



# RESOLUTION TO PROTECT LEE COUNTY VOTERS

**Whereas**, Our Florida Constitution Article 6 Section 2 requires "*that only US Citizens be allowed to vote in any election*", and

**Whereas**, Florida Statute 98.045 Administration of Voter Registration. (1) (f) "*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 the applicant not being a United States Citizen, and

**Whereas**, Florida Statute 98.075 Registration Records Maintenance Activities; (1) (6) Ineligibility determinations. "*The supervisor in his or her duty to act upon direct receipt of, access to, or knowledge of information from any governmental entity that identifies a registered voter as potentially ineligible. If the department or supervisor receives information from any governmental entity that a registered voter is ineligible because the voter is not a United States citizen, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of the name of a registered voter who is determined to be ineligible from the statewide voter registration system*", and

**Whereas**, Florida Statute 98.075 Registration Records Maintenance Activities; (7) PROCEDURES FOR REMOVAL. "*The supervisor is to follow these procedures for removal of the ineligible voter*", and

**Whereas**, Florida Statute 98.093(8) provides that the Department of Highway Safety and Motor Vehicles (more commonly called DMV) maintain data which identifies non-citizens who have been issued Florida Driver's Licenses, and

**Whereas**, Florida Statute 322.142(4)(e) expressly calls for such data to be shared with The Secretary of State (and subsequently all 67 SoE's), and

**Whereas**, data from the DMV indicates that nearly 1.1 million non-citizens in Florida were issued Florida Driver's Licenses between 2020 and mid-2022, and

**Whereas**, Driver's License information is the most commonly used form of identification provided in applying for Voter Registration, and

**Whereas**, it is the responsibility of the Supervisor of Elections in each county to verify Voter eligibility, and

**Whereas**, the Supervisor of Elections is expected to use all reasonable sources of information available to confirm citizenship status, whether or not it is specifically required by Florida Statute or Rule, and

**Whereas**, I.C.E. (Immigration & Customs Enforcement) tenders 'Detainers' to Florida Law Enforcement Agencies, then once notified, requires the Law Enforcement Agencies to release the Illegal/Legal Alien Offenders as long as no crime of violence was involved in the detainment/arrest. The Sheriff's office has both a copy of these detainers, and arrest records, as well as Clerk of Court's Records for scheduled trials for Illegal Aliens (or Non-Citizens) are stored with Both County Constitutional Officer's Offices, and

**Whereas**, All County Clerks of Court are furnished with Official Citizen Voter Rolls for each term (monthly) of cases to be tried where a Citizen-Only Jury Pool is required, and the Clerk must certify that all of the potential Jurors are qualified Citizens, and in Lee County that number of confirmed Citizen potential Jurors generally is about 600 persons per month, and

**Whereas**, Florida Statute 101.015(7) Reads: "**that the Division of Elections SHALL Develop methods to determine the will of the public with respect to voting systems.**" Combined with the Florida (and United States Constitutions, it is clear that Only US Citizens and legal Lee County residents, are permitted to lawfully vote in Lee County.

**Be it Resolved** that it is incumbent upon the Lee Board of County Commissioners to institute, and enforce, a Lee County ordinance, forthwith, requiring the Lee County Supervisor of Elections, on behalf of all legitimately registered Citizen voters in Lee County, to obtain such non-citizenship data from the DMV, Sheriff, Clerk of Courts, Sec. of State, and any other accessible Government resources, to follow statutes including 30-day notifications to any such identified non-citizens on the Voter Rolls. Such notifications would require suspect persons to provide legally acceptable verification of U.S. citizenship and legal Lee County residency, or be subject to removal from the Voter Rolls.

Upon receipt of this Resolution, the Board of Lee County Commissioners should create and impose an ordinance requiring that all information sources for non-citizens be used monthly to verify that no non-citizens or non-Florida Citizens remain on the Voter Rolls, no later than 30 days following second reading and passage of County prepared Ordinance after receipt of this passed Resolution.

**Be it Resolved** that the Lee County Supervisor of Elections is required by State Statute to obtain any available sources of 'non-citizenship data' from the DMV, Sheriff, Clerk of Courts, Sec. of State, and any other accessible Government resources, to follow the Statute regarding 30-day notifications to any such identified non-citizens on the Voter Rolls. Such notifications would require suspect persons to provide legally acceptable verification of U.S. citizenship and legal Lee County residency, or be subject to removal from the Voter Rolls.

The Supervisor of Elections shall regularly (weekly or monthly) solicit all information sources for non-citizens to be used to verify that no non-citizens or non-Florida citizens remain on the Voter Rolls.

The Clerk of Courts shall notify the SoE of any and all ineligible non-citizen registered voters that are removed from the jury pool.

**Adopted by the Lee County Republican Assembly this 26th day of April, 2024**

# Appendix

## Citations

### Florida Constitution

#### Article 6 Section 2

**Electors.**—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.

### Florida Statutes

#### 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:

- (f) The applicant is not a United States citizen.
- (h) The applicant has provided an address of legal residence that is not his or her legal residence.

#### 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.

(6) OTHER BASES FOR INELIGIBILITY.—Subsections (2)-(5) do not limit or restrict the department or the supervisor in his or her duty to act upon direct receipt of, access to, or knowledge of information from any governmental entity that identifies a registered voter as potentially ineligible. If the department or supervisor receives information from any governmental entity other than those identified in subsections (2)-(5) that a registered voter is ineligible because the voter is deceased, adjudicated a convicted felon without having had his or her voting 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 an address that is not his or her address of legal residence**, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of the name of a registered voter who is determined to be ineligible 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 **must**:

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

**98.093** **Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, and persons who are not United States citizens.**

(8) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—The Department of Highway Safety and Motor Vehicles shall furnish weekly to the department the following information:

(a) Information identifying those persons whose names have been removed from the Florida driver license or Florida identification card database during the preceding week because they have been licensed or been issued an identification card in another state. The information must contain the person's name, last known Florida address, date of birth, sex, last four digits of his or her social security number, and Florida driver license number or Florida identification card number and, if available, the address and the state in which the person is now licensed.

(b) Information identifying those persons who during the preceding week presented evidence of non-United States citizenship upon being issued a new or renewed Florida driver license or Florida identification card. The information must contain the person's name; address; date of birth; last four digits of the social security number, if applicable; Florida driver license number or Florida identification card number, as available; and alien registration number or other legal status identifier.

(c) Information identifying those persons for which it has received official information during the preceding week that the person is deceased. The information must contain the name, address, date of birth, last four digits of the social security number, Florida driver license number or Florida identification card number, and date of death of each such person.

**101.015** **Standards for voting systems.—**

(7) The Division of Elections shall review the voting systems certification standards and ensure that new technologies are available for selection by boards of county commissioners which meet the requirements for voting systems and meet user standards. The Division of Elections shall continuously review the voting systems certification standards to ensure that new technologies are appropriately certified for all elections in a timely manner. The division shall also develop methods to determine **the will of the public** with respect to voting systems.

**322.142(4)(e)** **Color photographic or digital imaged licenses.—**

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and may be made and issued only:

(e) To the Department of State or a supervisor of elections pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075