

1S-2.039 FVRS Voter Registration Procedures.

- (1) Applicability. The rule sets forth procedures to ensure that voter registration is conducted uniformly throughout the state.
- (2) Definitions. The terms herein shall have the following meaning:
 - (a) "BVRS" refers to the Bureau of Voter Registration Services.
 - (b) "DHSMV" refers to the Florida Department of Highway Safety and Motor Vehicles.
 - (c) "FVRS" refers to the Florida Voter Registration System that contains the official list of registered voters in the state.
 - (d) "Personal identifying number" or "PIN" refers to the applicant's or registered voter's Florida driver's license number, Florida identification number or the last four digits of his or her social security number.
 - (e) "SSA" refers to the Social Security Administration.
 - (f) "SSN4" refers to the last four digits of an applicant's or registered voter's social security number.
 - (g) "Supervisor" refers to the Supervisor of Elections.
 - (h) "Valid application" refers to any application as referenced in Section 97.052, F.S.
 - (i) "Voter registration agency" refers to any entity designated as a voter registration agency by the National Voter Registration Act (NVRA) of 1993 (42 U.S.C. 1973gg-5(a) and (c)), or by Section 97.021, F.S., to offer persons opportunity to register to vote.
 - (j) "Voter registration official" or "registration official" as used interchangeably herein has the same meaning ascribed in Section 97.021, F.S.
- (3) Existing record search. Before entering application information into the FVRS, the voter registration official must determine if a record already exists in the FVRS. For purposes of this subsection "existing record" refers to either a registration record with a status of active, pre-registered or inactive, or an application record with a status of pending or incomplete. Such determination must be based on verifying as much match data with the existing record as possible. Match data includes but is not limited to name, date of birth, gender, address and personal identifying number (Florida driver's license or state identification card number or last four digits of the social security number).
 - (a) If the voter registration official determines that an existing record identified by FVRS belongs to the applicant, the registration official shall update the existing record with the new information. If the FVRS identifies more than one existing record within the same county, the registration official shall first update the FVRS to reflect only one active record for the voter as set forth in paragraph (d). The registration official shall then update the active record with the information from the application.
 - (b) If the voter registration official determines that two or more existing records in other counties identified by FVRS belong to the new applicant, the registration official shall notify the other registration official or officials about those records. The registration officials shall coordinate resolution of the duplicate records as follows: If the registration date on the more recent record is prior to January 1, 2006, the older registration record shall be recorded as removed in the FVRS and the latest record retained as the voter's active registration record. The registration official shall assign a code in the FVRS to reflect the basis for removal as duplicate registration record. If the registration date on the more recent record is on or after January 1, 2006, the older registration record shall be updated with the newer county of residence information in the newer record. The registration official shall then update the record with the information from the application.
 - (c) If the voter registration official determines that none of the existing records identified by FVRS belong to the new applicant, the registration official shall enter the voter registration information into a new record.
 - (d) If an application essentially duplicates all the same information as is on the voter's existing record, the official shall process, scan and clip the signature from the application to update the signature on record in FVRS. The voter shall be sent notice pursuant to Section 97.073, F.S. Such notice may be satisfied by issuance of a voter information card. For purposes of this paragraph only, "same information" refers to the same name, same residence address, same date of birth, same driver's license number, state identification card number, or social security number, and same political party affiliation.
 - (e) The FVRS shall contain only one voter registration record (with a status of active, inactive, or pre-registered) for each registered voter.
 - (f) If an application indicates that a registered voter's legal residence for voter registration or voting purposes did or might have changed out-of-state in the interim, the registered voter's existing record shall not be removed solely on that basis. The application shall be processed as an update to the existing record without assigning a new FVRS identification number.
- (4) Data entry. Except as provided in subsection (11) and subject to the following, a voter registration official shall enter into the FVRS all information from valid and invalid applications for new registration or registration record update to the extent that the FVRS is able to accept or recognize the information as valid data:

(a) A registration official shall not complete or fill in a missing field for a new applicant that is otherwise left blank on a valid application unless the application includes a copy of the applicants' personal identifying number. The applicant shall be notified in accordance with Sections 97.052(6) and 97.073, F.S., if the application for new registration is incomplete, i.e., that the application does not contain all the information necessary to establish the applicant's eligibility under Section 97.041, F.S., and/or to allow for verification of the applicant's identity as required per Section 97.053(6), F.S. If the applicant submits on a supplemental application the mandatory information missing from the previously submitted application, the registration official shall consider all information between the two applications for purposes of determining whether the applicant has provided all the information required for a complete application. However, both applications must include the applicant's signature.

(b) If the applicant submits his or her application for new registration or registration update on any form other than recognized as acceptable pursuant to Section 97.052(2) or 97.052(5), F.S., the Supervisor of Elections for the voter's county of residence shall forward a valid application form for the applicant to complete in order that his or her application may be processed for either new registration or update.

(c) A registration official shall enter information from an application for new registration or registration update as it appears on the application, except as follows:

1. Only the new applicant's SSN4 shall be entered into the FVRS even if the applicant provides the full number. The number on the original application shall not be altered.

2. The applicant's name shall be inputted as contained in the application field soliciting the applicant's name. If a registration official is unable to discern the correct or intended spelling of the name on the application through a comparison of the printed name and the signature, the printed name shall be entered to the extent possible. If the field for the name is blank or the name completely illegible, the application shall be processed as incomplete. The Supervisor for the applicant's county of residence shall then notify the applicant in accordance with Section 97.073, F.S.

(d) Each application for new registration, update to an existing registration record, and application with supplemental information to a previously submitted application for new registration must include the original signature, or in the case of electronic records transmitted from DHSMV, include the digital signature.

(5) Verification of personal identifying number. Any valid application for new registration that is complete and submitted other than electronically through DHSMV shall be routed to DHSMV or SSA, whichever is applicable, for verification of the authenticity or nonexistence of the PIN provided on the application. However, no application shall be routed to DHSMV for verification unless the Supervisor first determines that the applicant is otherwise eligible in accordance with Section 97.041, F.S.

(a) Personal identifying number provided.

1. If the PIN is verified, the new applicant's completed application shall become the official registration record and the applicant's name shall be listed as an active voter in the FVRS.

2. If the PIN cannot be verified, the application record is routed through the FVRS to the BVRS. The BVRS shall check for data entry errors using the scanned image of the application in the FVRS, and a comparison of information available from DHSMV. If a data entry error occurred, the BVRS shall correct the application record and resubmit the record to DHSMV or SSA for verification. If no data entry error occurred, but the BVRS is able to confirm that the number belongs to the applicant, the BVRS shall override the FVRS to complete the registration process. The applicant's completed application shall become the official registration record and the applicant's name shall be listed as an active voter in the FVRS.

3. If the BVRS is unable to resolve the verification issue, the BVRS shall flag the record as unverified and the application record is sent through the FVRS to the Supervisor of the new applicant's county of residence. The Supervisor shall send a "Notice to Applicant re Personal Identifying Number". The notice shall be in, or substantially in, the form provided in DS-DE #122 (eff. 01/2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00792>). This form is hereby incorporated by reference. A copy of the form may be obtained from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or is available from the Division of Elections' website at: <http://election.dos.state.fl.us>, or by contacting the Division of Elections at (850)245-6200.

4. If it is determined after notice to the voter is sent that a data entry error of the PIN occurred, the applicant's record shall be corrected and the PIN resubmitted through the FVRS for verification by DHSMV or SSA, whichever is applicable.

5. If the new applicant provides evidence of his or her PIN, the Supervisor shall retain a copy of the evidence as part of the applicant's application but shall not scan the evidence into the FVRS. The Supervisor shall change in the FVRS the source of the applicant's number from "F" (referring to form) to "P" (referring to proof). If the PIN presented to the Supervisor is different from

the PIN provided on the application, the new PIN shall replace the old number. However, if the new PIN is a different type of PIN, then the Supervisor shall also record the type and the new PIN in the FVRS. The Supervisor shall not change the old PIN on the application or submit the new PIN to DHSMV or SSA for verification. The applicant's completed application shall become the official registration record. The applicant shall be listed as an active voter in the FVRS.

(b) No personal identifying number. If a new applicant does not provide a PIN and checks or writes "NONE," on the application, the new applicant's record shall be routed first to DHSMV or SSA, and then if needed, to the BVRS, to determine if a personal identifying number might exist:

1. If a PIN is found to exist for the new applicant, the application record shall be sent to the Supervisor of the applicant's county of residence for resolution. The Supervisor shall contact the applicant and provide him or her with an opportunity to resolve the matter. If the applicant provides evidence of a PIN, the Supervisor shall follow the process in subparagraph (a)5.

2. If no PIN is found to exist for the new applicant, the BVRS shall override the FVRS and the applicant's application record shall become the official registration record. The applicant shall be listed as an active registered voter or a pre-registered voter in the FVRS, whichever is applicable. However, if such voter registered by mail and is a first time voter in the state, and did not include with the application a copy of identification required by Section 97.0535, F.S., the record shall be flagged as requiring special identification to be provided before the voter votes. The only exception to the special identification requirement is if the voter votes by-mail and swears or affirms on the vote-by-mail ballot certificate that he or she is exempt from providing any photo identification or government-issued documentation as specified in Section 97.0535, F.S.

(c) Blank field. If a new applicant provides no PIN or an incomplete PIN and fails to check or write "None" on the application, the application is incomplete unless the applicant includes a copy of the driver's license, state identification card, or the social security card from which the voter registration official can complete the incomplete PIN. Notice to the applicant shall be provided in accordance with Sections 97.052(6) and 97.073, F.S.

(6) Political party affiliation.

(a) A new applicant or registered voter who selects or affirmatively indicates a change of party affiliation shall be registered in the FVRS:

1. With the requested political party (if the party is registered in Florida) by using the party code assigned to the party by the Division of Elections.

2. Without political party affiliation under the code of "NPA" (No Party Affiliation) if the person:

a. Marks "No party."

b. Fails to designate a specific party affiliation, or leaves the party field blank.

c. Designates a political party that is non-existent, not registered or no longer registered in Florida.

(b) Except as provided in paragraph (c), no change to a registered voter's currently recorded political party affiliation status shall be made unless the registered voter indicates otherwise.

(c) If the voter's registered political party has disbanded or is no longer registered with the State, the voter's record shall be changed to reflect a status of No Party Affiliation. The registered voter shall be sent written notice about the disbanded or unregistered party and the option to select another party for registration. No later than 15 days after the notice is sent, the voter shall be sent a new voter information card reflecting the voter's party affiliation status. A coding change or conversion does not constitute a political party change in the FVRS.

(7) Source of application code. The voter registration official must assign a source of application code in the FVRS to each application for new registration or registration record update. The code number corresponds to how an application was directly submitted or who submitted the application directly to the Division of Elections or to the Supervisor of Elections' Office without regard to how or where the application might have been originally obtained, distributed, or completed. The voter registration official shall enter:

(a) Code 1 for any electronic intake application information received from any office that issues driver's license or renewal thereof (e.g., a driver's license examiner's office for the Florida Department of Highway Safety and Motor Vehicles or a tax collector's office that issues driver's licenses) and for any mailed or hand-delivered paper applications received and forwarded from any such office.

(b) Code 2 for any application that arrives through the postal service or other mail delivery service but that does not otherwise fall into any of the other source codes listed under this subsection.

(c) Code 3 for any application received from any office that administers a public assistance program as is defined in Section 97.021, F.S., (for example, food stamp program, Kidcare program, the Medicaid program, the Special Supplemental Food Program for Women, Infants, and Children, and the WAGES program).

(d) Code 4 for any application received from any office that serves persons with disabilities, any office serving students with disabilities at an educational institute, and any center for independent living.

(e) Code 5 for any application received from any armed forces recruitment office.

(f) Code 6 for any application received from a public library.

(g) Code 7 for any application that is completed at or hand-delivered by the applicant or registered voter, or delivered by someone on his or her behalf (other than a third-party voter registration organization), directly to the Supervisor of Election's office in person or through the Supervisor of Election's website.

(h) Code 8 for any application that is submitted directly (by mail or hand-delivery) by a third-party registration organization as defined in Section 97.021, F.S. (for example, an advocacy group or political party), to the Supervisor of Election's office or the Division of Elections, and if applicable, any other unique identification code assigned.

(8) Registration date. The registration date for a new applicant shall be governed by Section 97.053, F.S., and shall be entered in the FVRS accordingly.

(9) Scanned application image. The voter registration official inputting the information from an application for new registration or from an application for an update to the registration record must scan and index the image of the application including the signature into the FVRS no later than five days after inputting the information.

(10) Recording notice activity. Once an application for new registration or registration update is processed, the Supervisor shall record in the FVRS the following type and date of notice:

(a) Notice sent pursuant to Section 97.073, F.S., for failing to complete or check one or more of the mandatory fields required for determining eligibility for new registration (i.e., fields for name, date of birth, Florida legal residence, personal identifying number or writing "None", U.S. citizenship, felony conviction, adjudication of mental incapacity, and signature).

(b) Notice sent pursuant to Sections 97.073, F.S., regarding denial of an application on the basis that the applicant is ineligible. An applicant may be ineligible for being a convicted felon without civil rights restored, for being adjudicated mental incapacity without voting rights restored, for not being a United States citizen, for being deceased, for being a fictitious person, for not being of legal age to register or pre-register, or for not listing a Florida legal residence.

(c) Notice sent pursuant to Section 97.053(6), F.S., to a new applicant that the personal identifying number could not be verified.

(d) Voter information card sent pursuant to Section 97.071, 97.073, or 97.1031, F.S., issued upon new registration and for specific changes to voter registration records.

(e) Notice sent pursuant to Section 97.073, F.S., that a duplicate registration form was received (i.e., "duplicate" meaning that there were no data element differences between the application and the existing voter registration record as to name, date of birth, address, Florida driver's license or state identification card number or social security number, or party affiliation). A voter information card may be substituted for a duplicate notice.

(11) Special applicants – victims of violence. If a new applicant or registered voter indicates that he or she is or may be a victim of domestic violence or stalking, such person may be entitled to confidential and exempt registration records pursuant to Florida Attorney General's Address Confidentiality Program (ACP) under the provisions of Sections 741.401-465, F.S., or pursuant to Section 97.0585, F.S., as a victim of stalking. If eligible, such persons are entitled to confidentiality as to their name, telephone number and address, and receive a designated substitute mailing address for purposes of voting a vote-by-mail ballot and conducting other activities. The application for such applicant or registered voter shall be processed as follows:

(a) If the new applicant or registered voter seeks confidentiality under the program and is not already certified as a participant or the original certification has expired or been withdrawn, the applicant shall be directed to the Supervisor of Elections in the county of residence. The Supervisor shall provide the applicant or registered voter with contact information for the Attorney General's Office to find out about the process for ACP certification or the submission of a sworn statement of stalking.

(b) If the applicant or registered voter provides proof of authorization of compliance with the Attorney General Office's requirements for name and address confidentiality, the Supervisor shall process manually any new application or update to the registration record. The Supervisor shall ask the person if he or she is registered to vote in another county as address protected pursuant to the Attorney General's Program. The application shall not be entered or scanned into the FVRS in order to ensure that

information revealing the personal identifying information and location of the applicant or registered voter are not disclosed to the public.

(c) If the applicant is already a registered voter whose record is in the FVRS, the existing registration record in the FVRS shall be cancelled before processing the record manually in accordance with paragraph (b). The Supervisor must ensure that the registered voter's record including any audit, vote-by-mail and voting history records are also removed from the local county registration database. If one or more records exist in FVRS for the voter in different counties, the Supervisor must coordinate with such counties to ensure that similar records are removed from their respective local county registration database.

(d) If the applicant is already a protected registered voter in the Supervisor of Elections' county but indicates that he or she is relocating to another county, the applicant shall be directed to contact directly the Supervisor of Elections in the new county of residence to submit the address update and continue with the address protection. The Supervisor of Elections in the new county of residence shall process the application manually in accordance with this subsection.

(e) The Supervisor of Elections in the county of residence shall forward to the BVRS a copy of the completed and signed application for registration update with the legal address redacted and if applicable, include information as to any other county that the person has stated that he or she is registered as address protected pursuant to the Attorney General's program. The documents shall be enclosed in an envelope marked private and confidential and addressed to: Chief, Bureau of Voter Registration Services/ACP, Department of State, Division of Elections, 500 S. Bronough Street, Tallahassee, Florida 32399.

(f) The BVRS chief shall:

1. Verify (for new registrations only) through the DHSMV or SSA the new applicant's personal identifying number and shall notify the Supervisor of Elections for the voter's county of residence about the outcome of the verification process.

2. Determine if the person is already registered in another county as a protected voter and notify the Supervisor of Elections of the prior county of residence that the person is now registered with another county.

3. Conduct monthly checks to determine if such registered voter remains eligible by cross-checking with data as to death, an adjudication of mental incapacity or a felony conviction, and if a match is found, to report such match to the Supervisor of Elections for the voter's county of residence to process as potentially ineligible in accordance with Section 98.075(7), F.S.

4. Retain the documents in a separate secure storage from other registrations.

(g) Such applicant's or registered voter's PIN shall not be included in any registered voter list, vote-by-mail ballot list, tape, label, precinct register made available to the public.

(h) If the new applicant or registered voter does not seek or no longer seeks name and address confidentiality through the Attorney General's Office, or does not provide proof of authorization or eligibility to the confidentiality of his or her name and address through the Attorney General's Office, the application or registration update shall be processed in accordance with subsections (2)-(10) of this rule.

(i) If the chief of the BVRS or the Supervisor of Elections receives information that a registered voter's eligibility for name and address confidentiality through the Attorney General's Office is cancelled, expired without renewal or is otherwise no longer valid, the chief shall notify the Supervisor of Elections or vice versa whichever is applicable. The Supervisor of Elections shall then attempt to contact the voter to determine whether the voter still wants to remain a registered voter and if so, shall then enter such record in the FVRS.

(12) Street Address Index Updates.

(a) Each county Supervisor shall submit electronically, at least monthly, by the 10th of each month, to the Division of Elections to the FVRS an uploaded index of valid residential street addresses so that the legal addresses on application forms can be verified as valid at the time of registering or updating a registration record. The street address index may be submitted more frequently as street additions or changes occur in the prior month. No monthly update is required if no additions or changes in street addresses have occurred in the prior month.

(b) The update to a street address index shall be submitted either by:

1. Batch method in which the entire existing index is replaced with an updated index,

2. Change method in which a street address index is updated with individual changes as they occur.