, town and plantation all ballots, returns and copies
41 of this resolution necessary to carry out the purposes of this referendum.

1

SUMMARY

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4

This resolution proposes to amend the Constitution of Maine to specify that only a person who is a citizen of the United States may vote in a state, county or municipal or other local election.



Approved: 01/28/19 *mac*

129th MAINE LEGISLATURE

LD 186

LR 1724(01)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Specify the Qualifications of Electors

Preliminary Fiscal Impact Statement for Original Bill

Sponsor: Rep. Faulkingham of Winter Harbor

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

Current biennium cost increase - General Fund

Referendum Costs

Month/Year	Election Type	Question	Length
Nov-19	General	Referendum	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$107,250 may be required.

Citizenship Voting Requirement

Proposals in Other States

State: Maryland

Title: HB 1326 of the 2018 Session

Summary: Requires that a person submit specific proof of U.S. citizenship in order to register to vote.

Status: Failed to pass the Ways and Means Committee of the General Assembly of Maryland.

HOUSE BILL 1326

G1
HB 539/17 – W&M

8lr2049

By: **Delegates Parrott, Cluster, Corderman, Glass, Malone, McComas, McConkey, Rey, and Wivell**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Voter Registration and Absentee Voting – Proof of Citizenship**

3 FOR the purpose of requiring individuals who apply to register to vote after a certain date
4 to submit proof of United States citizenship; providing that individuals who are not
5 citizens of the United States are not qualified to be registered voters; requiring an
6 applicant for voter registration to submit certain documents or information to prove
7 United States citizenship; requiring that a voter registration application not
8 accompanied by proof of citizenship be accepted but prohibiting the applicant from
9 being registered until the applicant submits proof of citizenship; authorizing proof of
10 citizenship to be submitted by certain methods and at certain times; requiring each
11 applicant who is completing a voter registration application to be informed that the
12 applicant must submit proof of citizenship and that the applicant will not be
13 registered until the applicant submits proof of citizenship; authorizing an election
14 director to remove a voter from the statewide voter registration list if the election
15 director verifies that the voter is not a citizen of the United States; requiring certain
16 voters requesting an absentee ballot to submit proof of United States citizenship;
17 requiring that an absentee ballot application not accompanied by proof of citizenship
18 be accepted but prohibiting the applicant from being issued an absentee ballot until
19 the applicant submits proof of citizenship; and generally relating to requiring proof
20 of citizenship for voter registration and absentee voting.

21 BY repealing and reenacting, with amendments,
22 Article – Election Law
23 Section 3–102, 3–202, 3–501, and 9–305
24 Annotated Code of Maryland
25 (2017 Replacement Volume and 2017 Supplement)

26 BY adding to
27 Article – Election Law
28 Section 3–103

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2017 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Election Law

3–102.

(a) (1) Except as provided in subsection (b) of this section, an individual may
become registered to vote if the individual:

(i) [is a citizen of the United States] **HAS SUBMITTED
SATISFACTORY PROOF OF UNITED STATES CITIZENSHIP IN ACCORDANCE WITH §
3–103 OF THIS SUBTITLE;**

(ii) is at least 16 years old;

(iii) is a resident of the State as of the day the individual seeks to
register; and

(iv) registers pursuant to this title.

(2) Notwithstanding paragraph (1)(ii) of this subsection, an individual
under the age of 18 years:

(i) may vote in a primary election in which candidates are
nominated for a general or special election that will occur when the individual is at least
18 years old; and

(ii) may not vote in any other election.

(b) An individual is not qualified to be a registered voter if the individual:

(1) has been convicted of a felony and is currently serving a court-ordered
sentence of imprisonment for the conviction;

(2) is under guardianship for mental disability and a court of competent
jurisdiction has specifically found by clear and convincing evidence that the individual
cannot communicate, with or without accommodations, a desire to participate in the voting
process; [or]

(3) has been convicted of buying or selling votes; **OR**

(4) IS NOT A CITIZEN OF THE UNITED STATES.

1 **3-103.**

2 (A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO:

3 (1) IS A CITIZEN OF THE UNITED STATES WHO IS REGISTERED TO
4 VOTE AS OF JUNE 30, 2018; OR

5 (2) CHANGES THE INDIVIDUAL'S NAME, ADDRESS, OR PARTY
6 AFFILIATION IN THE INDIVIDUAL'S EXISTING VOTER REGISTRATION RECORD.

7 (B) AN APPLICANT FOR VOTER REGISTRATION SHALL SUBMIT ONE OF THE
8 FOLLOWING TO PROVE THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES:

9 (1) A COPY OF A DRIVER'S LICENSE OR AN IDENTIFICATION CARD
10 ISSUED BY THE MOTOR VEHICLE AGENCY OF A STATE IF THE LICENSE OR CARD
11 INDICATES THAT THE APPLICANT HAS SUBMITTED PROOF OF CITIZENSHIP;

12 (2) A COPY OF A BIRTH CERTIFICATE THAT VERIFIES CITIZENSHIP;

13 (3) A COPY OF THE PAGES OF A UNITED STATES PASSPORT
14 IDENTIFYING THE APPLICANT AND THE APPLICANT'S PASSPORT NUMBER;

15 (4) A COPY OF UNITED STATES NATURALIZATION DOCUMENTS OR
16 THE NUMBER OF A CERTIFICATE OF NATURALIZATION, PROVIDED THAT, IF ONLY
17 THE NUMBER OF A CERTIFICATE OF NATURALIZATION IS SUBMITTED, THE
18 APPLICANT MAY NOT BE REGISTERED UNTIL THE NUMBER IS VERIFIED WITH THE
19 UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES AGENCY;

20 (5) OTHER DOCUMENTS OR METHODS OF PROOF UNDER THE
21 FEDERAL IMMIGRATION REFORM AND CONTROL ACT OF 1986;

22 (6) A BUREAU OF INDIAN AFFAIRS CARD NUMBER, TRIBAL TREATY
23 CARD NUMBER, OR TRIBAL ENROLLMENT NUMBER; OR

24 (7) ANY OTHER FORM OF PROOF APPROVED BY THE STATE BOARD
25 THROUGH REGULATION.

26 (C) A VOTER REGISTRATION APPLICATION THAT IS NOT ACCOMPANIED BY
27 PROOF OF CITIZENSHIP SHALL BE ACCEPTED, BUT THE APPLICANT MAY NOT BE
28 REGISTERED UNTIL THE APPLICANT SUBMITS SATISFACTORY PROOF OF
29 CITIZENSHIP.

(D) THE PROOF OF CITIZENSHIP REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MAY BE SUBMITTED:

(1) IN PERSON, BY MAIL, OR BY ANY OTHER METHOD REQUIRED BY THE STATE BOARD THROUGH REGULATION; AND

(2) AT THE TIME OF SUBMITTING A VOTER REGISTRATION APPLICATION OR AT ANY REASONABLE TIME THEREAFTER AS REQUIRED BY THE STATE BOARD THROUGH REGULATION.

3–202.

(a) (1) The statewide voter registration application shall:

(i) require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(ii) state the penalties for the submission of a false application; and

(iii) provide the applicant with the opportunity to cancel a current registration.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

(i) the qualifications to become a registered voter;

(ii) if an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

(iii) if an individual registers to vote, the office at which the application is submitted will remain confidential and will be used only for voter registration purposes; [and]

(iv) notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner; AND

(V) A STATEMENT THAT THE APPLICANT:

1. IS REQUIRED TO SUBMIT PROOF OF UNITED STATES CITIZENSHIP IN ACCORDANCE WITH § 3–103 OF THIS TITLE; AND

2. WILL NOT BE REGISTERED TO VOTE UNTIL THE APPLICANT SUBMITS PROOF OF CITIZENSHIP.

(3) The statewide voter registration application may not require:

(i) notarization or other formal authentication; or

(ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

(4) In the section of the statewide voter registration application that asks the voter whether the voter wants to affiliate with a political party, the application shall list the recognized political parties in the State and include the following statement: "You must register with a political party if you want to take part in that political party's primary election, caucus, or convention. Check one box only."

(5) (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. a voter registration application produced by a local board with the approval of the State Board;

2. as provided in subsection (b) of this section;

3. as provided in § 3-203(b) of this subtitle;

4. any other form prescribed by federal law for voter registration; or

5. a federal write-in absentee ballot if used by a voter authorized to vote a federal write-in absentee ballot under federal law.

(b) The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 shall satisfy the requirements prescribed under subsection (a) of this section and be accepted by the appropriate election official for purposes of voter registration.

(c) The application described in this section may be used by a registered voter to change the voter's name, address, or party affiliation.

3-501.

An election director may remove a voter from the statewide voter registration list

only:

(1) at the request of the voter, provided the request is:

(i) signed by the voter;

(ii) authenticated by the election director; and

(iii) in a format acceptable to the State Board or on a cancellation notice provided by the voter on a voter registration application;

(2) upon determining, based on information provided pursuant to § 3–504 of this subtitle, that the voter is no longer eligible because:

(i) the voter is not qualified to be a registered voter as provided in § 3–102(b) of this title; or

(ii) the voter is deceased;

(3) if the voter has moved outside the State, as determined by conducting the procedures established in § 3–502 of this subtitle; [or]

(4) IF THE ELECTION DIRECTOR VERIFIES THAT THE VOTER IS NOT A CITIZEN OF THE UNITED STATES; OR

[(4)] (5) if, in accordance with the administrative complaint process under § 3–602 of this title, the State Administrator or the State Administrator’s designee has determined that the voter is not qualified to be registered to vote.

9–305.

(a) A voter may request an absentee ballot by completing and submitting:

(1) the State Board approved absentee ballot application;

(2) a form provided under federal law;

(3) a written request that includes:

(i) the voter’s name, residence address, and signature; and

(ii) the address to which the ballot is to be mailed, if different from the residence address; or

(4) as specified in subsection (c) of this section, the accessible online absentee ballot application provided by the State Board.

(b) An application for an absentee ballot must be received by a local board:

(1) if the voter requests the absentee ballot be sent by mail or facsimile transmission, not later than the Tuesday preceding the election, at the time specified in the guidelines;

(2) if the voter requests the absentee ballot be sent by the Internet, not later than the Friday preceding the election, at the time specified in the guidelines; or

(3) if the voter or the voter's duly authorized agent applies for an absentee ballot in person at the local board office, not later than the closing of the polls on election day.

(c) The online absentee ballot application provided by the State Board shall require the applicant to provide:

(1) a Maryland driver's license number or Maryland identification card number, the last four digits of the applicant's Social Security number, and other information identified by the State Board that is not generally available to the public but is readily available to the applicant; or

(2) if the applicant is an absent uniformed services voter or overseas voter as defined in the federal Uniformed and Overseas Citizens Absentee Voting Act and does not have a Maryland driver's license or Maryland identification card, a Social Security number.

(D) (1) THIS SUBSECTION DOES NOT APPLY TO A REGISTERED VOTER WHO SUBMITTED PROOF OF CITIZENSHIP IN ACCORDANCE WITH § 3-103 OF THIS ARTICLE WHEN REGISTERING TO VOTE.

(2) A VOTER REQUESTING AN ABSENTEE BALLOT SHALL SUBMIT SATISFACTORY PROOF OF UNITED STATES CITIZENSHIP AS SPECIFIED IN § 3-103(B) OF THIS ARTICLE.

(3) AN ABSENTEE BALLOT APPLICATION THAT IS NOT ACCOMPANIED BY PROOF OF CITIZENSHIP SHALL BE ACCEPTED, BUT AN ABSENTEE BALLOT MAY NOT BE ISSUED TO THE APPLICANT UNTIL THE APPLICANT SUBMITS SATISFACTORY PROOF OF CITIZENSHIP.

(4) THE PROOF OF CITIZENSHIP REQUIRED UNDER THIS SUBSECTION MAY BE SUBMITTED:

(I) IN PERSON, BY MAIL, OR BY ANY OTHER METHOD REQUIRED BY THE STATE BOARD THROUGH REGULATION; AND

1 **(II) AT THE TIME OF SUBMITTING AN ABSENTEE BALLOT**
2 **APPLICATION OR AT ANY REASONABLE TIME THEREAFTER AS REQUIRED BY THE**
3 **STATE BOARD THROUGH REGULATION.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2018.

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1326

(Delegate Parrott, *et al.*)

Ways and Means

Election Law - Voter Registration and Absentee Voting - Proof of Citizenship

This bill requires that a person submit satisfactory proof of U.S. citizenship in order to register to vote and specifies various forms of satisfactory proof of U.S. citizenship. The requirement does not apply to a U.S. citizen who is registered to vote as of June 30, 2018, or an individual who changes the individual's name, address, or party affiliation in an existing voter registration record. The bill also authorizes an election director to remove a voter from the statewide voter registration list if the election director verifies that the voter is not a U.S. citizen. With the exception of a voter who submits proof of citizenship when registering to vote, a voter requesting an absentee ballot must also submit satisfactory proof of U.S. citizenship. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase by \$27,800 in FY 2018, due to Motor Vehicle Administration (MVA) printing and programming costs. TTF expenditures may increase in FY 2019 and future years for additional staffing resources, but the extent of any increase has not been quantified. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	27,800	-	-	-	-
Net Effect	(\$27,800)	(-)	(-)	(-)	(-)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government personnel and other expenditures related to processing voter registration and absentee ballot applications, and public outreach, may increase. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: Satisfactory proof of U.S. citizenship includes:

- a copy of a driver's license or an identification card that indicates the applicant has submitted proof of citizenship;
- a copy of a birth certificate that verifies citizenship;
- a copy of the pages of a U.S. passport identifying the applicant and the applicant's passport number;
- a copy of U.S. naturalization documents or the number of a certificate of naturalization, provided that the number is verified with U.S. Citizenship and Immigration Services if only the number is submitted;
- other documents or methods of proof under the federal Immigration Reform and Control Act of 1986;
- a Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number; or
- any other form of proof approved by the State Board of Elections (SBE) through regulation.

The proof of citizenship, both in the case of registering to vote and requesting an absentee ballot (for those who did not submit proof when registering to vote), may be submitted in person, by mail, or by any other method required by SBE through regulation at the time the application is submitted or any reasonable time thereafter as required by SBE through regulation. A voter registration application or an absentee ballot application (for those who did not submit proof when registering to vote) that is not accompanied by proof of citizenship is accepted, but the applicant may not be registered or an absentee ballot may not be issued to the applicant until satisfactory proof of citizenship is submitted.

A voter registration application must include a statement that proof of citizenship is required in order to register to vote.

Current Law:

Voter Registration

Under the Maryland Constitution, generally every citizen of the United States, age 18 or older, who is a resident of the State as of the close of registration prior to an election is eligible to vote. The General Assembly is authorized to regulate or prohibit the right to vote of a person convicted of a serious crime or under care or guardianship for mental disability. The constitution requires individuals to be registered in order to vote.

Under State law, with certain exceptions, an individual may register to vote if the individual is a citizen of the United States, is at least age 16, and is a resident of the State as of the day the individual seeks to register.

An individual may apply to become a registered voter through a number of means including (1) visiting an election board office; (2) by mail; (3) when applying for services at a voter registration agency (specified public and nongovernmental agencies designated by SBE, including agencies providing public assistance and services for individuals with disabilities, public higher education institutions, and military recruiting offices); (4) when applying to MVA for issuance, renewal, or modification of a driver's license or identification card; or (5) through SBE's online voter registration system.

Chapter 287 of 2016 designates MVA, the Maryland Health Benefit Exchange, local departments of social services, and the Mobility Certification Office (MCO) in the Maryland Transit Administration (MTA) as electronic voter registration agencies and requires the agencies to implement electronic voter registration systems that offer applicants the opportunity to register to vote or update a voter registration record during an applicable transaction.

Absentee Ballot Application

An absentee ballot may be requested in writing (there is a State application that can be used) or online through the SBE website. An online application requires certain identification information to be provided.

Background: A limited number of states have laws requiring proof of U.S. citizenship in order to register to vote, including Arizona and Kansas.

State Fiscal Effect: TTF expenditures increase by \$27,800 in fiscal 2018 for one-time revision and reprinting of MVA forms and for programming changes. Costs are incurred in fiscal 2018 to implement changes prior to the bill's effective date of July 1, 2018. TTF expenditures may increase in fiscal 2019 and future years for additional MVA staffing resources to manage collection and securing of proof of citizenship documents provided by persons registering to vote. The extent of any increase, however, has not been quantified. Other agencies offering voter registration services, including the other electronic voter registration agencies, may incur similar programming and/or personnel costs to implement the bill, but those costs have also not been quantified. MTA, for example, has indicated a need for additional personnel resources in MCO.

SBE finances are not expected to be materially affected, assuming that electronic proof of citizenship documentation submission will not be incorporated into the online voter registration system, and instead a voter who registers through the system will be placed in pending status until the documentation is mailed in.

Local Fiscal Effect: Local government expenditures may increase due to additional personnel or other costs associated with processing of voter registration and absentee ballot applications and communicating with the public about the proof of citizenship requirement.

Prince George's County, for example, indicates its costs may increase by \$157,000 in fiscal 2019 and by \$87,000 in fiscal 2020 for (1) additional personnel to conduct outreach and voter registration and absentee ballot application processing and (2) a direct mailing and advertising to ensure residents are aware of the proof of citizenship requirement prior to registering to vote (in case any individuals do not have proof of citizenship documents readily available).

Additional Information

Prior Introductions: HB 539 of 2017 received an unfavorable report from the House Ways and Means Committee. HB 1390 of 2016 received a hearing in the House Ways and Means Committee but was subsequently withdrawn. HB 1076 of 2015 received an unfavorable report from the House Ways and Means Committee.

Cross File: None.

Information Source(s): State Board of Elections; Maryland Department of Transportation; Health Benefit Exchange; Department of Human Services; Baltimore City; Montgomery and Prince George's counties; Arizona Secretary of State; Kansas Secretary of State; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2018
mag/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Citizenship Voting Requirement

Proposals in Other States

State: Mississippi

Title: SB 2464 of the 2019 Session

Summary: Requires a person to submit proof of U.S. citizenship when registering to vote.

Status: Failed to pass Senate Elections Committee.

By: Senator(s) Hill

To: Elections

SENATE BILL NO. 2464

1 AN ACT TO PROVIDE THAT ANY PERSON SUBMITTING A VOTER
2 REGISTRATION APPLICATION MUST PRESENT CERTAIN DOCUMENTS TO PROVE
3 HIS OR HER STATUS AS A UNITED STATES CITIZEN; TO AMEND SECTIONS
4 23-15-33, 23-15-39 AND 23-15-47, MISSISSIPPI CODE OF 1972, TO
5 CONFORM; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Any person submitting an application to be
8 registered as an elector in compliance with the laws of this state
9 must provide one (1) of the following documents to prove his or
10 her United States citizenship:

11 (a) A birth certificate or a legible photocopy of the
12 birth certificate;

13 (b) A United States passport, or a legible photocopy of
14 the pertinent pages of the passport, identifying the person and
15 showing the passport number;

16 (c) A United States naturalization documentation, a
17 legible photocopy of the naturalization documentation, or the
18 number of the voter's certificate of naturalization; except that
19 any person who provides the number of the certificate of



20 naturalization in lieu of the naturalization documentation shall
21 not be deemed to have provided proof of citizenship until the
22 registrar verifies the number with the United States Citizenship
23 and Immigration Services in the Department of Homeland Security or
24 its successor; or

25 (d) Any document or method of proof of citizenship
26 established by the federal Immigration Reform and Control Act of
27 1986, Public Law 99-603, compiled in 8 U.S.C. Section 1101 et seq.

28 **SECTION 2.** Section 23-15-33, Mississippi Code of 1972, is
29 amended as follows:

30 23-15-33. (1) Every person entitled to be registered as an
31 elector in compliance with the laws of this state and who (a) has
32 signed his or her name on and properly completed the application
33 for registration to vote and (b) has submitted proof of his or her
34 United States citizenship as provided in Section 1 of this act
35 shall be registered by the county registrar in the voting precinct
36 of the residence of such person through the Statewide Elections
37 Management System.

38 (2) Every person entitled to be registered as an elector in
39 compliance with the laws of this state and who registers to vote
40 pursuant to the National Voter Registration Act of 1993 shall be
41 registered by the county registrar in the voting precinct of the
42 residence of such person through the Statewide Elections
43 Management System.



44 **SECTION 3.** Section 23-15-39, Mississippi Code of 1972, is
45 amended as follows:

46 23-15-39. (1) Applications for registration as electors of
47 this state, which are sworn to and subscribed before the registrar
48 or deputy registrar authorized by law and which are not made by
49 mail, shall be made upon a form established by rule duly adopted
50 by the Secretary of State. Applications for registration shall
51 include a portion allowing the applicant to indicate his or her
52 United States citizenship status and shall instruct the applicant
53 to submit proof of such citizenship by presenting a document
54 listed in Section 1 of this act.

55 (2) The boards of supervisors shall make proper allowances
56 for office supplies reasonably necessitated by the registration of
57 county electors.

58 (3) If the applicant indicates on the application that he or
59 she resides within the city limits of a city or town in the county
60 of registration, the county registrar shall process the
61 application for registration or changes to the registration as
62 provided by law.

63 (4) If the applicant indicates on the application that he or
64 she has previously registered to vote in another county of this
65 state or another state, notice to the voter's previous county of
66 registration in this state shall be provided by the Statewide
67 Elections Management System. If the voter's previous place of
68 registration was in another state, notice shall be provided to the



voter's previous state of residence if the Statewide Elections Management System has that capability.

(5) The county registrar shall provide to the person making the application a copy of the application upon which has been written the county voting precinct and municipal voting precinct, if any, in which the person shall vote. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the person, and the county registrar shall mail the applicant a voter registration card to the mailing address provided on the application.

(6) Any person desiring an application for registration may secure an application from the registrar of the county of which he or she is a resident and may take the application with him or her and secure assistance in completing the application from any person of the applicant's choice. It shall be the duty of all registrars to furnish applications for registration to all persons requesting them, and it shall likewise be the registrar's duty to furnish aid and assistance in the completing of the application when requested by an applicant. The application for registration shall be sworn to and subscribed before the registrar or deputy registrar at the municipal clerk's office, the county registrar's office or any other location where the applicant is allowed to register to vote. The registrar shall not charge a fee or cost to the applicant for accepting the application or administering the



94 oath or for any other duty imposed by law regarding the
95 registration of electors.

96 (7) If the person making the application is unable to read
97 or write, for reason of disability or otherwise, he or she shall
98 not be required to personally complete the application in writing
99 and execute the oath. In such cases, the registrar or deputy
100 registrar shall read the application and oath to the person and
101 the person's answers thereto shall be recorded by the registrar or
102 the registrar's deputy. The person shall be registered as an
103 elector if he or she otherwise meets the requirements to be
104 registered as an elector. The registrar shall record the
105 responses of the person and the recorded responses shall be
106 retained permanently by the registrar. The county registrar shall
107 enter the voter registration information into the Statewide
108 Elections Management System and designate the entry as an assisted
109 filing.

110 (8) The receipt of a copy of the application for
111 registration sent pursuant to Section 23-15-35(2) shall be
112 sufficient to allow the applicant to be registered as an elector
113 of this state, if the application is not challenged.

114 (9) In any case in which the corporate boundaries of a
115 municipality change, whether by annexation or redistricting, the
116 municipal clerk shall, within ten (10) days after approval of the
117 change in corporate boundaries, provide to the county registrar
118 conforming geographic data that is compatible with the Statewide



Elections Management System. The data shall be developed by the municipality's use of a standardized format specified by the Statewide Elections Management System. The county registrar, county election commissioner or other county official, who has completed an annual training seminar sponsored by the Secretary of State pertaining to the implementation of new boundary lines in the Statewide Elections Management System and received certification for that training, shall update the municipal boundary information into the Statewide Elections Management System. The Statewide Elections Management System updates the municipal voter registration records and assigns electors to their municipal voting precincts. The county registrar shall forward to the municipal clerk written notification of the additions and changes, and the municipal clerk shall forward to the affected municipal electors written notification of the additions and changes.

SECTION 4. Section 23-15-47, Mississippi Code of 1972, is amended as follows:

23-15-47. (1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his or



her county registrar at least thirty (30) days before any election; however, if the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered into the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. The postmark date of a mailed application shall be the applicant's date of registration.

(b) Upon receipt of a mail-in application, the county registrar shall stamp the application with the date of receipt, and shall verify the application either by matching the applicant's Mississippi driver's license number through the Mississippi Department of Public Safety or by matching the applicant's social security number through the American Association of Motor Vehicle Administrators. Additionally, the county registrar shall verify that the applicant has submitted proof of his or her United States citizenship by attaching a document listed in Section 1 of this act to the application.

Within fourteen (14) days of receipt of a mail-in registration application, the county registrar shall complete action on the application, including any attempts to notify the applicant of the status of his or her application.

(c) If the county registrar determines that the applicant is qualified and his or her application is legible and complete, the county registrar shall mail the applicant written



notification that the application has been approved, specifying the county voting precinct, municipal voting precinct, if any, polling place and supervisor district in which the person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. The registration card shall be provided by the county registrar to the applicant in accordance with Section 23-15-39. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the applicant. The assigned voter registration number shall be clearly shown on the written notification of approval. In mailing the written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD". If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) An incomplete portion of the application makes it impossible for the registrar to determine the eligibility of the applicant to register;

(ii) A portion of the application is illegible in the opinion of the county registrar and makes it impossible to determine the eligibility of the applicant to register;

(iii) The county registrar is unable to determine, from the address and information stated on the application, the



precinct in which the voter should be assigned or the supervisor district in which he or she is entitled to vote;

(iv) The applicant is not qualified to register to vote pursuant to Section 23-15-11;

(v) The county registrar determines that the applicant is already registered as a qualified elector of the county;

(vi) The county registrar is unable to verify the application pursuant to subsection (2)(b) of this section.

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraph (d)(i) through (iii) of this subsection, and it appears to the county registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the county registrar may write or call the applicant at the telephone number or address, or both, provided on the application. If the county registrar is able to contact the applicant by mail or telephone, the county registrar shall attempt to ascertain the necessary information, and if this information is sufficient for the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone, or is not sufficient to complete the application within fourteen (14) days of receipt, the county registrar shall give the applicant written notice of the rejection



219 and provide the reason for the rejection. The county registrar
220 shall further inform the applicant that he or she has a right to
221 attempt to register by appearing in person or by filing another
222 mail-in application.

223 (f) If a mail-in application is subject to rejection
224 for the reason stated in paragraph (d)(v) of this subsection and
225 the "present home address" portion of the application is different
226 from the residence address for the applicant found in the
227 Statewide Elections Management System, the mail-in application
228 shall be deemed a written request to update the voter's
229 registration pursuant to Section 23-15-13. The county registrar
230 or the election commissioners shall update the voter's residence
231 address in the Statewide Elections Management System and, if
232 necessary, advise the voter of a change in the location of his or
233 her county or municipal polling place by mailing the voter a new
234 voter registration card.

235 (3) The instructions and the application form for voter
236 registration by mail shall be in a form established by rule duly
237 adopted by the Secretary of State.

238 (4) (a) The Secretary of State shall prepare and furnish
239 without charge the necessary forms for application for voter
240 registration by mail to each county registrar, municipal clerk,
241 all public schools, each private school that requests such
242 applications, and all public libraries.



243 (b) The Secretary of State shall distribute without
244 charge sufficient forms for application for voter registration by
245 mail to the Commissioner of Public Safety, who shall distribute
246 the forms to each driver's license examining and renewal station
247 in the state, and shall ensure that the forms are regularly
248 available to the public at such stations.

249 (c) Bulk quantities of forms for application for voter
250 registration by mail shall be furnished by the Secretary of State
251 to any person or organization. The Secretary of State shall
252 charge a person or organization the actual cost he or she incurs
253 in providing bulk quantities of forms for application for voter
254 registration to such person or organization.

255 (5) The originals of completed mail-in applications shall
256 remain on file in the office of the county registrar with copies
257 retained in the Statewide Elections Management System.

258 (6) If the applicant indicates on the application that he or
259 she resides within the city limits of a city or town in the county
260 of registration, the county registrar shall enter the information
261 into the Statewide Elections Management System.

262 (7) If the applicant indicates on the application that he or
263 she has previously registered to vote in another county of this
264 state or another state, notice to the voter's previous county of
265 registration in this state shall be provided through the Statewide
266 Elections Management System. If the voter's previous place of



267 registration was in another state, notice shall be provided to the
268 voter's previous state of residence.

269 (8) Any person who attempts to register to vote by mail
270 shall be subject to the penalties for false registration provided
271 for in Section 23-15-17.



272 **SECTION 5.** This act shall take effect and be in force from
273 and after July 1, 2019.



Mississippi Legislature 2019 Regular Session

Senate Bill 2464

[Senate Calendar](#) | [House Calendar](#) | [Main Menu](#)
[Code Sections](#) | [Additional Information](#)

Bill Text for All Versions [Explanation](#)
 |  *As Introduced*

Description: Voter registration; applicants must submit documentation proving U.S. citizenship.

Fiscal Note: No fiscal note conducted

Citizenship Voting Requirement

Proposals in Other States

State: North Dakota

Title: Initiated Constitutional Measure No. 2

Summary: Changes North Dakota Constitution to state that “only a citizen” is a qualified elector rather than “every citizen.”

Status: Passed by the North Dakota voters November 2018.

**OFFICIAL BALLOT LANGUAGE
FOR MEASURES APPEARING ON THE
ELECTION BALLOT
November 6, 2018**

Vote by darkening the oval either opposite the word "YES" or "NO" following the explanation of each measure.

Initiated Constitutional Measure No. 1

This initiated measure would add a new article to the North Dakota Constitution establishing a North Dakota ethics commission. The commission, using funds provided by the legislature, would be responsible for adopting rules related to corruption, elections, and lobbying and for reporting and investigating alleged violations of those rules and related state laws. The measure would provide for prohibitions for lobbyists related to gift giving and delivery of campaign contributions and prohibitions for public officials against lobbying, use of campaign contributions, and conflicts of interest in certain proceedings. The measure would direct the legislative assembly to enact laws that require electronically accessible public disclosure of the source of funds spent (in any medium and in an amount greater than two hundred dollars) to influence statewide and legislative elections and statewide ballot measures or to lobby or otherwise influence state government action. In a conflict between this article and any other provision in the North Dakota Constitution, the provisions of this article would control.

☐ **YES** – means you approve the measure summarized above.

☐ **NO** – means you reject the measure summarized above.

Initiated Constitutional Measure No. 2

This initiated measure would amend Article II of the North Dakota Constitution to state that "only a citizen" of the United States is a qualified elector, instead of the current provision that states "every citizen" of the United States is a qualified elector. The measure also would state that only a qualified elector may vote in any general, special, or primary election for a federal, statewide, state legislative, district, county, township, city, or school district office or ballot measure.

☐ **YES** – means you approve the measure summarized above.

☐ **NO** – means you reject the measure summarized above.

Initiated Statutory Measure No. 3

This initiated measure would amend the North Dakota Century Code by removing hashish, marijuana, and tetrahydrocannabinols from the list of schedule I controlled substances in section 19-03.1-05. It would create chapter 66-01, which would define the terms marijuana and marijuana paraphernalia and prohibit prosecution of any person over the age of 21 for any non-violent marijuana related activity (including growing, manufacturing, distributing, selling, or testing marijuana) or drug paraphernalia relating to any non-violent marijuana activity, except for the sale of marijuana to a person under the age of 21. Any language in the North Dakota Century Code that conflicts with chapter 66-01, including the prohibitions on prosecution, is nullified and repealed. The measure also would add penalties for individuals under the age of twenty-one in possession of, or attempting to distribute, marijuana; and provide penalties for individuals who distribute marijuana to anyone under the age of twenty-one. It would amend the definition of drug paraphernalia in section 19-03.4-01 to apply only to non-marijuana controlled substances. It would amend section 25-03.1-45 to require the automatic expungement of the record of an individual who has a drug conviction for a controlled substance that has been legalized; create an appeals process for an individual who believes the state did not expunge a record properly; and eliminate the state's sovereign immunity for damages resulting from expungement lawsuits.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

Initiated Statutory Measure No. 4

This initiated measure would add a new section to chapter 39-04 of the North Dakota Century Code requiring the Department of Transportation to issue red personalized vehicle plates to volunteer emergency responders. The plates would be provided at no cost to the volunteers and would serve as an entrance pass to all North Dakota state parks. Qualifications and verification procedures for the plates would be designated by the Department of Transportation in cooperation with the volunteer organizations.

- ☐ **YES** – means you approve the measure summarized above.
- ☐ **NO** – means you reject the measure summarized above.

Report of the
NORTH DAKOTA LEGISLATIVE COUNCIL

Submitted to the
North Dakota Secretary of State
Under North Dakota Century Code Section 16.1-01-17
Wednesday, September 12, 2018

BACKGROUND

In 2004 the electorate of this state approved a constitutional amendment to Section 2 of Article III of the Constitution of North Dakota which authorized the Legislative Assembly to provide by law for a procedure through which the Legislative Council may establish an appropriate method for determining the fiscal impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

In 2005 the Legislative Assembly enacted North Dakota Century Code Section 16.1-01-17, which requires the Legislative Management to hold hearings, receive public testimony, and gather information from agencies, institutions, or departments on the estimated fiscal impact of an initiated measure. At least 30 days before the public vote on the measure, the Legislative Council is to submit a statement of the estimated fiscal impact of the measure to the Secretary of State. Within 30 days of the close of the first complete fiscal year after the effective date of an initiated measure approved by the voters, the agencies, institutions, or departments that provided the estimates of the fiscal impact of the measure to the Legislative Council are to submit a report to the Legislative Council on the actual fiscal impact for the first complete fiscal year resulting from the provisions of the initiated measure and a comparison to the estimates provided to the Legislative Council, and the Legislative Council is to issue a report of the actual fiscal impact of the initiated measure.

Four initiative measures qualify for the ballot for the general election on Tuesday, November 6, 2018. Measures qualifying for the ballot include:

- A constitutional initiated measure relating to government ethics;
- A constitutional initiated measure relating to qualified elector voting rights;
- A statutory initiated measure relating to the legalization of marijuana; and
- A statutory initiated measure relating to emergency responder vehicle plates.

The Legislative Council followed the procedure required by statute, which is similar to the procedure for obtaining fiscal impact information which the Legislative Assembly follows during legislative sessions. Those state agencies determined to have either the best information on the impact of a measure or the primary responsibility for compiling and maintaining the information needed were invited to prepare fiscal notes and present findings at a meeting held by the Legislative Management on September 12, 2018.

**INITIATED CONSTITUTIONAL MEASURE NO. 1 -
GOVERNMENT ETHICS**

This initiated constitutional measure would create a new article to the Constitution of North Dakota relating to government ethics requirements. The measure also would require any person who spent more than \$200, adjusted for inflation, to influence a statewide election, election for the Legislative Assembly, or any "state government action" to disclose the sources of the funds. The measure would require the Legislative Assembly to enact laws regarding the disclosure provisions and would give each resident taxpayer the right to initiate a lawsuit to enforce the measure's disclosure requirements.

The measure would prohibit lobbyists from offering or providing gifts to public officials and would prohibit public officials from accepting gifts from lobbyists. The measure would prohibit lobbyists from delivering campaign contributions made by others and would prohibit public officials from lobbying while in office and for 2 years after holding office. The measure defines "public official" as any elected or appointed official in the executive or legislative branch of state government and all employees of the legislative branch.

The measure would prohibit candidates from spending campaign contributions for personal benefit, require agency heads to avoid an appearance of bias in quasi-judicial proceedings, and prohibit foreign entities from making contributions or expenditures in connection with elections.

The measure would create an ethics commission of five members appointed by the Governor, the Majority Leader of the Senate, and the Minority Leader of the Senate. The measure would give the commission authority

to adopt rules related to transparency, corruption, elections, and lobbying, and to investigate any alleged violation of the article of the constitution, related statutes, and the commission's rules. The measure would require the Legislative Assembly to appropriate funds to the commission.

The Office of Management and Budget (OMB) presented information on the estimated fiscal impact of this measure. A copy of the fiscal note submitted by OMB is attached as [Appendix A](#).

Statement of Estimated Fiscal Impact of the Measure

The general provisions of the constitutional measure provide the measure becomes effective 60 days after approved, or January 5, 2019. Although there will be costs associated with the ethics commission, the fiscal note prepared by OMB states the costs cannot be determined.

INITIATED CONSTITUTIONAL MEASURE NO. 2 - QUALIFIED ELECTOR VOTING RIGHTS

This initiated constitutional measure would amend Section 1 of Article II of the Constitution of North Dakota regarding qualified electors. The current language of the article states, "[e]very citizen of the United States, who has attained the age of eighteen years and who is a North Dakota resident, shall be a qualified elector." The measure would replace "Every" with "Only a". The measure also would create a new section to Article II which provides only a qualified elector may vote in any general, special, or primary election for a federal, statewide, state legislative, district, county, township, city, or school district office, or for a statewide, district, or political subdivision ballot measure.

The Secretary of State presented information on the estimated fiscal impact of this measure. A copy of the fiscal note submitted by the Secretary of State is attached as [Appendix B](#).

Statement of Estimated Fiscal Impact of the Measure

The fiscal note prepared by the Secretary of State states because the constitutional measure does not change the current election administrative procedures in state law, the measure does not appear to have a fiscal impact.

INITIATED STATUTORY MEASURE NO. 3 - LEGALIZATION OF MARIJUANA

This initiated statutory measure would amend Chapter 19-03.1 to remove hashish, marijuana, and tetrahydrocannabinols from the list of Schedule I hallucinogenic controlled substances set forth in the Uniform Controlled Substances Act. The measure would decriminalize the possession of marijuana by an individual 21 years of age or older and provide for the same penalty as the penalty associated with a minor in possession of alcohol, for the possession of marijuana by an individual under the age of 21. The measure would provide the penalty for the distribution of marijuana to an individual under the age of 21 would be the same penalty as if an individual sold alcohol to a minor. The measure would require that any individual who has an illegitimate drug conviction have the individual's records expunged and sealed by the court automatically. The measure would require the state to pay all legal expenses for both parties and would authorize an individual to sue the state for damages caused by a failure to properly expunge records. The measure would create Chapter 66-01 to provide a definition for marijuana and marijuana paraphernalia and a general repeal of any conflicting language in Century Code.

The Office of Management and Budget presented information on the estimated fiscal impact of this measure. A copy of the fiscal note submitted by OMB is attached as [Appendix C](#).

Statement of Estimated Fiscal Impact of the Measure

The statutory measure will become effective 30 days after approved, or December 6, 2018. The fiscal note prepared by OMB includes information from several state agencies and local governments. The fiscal note states, while several agencies could not determine the fiscal impact of the measure, several other agencies estimated a combined fiscal impact in excess of \$6 million. Agencies reported the following estimated fiscal impacts to OMB:

- Agriculture Commissioner - Unknown impact;
- Attorney General - \$1,100,000 in expenditures in the 2017-19 biennium;

- Commission on Legal Counsel for Indigents - Unknown impact;
- Department of Corrections and Rehabilitation - No material impact;
- Department of Human Services - Unknown expenditure impact;
- Department of Transportation - No impact;
- State Department of Health - \$4,364,462 expenditure impact, including \$125,775 in the 2017-19 biennium and \$4,238,687 in the 2019-21 biennium;
- Highway Patrol - Unknown expenditure impact;
- City governments - Unknown revenue and expenditure impacts;
- County governments - \$612,000 in expenditures in the 2017-19 biennium and other unknown future costs and savings;
- Judicial branch - \$565,000 in expenditures in the 2017-19 biennium and other unknown future costs;
- Tax Commissioner - Unknown revenue impact;
- Workforce Safety and Insurance - No impact.

The Office of Management and Budget states because several agencies could not determine the fiscal impact of the statutory measure, the overall fiscal impact cannot be determined.

INITIATED STATUTORY MEASURE NO. 4 - PERSONALIZED VEHICLE PLATES FOR VOLUNTEER EMERGENCY RESPONDERS

This initiated statutory measure would create a new section to Chapter 39-04 requiring the Director of the Department of Transportation (DOT) to provide red personalized vehicle plates to volunteer emergency responders upon request. The measure provides the plates will not have an initial or an annual cost. Under the measure, volunteer emergency responders include firefighters and medical responders. The measure would prohibit the display of the plates on a vehicle weighing over 20,000 pounds. The measure would require the first three digits of the plates to be the last three digits of the zip code where the volunteer's department is located. The measure provides the plates would serve as an entrance pass to all North Dakota state parks.

The Department of Transportation presented information on the estimated fiscal impact of this measure. A copy of the fiscal note submitted by DOT is attached as [Appendix D](#).

Statement of Estimated Fiscal Impact of the Measure

The fiscal note prepared by DOT states the fiscal impact of the statutory measure would be an estimated loss of \$3,637,740 of revenue during the 2019-21 biennium and that costs for one-time programming and license plates of \$117,740 would be incurred during the 2019-21 biennium. The fiscal note states the estimated revenue loss each biennium thereafter would total \$3,520,000 per biennium resulting in decreases in deposits to the highway tax distribution fund of \$2,750,000 and the Parks and Recreation Department operating fund of \$770,000. Of the \$2,750,000 decrease in deposits to the highway tax distribution fund, \$1,023,000 would have been distributed to cities, counties, and townships; \$41,250 would have been deposited in the public transportation fund; and \$1,727,000 would have been deposited in the state highway fund

ATTACH:4

State of North Dakota
OFFICE OF MANAGEMENT AND BUDGET

600 East Boulevard Avenue, Dept. 110 • Bismarck, North Dakota 58505-0400
FAX – 701.328.3230

September 5, 2018

Sheila Sandness
Legislative Council
State Capital
Bismarck, ND 58505

Dear Sheila:


This is in response to your letter dated July 12, 2018, requesting OMB to determine the estimated fiscal impact of an initiated measure related to adding a new article to the North Dakota Constitution establishing a North Dakota ethics commission.

The full fiscal impact of this measure cannot be determined at this time. The measure does not specify if this commission will reside in a state agency or if paid employees will be required. An estimate was obtained from ITD for the cost of a whistle blower hotline. The cost of the hotline is estimated at \$28 per month for a standard telephone line with voice mail for a biennial cost of \$672.

If approved by the voters in the November 2018 general election, the measure will take effect sixty days after approval.

If you have any questions, please contact me.

Sincerely,



Joe Morrisette
Director

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@nd.gov

August 21, 2018

Sheila M Sandness
Senior Fiscal Analyst
North Dakota Legislative Council
600 East Boulevard Avenue
Bismarck ND 58505-0360

Dear Ms. Sandness,

I am responding to your letter dated July 12, 2018, in which this office was requested to provide the estimated fiscal impact of Initiated Constitutional Measure # 2 related to the elections in which a qualified elector may vote.

The plain reading of the proposed amendment indicates that "Only a" citizen of the United States may vote in the elections listed in Section 3. Based on that reading and because it does not change the current election administrative procedures in state law, my office did not find anything in the proposed amendment that would cause a fiscal impact for an agency of the state, district or political subdivision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alvin A. Jaeger".

Alvin A. Jaeger
Secretary of State

State of North Dakota
OFFICE OF MANAGEMENT AND BUDGET

600 East Boulevard Avenue, Dept. 110 • Bismarck, North Dakota 58505-0400
FAX – 701.328.3230

September 11, 2018

Sheila Sandness
Legislative Council
State Capitol
Bismarck, ND 58505

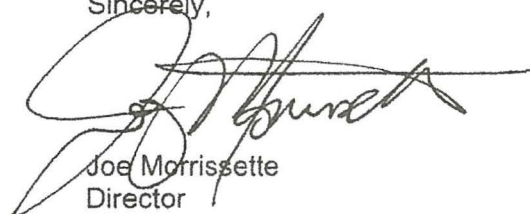
Dear Sheila,

This is in response to your letter dated July 12, 2018, requesting OMB to determine the estimated fiscal impact of an initiated measure related to recreational marijuana.

If approved by the voters in the November 2018 general election, the measure will become effective thirty days after the election. The fiscal impact for this initiated measure involves several state and local entities. While several agencies could not determine the fiscal impact, the combined known fiscal impact is estimated to be over \$6 million. An explanation of each entity's fiscal impact is attached.

If you have any questions, please contact me.

Sincerely,



Joe Morrisette
Director

Agency:	Known Cost:
Agriculture Department	Unknown
<p>If the measure passes it would greatly impact the Industrial Hemp (IH) program. The measure would deregulate the enforcement of overseeing IH regulations. The amount in the current budget for this program is \$120,000 of special funds. However, the federal government in the farm bill being drafted still requires states to test for THC levels in IH. The fees will be reduced, but the level is unknown. The program would still have expenses that the hemp growers would have to pay fees to cover. Thus, the impact is unable to be determined until the farm bill and upcoming legislative session are finalized.</p>	
Attorney General	\$1,100,000
<p>The estimated fiscal impact on the Office of Attorney General to expunge 179,101 records is \$1.1 million. An estimated 124 temporary staff will be needed to complete all of the expungements in 30 days and a week of training is included prior to the expungements occurring.</p>	
Commission on Legal Counsel for Indigents	Unknown
<p>The Commission will likely see some impact from the measure, but the exact cost and/or savings are not possible to predict. The agency will see a reduction in delivery and possession of marijuana charges, and possession of marijuana paraphernalia charges. However, case assignments are not specifically tracked by type of controlled substance, nor is tracking of the age of the defendant (or person to whom controlled substances were provided) required, so the percentage of cases for which there could still be a charge for marijuana related activities under the measure cannot be calculated. The basis for police investigation for some non-marijuana related charges would have been marijuana related activity; if this measure passes, that basis will be reduced, and as a result there could be less investigation of some situations that would have previously resulted in other criminal charges. However, on the other hand, some police activity currently directed to marijuana related activity will be directed to other activity, which could result in an increase in other types of charges.</p>	
Department of Corrections and Rehabilitation	\$0
<p>The DOCR does not anticipate a material fiscal impact to its operations if the measure passes. The DOCR currently has less than 10 individuals in custody for a marijuana only offense. The average sentence for those individuals with a good time release date is 1.61 years. The DOCR currently has less than 250 individuals on community supervision for a marijuana only offense. The average length of supervision for those individuals is 3 years. If both the custody and supervision individuals were not involved with the DOCR the estimated fiscal impact to DOCR appropriations would be minimal at best for both 17-19 and 19-21.</p>	
Department of Human Services	Unknown
<p>There is not enough substantiated research to quantify the potential increase in costs to the Department of Human Services and we are not comfortable making those types of estimates.</p> <p>For reference, however, a 1% increase or decrease in cost for applicable services in CFS, Field Services and Economic Assistance would be approximately \$3.5M and the general fund portion of that would exceed \$1.2M. However the impacts to the CFS and Field Services expenditures would not be felt on the department's budget until the associated cost and caseload impacts are approved by legislature; until then, these costs represent a mix shift of service utilization (e.g., more time is spent by assigned FTEs on marijuana-related cases at the expense of others or wait times for addiction treatment or child welfare response increasing).</p> <p>Additionally, there is some research to support an increase in emergency department use. Based on some high level estimates from Illinois and applying the data to North Dakota population statistics, suggests an additional cost to North Dakota Medicaid of \$300k, of which \$150k would be general fund.</p> <p>Beyond that, there would need to be additional investment in prevention and community education. If equated to Parents lead, it could reach a cost of \$600k (\$450k in operating costs and \$150k for an FTE).</p>	

Department of Transportation	\$0
The Department of Transportation has reviewed the recreational marijuana measure and determined that the initiated measure, if passed, would have no fiscal impact on the agency.	
Health Department	\$4,364,462
<p>The North Dakota Department of Health has the responsibility of protecting the health and safety of all North Dakotans. Because of our commitment to public health, the North Dakota Department of Health anticipates the need for the following:</p> <ul style="list-style-type: none"> ◦ An educational campaign on the health impact and physical addiction attributed to marijuana use among youth. The campaign would include research, paid media, educational pieces, a website and social media. <ul style="list-style-type: none"> ◦ 2017 – 2019 biennium - \$ 95,000 ◦ 2019 – 2021 biennium - \$3,740,000 ◦ A full-time program manager to maintain an educational program that informs on the dangers to vulnerable populations such as youth, as well as pregnant and breastfeeding mothers. <ul style="list-style-type: none"> ◦ 2017 – 2019 biennium - \$ 30,775 ◦ 2019 – 2021 biennium - \$163,808 ◦ Enhance existing survey tools such as the Behavioral Risk Factor Surveillance System (BRFSS), the Pregnancy Risk Assessment Monitoring System (PRAMS), and potentially the Youth Risk Behavior Survey (YRBS) to capture information for analysis. <ul style="list-style-type: none"> ◦ 2017 – 2019 biennium - \$ 0 ◦ 2019 – 2021 biennium - \$184,000 ◦ A full-time epidemiologist to monitor trends such as increased ER visits or hospitalizations by youth, product tampering, changes in health among populations, etc. Additionally, this position will perform data analysis of hospital discharge information, emergency room visits, poison control information along with gathering other relevant data related to marijuana use. Evaluation of the prevention messages and education campaign will also be a function of this position. <ul style="list-style-type: none"> ◦ 2017 – 2019 biennium - \$ 0 ◦ 2019 – 2021 biennium - \$150,879 <p>Overall Department of Health costs:</p> <ul style="list-style-type: none"> ◦ 2017 – 2019 biennium - \$ 125,775 ◦ 2019 – 2021 biennium - \$4,238,687 	
Highway Patrol	Unknown
<p>The fiscal impacts to the NDHP are dependent on the final wording and legal interpretation of the measure. There are some potential areas which would have a fiscal impact to the agency.</p> <p><u>NDHP K9 program:</u> It appears that the measure, as written, does not have any limitations on the quantity of marijuana a person may possess, which would essentially make all possession amounts legal at the state level. The narcotics detection K9's are trained to indicate on several different types of drugs, including marijuana. There is the potential that a marijuana trained K9 would now provide a false indicator if a person was arrested with drugs other than marijuana, but also had marijuana in the vehicle. The argument could be used that the dog smelled the marijuana (which would be legal) and there was no basis to further search the vehicle to find the other drugs. In other states with legal recreational marijuana, it is still often considered contraband because of quantity limitations. Should courts find that the marijuana trained dogs are no longer a valid tool, below are the replacement costs associated with the K9 program.</p> <ul style="list-style-type: none"> ◦ Current Narcotics K9's x 6 x \$6500 = \$39,000 ◦ 6 weeks (240 hours) of training by the handler and trainer: 240 x \$46.00/hr. x 2 (trainer and handler) x 6 dogs = \$132,480 ◦ Travel, lodging and per diem for trainers and handlers (in-state and out of state) = \$15,000 (approx.) <p>Total = \$186,480.00</p>	

<p><u>Additional Training:</u> There are some questions on the impact the initiated measure, as written, will have on the current driving under the influence law. If the DUI law is not impacted, there may be a need to further expand our Drug Recognition Expert (DRE) trained officers and expand the frequency and level of training for all officers to better detect a drug impaired driver. Currently, this training is being done, but legalized marijuana may dictate the need for more training. The funding relating to an officer becoming trained to become a drug recognition expert is coming from two different sources. The agency pays for the salary and benefits for the officer while attending the training. NDDOT pays for the training costs, travel, lodging, etc. At this point, the extent of DRE expansion needed to undertake by the Highway Patrol is unknown, but it should be noted as a potential cost with the initiated measure. The NDDOT cost is approximately 2000.00 per student and the salary for 80 hours is approximately 2800.00 (35.00/hour). Total = \$4,800.00/Officer</p>	
<p>North Dakota City Governments</p>	<p>Unknown</p>
<p>North Dakota City Governments would not be able to provide reasonable fiscal impact data for cities.</p> <p>Every state that legalized recreational marijuana had the State Legislature pass regulatory rules to conform to existing law/regulation, not only at the initial onset of the legalization, but ongoing through subsequent legislative sessions. As an example, Oregon passed recreational marijuana in 2014 and statutory changes were still being made up to and including the 2018 Session.</p> <p>A <u>non-comprehensive</u> list of revenue and expense items could include:</p> <ul style="list-style-type: none"> • City sales tax • State revenue sharing (e.g.--as we currently have with the State Aid Distribution Fund) • Initial licensing/permit and renewal costs based on regulated activities such as producers, processors, wholesalers and retailers • City attorney fees with promulgation of ordinances to address: <ul style="list-style-type: none"> ○ Land use/zoning ○ Inspection ○ Audits ○ License transfer ○ Signage • Civil and criminal enforcement costs/fines • Election costs if there is an opt-in process for a municipality that originally opted out • Costs associated with any State preemption • Costs if medical and recreational rules are consolidated at some point 	
<p>North Dakota County Governments</p>	<p>\$612,000</p>
<p>Counties anticipate Measure #3 will have some fiscal impacts but to what degree is hard to fully determine.</p> <p>The underlying assumption is legalization will increase use to some extent. Increased use will lead to additional law enforcement and social services contacts. However, some of those costs may be offset by less arrests and jail costs. Those fiscal impacts cannot be fully evaluated.</p> <p>What can be determined to some degree is the impact of section 4 which contains a clause requiring "records" to be expunged and sealed. Further, section 4 provides a "right to sue" clause for failure to properly expunge records. These records must be expunged within 30 days of the passage of this measure. Because "records" is not specifically limited to official court records, it is possible State's Attorney records would also have to be expunged and the files sealed pursuant to court order. The quick turn around on this provision may necessitate the payment of overtime to staff members to identify the qualified cases and create and file motions to seal. Based on the court data over the last four years it appears an average of 3600 cases statewide would be impacted a year. County data shows the average hourly staff salary is \$17. It is estimated it would take conservatively 1 hour of staff time per case to ensure the records are expunged to avoid liability.</p>	

Therefore, it is the estimate of NDACo that County State's Attorneys Offices may encounter a cost of \$61,200 a year to properly expunge records. (\$17 x 3600) Additionally, Measure #3 does not place a limit on the retroactivity of the records expungement. However, most counties have a records retention policy for misdemeanors consistent with the North Dakota Supreme Court's record retention schedule which is 10 years. That would drive the total potential annual costs to the counties for expungement to \$612,000.																						
Supreme Court		\$565,000																				
<p>Case records that include the term "marijuana" in the description of an offense per year is as follow:</p> <table><tr><td>Year</td><td>District Court</td><td>Municipal Court</td><td>Total</td></tr><tr><td>2014</td><td>3,262</td><td>954</td><td>4,216</td></tr><tr><td>2015</td><td>3,608</td><td>1,606</td><td>5,214</td></tr><tr><td>2016</td><td>3,499</td><td>2,263</td><td>5,762</td></tr><tr><td>2017</td><td>4,043</td><td>2,536</td><td>6,579</td></tr></table> <p>Identifying all offenses that involve marijuana or drug paraphernalia can be very difficult. Quite often "marijuana" is not a part of the case description and, in fact, the word may not even exist anywhere in the entire case. This will make the process to expunge all cases retroactively very difficult and time consuming. The North Dakota Court System will need at a minimum to contract for two individuals to review all files to determine if they meet criteria for and to expunge all applicable district court cases. It is assumed that the North Dakota Court System would not be responsible for the cost to expunge municipal court cases. The cost for the contract positions is estimated to be \$200,000 for a two year period. There would also be additional postage costs incurred to mail a certified notice of expungement to each defendant. Although it is impossible to determine an exact estimate, the additional mailing costs could very reasonably exceed \$365,000.</p> <p>There are potentially numerous additional costs relating to this measure that may be incurred by the North Dakota Court System but can't be reasonable estimated. For example, there would be costs incurred for failure to expunge or failure to expunge within timeframes. This may include attorney fees to defend against a claim, attorney fees and costs for an appellant in the event the appellant prevails and increased demands on court for jury trials or court trials to adjudicate claims brought against non-court entities for failure to expunge. The identified fiscal impact to the North Dakota Court System is \$565,000, however the actual fiscal impact could be significantly greater.</p>		Year	District Court	Municipal Court	Total	2014	3,262	954	4,216	2015	3,608	1,606	5,214	2016	3,499	2,263	5,762	2017	4,043	2,536	6,579	
Year	District Court	Municipal Court	Total																			
2014	3,262	954	4,216																			
2015	3,608	1,606	5,214																			
2016	3,499	2,263	5,762																			
2017	4,043	2,536	6,579																			
Tax Department		Unknown																				
<p>If the measure is enacted by the voters, marijuana products and paraphernalia legally sold in North Dakota will be considered tangible personal property. As such, these items will be subject to the state's 5 percent sales and use tax, as well as any corresponding local sales and use taxes.</p> <p>There are no provisions in the measure for any other drug tax. Administrative costs associated with implementing this measure would be within the normal scope of business for the Tax Commissioner's office.</p> <p>The only tax-related fiscal impact expected from the sale of marijuana products is the increase in sales and use tax collections. However, this impact cannot be accurately estimated because product cost and the level of sales is unknown.</p>																						
Workforce Safety and Insurance		\$0																				
Workforce Safety and Insurance has reviewed the recreational marijuana measure and determined that the initiated measure, if passed, would have no fiscal impact on the agency.																						
Total Known Cost:		\$6,641,462																				

LEGISLATIVE MANAGEMENT COMMITTEE**Date: September 12, 2018 at 2:35 p.m.****North Dakota Department of Transportation
Lindi Michlitsch, Motor Vehicle Division Director****Measure No. 4 – Personalized plate for volunteer emergency responders**

Good afternoon, Mr. Chairman and members of the committee. I'm Lindi Michlitsch, Motor Vehicle Division Director at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to present information to you today.

This initiated measure proposes to create a new red license plate at no cost to volunteer firefighters and emergency responders. This plate would be a personalized plate with the volunteer's last 3 digits of the zip code of the city where the individual volunteers and the remaining space may contain up to 3 letters of the volunteer's choosing.

With approximately 11,000 volunteers, this measure would reduce the amount of revenue distributed to the highway tax distribution fund as Motor Vehicle would not be collecting the annual registration fees or the \$25 personalized plate fee.

The fiscal note attached reflects that during the next biennium there would be a decrease in revenue in the amount of approximately \$2.86 million which includes programming costs. Each biennium thereafter would show a decrease of approximately \$2.75 million. A portion of the \$2.75 million would decrease the amount of money distributed to the cities, counties, and townships in the amount of about \$1.02 million per biennium.

In addition, this measure requires the DOT to create a process to regulate or certify each volunteer firefighter and emergency responder. Currently, the DOT does not certify requirements for a specialty plate; another organization provides the documentation. For example, the Gold Star plate requires the Department of Veterans' Affairs to certify, not the DOT. (See below)

NDCC 39-04-10.14. North Dakota gold star number plates.

[...] 3. On request of the director, the department of veterans' affairs shall certify those surviving family members of deceased members of the United States armed forces listed above as eligible to receive the plates. [...]

This measure will slow down the registration process as it will require special handling to complete and recertify each year. At this time, we are unsure how the certification process will look until we have a further understanding of what it takes to qualify for this type of plate.

Thank you, Mr. Chairman, I would be happy to answer any questions.

Volunteer Plate Measure - Fiscal Analysis

July 25, 2018

Assumptions:

All vehicles that will receive a set of volunteer plates are already licensed.
This analysis excludes the impact to the motor vehicle division as that impact will be revenue neutral to the division due to "off the top" funding.
All first responders receiving a set of volunteer plates will also request a park pass.

Number of Volunteer Plates	11,000
Average Revenue per single registration for pickups and passenger vehicles	\$ 125
Cost of producing a set of plates (\$5.95 plate production + 3.39 mailing)	\$ 9.34
One time programming costs	\$ 15,000.00
Highway Tax Distribution Fund (HTDF) Percentages	
NDDOT	61.30%
Cities	12.50%
Counties	22.00%
Townships	2.70%
Transit (NDDOT)	1.50%
Average Revenue per ND Parks and Recreation Parks Pass	\$ 35

Highway Tax Distribution Fund Revenue Loss (First Biennium):

Revenue loss per biennium (11,000 X \$125 X 2 years)	\$ 2,750,000
Revenue loss related to new "off the top" MV costs	117,740
Total First Biennium Revenue Impact	<u>\$ 2,867,740</u>

Highway Tax Distribution Fund Revenue Loss (Each subsequent Biennium)

Revenue loss per biennium (11,000 X \$125 X 2 years)	<u>\$ 2,750,000</u>
--	---------------------

Ten Year Highway Tax Distribution Fund Revenue Loss

	Total	NDDOT	Cities	Counties	Townships	Transit
First Biennium	\$ 2,867,740	\$ 1,757,925	\$ 358,468	\$ 630,903	\$ 77,429	\$ 43,016
Second Biennium	2,750,000	1,685,750	343,750	605,000	74,250	41,250
Third Biennium	2,750,000	1,685,750	343,750	605,000	74,250	41,250
Fourth Biennium	2,750,000	1,685,750	343,750	605,000	74,250	41,250
Fifth Biennium	2,750,000	1,685,750	343,750	605,000	74,250	41,250
Total 10 year Revenue Loss	<u>\$ 13,867,740</u>	<u>\$ 8,500,925</u>	<u>\$ 1,733,468</u>	<u>\$ 3,050,903</u>	<u>\$ 374,429</u>	<u>\$ 208,016</u>

Parks and Recreation Potential Revenue Loss

Potential Revenue Loss Per Biennium (11,000 X \$35 X 2 years)	<u>\$ 770,000</u>
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Ten Year Parks and Recreation Potential Revenue Loss

First Biennium	\$ 770,000
Second Biennium	770,000
Third Biennium	770,000
Fourth Biennium	770,000
Fifth Biennium	770,000
Total Potential 10 year Revenue Loss	<u>\$ 3,850,000</u>

Combined Ten Year Revenue Loss - Highway Tax Distribution Fund & Parks and Rec.

	Total	NDDOT	Cities	Counties	Townships	Transit	Parks and Rec.
First Biennium	\$ 3,637,740	\$ 1,757,925	\$ 358,468	\$ 630,903	\$ 77,429	\$ 43,016	\$ 770,000
Second Biennium	3,520,000	1,685,750	343,750	605,000	74,250	41,250	770,000
Third Biennium	3,520,000	1,685,750	343,750	605,000	74,250	41,250	770,000
Fourth Biennium	3,520,000	1,685,750	343,750	605,000	74,250	41,250	770,000
Fifth Biennium	3,520,000	1,685,750	343,750	605,000	74,250	41,250	770,000
Total 10 year Revenue Loss	<u>\$ 17,117,740</u>	<u>\$ 8,500,925</u>	<u>\$ 1,733,468</u>	<u>\$ 3,050,903</u>	<u>\$ 374,429</u>	<u>\$ 208,016</u>	<u>\$ 3,850,000</u>

ATKINSON.JESSE

From: Arnold, John <jarnold@nd.gov>
Sent: Tuesday, July 16, 2019 8:04 AM
To: ATKINSON.JESSE
Cc: Schenker, Pamela; Bell.Stephanie
Subject: RE: Florida Proposed Constitutional Amendment - Citizenship Requirement to Vote in Florida Elections

Self-reporting.

John Arnold
Elections Director
North Dakota Secretary of State's Office
Phone: 701-328-3721



From: ATKINSON.JESSE <Atkinson.Jesse@leg.state.fl.us>
Sent: Monday, July 15, 2019 12:59 PM
To: Arnold, John <jarnold@nd.gov>
Cc: Schenker, Pamela <SCHENKER.PAMELA@leg.state.fl.us>; Bell.Stephanie <Bell.Stephanie@leg.state.fl.us>
Subject: RE: Florida Proposed Constitutional Amendment - Citizenship Requirement to Vote in Florida Elections

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

John:

Thank you for your response. We just have a brief follow-up question.

You said that the amendment to restrict voting to "only" US citizens did not have any impact on the North Dakota state or local budget because it was consistent with current law. How does North Dakota verify citizenship? Is that done when a person registers to vote or at the time of voting? Is it done by requiring a voter to present documentation or is it self-reporting?

From: Arnold, John <jarnold@nd.gov>
Sent: Friday, July 12, 2019 2:51 PM
To: ATKINSON.JESSE <Atkinson.Jesse@leg.state.fl.us>
Subject: RE: Florida Proposed Constitutional Amendment - Citizenship Requirement to Vote in Florida Elections

Hi, Jesse.

How the measure was worded in North Dakota didn't actually result in any type of impact to the administration of elections. The requirement of being a US Citizen was already in law, and the measure just went a step further to enumerate in the constitution that the requirement applied to candidates for any public office.

John Arnold

Elections Director

North Dakota Secretary of State's Office

Phone: 701-328-3721



From: ATKINSON.JESSE <Atkinson.Jesse@leg.state.fl.us>

Sent: Wednesday, July 10, 2019 9:40 AM

To: Arnold, John <jarnold@nd.gov>

Subject: Florida Proposed Constitutional Amendment - Citizenship Requirement to Vote in Florida Elections

<p>CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.</p>
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Florida has a proposed constitutional amendment titled: "Citizenship Requirement to Vote in Florida Elections (18-14), <https://dos.elections.myflorida.com/initiatives/initdetail.asp?account=73911&seqnum=1> that we would like to discuss with you at your earliest convenience because your office performed an analysis (attached) of a similar proposal in North Dakota.

Our office staffs the Financial Impact Estimating Conference (FIEC) that has been designated to review this amendment. Each FIEC is responsible for the development of two products: (1) a ballot impact statement of no more than 150 words to be included after the ballot summary; and, (2) a detailed financial information statement, including a summary of not more than 500 words. In the past, each of the documents was limited to an analysis of the estimated increase or decrease in revenues or costs to state or local governments. This was modified by the new law to include an additional analysis of the estimated economic impact on the state and local economy and an additional analysis of the overall impact to the state budget. Governing the entire process, the Supreme Court has required that the statements must reflect only the "probable financial impact" of the amendment. Attached is the notice of the FIEC workshops and conference for this proposed amendment.

To assist with this analysis, we would like to discuss any information that you can provide regarding any changes to the election procedure and the state/local budget resulting from the passage of Measure 2 during the November 2018 election.

Thank you and we look forward to talking with you soon.

Jesse Atkinson & Pam Schenker

Florida Legislative Office of Economic and Demographic Research
111 West Madison Street, Suite 574
Tallahassee, FL 32399-6588
Jesse's Phone: 850.717.0479

Pam's Phone: 850.487.1402
General Office Phone: 850.717.0471
Fax: 850.922.6436
<http://EDR.state.fl.us>

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

Citizenship Voting Requirement

Proposals in Other States

State: Texas

Title: SB 482 of the 2019 Session

Summary: Requires specific proof of U.S. citizenship be presented when registering to vote.

Status: Failed to pass State Affairs Committee in Texas Senate

By: Fallon

S.B. No. 482

A BILL TO BE ENTITLED

AN ACT

relating to the verification of citizenship of an applicant for voter registration.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.002(a), Election Code, is amended to read as follows:

(a) A person desiring to register to vote must submit an application to the registrar of the county in which the person resides. Except as provided by Subsection (e), an application must be submitted by personal delivery, by mail, or by telephonic facsimile machine in accordance with Section 13.143(d-2) [~~Sections 13.143(d) and (d-2)~~].

SECTION 2. Section 13.046(f), Election Code, is amended to read as follows:

(f) Except as provided by this subsection, Sections 13.039[~~13.041~~] and 13.042 apply to the submission and delivery of registration applications under this section, and for that purpose, "volunteer deputy registrar" in those sections includes a high school deputy registrar. A high school deputy registrar may review an application for completeness out of the applicant's presence. A deputy may deliver a group of applications to the registrar by mail in an envelope or package, and, for the purpose of determining compliance with the delivery deadline, an application delivered by mail is considered to be delivered at the time of its

1 receipt by the registrar.

2 SECTION 3. Section 13.071, Election Code, is amended to
3 read as follows:

4 Sec. 13.071. REVIEW OF APPLICATION. (a) The registrar
5 shall review each submitted application for registration to
6 determine whether it complies with Section 13.002 and indicates
7 that the applicant is a United States citizen eligible for
8 registration.

9 (b) If the application is submitted to the Department of
10 Public Safety in person with the proof of citizenship required by
11 Section 20.063(e), the [The] registrar shall make the determination
12 not later than the seventh day after the date the application is
13 submitted to the registrar.

14 (c) If the application is submitted in a manner other than
15 the manner described by Subsection (b), the registrar shall forward
16 the information relating to the applicant to the secretary of state
17 for determining citizenship as provided by Section 13.0721.

18 SECTION 4. Subchapter C, Chapter 13, Election Code, is
19 amended by adding Section 13.0721 to read as follows:

20 Sec. 13.0721. DETERMINATION OF CITIZENSHIP. (a) This
21 section does not apply to an application for registration submitted
22 to the Department of Public Safety in person with the proof of
23 citizenship required by Section 20.063(e).

24 (b) The secretary of state shall verify with the Department
25 of Public Safety the citizenship status of each applicant for voter
26 registration whose information is forwarded to the secretary of
27 state as provided by Section 13.071(c). If the department verifies

the applicant's citizenship status, the secretary of state shall notify the registrar. If the department does not have information regarding the citizenship status of the applicant or has information indicating that the applicant is not a citizen, the registrar and the applicant shall be notified as provided by secretary of state rule.

(c) An applicant for voter registration who receives notice under Subsection (b) must provide proof of citizenship to the registrar not later than the 60th day after the date of receipt. Except as provided by Subsection (d), this proof must be presented in person. The following is acceptable as proof of citizenship under this section:

(1) an unexpired passport issued to the person;

(2) a certified copy of a birth certificate, or other document confirming the person's birth that is admissible in a court of law and establishes the person's identity, presented with a government-issued identification that contains the person's photograph; or

(3) United States citizenship papers issued to the person and presented with a government-issued identification that contains the person's photograph.

(d) An applicant may mail a certified copy of a document described by Subsection (c)(2) or (3) with a copy of the person's government-issued photo identification to the registrar.

(e) If an applicant does not provide proof of citizenship as required, the registrar shall reject the application and notify the secretary of state. The secretary of state shall keep a list of

1 applicants of whom the secretary receives notice under this
2 section.

3 (f) The secretary of state shall adopt rules and prescribe
4 procedures to implement this section.

5 SECTION 5. Section 13.143(a), Election Code, is amended to
6 read as follows:

7 (a) Except as provided by Subsection ~~[Subsections]~~ (b) ~~[and~~
8 ~~(e)]~~, if an applicant's registration application is approved, the
9 registration becomes effective on the 30th day after the date the
10 application is approved ~~[submitted to the registrar]~~ or on the date
11 the applicant becomes 18 years of age, whichever is later.

12 SECTION 6. Section 20.063, Election Code, is amended by
13 adding Subsection (e) to read as follows:

14 (e) A person who submits a voter registration application to
15 the department in person shall at the time of submission present as
16 proof of citizenship:

17 (1) an unexpired passport issued to the person;

18 (2) a certified copy of a birth certificate or other
19 document confirming the person's birth that is admissible in a
20 court of law and establishes the person's identity; or

21 (3) United States citizenship papers issued to the
22 person.

23 SECTION 7. Sections 13.041 and 13.143(d) and (e), Election
24 Code, are repealed.

25 SECTION 8. The changes in law made by this Act apply only to
26 an application to register to vote submitted on or after the
27 effective date of this Act.

1 SECTION 9. This Act takes effect December 1, 2019.

ATKINSON.JESSE

From: Dylan Lynch <dylan.lynch@ncsl.org>
Sent: Tuesday, July 23, 2019 12:08 PM
To: ATKINSON.JESSE; Schenker, Pamela
Cc: dept-elect
Subject: NCSL: Florida Proposed Constitutional Amendment
Attachments: Elector Language in State Constitutions.docx

Hello Pam and Jesse,

Thank you for your patience as we worked to gather this information. I'm going to jump right into what we were able to collect.

Constitutional Language Change

- For some quick background on North Dakota, [here is a blog](#) I wrote last year regarding ballot measures on the 2018 ballot, including North Dakota's.
- Here is the language of the [amendment](#), as well as the [analysis/fiscal impact](#) from the secretary of state's office. A legislative staff contact in North Dakota you could reach out to is Claire Ness (claireness@nd.org).
- At least 22 states (see attached document on constitutional language) use the phrase "Every citizen", while it seems only North Dakota uses the phrase "Only a citizen." North Dakota made that change in 2018 and we are not aware of any other recent changes in state constitutions regarding this language.
- When an individual registers there are often procedures and checks election officials run to verify the information provided by the registrant, which could include citizenship. If you'd like more information on this process, I'm happy to provide more. The statutory language below from Tennessee is a good example of this process.

Tenn. Stat. § 2-2-141

- (a) The coordinator of elections shall compare the statewide voter registration database with the department of safety database to ensure non-United States citizens are not registered to vote in this state. The coordinator of elections is authorized to compare the statewide voter registration database with relevant federal and state agencies and county records for the same purpose. If evidence exists that a particular registered voter is not a citizen of the United States, the coordinator of elections shall notify the county election commission where the person registered to vote that the registered voter may not be a citizen of the United States.
- (b) After receiving such notice, the county election commission shall send a notice to the registered voter inquiring whether the individual is eligible to be registered to vote. Any registered voter who receives the notice shall, within thirty (30) days of the receipt of such notice, provide proof of citizenship to the county election commission. For purposes of this subsection (b), proof of citizenship includes:
- (1) The voter's birth certificate or a legible photocopy of the birth certificate;
 - (2) A United States passport, or a legible photocopy of the pertinent pages of the passport, identifying the voter and showing the passport number;
 - (3) The voter's United States naturalization documentation, a legible photocopy of the naturalization documentation, or the number of the voter's certificate of naturalization; except that any person who provides the number of the certificate of naturalization in lieu of the

naturalization documentation shall not be deemed to have provided proof of citizenship until the coordinator of elections verifies the number with the United States citizenship and immigration services in the department of homeland security or its successor; or
(4) Any document or method of proof of citizenship established by the federal Immigration Reform and Control Act of 1986, P.L. 99-603, compiled in 8 U.S.C. §§ 1101 et seq.

- There are two other notable stories of states legislating requirements to provide evidence of citizenship when registering to vote. Those states are Arizona and Kansas. Both states faced legal battles concerning the new laws.
- **Arizona:** Enacted [Ariz. Rev. Stat. Ann. § 16-166\(F\)](#) in 2004 which required prospective voters to produce “satisfactory evidence of US citizenship” in order to register to vote. The law effectively required registrars and those registration offices to incorporate verification of citizenship into their ordinary registration approval procedures. In *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1 (2013), the Supreme Court struck down the additional requirements as violating the National Voter Registration Act (NVRA) because the additional citizenship documents required by Arizona conflicted with the mandated federal registration form’s lesser requirement to register of swearing to citizenship under penalty of perjury. The Court did make 2 important notes: (1) the holding did not preclude states from denying registration based on information that was in the state’s possession that established the applicant’s ineligibility, and (2) Arizona could still apply to the U.S. Election Assistance Commission (EAC) to add requirements to their federal form in order to meet state level requirements, an action that Louisiana successfully sought previously. If the EAC denied their application, the state can still sue under the APA to challenge the denial.
- **Kansas:** Enacted [Kan. Stat. Ann. § 25-2309\(l\)](#), which required prospective voters to produce “documentary proof of citizenship” in order to successfully register to vote. Similar to the Inter Tribal Council Case out of Arizona, the court struck down the requirement in *Fish v. Kobach*, F. Supp. 3d 1048 (D. Kan. 2018) on the grounds the additional requirements for registration conflicted with the NVRA’s mandated federal registration form. The court also held the law violated the 14th Amendment Equal Protection Clause because the state’s admittedly legitimate interests in preventing non-citizens from voting did not justify the quantifiable burdens it placed on Kansas citizens who hadn’t been registered to vote when the law went into effect.

Top Two Primaries

Below is some information we were able to gather regarding California’s and Washington’s changes to a top two primary system.

California—established in 2010 by legislatively-referred [Measure 14](#)

- Only applies to primaries for statewide offices, and did not change party primaries for president or political party officers
- June 8, 2010 primary election: 53.73% YES; 46.27% NO
- [Expected Fiscal Impact](#)
 - Could increase state and county costs in preparing, printing, and mailing ballots
 - Ballots will be longer
 - Could reduce election costs
 - Eliminating the need to prepare different ballots for each party
 - For general elections, there would be a reduced number of candidates and ballots will be shorter
 - Costs and savings expected to be minor and offset one another
 - Indirect fiscal effects that might result from different individuals being elected to different offices and making different decisions are unknown and impossible to estimate
- [Court Upholds Prop 14 Bans on Write-In Votes, Unqualified Parties](#)

- Opponents found the requirement that a candidate state party preference for a qualified party—excluding independent and minor, unqualified party candidates—unconstitutional. *Libertarian Party of California v. March Fong Eu* ruled that “maintaining the integrity of California ballots outweighed an individual candidate’s right to identify as independent or a member of a non-qualified party”
- Opponents argued that the “prohibition against counting write-in votes on the run-off ballot contradicts” the election code provision allowing write-in votes. *Edelstein v. Fado* decided that voters’ rights to write-in voting is protected if they are “permitted to write in candidates in at least one of two rounds of voting in a single election,” which means writing-in in the primary was sufficient, and did not need to be extended to the run-off
- [Field v. Bowen](#)
 - Upholds *Libertarian Party of California v. March Fong Eu*
 - Upholds the provision in Measure 14 that prevents write-in votes in the general election from being counted

Washington—enacted in 2004 by citizen-initiated statute Initiative 872

- Applies to statewide primaries
- Nov. 2, 2004 General Election: 59.85% YES, 40.14% NO
- Was passed in 2004, but did not begin implementing it until 2008 after this process had been upheld by the Supreme Court
- [Fiscal Impact](#)
 - Annual cost for the primary election could be as much as \$6 million less for the state and the county due to ballot size, the number of ballots, and associated processing procedures
 - One-time costs for public education and voter notification of the changes in the system may cost the state \$1.3 million

I hope we covered everything we promised we would. Please let us know if we missed anything or if you have any further questions or want us to dig into anything further.

Best,

Dylan Lynch
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 National Conference of State Legislatures
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Strong States, Strong Nation

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29 Voting on Voting: This Year's Election Ballot Measures

By Dylan Lynch

As Election Day fast approaches, voting, election administration and the elections in general are certainly making headlines.



Indeed, Maine already re-approved ranked-choice voting, the first state to pass this type of legislation. Even though candidates and individual races are attracting most of the spotlight, 2018 will mark a big year for ballot measures, including voting and election

administration issues.

Here is a quick roundup of five of the significant election ballot measures out there this year.

North Carolina and Arkansas: Voter Identification

In North Carolina, a 2018 ruling by the U.S. Court of Appeals for the Fourth Circuit struck down, as unconstitutional, its photo ID voting requirements and the corresponding laws, HB 589 (2013) and HB 836 (2015), that amended the original statute.

Meanwhile, in Arkansas the original bill was struck down by the Arkansas Supreme Court in 2014 and another recent attempt by the legislature was again ruled unconstitutional by a county Circuit Court. The 2017 bill, however, has since been upheld by the Arkansas Supreme Court.

In both cases, opponents of this measure believe voter ID could restrict voter participation, while proponents believe voter ID will help secure elections and prevent voter fraud. Although each state has had different legal outcomes, the passage of both measures would cement photo voter ID in their constitutions, potentially laying the issues to rest for the time being.

North Dakota: Qualified Electors

North Dakota also has a measure that would address who makes an elector qualified. Measure 2 would change language in the North Dakota Constitution from “every citizen of the United States” to “only a citizen of the United States” is a qualified elector.

To many, it may just seem that proponents of Measure 2 are doubling down on the U.S. Constitution’s language. However, Gary Emineth, a Republican candidate for state senate and leading supporter of Measure 2, claims the current constitution is ambiguous and that this language would make it harder for local jurisdictions to allow non-citizens to vote in local elections. The issue of non-citizens being permitted to vote in local elections, like in Chicago and San Francisco, garnered attention earlier this year. The analysis of the measure, written by Secretary of State Al Jaeger, notes that, if passed, the measure “does not change the current election administrative procedures in state law.”

Florida: Felon Voting Rights Restoration

Heading back south, Florida has a whopping 12 ballot initiatives on its upcoming 2018 general election ballot. The one we are looking at is Amendment 4, which would allow voting rights to be automatically restored after the completion of a person’s felony prison sentence, which would include parole or probation. This measure would exclude those convicted of murder or a felony sexual offense. It is estimated that approximately 1.6 million individuals would be affected by the passage of this measure.

Michigan: Lots of Election Administration

Lastly, we have Michigan. Michigan’s Proposal 18-3 is by far the most ambitious election administration ballot measure this year. This proposal would enshrine in the state constitution automatic voter registration, Election Day registration, no-excuse absentee voting, straight ticket voting, the requirement that ballots for military and overseas voters be sent out at least 45 days before the election and post-election audits.

Although Michigan already has some of these practices in statute, proponents of the measure note that making changes to these election policies would be harder if they were encased in the constitution. Not everyone is thrilled about this proposal, however.

Republican Secretary of State candidate Mary Treder Lang notes she will be a “no” on the proposal. She believes the Election Day registration provision would put an undue burden on election officials.

The outcomes of these five measures, and the others not discussed, could have an impact on election administration in 2019. They may also prompt legislative actions in the next session. NCSL will be watching these issues and the legislative reactions closely.

Dylan Lynch is a policy associate with NCSL's Elections and Redistricting Program.

Posted in: Elections, StateVote

Email Dylan

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This blog offers updates on the National Conference of State Legislatures' research and training, the latest on federalism and the state legislative institution, and posts about state legislators and legislative staff. The blog is edited by NCSL staff and written primarily by NCSL's experts on public policy and the state legislative institution.

Click here to read posts from our retired blog: **"The Thicket"**



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Language in State Constitutions

July 22, 2019

State	Language
Alabama Article VIII Section 177	Every male citizen of this state who is a citizen of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people; provided, that all foreigners who have legally declared their intention to become citizens of the United States, shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.
Alaska Article V Section 1	Every citizen of the United States who is at least eighteen years of age, who meets registration residency requirements which may be prescribed by law, and who is qualified to vote under this article, may vote in any state or local election. A voter shall have been, immediately preceding the election, a thirty day resident of the election district in which he seeks to vote, except that for purposes of voting for President and Vice President of the United States other residency requirements may be prescribed by law. Additional voting qualifications may be prescribed by law for bond issue elections of political subdivisions.
Arizona Article VII Section 2. A.	No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be, elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of eighteen years or over, and shall have resided in the state for the period of time preceding such election as prescribed by law, provided that qualifications for voters at a general election for the purpose of electing presidential electors shall be as prescribed by law. The word "citizen" shall include persons of the male and female sex.
Arkansas Article III Section 1	Except as otherwise provided by this Constitution, any person may vote in an election in this state who is: (1) A citizen of the United States; (2) A resident of the State of Arkansas; (3) At least eighteen (18) years of age; and (4) Lawfully registered to vote in the election. [As amended by Const. Amend. 85.]
California Article II Section 2	A United States citizen 18 years of age and resident in this State may vote.



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Colorado Title I, Article II, Part 1	<p>(1) Every person who is eighteen years of age or older on the date of the next election and who has the following qualifications is entitled to register to vote at all elections:</p> <ul style="list-style-type: none">• (a) The person is a citizen of the United States; and• (b) The person has resided in this state twenty-two days immediately prior to the election at which the person intends to vote.
Connecticut Article VI Section 1	Every citizen of the United States who has attained the age of twenty-one years, who has resided in the town in which he offers himself to be admitted to the privileges of an elector at least six months next preceding the time he so offers himself, who is able to read in the English language any article of the constitution or any section of the statutes of the state, and who sustains a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.
Delaware Article V Section 2	Every citizen of this State of the age of twenty-one years who shall have been a resident thereof one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he or she may offer to vote, and in which he or she shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he or she shall at the time be a resident, and in which he or she shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people;
Florida Article VI Section 2	Every citizen of the United States who is at least eighteen years of age and who is a permanent resident of the state, if registered as provided by law, shall be an elector of the county where registered.
Georgia Article II Section I	Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors.
Hawaii Article II Section I	Every citizen of the United States who shall have attained the age of eighteen years, have been a resident of this State not less than one year next preceding the election and be a voter registered as provided by law, shall be qualified to vote in any state or local election.
Idaho Article VI	Every male or female citizen of the United States, eighteen years old, who has resided in this state, and in the county were [where] he or she offers to vote for the period of time provided by law, if registered as provided by law, is a qualified elector.



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Section 2	
Illinois Article III Section 1	Every United States citizen who has attained the age of 18 or any other voting age required by the United States for voting in State elections and who has been a permanent resident of this State for at least 30 days next preceding any election shall have the right to vote at such election.
Indiana Article II Section 2.a	A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election
Iowa Article II Section 1	Every citizen of the United States of the age of twenty-one years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.
Kansas Article V Section 1	Every citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which he or she seeks to vote shall be deemed a qualified elector.
Kentucky Section 145	Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.
Louisiana Article I Section 10	Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.
Maine Article II Section 1	Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State;
Maryland Article I Section 1	Except as provided in Section 3 of this article, every citizen of the United States, of the age of 18 years or upwards, who is a resident of the State as of the time for the closing of registration next preceding the election, shall be entitled to vote in the ward or election district in which the citizen resides at all elections to be held in this State.



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Massachusetts Article IV	All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.
Michigan Article II Section 1	Every citizen of the United States who has attained the age of 21 years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes.
Minnesota Article VII Section 1	Every person 18 years of age or more who has been a citizen of the United States for three months and who has resided in the precinct for 30 days next preceding an election shall be entitled to vote in that precinct.
Mississippi Article VII Section 241	Every inhabitant of this state...is declared to be a qualified elector, except that he shall be qualified to vote for President and Vice President of the United States if he meets the requirements established by Congress therefor and is otherwise a qualified elector.
Missouri Article VIII Section 2	All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen who are residents of this state and of the political subdivision in which they offer to vote are entitled to vote at all elections by the people, if the election is one for which registration is required if they are registered within the time prescribed by law, or if the election is one for which registration is not required, if they have been residents of the political subdivision in which they offer to vote for thirty days next preceding the election for which they offer to vote:
Montana Article IV Section 2	Any citizen of the United States 18 years of age or older who meets the registration and residence requirements provided by law is a qualified elector unless he is serving a sentence for a felony in a penal institution or is of unsound mind, as determined by a court.
Nebraska Article VI Section 1	Every citizen of the United States who has attained the age of eighteen years on or before the first Tuesday after the first Monday in November and has resided within the state and the county and voting precinct for the terms provided by law shall, except as provided in section 2 of this article, be an elector for the calendar year in which such citizen has attained the age of eighteen years and for all succeeding calendar years.
Nevada Article II Section 1	All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of eighteen years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election;



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New Hampshire Article I Section 11	All elections are to be free, and every inhabitant of the state of 18 years of age and upwards shall have an equal right to vote in any election. Every person shall be considered an inhabitant for the purposes of voting in the town, ward, or unincorporated place where he has his domicile.
New Jersey Article II Section 1	Every citizen of the United States, of the age of 18 years, who shall have been a resident of this State and of the county in which he claims his vote 30 days, next before the election, shall be entitled to vote for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to a vote of the people;
New Mexico Article VII Section 1.a	Every person who is a qualified elector pursuant to the constitution and laws of the United States and a citizen thereof shall be qualified to vote in all elections in New Mexico
New York Article II Section 1	Every citizen shall be entitled to vote at every election for all officers elected by the people and upon all questions submitted to the vote of the people provided that such citizen is eighteen years of age or over and shall have been a resident of this state, and of the county, city, or village for thirty days next preceding an election.
North Carolina Article VI Section 1	Every person born in the United States and every person who has been naturalized, 18 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.
North Dakota Article II Section 1	Only a citizen of the United States, who has attained the age of eighteen years and who is a North Dakota resident, shall be a qualified elector.
Ohio Article V Section 1	Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections.
Oklahoma Article III Section 1	Subject to such exceptions as the Legislature may prescribe, all citizens of the United States, over the age of eighteen (18) years, who are bona fide residents of this state, are qualified electors of this state.



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Oregon Article II Section 2	Every citizen of the United States is entitled to vote in all elections not otherwise provided for by this Constitution if such citizen:
Pennsylvania Article VII Section 1	Every citizen 18 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.
Rhode Island Article II Section 1	Every citizen of the United States of the age of eighteen years or over who has had residence and home in this state for thirty days next preceding the time of voting, who has resided thirty days in the town or city from which such citizen desires to vote, and whose name shall be registered at least thirty days next preceding the time of voting as provided by law, shall have the right to vote for all offices to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis shall be permitted to vote.
South Carolina Article II Section 4	Every citizen of the United States and of this State of the age of eighteen and upwards who is properly registered is entitled to vote as provided by law.
South Dakota Article VII Section 2	Every United States citizen eighteen years of age or older who has met all residency and registration requirements shall be entitled to vote in all elections and upon all questions submitted to the voters of the state unless disqualified by law for mental incompetence or the conviction of a felony.
Tennessee Article IV Section 1	Every person, being eighteen years of age, being a citizen of the United States, being a resident of the state for a period of time as prescribed by the General Assembly, and being duly registered in the county of residence for a period of time prior to the day of any election as prescribed by the General Assembly, shall be entitled to vote in all federal, state, and local elections held in the county or district in which such person resides.
Texas Article VI Section 2	Every person subject to none of the disqualifications provided by Section 1 of this article or by a law enacted under that section who is a citizen of the United States and who is a resident of this State shall be deemed a qualified voter;
Utah Article IV	Every citizen of the United States, eighteen years of age or over, who makes proper proof of residence in this state for thirty days next preceding any election, or for such other period as required by law, shall be entitled to vote in the election.



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Section 2	
Vermont Article II Section 42	Every person of the full age of eighteen years who is a citizen of the United States, having resided in this State for the period established by the General Assembly and who is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a voter of this state:
Virginia Article II Section 1	In elections by the people, the qualifications of voters shall be as follows: Each voter shall be a citizen of the United States, shall be eighteen years of age, shall fulfill the residence requirements set forth in this section, and shall be registered to vote pursuant to this article.
Washington Article VI Section 1	All persons of the age of eighteen years or over who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections.
West Virginia Article IV Section 1	The citizens of the state shall be entitled to vote at all elections held within the counties in which they respectively reside;
Wisconsin Article III Section 1	Every United States citizen age 18 or older who is a resident of an election district in this state is a qualified elector of that district.
Wyoming Article VI Section 2	Every citizen of the United States of the age of eighteen years and upwards, who has resided in the state or territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

Shall be entitled to vote: AL, AZ, DE, GA, IA, MD, MN, NV, NC, OH, OR, PA, SC, SD, TN, UT, VT, WA, WY

Is entitled to register to vote: CO

May Vote: AK, AR, CA, IN



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Shall be an elector/voter: CT, FL, KY, ME, NE

Shall be qualified to vote: HI, MI, VA, NM

Shall be/is a qualified elector: ID, KS, MS, MT, ND, OK, TX, WI

Shall have the right to vote: IL, LA, MA, NH, RI

Tab 4

Materials from the Sponsor

July 23, 2019

Amy J. Baker
Coordinator
The Florida Legislature
Office of Economic and Demographic Research
111 West Madison, Suite 574
Tallahassee, Florida 32399-6588
Email: edrcoordinator@leg.state.fl.us

**Re: Citizenship Requirement to Vote in Florida Elections
 Petition Initiative 18-14
 Submission to Financial Impact Estimating Conference**

Dear Ms. Baker:

Foley & Lardner LLP represents Florida Citizen Voters, the sponsoring political committee of petition initiative 18-14 entitled "Citizenship Requirement to Vote in Florida Elections." John Loudon is the chairperson of Florida Citizen Voters. We write in response to your letter to Mr. Loudon dated June 17, 2019. Your letter requested that Mr. Loudon provide a list of individuals authorized to speak on behalf of Mr. Loudon and Florida Citizen Voters at any meetings held by the Financial Impact Estimating Conference. Additionally, your letter offered Florida Citizen Voters the opportunity to provide written materials to the Financial Impact Estimating Conference. This letter both designates individuals authorized to speak on behalf of Florida Citizen Voters and constitutes a written submission to the Financial Impact Estimating Conference.

Authorized Individuals

The following individuals are authorized to speak on behalf of Florida Citizen Voters at any meeting held by the Financial Impact Estimating Conference:

John Loudon
Chairman
Florida Citizen Voters Political Committee

Erika Alba
Legal Counsel for Florida Citizen Voters
Foley & Lardner LLP

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BOSTON
CHICAGO
DALLAS
DENVER

DETROIT
HOUSTON
JACKSONVILLE
LOS ANGELES
MADISON

MEXICO CITY
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NEW YORK
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SAN FRANCISCO
SILICON VALLEY
TALLAHASSEE

TAMPA
WASHINGTON, D.C.
BRUSSELS
TOKYO

July 23, 2019

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Please feel free to contact Mr. Loudon or me at any time in the event the Conference has questions or desires additional information regarding the petition.

Purpose of Proposed Constitutional Amendment

Florida Citizen Voters is sponsoring this petition initiative to clarify the meaning of Article VI, Section 2 of the Florida Constitution. This section provides four requirements to vote in Florida: (1) United States citizenship, (2) permanent residency in the state of Florida, (3) age of at least eighteen years, and (4) proper registration. However, this section is phrased in a non-exclusive way such that it is grammatically possible to interpret it as permitting people who do not meet one or more of these requirements to also be recognized as voters. Under such an alternate interpretation, a future Legislature and Governor could enact a statute that states that although the Florida Constitution requires that all people who meet the four requirements be eligible voters, the permissive language does not prohibit noncitizens from being permitted to vote in state elections.

Florida Citizen Voters was created as a recognition that efforts in other states to allow non-citizens to vote have received much attention in the press recently, and there are several localities in states including California, Illinois, and Maryland that presently allow non-citizens to vote in some local elections. Granting the franchise to non-citizens would represent a major shift in the concept of citizenship in Florida and one that Florida Citizen Voters opposes. Voting is one of the core attributes of citizenship. To disconnect voting rights from citizenship would represent a fundamental change in the relationship between the state and the people. Such a fundamental change should be made by constitutional amendment and not simply by legislation. Indeed a fair reading of Article VI Section 2 would prevent such a change from being made by mere legislation in Florida; however, in order to eliminate any unintended ambiguity, Florida Citizen Voters believes it is important to clarify the language of Article VI Section 2 and codify that only those individuals who satisfy all four criteria listed in the Florida Constitution be permitted to vote.

If enacted, the clarifying language proposed in this petition initiative would have no appreciable fiscal impact. The language would in no way alter the process by which elections are conducted in Florida. Likewise, it would have no effect on the workloads of the Secretary of State or the county Supervisors of Elections. Nor would the language impact the state's revenues or expenditures in any way from the status quo. The petition initiative does no more than reaffirm that the citizenship requirement of Article VI, Section 2 is not permissive, and thus citizenship is a prerequisite to being permitted to vote in Florida elections.



FOLEY & LARDNER LLP

July 23, 2019

Page 3

Please consider this letter the written submission of Florida Citizen Voters to the Fiscal Impact Estimating Conference. Thank you for the opportunity to provide this submission.

Very truly yours,

A handwritten signature in cursive script that reads 'Erika E. Alba'.

Erika E. Alba
Dir, Public Affairs/Counsel

EEA:wbr

From: [Baker, Amy](#)
To: [Hrdlicka, Jennifer](#); [Davis, Greg](#); [Kruse, Mark](#)
Cc: [Schenker, Pamela](#); [Bell, Stephanie](#); [ATKINSON, JESSE](#)
Subject: FW: Citizenship Requirement to Vote in FL Election - Petition Initiative 18-14
Date: Thursday, August 15, 2019 9:38:46 AM

FYI...

From: elalba@foley.com <elalba@foley.com>
Sent: Thursday, August 15, 2019 9:26 AM
To: Baker, Amy <BAKER.AMY@leg.state.fl.us>
Subject: RE: Citizenship Requirement to Vote in FL Election - Petition Initiative 18-14

Hi Amy,

I apologize for getting this information to you so late. I just received it from my litigation folks late last night. Below, is the summary that they provided me. One note – I think that my message said that the Barnes case was a FL Supreme Court case. In fact, it was an Oregon case that was cited/quoted by the Florida Supreme Court. (I read it too quickly this morning.)

Please don't hesitate to call me if you would like to discuss this further.

Thanks!

Summary:

Rule 1S-2.009(6), F.A.C. provides that “any change to a previously approved petition form shall be submitted to the Secretary of State for review.” The Division of Elections has interpreted this to mean that “separate approval by the Division is required only when a modification relates to a change in the text of the proposed amendment, the ballot title, or ballot summary.” See DE 94-06 (March 24, 1994). The Secretary of State “must approve any material change to a previously approved petition form.” 1S-2.009(6), F.A.C. A “*material change*” is defined as “change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change in the name of the sponsoring political committee.” *Id.*; see also DE 94-06 (“Any change to required material, such as omitted, added or changed wording or punctuation, will require amended approval of the petition form.”). The Rule further provides that “any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the Secretary of State.” *Id.* Thus, if the Secretary of State approves a “material change” then the petition is assigned a new number and the previously obtained signatures would not carry over. See DE 94-06 (“Consequently, the previously approved petition form will be invalidated and any signatures obtained on that form will not be counted.”). A “material change” starts the process anew.

However, the Florida Supreme Court has previously stated that “de minimis wording changes in these petitions do not significantly alter the meaning of the affected provisions” and that

“substantial compliance with Rule 1S-2.009(10) is sufficient, given the underlying purpose of the rule is to have an approved petition presented to signers substantially unchanged.” Advisory Op. to the Ag, 681 So. 2d 1124, 1131 (Fla. 1996). The Court noted that the important consideration is the “extent to which the defect might influence the voters’ consideration of the merits and that it is a matter of balancing the seriousness of the defect against the consequences of invalidation.” *Id.* at 1132 (quoting *Barnes v. Paulus*, 36 Ore. App. 327, 588 P.2d 1120 (Or. Ct. App. 1978)).

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From: Baker, Amy <BAKER.AMY@leg.state.fl.us>
Sent: Thursday, August 15, 2019 9:21 AM
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Subject: Citizenship Requirement to Vote in FL Election - Petition Initiative 18-14

**** EXTERNAL EMAIL MESSAGE ****

Erica...

I got your message—thank you! Can you please send me the specific citations for the Supreme Court case and the AG’s Opinion? Our research confirmed what you said, but we hadn’t run into either of these specific cases.

Amy

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