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### Sex Offenders Voting in Elections

The Lake County Supervisor of Elections presented six cases for review concerning convicted sex offenders voting in the 2020 general election.

This office was able to verify each of the individuals had indeed been convicted of various sex offenses and were ineligible to vote pursuant to Florida Statute 98.0751 and Florida Constitution Article VI.

This office contacted the Division of Elections concerning the individuals receiving voter registration cards. Pursuant to Florida Statute 98.075, the department is required to notify the Supervisor of Elections if a person is ineligible to vote. No such notice was given. The individuals were mistakenly issued registration cards.

Florida Statute 104.011 sections (1) and (2) states:

- (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
- (2) A person who willfully submits any false voter registration information commits a felony of the third degree

Willfully requires the State prove the actions were intentional, knowing and purposeful. The willfulness requirement assures that "no one will be convicted of a crime because of a mistake or because he does something innocently, not realizing what he was doing." *Corrales v. State*, 84 So.3d 406 (Fla. 1<sup>st</sup> DCA 2012); citing *US v. Hall*, 346 F.2d 875 (2<sup>nd</sup> Cir. 1965).

In all of the instances where sex offenders voted, each appear to have been encouraged to vote by various mailings and misinformation. Each were given voter registration cards which would lead one to believe they could legally vote in the election.

The evidence fails to show willful actions on a part of these individuals. Therefore, the State is unable to file charges.

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