

1S-2.042 Third-Party Voter Registration Organizations.

(1) Applicability. This rule provides procedures for the regulation of 3PVROs and third-party voter registration activities.

(2) Forms. The following forms are hereby incorporated by reference and available from the Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division's webpage at: <https://dos.myflorida.com/elections/forms-publications/forms/forms-incorporated-in-rule/>:

(a) Form DS-DE 119 (eff. 09/23), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15844>), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS-DE 121 (eff. 09/23), (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15845>), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(c) Form DS-DE 124 (eff. 09/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15846>), entitled "Supervisor of Elections' Accounting of Third-Party Voter Registration Organization's Voter Registration Applications."

(d) Form DS-DE 126 (eff. 09/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15847>), entitled "Supervisors of Elections' Transmittal Form – 3PVRO Noncompliance."

(e) Form DS-DE 127 (eff. 09/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15848>), entitled "Non-Felon and U.S. Citizen Declarations."

(f) Form DS-DE 129 (eff. 09/23) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-15849>), entitled "3PVRO Voter Registration Application Receipt."

(3) Definitions. For purposes of Section 97.0575, F.S., the following definitions apply:

(a) "3PVRO" means third-party voter registration organization.

(b) "Affiliate organization" of a 3PVRO means any person, as defined in Section 1.01(3), F.S., that is 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.

(c) "Collecting or handling," for purposes of section 97.0575(1)(e)-(f), F.S., means physically exercising custody over voter registration applications containing a voter's personal information. It does not include distributing blank voter registration applications, supervising the collecting or handling of voter registration applications, assisting a voter who requests assistance to fill out their voter registration application, or facilitating the voter to register electronically through registertovoteflorida.gov.

(d) "Engaging in any voter registration activities" means collecting voter registration applications from Florida voter registration applicants.

(e) "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.

(f) "Impossibility of performance" means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the 3PVRO did not create and could not reasonably have anticipated.

(g) "Registration agent" means any individual who is employed by or volunteers for a 3PVRO and who collects voter registration applications from Florida voter registration applicants on behalf of the 3PVRO.

(h) "Voter's personal information," for purposes of section 97.0575(7), F.S., means a voter's private information that is not generally available to the public including the voter's Florida driver license number, Florida identification card number, social security number, or signature. It does not include information contained in a Form DS-DE 129.

(4) Registration and Termination.

(a) Before engaging in any voter registration activities, a 3PVRO shall complete and file Form DS-DE 119 with the Division by email to 3PVRO@dos.myflorida.com with the form attached in .pdf format. An affiliate organization which itself independently engages in separate collection of voter registration applications from Florida voter registration applicants on behalf of the affiliate must file a Form DS-DE 119 even if its affiliated organization has filed a Form DS-DE 119.

(b) Upon receipt of a 3PVRO's complete and filed Form DS-DE 119, the Division shall assign the 3PVRO a unique identification number that begins with "3P." A 3PVRO is not deemed registered until the Division issues the 3PVRO its identification number

(c) A registration agent may be a registration agent for one or more 3PVROs.

(d) If any information in the Form DS-DE 119 filed with the Division changes, an organization shall submit any change in

information previously submitted to the Division, including any addition to the list of its employee registration agents, any termination of an employee registration agent, or change in information about an employee registration agent, or the termination of the 3PVRO, the 3PVRO shall file within 10 days a Form DS-DE 119 reflecting the updated information by email to 3PVRO@dos.myflorida.com with the form attached in .pdf format. within 10 days following the change. A change is not considered filed until the Division receives the change. Notice of termination of an employee registration agent shall be provided as set forth in paragraph (6)(b).

(e) Any 3PVRO that re-registers after having been cancelled shall be reassigned the same identification number.

(5) Voter Registration Applications Provided to and Used by Third-Party Voter Registration Organizations.

(a) All blank voter registration applications provided by the Division and each Supervisor of Elections to a 3PVRO shall include the 3PVRO's identification number on the bottom portion of the front side of each voter registration application in a manner that does not obscure any other entry.

(b) Unless the applicant has already dated the application form, the registration agent or the 3PVRO shall record the date that the 3PVRO collected the application in a conspicuous space on the bottom portion of the front side of the voter registration application in a manner that does not obscure any other entry. The applicant's date space should not be used. The date printed by the registration agent or the 3PVRO shall be in the following numerical format: MM/DD/YY. For example, if the voter registration applicant completed the application on May 15, 2024, the entry on the bottom portion of the front side of the application shall be: 05/15/24.

(c) Each 3PVRO shall ensure that its assigned 3PVRO identification number and the registration agent's initials are recorded on the bottom portion of the front side of any voter registration application it delivers to the Supervisor of Elections in the applicant's county of residence or the Division in a manner that does not obscure any other entry.

(d) 1. All collected voter registration applications, whether complete or incomplete, must be delivered to the Supervisor of Elections in the applicant's county of residence or the Division by mail or in person. Delivery or postmark must be within 10 calendar days of collection by the 3PVRO or any of its registration agents. If the 10th day falls on a weekend, holiday, or other day on which the Division or the Supervisor of Elections office is closed, the voter registration application must be delivered or be postmarked by the following business day. If, however, a book closing deadline for any given election for federal or state office falls within the 10-day period described above, all applications collected by a 3PVRO or any of its registration agents before book closing must be actually delivered on or before the book closing deadline.

2. The 3PVRO shall provide a cover letter indicating any applications that they believe were fraudulently completed or collected.

(e) A receipt shall be provided to an applicant upon accepting possession of their application using Form DS-DE 129. A person collecting voter registration applications on behalf of a 3PVRO may make, and a 3PVRO may retain, a copy of the Form DS-DE 129 provided to the applicant. Section 97.0575(7), F. S., does not prohibit a person collecting voter registration applications on behalf of a 3PVRO from making, or a 3PVRO from retaining, a copy of the Form DS-DE 129 provided to an applicant under section 97.0575(4), F.S.

(f) Each voter registration application contains a voter's personal information that is not generally available to the public. For purposes of section 97.0575(7), F.S., a person collecting a voter registration application on behalf of a 3PVRO for the reason of providing such application (including the voter's personal information contained therein) to the 3PVRO shall be deemed to be "in compliance with this section" with respect to providing such application to the 3PVRO if the person:

1. Provides such application to the 3PVRO and

2. Does not retain such application, or any information thereon, in whole or part, after providing it to the 3PVRO.

(g) A 3PVRO serves as a fiduciary to an applicant whose voter registration application it collects. A 3PVRO may not retain an applicant's voter registration application (or the voter's personal information contained therein) after promptly delivering it to the Division of Elections or the Supervisor of Elections in the county in which the applicant resides, nor may a 3PVRO use such application (or the voter's personal information contained therein) for any purpose other than promptly delivering such application to the Division of Elections or the Supervisor of Elections in the county in which the applicant resides.

(6) Referral to Attorney General for Enforcement; Waiver of Fines.

(a) In exercising the authority to refer violations of the third-party voter registration law to the Attorney General for enforcement, the Secretary of State's principal concern is the protection of applicants who have entrusted their voter registration applications to a 3PVRO. By law, the 3PVRO serves as a fiduciary to those applicants, who have a right to expect that their applications will be timely delivered to an elections official irrespective of party affiliation, race, ethnicity, or gender.

(b) Any 3PVRO claiming that its failure to deliver a voter registration application within the required timeframe was based upon force majeure or impossibility of performance may provide a statement to the Division explaining the circumstances constituting force majeure or impossibility of performance.

(c) If the information provided to the Division by the 3PVRO demonstrates that the failure to timely deliver a voter registration application was the result of force majeure or impossibility of performance, the Secretary of State will not refer the violation to the Attorney General for enforcement.

(d) The Secretary of State will not refer a violation to the Attorney General unless there is evidence that the applicant entrusted the voter registration application to the 3PVRO, except if the evidence reflects that the applicant themselves is fictitious or fraudulent.

(e) A 3PVRO may, pursuant to section 97.0575(1)(e)-(f), F.S., require each person collecting or handling voter registration applications on behalf of the 3PVRO to sign written declarations using Form DS-DE 127 declaring under penalty of perjury that he or she has not been convicted of a felony enumerated in section 97.0575(1)(e), F.S., and that he or she is a U.S. citizen. A 3PVRO shall not be subject to a fine pursuant to section 97.0575(1)(e)-(f), F.S., as applicable, for permitting a felon or non-U.S. citizen to handle or collect voter registration applications on behalf of the 3PVRO if the 3PVRO has a Form DS-DE 127 signed by the felon or non-U.S. citizen prior to collecting or handling voter registration applications on behalf of the 3PVRO.

(7) Processing of Voter Registration Applications from a 3PVRO by the Division and Supervisors of Elections and Accounting of Application Forms.

(a) A voter registration official shall record the date of delivery on the bottom portion of the front reverse side of the application in a manner that does not obscure any other entries. An application is considered delivered on the date the application is actually received by the Supervisor of Elections in the applicant's county of residence or the Division, if delivered in person, or, if mailed, the date of the postmark. If a postmark is not present or unclear, the date of delivery is the actual date of receipt by the Supervisor of Elections in the applicant's county of residence or the Division. For a determination of a fine based upon the application being received by mail after the book closing date, a clear postmark on or before the date of book closing will excuse the fine. If a 3PVRO delivers more than one application at the same time, those applications shall bear the same date of delivery regardless of when the applications are processed.

(b) A 3PVRO's untimely delivery of a voter registration application does not affect the validity of the application. Every application must be processed regardless of the timeliness of its delivery.

(c) The Division and Supervisors of Elections shall record the number of state or federal voter registration applications they provide to, and receive from, each 3PVRO. Each Supervisor of Elections shall complete and file Form DS-DE 124 by email to 3PVRO@dos.myflorida.com with the form attached in .pdf format, by noon of the following business day to report the number of voter registration applications provided to and received from all 3PVROs the previous business day. A Supervisor of Elections is not required to file Form DS-DE 124 when they did not provide any voter registration applications to, or receive any from, 3PVRO on the preceding business day.

(8) Complaints.

(a) Any person claiming to have provided a completed voter registration application to a 3PVRO but whose name does not appear as an active voter on the voter registration rolls, or whose application was modified without their consent or untimely delivered, may complete and file Form DS-DE 121 by email to OECS@dos.myflorida.com with the form attached in .pdf format or by mail to the Office of Elections Crimes and Security.

(b) Any person, organization, or entity (including a Supervisor of Elections) may report allegations of irregularities or fraud involving voter registration activities by filing an elections fraud complaint with the Division. See Rule 1S-2.025, F.A.C.

(c) Supervisors of Elections shall complete and file Form DS-DE 126 by email to OECS@dos.myflorida.com with the form attached in .pdf format, to report any untimely filed voter registration application submitted by a 3PVRO. A Supervisor of Elections may alternatively mail or deliver a completed Form DS-DE 126 to the Office of Elections Crimes and Security by express mail or expedited courier service. For any application containing a 3PVRO's identification number – but no other information indicating it was collected by a 3PVRO, such as a cover letter or a "date delivered" mark, and that was received untimely or after the book closing date the explanatory statement should include a description of the Supervisor's efforts to contact the applicant to confirm that the application was delivered to the 3PVRO.

Rulemaking Authority 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) FS. Law Implemented 97.012(1), (2), (15), 97.021(37), 97.053, 97.0575 FS. History—New 2-26-09, Amended 5-31-10, 11-2-11, 12-5-12, 9-26-23.