

Third-Party Voter Registration Organizations

What is a Third-Party Voter Registration Organization (3d PVRO)?

Any person, entity, or organization that solicits or collects any voter registration application, except:

- A person seeking only to register to vote or collect a voter registration application from that person's spouse, child, or parent; or
- A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the Division of Elections, Supervisor of Elections, Department of Highway Safety and Motor Vehicles, or an official voter registration agency.

What are the Responsibilities of a 3d PVRO?

Organizations registered as a 3d PVRO must do the following:

- Submit **all** voter registration applications to the Division of Elections or the Supervisor of Elections within 10 days of receiving the applications (this includes incomplete applications).
- File quarterly reports on **Form DS-DE 120** with the Division of Elections; the report must include the location and date of each voter registration drive conducted in the prior calendar quarter. The report shall be filed even if no voter registration drives were conducted during the quarter for as long as the organization is registered. The quarterly reports are due on the 15th of April, July, October, and January. If a due date falls on a Saturday, Sunday, or legal holiday, the report is due on the next day which is not a Saturday, Sunday, or legal holiday.

How Do I Register?

Prior to engaging in any voter registration activities, a 3d PVRO must register by submitting **Form DS-DE 119** to: Bureau of Voter Registration Services, Division of Elections, 500 S. Bronough Street, Room 316, Tallahassee, FL 32399. The Division of Elections will send an acknowledgement to the organization by mail to confirm receipt of the registration form.

Should I Register if I am Only “Handing Out” Voter Registration Applications?

The distribution of voter registration applications by itself does not make a person a 3d PVRO, but if the person says anything at the time of distributing the applications such as requesting the persons to complete the applications and to send them in, or makes any kind of plea about completing the applications, then it becomes “soliciting,” which would make the person a 3d PVRO. Be careful about what you say and do!

Must Each Person “Helping” Me Register as a Third-Party Voter Registration Organization?

No, as long as the entity registered as a 3d PVRO is actually controlling those persons helping to solicit or collect voter registration applications **and** the voter registration applications are returned to the controlling entity for delivery to the applicable Supervisor of Elections or Division of Elections.

Must a Candidate, Political Committee, or Political Party Register as a Third-Party Voter Registration Organization?

Any candidate, political committee, or political party (or anyone else) who solicits or collects voter registration applications should register as a 3d PVRO.

Must Affiliates or Subsidiaries of a Third-Party Voter Registration Organization Register?

If an organization or political party registers as a 3d PVRO, each subsidiary of the 3d PVRO which solicits or collects voter registration applications should also register. Affiliate organization means any person, group, or entity associated with the 3d PVRO 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.

Is a Registered Agent Required and What is a Registered Agent?

3d PVROs must designate **on Form DS-DE 119** an agent (person or entity) that the organization authorizes as its agent to accept service of legal process on its behalf. The registered agent must accept the appointment by signing Form DS-DE 119; forms without the signature of the designated registered agent will be considered incomplete. The Division of Elections interprets “registered agent” of a 3d PVRO to mean 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 3d PVRO. Therefore, service on the registered agent is the same as service on the 3d PVRO.

How Do I Update or Withdraw My Registration?

A 3d PVRO must submit **Form DS-DE 119** reflecting the update or withdrawal.

Are There Penalties?

The failure to submit either Form DS-DE 119 or DS-DE 120 does not subject the 3d PVRO to any civil or criminal penalties, and the failure to submit such information is not a basis for denying a 3d PVRO with copies of voter registration application forms.

However, a 3d PVRO which collects voter registration applications serves as a fiduciary to the applicant, ensuring that any application entrusted to the 3d PVRO shall be promptly delivered to the Division of Elections or the Supervisor of Elections. **If a voter registration application collected by any 3d PVRO is not promptly delivered to the Division of Elections or the Supervisor of Elections, the organization shall be liable for the following fines:**

- \$50 for each voter registration application received by the Division of Elections or the Supervisor of Elections more than 10 days after the applicant delivered the completed application to the 3d PVRO or any person, entity, or agency acting on its behalf. This fine is \$250 per application received if the 3d PVRO or person, entity, or agency acted willfully.
- \$100 for each voter registration application collected by a 3d PVRO or any person, entity, or agent acting on its behalf, prior to book closing for any given election for federal or state office and received by the Division of Elections or the Supervisor of Elections after the book closing deadline. This fine is \$500 per application received if the 3d PVRO or person, entity, or agency acted willfully.
- \$500 for each voter registration application collected by a 3d PVRO or any person, entity, or agent acting on its behalf, which is not submitted to the Division of Elections or the Supervisor of Elections. This fine is \$1000 for any application not submitted if the 3d PVRO or person, entity, or agency acted willfully.

The date the applicant signed the voter registration application is presumed to be the date the 3d PVRO received the application.

The aggregate fine which may be assessed against a 3d PVRO, including affiliate organizations, for violations committed in a calendar year shall be \$1,000. The fines shall be reduced by three-fourths (75%) in cases in which the 3d PVRO has complied with Section 97.0575(1), Florida Statutes.

What Can a 3d PVRO Do to Make the Voter Registration Process Easier?

Ensure persons filling out the voter registration form:

- Writes clearly and legibly.
- Provides their first and last names.
- Provides their “physical” residence address.
- Provides their date of birth.
- Provides their Florida Driver’s License or the last four digits of their Social Security Number.
- Signs the voter registration form with an original signature.
- Make sure all appropriate boxes are marked, such as citizenship, party affiliation, felony, or mental incompetency information.

References

- Section 97.021(37), Florida Statutes
- Section 97.0575, Florida Statutes
- Rule 1S.2.042, Florida Administrative Code
- Form DS-DE 119, Third-Party Voter Registration Organization Registration Form
- Form DS-DE 120, Quarterly Report Form for Organized Voter Registration Drives by Third-Party Voter Registration Organization
- Form DS-DE 121, Form for Complaint Against Third-Party Voter Registration Organization

Who Do I Contact for More Information?

Florida Department of State, Division of Elections

Phone: 850-245-6242 or 850-245-6290;

Email: nlshotwell@dos.state.fl.us or ptaff@dos.state.fl.us

Website: <http://election.dos.state.fl.us/voter-registration/third-party.shtml>