

1S-2.041 FVRS Address and Eligibility Records Maintenance.

(1) Applicability. This rule provides procedures to maintain current and accurate addresses of legal residence for registered voters, eliminate duplicate registration records for the same voter, and identify and remove ineligible registered voters.

(2) Definitions.

(a) "Active voter" refers to a registered voter whose registration status is active.

(b) "BVRS" refers to the Bureau of Voter Registration Services.

(c) "FVRS" refers to the Florida Voter Registration System as the statewide voter registration system.

(d) "Inactive voter" refers to a registered voter whose registration record has been placed on inactive status after procedures in Section 98.065(4)(c), F.S., and this rule were followed.

(e) "Notice of potential ineligibility" refers to the notice under subsection 98.075(7), F.S., that a Supervisor of Elections sends to a voter who has been identified as potentially ineligible.

(f) "Potentially ineligible voter" is a registered voter who has been identified as potentially ineligible based on information relating to death, felony conviction without civil rights restored, adjudication of mental incapacity without voting rights restored, lack of United States citizenship, fictitious person, not of legal age, or listing a residential address that is not the voter's Florida legal residence.

(g) "Residential address" or "address of legal residence" as used interchangeably herein refers to the voter's legal residence for voter registration and voting purposes.

(h) "SSN4" refers to the last four digits of an applicant's or registered voter's social security number.

(i) "Supervisor" refers to the Supervisor of Elections.

(j) "Third-party source" or "third-party source address change" refers to address change information received from any of the following sources other than the voter that indicates the voter's legal residential address might have changed: address list maintenance program activities under Section 98.065(2) F.S. (e.g. returned mail from the United States Postal Service ("U.S.P.S.)) and address matching conducted through National Change of Address Validation ("NCOA") vendors or licensees, jury lists (constitute lists of undeliverable jury notices or jury notices with forwarding addresses) forwarded by the Clerks of the Court ("Jury list"), list of address changes from the Department of Highway Safety and Motor Vehicles ("DHSMV list"), or other government agency-related activity ("Other") that indicates an address change.

(k) "Undeliverable" refers to any mailing that could not be delivered and is returned. It may be marked with words such as 'undeliverable,' 'return to sender,' 'deceased' or 'forwarding order expired.'

(l) "Voter activity" refers to the voter's action of updating his or her registration, requesting a vote-by-mail ballot or appearing to vote which for a registered voter who is in inactive status would trigger a change to active status.

(m) "Voter registration official" or "registration official" as used interchangeably herein is defined in Section 97.021(42), F.S.

(3) Address Maintenance Activities. Except as otherwise expressly stated, the following procedures and notices apply when receiving information from a third-party source address changes and solely apply to address changes for active voters.

(a) Notices. The following three notices shall be used to comply with the address maintenance process in this subsection:

1. Address Change Notice. This notice shall be sent by forwardable mail with a postage prepaid, preaddressed return form. The notice shall include contact information for the Supervisor of Elections' Office (phone number, fax number, mailing address and e-mail address) and shall ask the voter to verify or correct the new residential address change for registration and voting on a return form. The return form shall include blank spaces for the voter to verify or correct the new address change, to provide a mailing address if different from residential address, and to include his or her requisite signature.

2. Address Confirmation Request. This notice shall be sent by nonforwardable return-if-undeliverable mail. The notice shall request that the voter contact the Supervisor of Elections' Office if the voter's name or address of legal residence is incorrect. The notice shall also contain contact information for the Supervisor of Elections' Office phone number, fax number, mailing address and e-mail address).

3. Address Confirmation Final Notice. This notice shall be sent by forwardable mail with a postage prepaid, preaddressed return form. The notice shall include contact information for the Supervisor of Elections' Office (phone number, fax number, mailing address, and e-mail address). The return form shall contain blank spaces for the voter to verify or correct his or her residential address, to provide a mailing address if different, and to include his or her requisite signature. The notice shall include statements in substantially the following form:

a. Mail to your address of record was recently returned as undeliverable.

b. Please confirm that your legal residence has not changed, or if it has changed, provide your new legal residential address. If your new legal residence is out-of-state, your name will be removed from the voter registration list. For information on how to register in your new out-of-state jurisdiction, please refer to U.S. Elections Assistance Commission's website at: www.eac.gov [or if successor entity, insert successor's website address] or the Supervisor of Elections' Office.

c. If you do not reply within 30 days, your registration will be placed on inactive status.

(b) Process.

1. In-county residential address change. If the third-party source address change is within the same county, the voter registration official shall enter the change into the FVRS as follows:

a. If the active voter's residential and mailing addresses on record are the same and the new address validates as a residential address, the registration official shall update FVRS with the new address and record the applicable third-party source. An Address Change Notice shall be sent to the newly recorded address. If the new address cannot be validated as a residential address, the voter registration official shall take steps to resolve the issue. If the issue is resolved, the registration official shall send an Address Change Notice, or a voter information card if the issue is resolved through contact with the voter. If the address can only be validated as a mailing address, the registration official shall enter the address into the mailing address field and record the third-party source. An Address Confirmation Request may be sent to the voter to try to confirm a change in residence.

b. If the voter's residential and mailing addresses on record are different, the registration official shall update only the mailing field, record the third-party source, and send an Address Confirmation Request to that new mailing address. If the new address is the same as the existing current residential address, the old mailing address shall be removed or the field updated to reflect this change. No further notice to the voter is required.

2. Out-of-county residential address change. If the information received indicates the voter's residential address has changed to another county, the voter registration official shall enter the change into the FVRS as follows.

a. If the voter's residential and mailing addresses on record are the same, and the new address validates as a residential address, the registration official shall update the residential address field with the new address, record the third-party source, and suspend the record through the FVRS to the Supervisor of the voter's new county of residence. The Supervisor for the voter's new county of residence shall send the Address Change Notice to the newly recorded address. If the new address cannot be validated as a residential address, the registration official shall enter the address update, record the third-party source, and suspend the record through the FVRS to the Supervisor of the voter's new county of residence to take steps to resolve the issue. If the new address can be validated as a residential address, then the Supervisor for the voter's new county of residence shall send to the new address an Address Change Notice, or a voter information card if the issue was resolved through contact with the voter. If the new address can only be validated as a mailing address, the registration official shall enter the address in the mailing address field, restore the voter's prior recorded residential address, and suspend the record back through the FVRS to the voter's prior county of residence. The Supervisor for the voter's prior county may send an Address Confirmation Request to the voter's newly recorded mailing address to try to confirm a change in residence.

b. If the residential and mailing addresses are different, the registration official shall only update the mailing address field with the new address, record the third-party source, and send an Address Confirmation Request to the newly recorded mailing address.

3. Out-of-state residential address change. If the information received indicates an out-of-state residential address change and provides a forwarding out-of-state address, the registration official shall only update the mailing address field and an Address Confirmation Final Notice shall be sent to the newly recorded mailing address. If no forwarding out-of-state address is provided, an Address Confirmation Final Notice shall be sent to the voter's last recorded mailing address for his or her residential address.

4. Nonresidential address change. If at any time, the third-party source address change indicates only that the mailing address has changed, then only the mailing address field in the FVRS shall be updated with that address if that address can be validated. An Address Confirmation Request may then be sent to the voter to try to confirm whether there has also been a change in legal residence. Nothing herein precludes a Supervisor from sending an Address Confirmation Request to a potentially more current residential address that the Supervisor has found or obtained from any source other than the active voter.

(c) Feedback on notices.

1. Feedback on Address Confirmation Request.

a. If an active voter contacts a Supervisor in response to an Address Confirmation Request to notify that his or her name or address on the record is incorrect, the voter must make the request in accordance with Section 97.1031, F.S., before the change can be made in FVRS. If an active voter notifies the Supervisor in writing that he or she has moved out-of-state or otherwise requests

removal, the Supervisor shall remove the voter's name from the FVRS. The Supervisor shall record the reason code in the FVRS to reflect the basis for the removal as either out-of-state residence or voter's request for removal.

b. If an active voter does not respond to an Address Confirmation Request, no further action is required.

c. If an Address Confirmation Request is returned as undeliverable, an Address Confirmation Final Notice shall be sent to the address on record.

2. Feedback on Address Change Notice.

a. If the active voter responds to an Address Change Notice with an in-state residential address change, the address change shall be entered in the FVRS. If the voter responds using other than the postage prepaid, preaddressed return form, the voter's request for address change must be made in accordance with Section 97.1031, F.S.

b. If an active voter responds to an Address Change Notice with an out-of-state residential address change or requests removal from the registration list, the Supervisor shall remove the voter's name from the FVRS and record the reason code in the FVRS to reflect the basis for the removal as either out-of-state residence or voter's request for removal, whichever is applicable. If the voter responds using other than the postage prepaid, preaddressed return form, the response must still be in writing in order to remove the voter's name from the FVRS.

c. If an active voter does not respond to an Address Change Notice, no further action is required.

d. If the Address Change Notice is returned as undeliverable, the Supervisor shall send an Address Confirmation Final Notice to the address on record.

3. Feedback on Address Confirmation Final Notice.

a. If an active voter responds to an Address Confirmation Final Notice with an in-state residential address change, the address change shall be entered in the FVRS. If the voter responds other than using postage prepaid, preaddressed return form, the voter's request for address change must be submitted in accordance with Section 97.1031, F.S.

b. If an active voter responds to an Address Confirmation Final Notice with an out-of-state residential address change or requests removal from the registration list. The Supervisor shall remove the voter's name from the FVRS and record the reason code in the FVRS to reflect the basis for the removal as either out-of-state residence or voter's request for removal, whichever is applicable. If the voter responds using other than the postage prepaid, preaddressed return form, the response must still be in writing in order to remove the voter's name from the FVRS.

c. If an Address Confirmation Final Notice is returned as undeliverable or the active voter does not respond to the notice within 30 days, the Supervisor shall change the voter's registration status to inactive. No further notice to the voter is required except as provided in paragraph (e).

(d) Pre-registered voters. If a voter registration official receives residential address change information on a pre-registered voter from a third-party source, the address shall be updated into the mailing address field, provided it can be validated as a mailing address. No further notice is required until the pre-registered voter's status changes to registered voter. At that time, the Supervisor shall issue a voter information card pursuant to Section 97.071, F.S., to the mailing address of record.

(e) Inactive voters.

1. Restoration. Once a voter has been made inactive through this subsection, third-party address changes processes shall not apply to change an inactive voter's legal residence until he or she is restored to active status. An inactive voter can only be restored to active status upon the voter's own activity as set forth in Section 98.065(4)(c), F.S. If an inactive voter wants to make an in-state address change to his or her record, it must be made and processed in accordance with Section 97.1031, F.S. Upon receipt of address change information from the inactive voter, the Supervisor shall change the inactive voter's status to active. The Supervisor shall issue a new voter information card in accordance with Section 97.071, F.S. If the inactive voter submits an out-of-state residential address change, the voter's name shall be removed from the FVRS.

2. Removal from the rolls. If an inactive voter does not vote, request a vote-by-mail ballot or update his or her voter registration record by the second federal general election after the date he or she was placed on inactive status, the Supervisor shall remove the name of the inactive voter from the FVRS no later than December 31 in the same year of the second federal general election. Except as provided in subsection (5), no address list maintenance notices can be issued and a voter's name cannot be removed during the 90-day period immediately preceding an election for federal office. After the election, postponed notices may be issued in accordance with this subsection. However, any requirement to send a postponed notice shall be superseded if in the intervening period, the voter's status changed from inactive to active based on voter activity. If there is no record of voter activity, the inactive

voter who was scheduled to be removed shall be removed as stated above after the election. A code shall be assigned that will reflect in the FVRS that the basis for the removal is no activity by the inactive voter by the second federal general election.

(f) Address change information on potentially ineligible voter. A third-party source address change received for a voter who is currently being processed as potentially ineligible pursuant to the process in subsection (4) shall be processed in the same manner as any third-party source address change for a registered voter under this subsection. The following additional processes apply when the address change is made:

1. A supervisor of elections shall run a daily report to track potentially ineligible registered voters who have moved to another county. If the case file did not originate from the BVRS, the Supervisor for the potentially ineligible voter's prior county of residence shall notify the Supervisor of the new county of residence regarding the potentially ineligible move-in registered voter and shall transfer a copy of the case file to the new county of residence no later than one week from date the residence changed in the FVRS. If the potentially ineligible case file originated as a paper file from the Bureau of Voter Registration Services, the Supervisor for the voter's prior county of residence shall notify the BVRS immediately and return the original case file to the BVRS no later than one week after the date of the report that shows that a potentially ineligible voter has moved out-of-county. The notification shall include the voter's name, the FVRS identification number and the match record identification number. The BVRS will re-process the file as an electronic file and the FVRS will issue a notice to the Supervisor of the voter's new county of residence to retrieve the file from the FVRS.

2. A Supervisor shall receive notice through FVRS that a potentially ineligible registered voter has moved into his or her county in those cases in which the potentially ineligible case file originates from the BVRS. Upon receipt of notice, the electronic case file will be available for processing and retrieval.

3. Upon receipt or retrieval of the file, the Supervisor for the new county of residence shall initiate a new notice and removal process under Section 98.075(7), F.S., using the newly recorded address.

(g) Recording and Reporting.

1. The Supervisor shall ensure that the following transactions and the date for each transaction are recorded in the FVRS and reflect the codes and contact types implemented for the FVRS for each voter as applicable: address change information received, third-party source for address change, type of address notice sent (i.e., Address Change Notice, Address Confirmation Request and Address Confirmation Final Notice), notice returned as undeliverable, notice returned by voter, change in voter status, and removal code based on either voter's request to be removed, out-of state residential address change, information from out-of-state election official that voter is now registered elsewhere, or voter's inactivity through two federal general elections following designation as inactive voter.

2. The voter registration official shall retain locally documents containing address change information received from sources other than the voter. Such documents shall not be scanned into the FVRS.

3. The Supervisor shall certify twice annually that he or she has conducted address list maintenance activities in accordance with law and this rule. The Supervisor shall use the form entitled "Certification of Address List Maintenance Activities" DS-DE #117 (eff. 07/11) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00312>). The certification is due no later than July 31 and January 31 of each year to report the prior 6-month activities.

(4) Eligibility Records Maintenance Activities. The following procedures apply to eliminate duplicate records and to remove ineligible registered voters regardless of active or inactive status in the FVRS. Grounds for ineligibility include death, felony conviction without civil rights restored, adjudication of mental incapacity as to voting without those rights restored, lack of United States citizenship, fictitious person, nonlegal age, or listing a residential address that is not the voter's Florida legal residence.

(a) Duplicate records. In accordance with Section 98.075 (2) F.S., the Department of State shall periodically identify two or more registration records for the same voter in the FVRS and notify the Supervisor in order to review and resolve as follows:

1. Records in the same county. If the voter registration official determines that the duplicate registration records belong to the same voter, the registration official shall update the FVRS to reflect only one active registration record for the voter. The registration official shall assign a code that will reflect in the FVRS the basis for removal as a duplicate record.

2. Records in different counties. If the voter registration official determines that the duplicate registration records belong to the same voter, the voter registration official shall notify the other county of residence about the duplicate record. If the registration date on the newer duplicate 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 voter registration official shall assign a code that reflects in the

FVRS the basis for the removal of a record as a duplicate record. If the registration date on the newer duplicate record is on or after January 1, 2006, the older registration record shall be updated with the newer county of residence information in the new record.

3. Records-Invalid match or unconfirmed. If the voter registration official determines the records identified as duplicate do not belong to the same voter or cannot be confirmed as belonging to the same voter, the registration official shall record a determination of invalid in the FVRS.

4. Review. A voter's name may not be removed and re-registered with a new FVRS ID number in order to resolve duplicate registration records even if it appears that a voter might have moved his or her legal residence out-of-state for voter registration and voting purposes in-between the period in which the records were created. A Supervisor must ensure that registration records identified as duplicate have been reviewed and a determination recorded in the FVRS no later than two weeks from receipt of the information from the Department of State.

(b) Death records.

1. In accordance with Section 98.075(3) F.S., a Supervisor shall remove a voter's name from FVRS upon receipt of an electronic match record or death data of a deceased voter identified by the Department of State or from any other specific source identified by statute. The match record or death data shall be directed to the voter's last county of residence. The Supervisor shall assign a removal code that reflects in the FVRS the basis for the removal as deceased. No further review of the record or notice to the voter is required. If a Supervisor chooses to review the match record further than required, and rejects the match record for whatever reason (e.g., the information is insufficient to support the match, the identities do not match, or the registered voter is alive), the Supervisor shall record a determination of invalid in the FVRS. Such determination shall be recorded in the FVRS no later than two weeks after notification of the electronic match record through the FVRS.

2. If the Supervisor receives a copy of a death certificate issued by the local health bureau or office of the Florida Department of Health, or from some other source for which the law authorizes automatic removal, the Supervisor shall remove the deceased voter's name in the same manner as provided in subparagraph 1. The Supervisor shall retain a copy of the death certificate for his or her records.

3. Except as provided in subparagraphs 1. and 2. of this subsection, a Supervisor who receives information from any other source that the voter is deceased, must first follow the process set forth in Section 98.075(7), F.S. and paragraph (d) of this subsection.

(c) Felony Conviction and Mental Incapacity Records.

1. In accordance with Sections 98.075(4) and (5) F.S., the Department of State shall identify voters in the FVRS who are potentially ineligible based on a felony conviction without civil rights restored or an adjudication of mental incapacity without voting rights restored. The BVRs shall create an ineligibility case file based on an investigation of information that the match is credible and reliable for each identified voter. Each file shall be provided to the Supervisor of Elections for the voter's county of residence based on the last address of record in the FVRS.

2. Upon receipt of file by mail from the BVRs and notice through FVRS or upon electronic retrieval of the file through FVRS, whichever is applicable, the Supervisor shall follow the notice and removal procedures in Section 98.075(7), F.S., prior to making a determination of eligibility or ineligibility. If the Supervisor determines that the voter is still eligible, a voter information card shall be issued. If the Supervisor determines that the voter is ineligible, it shall be recorded in the FVRS before the voter is removed from the official list. The Supervisor shall notify the voter regarding a determination of ineligibility and removal. The determination must be made and recorded in the FVRS no later than 120 days of receipt of the match information from the BVRs or through the FVRS. If no determination is entered at that time, the Department of State may request a status update from the Supervisor of Elections.

(d) Other Record Sources for Potential Ineligibility. The Supervisor shall follow the notice and removal procedures in Section 98.075(7), F.S., when he or she receives any potential ineligibility information other than through the Department of State or the FVRS that a voter is potentially ineligible for any of the statutory grounds for ineligibility. If the basis for the potential ineligibility is a felony conviction or an adjudication of mental incapacity, the Supervisor shall notify BVRs. The notice shall include the voter's name and FVRS identification record number. The BVRs shall cross-check its records to determine if the same voter is already being processed as potentially ineligible pursuant to the bureau's duties under Sections 98.075(4) or (5), F.S. If BVRs finds a concurrent or pending match file, the BVRs shall cancel as duplicative its match in progress and allow the Supervisor to process his or her own potential ineligibility match file.

(e) Recording and Reporting.

1. The Supervisor shall ensure that any determination of eligibility or ineligibility is recorded in the FVRS and the code for removal of any record or voter's name is assigned in a manner that reflects the basis for the removal in the FVRS. The Supervisor shall also ensure that the following transactions and dates for these transactions under Section 98.075(7), F.S., are recorded in the FVRS with the codes and contact types implemented for FVRS: mailed notice of potential ineligibility according to category of ineligibility, returned undeliverable notice of potential ineligibility, published notice, voter response (i.e., no response within 30 days, admission, denial with request for hearing, or denial with no hearing requested), notice of hearing, hearing conducted, and mailed notice of final determination of ineligibility and removal.

2. The Supervisor shall certify twice annually that he or she has conducted eligibility records maintenance activities pursuant to law and this subsection. The Supervisor shall certify the activities by using the form entitled "Certification of Voter Registration Records Maintenance Activities", Form DS-DE #118 (eff. 07/2011) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-00313>), which is hereby incorporated by reference. The certification is due no later than July 31 and January 31 of each year to report the prior 6-month activities.

(5) Removal of voters. The name of any registered voter may be removed at any time including within the 90 days prior to a federal election for reasons of ineligibility, the voter's written request, or receipt of information from an election official in another state that the voter is registered in another state. The Supervisor must ensure that the removal code is recorded in the FVRS to reflect the basis for the removal.

(6) Availability of Forms. All prescribed forms incorporated by reference herein are available by contacting Division of Elections, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6200, or by access to the Division of Elections' website at: <http://election.dos.state.fl.us>.

Rulemaking Authority 20.10(3), 97.012(1), 98.015(10)-(12), 98.035(5), 98.045(5), 98.0655, 98.075(1) FS. Law Implemented 98.035, 98.045(2), 98.065, 98.0655, 98.075 FS. History—New 8-1-11.