



## Third-Party Voter Registration Organization Summary

### DE Reference Guidelines 0012 (Updated 09/2014)

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

#### WHAT IS THE GOVERNING LAW?

- Section [97.0575](#), Florida Statutes (2013), and Rule [1S-2.042](#), Fla. Admin. Code).
- Portions of s. [97.0575](#) have been held to be unconstitutional (see Permanent Injunction and Order (Case No. 4:11cv628-RH/WCS, Aug 30, 2012, N.D. Fla. 2012) regarding *League of Women Voters of Florida v. Browning*, 863 F. Supp. 2d 1155 (N.D. Fla. 2012).
- Therefore, contrary to normal statutory interpretation, it is Rule [1S-2.042](#) which embodies the state of the law, not s. [97.0575](#). The rule reflects the extent to which the court order supersedes that section.

#### WHO/WHAT IS A THIRD-PARTY VOTER REGISTRATION ORGANIZATION (3PVRO)?

- Any person, entity, or organization that collects any voter registration application.

#### WHO/WHAT IS NOT A 3PVRO?

- A person who collects a voter registration application from that person's spouse, child, or parent.
- An employee or agent of the Division of Elections, Supervisor of Elections, and Department of Highway Safety and Motor Vehicles engaged in registering people to vote or collecting voter registration applications.
- An official voter registration agency designated by the National Voter Registration Act or state law (ss. [97.021](#) & [97.058](#), Florida Statutes, and Rule [1S-2.048](#)).
- Any organization that only distributes, but not does not collect voter registration applications, is not a 3PVRO and need not comply with the 3PVRO requirements.

#### WHAT ARE THE RESPONSIBILITIES OF A 3PVRO?

- Comply with all statutory (see s. [97.0575](#), Fla. Stat.) and regulatory (see Rule [1S-2.042](#)) requirements including, but not limited, to:
  - Register with the Division of Elections
  - Timely submit all voter registration applications it collects to the Division of Elections or the Supervisor of Elections, including incomplete applications (see "Penalties for a 3PVRO Not Promptly Delivering Voter Registration Applications" below for timeliness requirements).
  - Serve as a fiduciary for the applicants from whom it collects voter registration applications.
  - Place its assigned ID # on any voter registration application it delivers to the Division of Elections or a Supervisor of Elections. (The ID # must be recorded on the bottom portion of the back side of the voter registration application in a manner that does not obscure any other entry.)
  - Record the date that an applicant provides the voter registration to the 3PVRO or its registration agent on the bottom portion of the back side of the voter registration application in a way that does not obscure any other entry.
  - Keep its registration and employee registration agents' information updated within 10 days of any change.

#### HOW DOES A 3PVRO REGISTER?

- **Submit [Form DS-DE 119](#)** before collecting voter registration applications in Florida. The form may be emailed as a pdf attachment to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com) or faxed to the Division of Elections at 850-245-6291.
- **Obtain approval and an assigned 3PVRO ID#** from the Division of Elections before collecting applications.

#### WHO MUST REGISTER AS A 3PVRO?

- Anyone (person or entity) satisfying the above definition of a 3PVRO must register. This includes:
  - Candidates, political committees, or political parties who collect voter registration applications from Florida voter registration applicants.

- Each subsidiary or affiliate of a registered 3PVRO that itself independently engages in separate collection of voter registration applications on behalf of the affiliate. (Affiliate organization means any person, group, or entity associated with the 3PVRO as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.)

**REGISTERED AGENT REQUIREMENT**

- 3PVROs must designate on [Form DS-DE 119](#) an agent (person or entity) authorized to accept service of legal process for the 3PVRO.
- The registered agent must sign [Form DS-DE 119](#) to accept the appointment. Forms without signature are incomplete.
- “Registered agent” of a 3PVRO is considered to be an individual resident in the state or a domestic or foreign corporation or a not-for-profit corporation authorized to transact business in the state with such person or corporation being authorized to accept legal service of process for the 3PVRO.
- Note: A 3PVRO “registered” agent and a 3PVRO “registration” agent do not mean the same thing. The 3PVRO *registration agent* is any person who is employed by or volunteers for the 3PVRO, who collects voter registration applications from Florida voter registration applicants on behalf of the 3PVRO and the person may be a registration agent for more than one 3PVRO.

**PENALTIES FOR A 3PVRO NOT PROMPTLY DELIVERING VOTER REGISTRATION APPLICATIONS**

- A 3PVRO must promptly deliver applications to the Division of Elections or the Supervisor of Elections—no later than 10 days from date of collection or the deadline for registration for an upcoming election, whichever is sooner.
- The date the applicant signed the voter registration application is presumed to be the date the 3PVRO received or collected the application. The 3PVRO must print the date the applicant completed the application in a conspicuous space on the bottom portion of the back side of the application in a way that does not obscure any other entry.
- The 3PVRO itself is liable for the following fines for untimely delivery or failure to deliver:

Activity	Fine per Application	Willful Act per Application
<ul style="list-style-type: none"> <li>✓ Application not received until more than 10 days from date of collection</li> <li>✓ Application postmarked more than 10 days from date of collection (If the Division of Elections or the Supervisor of Elections’ Office is closed at the 10-day deadline, the deadline is extended to the next business day)</li> </ul>	\$50	\$250
<ul style="list-style-type: none"> <li>✓ Application collected <i>before</i> book closing for any given election for federal or state office but received <i>after</i> the book closing deadline.</li> </ul>	\$100	\$500
<ul style="list-style-type: none"> <li>✓ Application never submitted</li> </ul>	\$500	\$1000
<p style="text-align: center;"><i>Maximum aggregate fine that can be assessed against a 3PVRO, including affiliate organizations, for violations committed in a calendar year is \$1,000.</i></p>		

- Untimely delivery of voter applications by a 3PVRO may only be excused based upon:
  - “**Force majeure**” means any event or occurrence of societal significance beyond the reasonable control and without the fault of the 3PVRO which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the 3PVRO, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel; or
  - “**Impossibility of performance**” means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

## HOW A 3PVRO UPDATES OR WITHDRAWS ITS REGISTRATION

- Submit [Form DS-DE 119](#) reflecting the update or withdrawal within 10 days following any change to information previously submitted to the Division of Elections.
- Submit the form as an e-mail attachment in pdf format to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com) or fax it to 850-245-6291.
- Note: If a 3PVRO's registration agent terminates his or her employment, the 3PVRO must file an amended [Form DS-DE 119](#) or send an email or fax to the Division reflecting the termination.

## SUPERVISOR OF ELECTIONS' DUTIES RELATING TO 3PVROS

- **Include the 3PVRO ID #** on the bottom of the back side of each voter registration application it provides to the 3PVRO in a manner that does not obscure any other entry.
- **Record the delivery date** on the bottom portion of the back side of each non-blank voter registration application received from a 3PVRO in a manner that does not obscure any other entries. The date of delivery is:
  - The actual date of receipt if delivered in person or mailed envelope has no or unclear postmark.
  - The date of the clear postmark for mailed delivery.
- **Report daily the number of voter registration applications (state and federal) provided to and received from each 3PVRO.**
  - Due to the Division of Elections by noon each business day for prior business day activity and only required when delivery and receipt of applications actually occurred on the prior business day.)
  - [Form DS-DE 124](#) is required and may be emailed as pdf attachment to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com) or faxed to 850-245-6291.
- **Report any untimely filed voter registration application** by a 3PVRO and include:
  - An explanatory statement in an email to the Division of Elections at [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com).
  - Attach documents which reflect the untimely submission in pdf format to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com), or fax them to 850-245-6291, or send them by express mail or expedited courier service.
  - For an application that only contains the 3PVRO's ID # and no other information, which was delivered after book closing or more than 10 days after the applicant signed the application, the explanatory statement should include a description of the Supervisor of Elections' efforts to contact the applicant to confirm that the application was delivered to the 3PVRO.
- **Process even untimely received voter registration applications.**

## HOW MAY A 3PVRO OBTAIN VOTER REGISTRATION APPLICATIONS?

- **3PVROs may obtain voter registration applications in the following ways:**
  - Copy or print them themselves.
  - Obtain copies from a supervisor of elections.
  - Obtain copies from the Division of Elections. The request must be received in writing from a designated officer of the 3PVRO. The first 10,000 applications are provided free of charge; a charge of 1 cent per application is assessed for each subsequent application (see s. [97.052\(1\)\(b\)](#), Fla. Stat.).

## HOW TO FILE A COMPLAINT AGAINST A 3PVRO?

- A person who claims to have provided a voter registration application to a 3PVRO and whose name does not appear as an active voter must use a 3PVRO complaint form ([Form DS-DE 121](#)) and file it with the Division of Elections.
- A person may file an elections fraud complaint ([Form DS-DE 34](#)) with the Division for any allegations of irregularities or fraud involving a 3PVRO's voter registration activities.

## PROCESSING OF ALLEGED VIOLATIONS OF § 97.0575, FLORIDA STATUTES

- **The Division of Elections and the Department of State's General Counsel will review 3PVRO complaints** ([Form DS-DE 121](#)) or reported violations by a 3PVRO and make recommendations to the Secretary of State.
- **The Secretary**, upon reasonable belief that a violation has occurred, **may refer the matter** to Florida's Attorney General for enforcement.
- Any **3PVRO may submit a statement of force majeure or impossibility of performance** to explain the circumstances constituting the violations. If the statement demonstrates the failure to submit or untimely submission was the result of force majeure or impossibility of performance, the Secretary of State will not refer the violation to the Attorney General.
- The **Attorney General may institute a civil action** against the 3PVRO, to include a permanent or temporary injunction, a restraining order, or any other appropriate order, along with the imposition of the applicable fines.