

FLORIDA VOTER REGISTRATION

These resources are current as of 11/21/18. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at advocacy@afj.org.

WHAT'S NEW IN THIS GUIDE

The following changes/additions have been made since the previous version of this guide:

- Updated registration section to include online voter registration - §97.0525, Fla. Stat.
- Updated information on photo IDs pursuant to §97.0535, Fla. Stat.
- Updated criminal penalties applicable to voter registration drives pursuant to §104.011 and 104.012, Fla. Stat.

This guide summarizes key aspects of laws governing voter registration on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

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DEADLINES FOR REGISTRATION

Deadline for registering

- The registration books are closed on the 29th day before each election (exclude the day of the election in calculation). Once the books are closed, the only changes that can be made include updates to a voter's name, address, and signature. Additionally, party changes will be permitted for the upcoming election. However, if the election is for the purpose of nominating a political party nominee, the party change will apply only to subsequent elections. [§ 97.055\(1\)\(c\), Fla. Stat. \(2018\)](#). Other changes must be accepted but only for the purpose of subsequent elections. [§ 97.055\(1\)\(c\); Fla. Stat. \(2018\)](#). Address changes are still acceptable up to, and including, the day of the election.
 - Exception: Military members (and accompanying family members) discharged or returned from deployment after the book closing deadline may register until 5:00 p.m. on the Friday before the election. [§ 97.0555, Fla. Stat. \(2018\)](#).

Does state offer Election Day registration?

- Voters may register in person on Election Day, but the registration is valid only for *subsequent* elections. [§ 97.055\(1\)\(b\), Fla. Stat. \(2018\)](#) (“Voter registration applications ... must be accepted but only for the purpose of subsequent elections.”)

Does state allow by-mail registration?

- Yes, voters may register by mail. [§ 97.053\(4\), Fla. Stat. \(2018\)](#). The registration date is the date of the postmark. If there is no legible postmark, the registration date is the date the application is received by any supervisor or the Division of Elections.
 - Exception: If the mailed registration is received within 5 business days after the closing of the books for an election, the registration date is the book-closing date. [§ 97.053\(4\), Fla. Stat. \(2018\)](#).
- Voters may request vote-by-mail ballots in person or in writing. Such voters will be provided with vote-by-mail ballots for all elections through the end of the calendar year of the second ensuing regularly schedule general election, unless at the time of making the request the voter indicates for which elections he or she wishes to receive an vote-by-mail ballot. [§ 101.62\(1\)\(a\), Fla. Stat. \(2018\)](#).

Does the state allow online registration?

- Yes, in 2017, the state instituted an online registration process. [§97.0525, Fla. Stat. \(2018\)](#). Voters may register online at <https://registertovoteflorida.gov/en/Registration/Index>. The voter will complete an online voter registration form that includes the information on the uniform statewide voter registration application and swear to an oath. [§97.0525\(1\)\(b\) & \(c\), Fla. Stat. \(2018\)](#). The voter will need a Florida Driver's License or Florida ID card to register online. [§97.0525\(4\)\(a\), Fla. Stat. \(2018\)](#). If the voter does not have a driver's license or

ID card, the voter may print, sign and mail in the registration form. [§97.0525\(4\)\(c\), Fla. Stat. \(2018\)](#). Upon submission of a completed online application, the voter will receive an immediate electronic confirmation that the Supervisor has received the application and will be provided instructions on how to check the status of the application. [§97.0525\(5\), Fla. Stat. \(2018\)](#).

May voter register before turning 18?

- Yes. A person who is otherwise qualified may pre-register once he/she turns 16 years old. He/she may vote in any election occurring on or after that person's 18th birthday. [§ 97.041\(1\)\(b\), Fla. Stat. \(2018\)](#).

May a voter change his or her address at the polling place?

- In limited circumstances. On election day, a voter who has moved from one precinct to another in which the voter is registered may vote in the precinct to which he or she has moved his or her legal residence, if the change of residence is within the *same* county or the precinct to which the elector has moved his or legal residence is within a county that uses an electronic database as a precinct register at the polling place. Such voters must complete a "Change of Legal Residence of Registered Voter" form to do so, otherwise such persons must vote a provisional ballot. [§ 101.045\(2\)\(a\), Fla. Stat. \(2018\)](#).

PHOTO ID REQUIREMENTS

Required for registration? If so, what kinds of ID?

- Yes, at the time of registering or at least prior to voting the first time, but only if:
 - You are registering by mail;
 - You have never voted in Florida; and
 - You have yet been issued a Florida driver's license, Florida identification card, or Social Security number. [§ 97.0535\(1\), Fla. Stat. \(2018\)](#).
- You should provide a copy of *at least one of* the required identification listed below at the time you mail your registration application:
 - Current photo IDs that includes your name and picture:
 - U.S. passport, debit/credit card, military ID, student ID, retirement center ID, neighborhood association ID, VA veteran health ID, concealed weapon license, government employee ID or public assistance ID. [§ 97.0535\(3\)\(a\), Fla. Stat. \(2018\)](#).
 - If no photo ID is available, the following forms of identification are valid if they contain the name and current residence address of the applicant:
 - utility bill, bank statement, government check, paycheck, or other government document (excluding voter ID card). [§ 97.0535\(3\)\(b\), Fla. Stat. \(2018\)](#).
- Note: The following persons are exempt from having to provide a copy of an ID:
 - Persons 65 years of age or older

- Persons with a temporary or permanent physical disability
- Members of the active uniformed service or merchant marine who, by reason of such active duty, are absent from the county on election day
- Spouse or dependent of an active uniformed service member or merchant marine who, by reason of such active duty, are absent from the county on election day
- Persons currently residing outside the U.S. who are eligible to vote in Florida [§ 97.0535\(4\), Fla. Stat. \(2018\)](#).

Required for voting? If so, what kinds of ID?

- A current photo ID is required for voting to verify each elector upon entering the polling place. [§ 101.043\(1\), Fla. Stat. \(2018\)](#).
 - Examples: Florida driver’s license or ID card (issued by DMV), U.S. passport, debit/credit card, military ID, student ID, retirement center ID, neighborhood association ID, VA veteran health ID, concealed weapon license, government employee ID or public assistance ID.
- If the photo ID does not contain the signature of the voter, an additional ID that provides the voter’s signature is required.
- The address appearing on the identification presented by the voter may not be used as the basis to confirm or challenge the voter’s legal residence. If the voter’s address on the photo ID matches his or her address in the voter registration records, the voter may not be asked to provide additional information to recite his or her address.
- If the elector fails to provide the appropriate forms of required ID, he or she can only vote a provisional ballot.

Requirement to provide proof of citizenship to register and/or vote?

- While proof of citizenship is not required for voting, a registrant must answer “yes” or “no” to the following question on the registration application: “Are you a citizen of the United States of America?” [§ 97.052\(2\)\(s\), Fla. Stat. \(2018\)](#).

VOTER REGISTRATION DRIVES

Third-Party Voter Registration

Important Note: In response to a federal court’s injunction against certain aspects of section 97.0575 concerning third-party voter registration organizations, the Florida Legislature and Division of Elections amended [§ 97.0575, Fla. Stat. \(2011\)](#) and [Fla. Admin. Code R. 1S-2.042](#) in December 2012. The new laws removed those procedures that have been enjoined and made additional clarifications. For more information on the updated laws, including penalties for non-compliance, please review this factsheet, published by the Florida Division of Elections, available at <https://dos.myflorida.com/media/700004/de-guide-0012-third-party-voter-registration-organizations.pdf>

Who qualifies as a Third-Party Voter Registration Organization?

- Any person, entity, or organization that solicits or collects any voter registration application.
- The following are *exceptions*:
 - A person who seeks only to register to vote or collect a voter registration application from that person's spouse, child, or parent; or
 - An employee or agent who registers or collects voter registration applications on behalf of the Division of Elections (hereinafter "Division"), Supervisor of Elections, Department of Highway Safety and Motor Vehicles, or an official voter registration agency. [§ 97.021\(37\), Fla. Stat. \(2018\)](#).

Third-party Voter Registration Organization Registration

- *Prior* to engaging in any voter registration, third-party voter registration organizations must register with the Florida Division of Elections using [Form DS-DE 119](#). The organization must submit the form as an e-mail attachment in .pdf format to 3PVRO@dos.myflorida.com or transmit the form to the Division's facsimile machine at 850-245-6291.
- An affiliate organization of a Third-Party Voter Registration Organization that solicits or collects its own voter registration applications must submit its own registration, even if its affiliated organization has filed a [Form DS-DE 119](#).
- Upon receipt of an organization's registration, the Division will assign the organization a unique ID number. An organization is not considered registered to conduct voter registration activities until that ID number has been assigned. [Fla. Admin. Code R. 1S-2.042](#)

Requirements for Third-Party Voter Registration Organizations

- All voter registration applications used by the organization must include the organization's registration ID number on the bottom of the reverse side of each application in a manner that does not obscure another entry.
- The registration agent or organization must print the date and time (in the format of MM/DD/YY) that the application was collected in a conspicuous space on the bottom of the reverse side of the application.
- All applications collected by the Third Party Voter Registration Organization must be delivered to the Division or a supervisor of elections within 10 calendar days of collection.
 - Exception: If a book-closing deadline for any election for federal or state office falls within the 10-day period, all applications collected before the book-closing deadline must be delivered on or before the book-closing deadline. [Fla. Admin. Code R. 1S-2.042](#)

Termination of a Third-Party Voter Registration Organization or a Registration Agent

- An organization can terminate its status as a third-party voter registration organization by submitting [Form DS-DE 119](#) to the Division of Elections within 10 days. [Form DS-DE 119](#) must be submitted as an e-mail attachment in pdf format to 3PVRO@dos.myflorida.com or transmitted to the Division's facsimile machine at 850-245-6291.
- If a registration agent's employment with, or volunteer services for, an organization is terminated, the organization shall file notice of the terminated status of a registration agent by submitting an updated [Form DS-DE 119](#) or by sending a notification of the termination by email to 3PVRO@dos.myflorida.com or by transmitting the notification to the Division's facsimile machine at 850-245-6291. If [Form DS-DE 119](#) is not used as the means of notification, the notification shall contain the organization's assigned identification number and the name of the registration agent being terminated. [Fla. Admin. Code R. 1S-2.042](#)

Does state accept National Voter Registration Act (NVRA) registration forms? Any restrictions?

- Yes. Florida utilizes a uniform statewide voter registration application which can be obtained from the Department of State. However, the federal application is also acceptable in Florida if the completed application contains the information required by Florida law. [§ 97.052\(1\),\(5\), Fla. Stat. \(2018\)](#).

May groups "cage" completed registration forms (i.e. asks voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of the data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?

- Groups may "cage" completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s)).
- The registration agent must print the date the applicant delivered the application to the registration agent on the bottom portion of the reverse side of the application, in the format MM/DD/YY. All applications must be delivered to the Division or a supervisor of elections within 10 calendar days of collection, or on or before the book closing deadline, whichever is earlier. Fla. Admin. Code R. 1S-2.042.
- There are limitations on what data may be copied from the forms. The following information concerning voters and voter registration is confidential and exempt from the Sunshine Law:
 - All declinations to register to vote;
 - Information relating to the place where a person registered to vote or updated a voter registration;
 - An applicant's social security number, driver's license number and FL identification number; *and*
 - An applicant's signature. [§ 97.0585, Fla. Stat. \(2018\)](#).

May a group “pre-fill” some or all of the form before sending/giving it to a would-be registrant?

- The statutes do not address “pre-filled” applications.

May voter registration drive workers assist a voter in completing their registration form?

- Refer to response above.
- Note: By his or her signature, the applicant swears that all the information provided in the application is true. If the information on the application is not true, the applicant can be convicted of a felony of the third degree and fined up to \$5,000 and /or imprisoned for up to five years. § 97.052(2)(q), (3)(a),(b), Fla. Stat. (2018); [§104.011, Fla. Stat. \(2018\)](#).

Does state require training of voter registration workers?

- No.

Does state require registration of voter registration drives? If so, for by-mail drives, too?

- No.

Any requirement that a group must provide information to voters about how they may contact the group to determine the status of their registration?

- No.

May a group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?

- A group may pay registration drive workers, but not on a per registration basis. It is a third degree felony to pay someone based on the number of registrations obtained. [§104.012\(3\), Fla. Stat. \(2018\)](#).

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Division of Elections

Room 316, R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250
(850) 245-6200 (phone)
(850) 245-6217 (fax)
<http://election.dos.state.fl.us/index.html>

Florida Elections Commission

107 West Gaines Street
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539 (phone)
<http://www.fec.state.fl.us/>

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

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