



Helping Voters Register Under Florida Law

Important: Voter registration drives in Florida have to follow certain state laws and rules, such as a requirement that the drive register with the state to collect voter registration applications, and turn in applications within a certain period of time after receiving them. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into five parts: 1) Eligibility, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

To register to vote in Florida, the person must be:

- A U.S. citizen;
- A legal resident of the State of Florida and of the county in which he or she seeks to register; and
- At least 18 years of age.¹

An individual who is otherwise qualified may pre-register on or after that individual's 16th birthday to vote in any election occurring on or after his or her 18th birthday.²

An individual is not eligible to register or vote in Florida if the person:

- Has been adjudicated mentally incapacitated to vote by any state and has not had his or her right to vote legally restored; or
- Has been convicted of a felony and has not had his or her right to vote legally restored.³

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

Homeless Applicants: State registration laws may not discriminate against the homeless in voter registration. A person who is homeless or without a permanent "traditional home" but intends to remain in a locale can register using an address for: 1) place where he or she regularly receives messages, 2) church if it agrees to accept mail or messages on the person's behalf, 3) the shelter or other local that a person frequents and could be reached, 4) the specific post office for general delivery. It may even be a specific street corner, park bench, vacant lot, etc., to where the person frequently rests or returns and intends to serve as the "home-base."⁴

Felony Convictions: In Florida, persons who are convicted felons, in order to register to vote, must first have their civil rights restored if they were taken away. The website of the Florida Commission on Offender Review has more

information on restoration of civil rights in Florida, including a look-up;, which is found at <https://www.fcor.state.fl.us/restoration.shtml>.

College Students: Florida law does not specifically address where college students may register. A student’s residential address is the address the student intends to be his or her permanent address as stated on the application—just like any other applicant who affirms indefinitely a Florida legal residential address and no matter how long he or she ends up staying. A communal university mail address is satisfactory, even if the driver’s license lists a different address.⁵

PART 3: FILLING OUT AN APPLICATION

Florida law requires an applicant to provide the following information on a voter registration application:

- Name
- Legal residence address
- Date of birth
- Citizenship status
- Current and valid Florida Drivers License number or Florida ID Card number, if issued to applicant, or, if none, the last four digits of applicant’s Social Security number, if applicant has a Social Security number
- Checkmark affirming that applicant has not been convicted of a felony or, if convicted, has had right to vote legally restored
- Checkmark affirming that applicant has not been adjudicated mentally incapacitated with respect to voting or, if adjudicated, has had the right to vote legally restored
- Signature of applicant subscribing to required oath and affirming that information contained in the application is true⁶
- Party registration, if voter wishes to vote for party candidates for an office in a primary election.⁷
 - Applicants who do not indicate a party registration will be registered without one

PART 4: VOTER REGISTRATION DEADLINE

- Applications must be submitted by the 29th day before an election in order for the applicant to be able to vote in that election.⁸ If the 29th day before an election falls on a Sunday or a legal holiday, the registration books will be closed on the next business day.⁹
- Exceptions apply for recently discharged military.¹⁰
- **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register?</i>	Yes. Drives must also file changes to previously submitted information. See question A below.
<i>Are there restrictions on getting voter registration forms?</i>	No; forms after the first 10,000 are 1 cent per form. ¹¹ The state application may be reproduced if the reproduced application is in the same format as the state application. ¹²

<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	This is not addressed in Florida law.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No.
<i>Does the state have restrictions on who may help others register to vote?</i>	Nothing other than the state's registration requirements. See question A below.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Yes. Workers cannot be paid based on the number of forms obtained. See question B below.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes. See question C below.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	There is no signature requirement for canvassers, but the date and organization identifier must be placed on the back of all applications. See question D below.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.
<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	This is not addressed in Florida law. There are affirmative obligations for information to be placed on the back of all applications, see question D below.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	This is not addressed in Florida law.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Yes. Completed applications must be submitted within 10 days of collection or close of registration, whichever is sooner. See question E below for details.
<i>What are the consequences for failing to submit applications on time?</i>	Fines start at \$50 per form and increase. Drives that collect applications serve as fiduciaries to the applicant. See question F

	below for details.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	Not directly addressed by Florida law. It is a felony to alter applications without knowledge and consent. See question G below.
<i>How will an applicant know whether the election official received the application?</i>	Applicants will receive notice, see question H below.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	On a voter registration application as requested by Supervisor of Elections. See question I below.
<i>Who investigates and enforces the state rules?</i>	Secretary of State/Attorney General/Local Supervisor of Elections. See question J below.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

Yes. Prior to collecting voter registration applications from Florida voter registration applicants, a third-party voter registration organization must register with the state and submit the names of the organization's officers, the organization's permanent address, and the name and address of the organization's registered agent in the state.¹³ This registration is done by submitting a form DS-DE 119 to the Division of Elections by email to 3PVRO@dos.myflorida.com or fax to 850-245-6291.¹⁴ The form can be found at <http://dos.myflorida.com/media/693298/dsde119.pdf>. The organization must also submit the names and addresses of each employee registration agent who will be collecting applications on behalf of the organization.¹⁵ Employee registration agents are those individuals employed by the organization who collect voter registration applications from Florida voter registration applicants on behalf of the organization.¹⁶

Any change to previously submitted information, including any addition to the list of its employee registration agents, or any termination of an employee registration agent, or any change in information about an employee registration agent, must be submitted to the Division of Elections within 10 days of the change.¹⁷ These updates are submitted using Form 119 or by transmitting the notification by email or fax. If Form DS-DE 119 is not used as the means of notification, the notification must contain the organization's assigned identification number and the name of the employee registration agent whose information is being changed as applicable.¹⁸ An organization that terminates its status as a third party voter registration organization must submit a form reflecting its termination.¹⁹

An affiliate organization which itself independently engages in separate collection of voter registration applications from Florida registration applicants on behalf of the affiliate must also register as a third party voter registration organization even if its affiliated organization has registered.²⁰

A third-party voter registration organization means any person, entity, or organization that collects any voter registration application, but does not include a person who seeks only to collect an application from his or her spouse, child, or parent, or certain official state-authorized agencies.²¹

Florida statute contains a requirement that organizations file sworn statements from voter registration agents; however, a federal district court ordered that this requirement cannot be enforced.²²

B. Does the state have restrictions on paying drive workers?

Yes. A person may not solicit or pay another person to solicit voter registrations for compensation that is based upon the number of registrations obtained. A person who violates that law commits a felony of the third degree.²³

C. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Any person who gives anything of value that is redeemable in cash to any person in consideration for his or her becoming a registered voter commits a felony of the third degree. This law is not to be interpreted, however, to exclude such services as transportation to the place of registration or baby-sitting in connection with the absence of an elector from home for registering.²⁴

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²⁵ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²⁶

Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²⁷

DURING THE DRIVE

D. Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?

There is no requirement for workers to sign the completed application. However, each registration agent or the organization must print the date that the applicant delivered the application to the registration agent in a conspicuous space on the bottom portion of the reverse side of the voter registration application in a manner that does not obscure any other entry. The date must be printed in the format: MM/DD/YY.²⁸ Additionally, each organization must ensure that its assigned organization identification number is recorded on the bottom portion of the reverse side of any voter registration application it delivers to the Division of Elections or a supervisor of elections in a manner that does not obscure any other entry.²⁹

E. Is there a time limit for voter registration groups to submit the voter registration applications they collect?

Yes. All applications must be delivered to the Division or a supervisor of elections or be postmarked within 10 calendar days of collection by an organization or any of its registration agents. If the 10th day falls on a weekend, holiday or other day on which the Division or the supervisor of elections office is closed, the voter registration application must be delivered or be postmarked by the following business day. If,

however, a book closing deadline for any given election for federal or state office falls within the 10-day period, all applications collected by an organization or any of its agents before book closing must be delivered on or before the book closing deadline.³⁰

F. *What are the consequences for failing to submit voter registration applications on time?*

If the application is received after the deadline, the organization will incur a fine of \$50 per form. If applications are completed or received by the third-party registration organization prior to book closing, the organization will incur a fine of \$100 per form for applications delivered after book closing. For each completed application that is collected but not submitted, the third-party registration organization will be fined \$500. Fees increase if organizations willfully delay in the delivery of completed applications, but are capped at \$1000 per year.³¹

A showing by the third-party voter registration organization that the failure to deliver the voter registration application within the required timeframe is based upon force majeure or impossibility of performance is an affirmative defense to the submission deadline requirements. The secretary may waive the fines for late applications upon a showing that the failure to deliver the voter registration application promptly is based upon force majeure or impossibility of performance.³² Any organization claiming that its failure to deliver a voter registration application within the required timeframe was based on force majeure or impossibility of performance may provide a sworn statement to the Division explaining the circumstances constituting force majeure or impossibility of performance. If the information provided demonstrates that the failure to timely deliver a voter registration application was the result of force majeure or impossibility of performance, the Secretary of State will not refer the violation to the Attorney General for enforcement.³³

Further, a supervisor of election who reports untimely applications to the Division of Elections, where the application has a third party organization's identification number but no other information indicating it was collected by a third-party organization, must describe his efforts to contact the applicant to confirm that the application was delivered to the organization. The Secretary of State must not refer a violation to the Attorney General unless there is evidence that the applicant entrusted the voter registration application to a third party voter registration organization.³⁴

A third-party voter registration organization that collects voter registration applications serves as fiduciary to the applicant.³⁵

G. *If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?*

This is not addressed in Florida election law. However, a person who alters the voter registration application of any other person, without the other person's knowledge and consent, commits a felony of the third degree.³⁶

H. *How will an applicant know whether the election official received the application?*

All voter registration applications received by a voter registration official are entered into the statewide voter registration system within 13 days after receipt. Once entered, the application is forwarded to the appropriate supervisor of elections.³⁷ Each applicant will receive notice that her application was either approved, incomplete, denied, or a duplicate of current registration.³⁸

I. *How may an applicant correct an incomplete application after it has been submitted to election officials?*

If an application is incomplete, the Supervisor will notify the applicant within 5 business days of having the information in the system³⁹ and request that the applicant supply the missing information using a signed voter registration application.⁴⁰

J. Who is responsible for investigating and enforcing the state rules?

The Secretary of State is the chief election officer of the state and is responsible for implementing, operating, and maintaining a uniform statewide voter registration system⁴¹ and enforcing state election laws.⁴² Complaints of violations may be filed with the Department of State.⁴³ In addition, the supervisor of elections is authorized to investigate fraudulent registrations and to report his or her findings to the local state attorney and the Florida Elections Commission.⁴⁴

If the Secretary of State reasonably believes that a person has committed a violation of the laws governing voter registration drives, the secretary may refer the matter to the Attorney General for enforcement. The Attorney General may institute a civil action for a violation of the law or to prevent a violation of the law. An action for relief may include a permanent or temporary injunction, a restraining order, or any other appropriate order.⁴⁵

WEB PAGE OF STATUTE

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Index&Title_Request=IX#TitleIX

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DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

¹ Fla. Stat. § 97.041(1)(a)

² Fla. Stat. § 97.041(1)(b)

³ Fla. Stat. § 97.041(2)(a)-(b)

⁴ Florida Division of Elections, Voter Residency in Florida, DE Reference Guide 0003 (Updated 06/2014), available at https://soe.dos.state.fl.us/pdf/DE_Guide_0003-Voter_Residency_Updated_06-2014.pdf.

⁵ Florida Division of Elections, Voter Residency in Florida, DE Reference Guide 0003 (Updated 06/2014), available at https://soe.dos.state.fl.us/pdf/DE_Guide_0003-Voter_Residency_Updated_06-2014.pdf.

⁶ Fla. Stat. § 97.053(5)(a)

⁷ Fla. Sec’y of State, *Register to Vote or Update Your Information*, <http://dos.myflorida.com/elections/for-voters/voter-registration/register-to-vote-or-update-your-information/> (last visited Jan. 7, 2016).

⁸ Fla. Stat. § 97.055(1)(a)

⁹ Fla. Stat. § 97.055(2). Note that different election official offices may be open on certain holidays. Organizations should check with their local officials.

¹⁰ Fla. Stat. § 97.0555.

¹¹ Fla. Stat. § 97.052(1)(b)(2); Third Party Voter Registration Organization Summary (updated Sept. 2014), available at http://dos.myflorida.com/media/693682/de-guide-0012_third-party-voter-registration-organizations.pdf

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- ¹² Fla. Stat. § 97.052(1)(c)
- ¹³ Fla. Stat. § 97.0575(1)(a)-(b); Fla. Admin. Code R. 1S-2.042(2)(b). Fla. Admin. Code R. 1S-2.042(3)(a).
- ¹⁴ Fla. Admin. Code R. 1S-2.042(3)(a).
- ¹⁵ Fla. Stat. § 97.0575(1)(c); Fla. Admin. Code R. 1S-2.042(3)(a); Form DS-DE 119 (eff. 09/2012), *available at* <http://dos.myflorida.com/media/693298/dsde119.pdf>.
- ¹⁶ Form DS-DE 119 (eff. 09/2012), *available at* <http://dos.myflorida.com/media/693298/dsde119.pdf>.
- ¹⁷ Fla. Admin. Code R. 1S-2.042(3)(d).
- ¹⁸ Fla. Admin. Code R. 1S-2.042(6)(a)-(b).
- ¹⁹ Fla. Admin. Code R. 1S-2.042(6)(a).
- ²⁰ Fla. Admin. Code R. 1S-2.042(3)(a).
- ²¹ <http://dos.myflorida.com/elections/for-voters/voter-registration/third-party-voter-registration-organizations/>
- ²² *Judgment, League of Women Voters of Florida v. Browning*, No. 4:11-cv-00628-RH-CAS (N.D. Fla. August 31, 2012), *available at* http://moritzlaw.osu.edu/electionlaw/litigation/documents/Judgment_001.pdf (enjoining Fla. Admin. Code R. 1S-2.042(3)(c)(2011), replaced by Fla. Admin. Code R. 1S-2.042 (effective Dec. 5, 2012.), and Fla. Stat § 97.0575(1)(d)).
- ²³ Fla. Stat. § 104.012(3)
- ²⁴ Fla. Stat. § 104.012(1)
- ²⁵ 52 U.S.C. § 10307(c)
- ²⁶ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- ²⁷ California Secretary of State, Guide to Voter Registration Drives 11, *available at* <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised February 2015)
- ²⁸ Fla. Admin. Code R. 1S-2.042 (4)(b)
- ²⁹ Fla. Admin. Code R. 1S-2.042(4)(c)
- ³⁰ Fla. Admin. Code R. 1S-2.042 (4)(d). A statute still on the books would require applications to be received by the division or supervisor of elections no more than 48 hours after the applicant completed or delivered the application to the third-party registration organization or any agent acting on their behalf.³⁰ However, a federal court injunction permanently prevents that statute from being enforced to the extent it requires delivery of an application within 48 hours—or any period less than 10 days. *Judgment, League of Women Voters of Florida*, No. 4:11-cv-00628-RH-CAS, *available at* http://moritzlaw.osu.edu/electionlaw/litigation/documents/Judgment_001.pdf (enjoining Fla. Stat. § 97.0575(3)(a) to the extent it requires delivery of an application within 48 hours—or any period less than 10 days).
- ³¹ Fla. Stat. § 97.0575(3)(a)
- ³² Fla. Stat. § 97.0575(3)(b)
- ³³ Fla. Admin. Code R. 1S-2.042 (5)(b)-(c).
- ³⁴ Fla. Admin. Code R. 1S-2.042 (8)(c)-(d).
- ³⁵ Fla. Stat. § 97.0575(3)(a).
- ³⁶ Fla. Stat. § 104.012(4)
- ³⁷ Fla. Stat. § 97.053(7)
- ³⁸ Fla. Stat. § 97.073(1). A monthly reporting requirement that previously required organizations (in non-preclearance counties) to account for the number of forms was recently held to be unenforceable and was subsequently deleted. *Judgment, League of Women Voters of Florida*, No. 4:11-cv-00628-RH-CAS, *available at* http://moritzlaw.osu.edu/electionlaw/litigation/documents/Judgment_001.pdf (enjoining Fla. Admin. Code R. 1S-2.042(5)(2011), replaced by Fla. Admin. Code R. 1S-2.042 (effective Dec. 5, 2012)).
- ³⁹ Fla. Stat. § 97.052
- ⁴⁰ Fla. Stat. § 97.073(1)
- ⁴¹ Fla. Stat. § 98.035(1)
- ⁴² Fla. Stat. § 97.012
- ⁴³ Fla. Stat. § 97.023(1)(a)
- ⁴⁴ Fla. Stat. § 104.42
- ⁴⁵ Fla. Stat. § 97.0575(4)