



Third-Party Voter Registration Organization Summary

DE Reference Guidelines 0012 (Updated 05/2022)

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, and as subsequently amended by section 7, [chapter 2022-73, Laws of Florida](#)
- See Rule [1S-2.042](#), Florida Administrative Code (to the extent that rule does not conflict with state law)

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

- Any person or entity, or organization that collects any completed or otherwise non-blank voter registration application from a voter. It is the act of collecting voter registration applications that triggers a person or entity's requirement to register with the state as a third-party voter registration organization including:
 - Any candidates, political committee, or political party.
 - Any 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.) See [WHO/WHAT IS NOT A 3PVRO?](#)
- Printing and/or distributing blank voter registration applications or helping a person complete an online application form through Florida's official online voter registration system ([RegistertoVoteFlorida.gov](#)) or an online fillable form without collecting the completed applications does not trigger 3PVRO status.
 - If a person, entity, or organization, receives by mail or in person, a paper application, however completed, even if unsolicited, such person, entity or organization has a duty to forward the application to the Supervisor of Elections as soon as possible.

WHO/WHAT IS NOT A 3PVRO?

The following persons or entities are not 3PVRO for purposes of the law:

- 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, or Department of Highway Safety and Motor Vehicles engaged in registering people to vote or collecting voter registration applications.
- An official voter registration agency designated under [52 U.S.C. s. 20506\(a\)](#) of the National Voter Registration Act, or state law (ss. [97.021](#) & [97.058](#), Florida Statutes, and Rule [1S-2.048](#), Fla. Admin. Code).
- Any organization that only distributes voter registration applications but does not collect them.

HOW DOES A 3PVRO REGISTER?

- A person or entity collecting or intending to collect voter registration applications must register with the Florida Division of Elections and submit [Form DS-DE 119](#) (Third-Party Voter Registration Organization Registration Form) before collecting voter registration applications. The form:
 - May be emailed as a pdf attachment to 3PVRO@dos.myflorida.com
 - Must designate a registered agent (see requirement below). A "registered agent" of a 3PVRO is 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 and authorized to accept legal service of process for the 3PVRO. A DS-DE 119 form that does not contain the registered agent's signature is incomplete.

Note: A 3PVRO "registered" agent is not the same thing as a 3PVRO "registration" agent. A 3PVRO *registration agent* is any person who is employed by or volunteers for the 3PVRO, and collects voter registration applications from Florida voter registration applicants on behalf of the 3PVRO. A person may be a 3PVRO registration agent for more than one 3PVRO.

- Upon approval, Division of Elections will assign the new 3PVRO a unique identifier. The 3PVRO must use that 3PVRO ID # O to identify application forms requested and collected.

WHAT ARE THE DUTIES OF A 3PVRO?

- The 3PVRO must comply with state law and rules governing 3PVRO activities, including, but not limited, to:
 - Registering as a 3PVRO with the State (Division of Elections) if intending to collect voter registration applications.
 - Keeping its 3PVRO information and employee registration agents' information updated within 10 days of any change. (**Note:** The 3PVRO is not required to report or update information on volunteer registration agents.)
 - Placing its assigned 3PVRO ID # on any voter registration application it delivers to the Division of Elections or to a Supervisor of Elections. (The ID # must be recorded on the bottom portion of the backside of the voter registration application in a manner that does not obscure any other entry.)
 - Recording the date that a voter registration applicant delivers the application to the 3PVRO or its agent, whether in person or by mail. (The date must be noted on the bottom backside of the application in the format MM/DD/YY in a way that does not obscure any other entry.)
 - Timely submitting all voter registration applications (completed or not) it collects to the Supervisor of Elections in which the applicant resides or the Division of Elections. (see "Penalties for a 3PVRO Not Promptly Delivering Voter Registration Applications" below for timeliness requirements)
 - ✓ No later than 14 days after the person dates the application or before registration deadline
 - Serving as a fiduciary for the applicant from whom it collects paper voter registration applications, regardless of the method used to complete the paper application.

HOW CAN A 3PVRO UPDATE OR WITHDRAW ITS REGISTRATION?

A 3PVRO may use [Form DS-DE 119](#) to updates its registration information or to withdraw its registration. Updates must be made within 10 days of a change to information previously submitted. The form may be submitted as an e-mail attachment in pdf format to 3PVRO@dos.myflorida.com or mailed.

- 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 to the Division reflecting the termination.

HOW MAY A 3PVRO OBTAIN BLANK VOTER REGISTRATION APPLICATIONS?

- 3PVROs may obtain voter registration applications in the following ways:
 - Download from the Division of Elections' website and copy.
 - Obtain copies from the Division of Elections.
 - Obtain copies from a supervisor of elections.

The request for forms to an election official or Division must be received in writing from a designated officer of the 3PVRO. The first 9,999 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.).

WHAT ARE THE DUTIES OF A SUPERVISOR OF ELECTIONS RELATIVE TO 3PVROs?

The Supervisor of Elections (SOE) must:

- Include the 3PVRO ID # on the bottom backside of each blank voter registration application the SOE provides to the 3PVRO in a manner that does not obscure any other entry.
- Record the delivery date on the bottom portion of the backside of each non-blank voter registration application returned by a 3PVRO in a manner that does not obscure any other entry. The date of delivery is:
 - The actual date of receipt if delivered in person or mailed no or clear postmark is on the envelope.
 - The date of the clear postmark for mailed delivery.
- Report daily the number of voter registration applications (state and federal) provided to and delivered by 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](#) must be used. The form may be emailed as a pdf. attachment to: 3PVRO@dos.myflorida.com.
- 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.
 - Attach documents that reflect the untimely submission in pdf format to 3PVRO@dos.myflorida.com, 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 registration deadline or more than 14 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 received voter registration applications, even if untimely received, and assign source code "8" in the Florida Voter Registration System.

CIVIL PENALTIES FOR FAILING TO SUBMIT OR UNTIMELY SUBMITTING COLLECTED VOTER REGISTRATION APPLICATIONS

- A 3PVRO must promptly deliver applications to the applicant's Supervisor of Elections or the Division of Elections —no later than 14 days from date of collection or the deadline for registration ("book closing") for an upcoming election, whichever is sooner, regardless if the 14th day falls on a weekend, holiday, or other day on which the office is closed.
 - The date the applicant signed the voter registration application is presumed to be the date the 3PVRO received or collected the application.
 - 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 that the third-party voter registration organization did not create and could not reasonably have anticipated.

- The 3PVRO itself is liable for the following fines for untimely delivery or failure to deliver (see table for details):

Activity	Fine per Application	Willful Act per Application
✓ Application not received until more than 14 days from date of collection	\$50	\$250
✓ Application postmarked more than 14 days from date of collection		
✓ Application collected <i>before</i> the registration deadline for any given election for federal or state office but received <i>after</i> the registration deadline.	\$100	\$500
✓ Application never submitted	\$500	\$1000
<i>Maximum aggregate fine that can be assessed against a 3PVRO, including affiliate organizations, for violations committed in a calendar year is \$50,000.</i>		

- If a person or entity collection voter registration applications on behalf of a 3PVRO is convicted of altering a person’s application without their knowledge and consent, the 3PVRO is also liable for a \$1,000 fine for each application altered.

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.

ALLEGED VIOLATIONS OF 3PVRO LAWS

- 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.