

Third-Party Voter Registration Organizations (rev. 02/2012)

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

Any person, entity, or organization that solicits or collects any voter registration application, EXCEPT the following are NOT:

- 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 designated by the National Voter Registration Act or state law (sections 97.021 & 97.058, Florida Statutes).

What are the Responsibilities of a 3PVRO?

A 3PVRO must comply with all statutory (*see s. 97.0575, Fla. Stat.*) and regulatory (*see Rule 1S-2.042*) requirements. Some specific requirements:

- Timely submit **all** voter registration applications it collects to the Division or the Supervisor of Elections, including incomplete applications (*see question "What Are the Penalties for a 3PVRO Not Promptly Delivering Voter Registration Applications?"* below, for timeliness requirements).
- Serve as a fiduciary for the applicants from which it collects voter registration applications.
- Ensure its assigned ID # is on any voter registration application it delivers to the Division or a Supervisor of Elections.
- Keep its registration and registration agents' information updated within 10 days of any change.
- File monthly reports on **Form DS-DE 123** with the Division NLT the 10th of each month reflecting an accounting of all registration forms it provided to and received from its registration agents during the preceding month. The form must be e-mailed as an attachment in pdf format to 3PVRO@dos.myflorida.com or transmitted to the Division's facsimile machine at 850-245-6291.

How Do I Register?

Before engaging in any voter registration activities (defined in **Rule 1S-2.042** as meaning when an organization solicits for collection or collects voter registration applications from Florida applicants), a 3PVRO must register by submitting **Form DS-DE 119** as an e-mail attachment in pdf format to 3PVRO@dos.myflorida.com or transmitting it to the Division's facsimile machine at 850-245-6291. The Division must approve the registration and assign the 3PVRO an ID # before the 3PVRO is considered registered to conduct voter registration activities. Also, before any of its registration agents engages in voter registration activities, the registration agent must complete **Form DS-DE 120**. The 3PVRO must ensure that **Form DS-DE 120** is submitted to the Division within 10 days of the registration agent signing the form.

Should I Register as a 3PVRO if I am Only Handing Out Voter Registration Applications?

Distributing voter registration applications *by itself* does not make a person a 3PVRO. A person (or an organization) must only register when it solicits a person to return voter registration applications to that person (or organization) or if the person (or organization) collects the voter registration applications from the applicants.

Must Each Person "Helping" a 3PVRO also Register as a 3PVRO?

No, but if the person satisfies the definition of being a registration agent (any individual who is employed by or volunteers for a 3PVRO and who solicits for collection or who collects voter registration applications from Florida voter registration applicants), the person must complete **Form DS-DE 120** before engaging in voter registration activities on behalf of a 3PVRO.

Are Candidates, Political Committees, or Political Parties Exempt from Registering as a 3PVRO?

No. If a candidate, political committee, or political party solicits for collection or collects voter registration applications from Florida voter registration applicants, the candidate or entity must register as a 3PVRO.

Must Affiliates or Subsidiaries of a 3PVRO Register?

Each subsidiary or affiliate of a registered 3PVRO that also solicits for collection or collects voter registration applications must also register as a 3PVRO. 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.

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

3PVROs 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 designated registered agent's signature will be considered incomplete. The Division interprets "registered agent" of a 3PVRO 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 3PVRO.

How Does a 3PVRO Update or Withdraw its Registration?

A 3PVRO must submit **Form DS-DE 119** reflecting the update or withdrawal within 10 days following any change to information previously submitted to the Division. The form 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. Note: If a 3PVRO's registration agent terminates his or her employment or volunteer service, the 3PVRO must file an amended **Form DS-DE119** or send an email or fax to the Division reflecting the termination.

What Are the Penalties for a 3PVRO Not Promptly Delivering Voter Registration Applications?

A 3PVRO which collects voter registration applications serves as a fiduciary to the applicant, ensuring that any application entrusted to the 3PVRO shall be promptly delivered to the Division or the Supervisor of Elections. **If a voter registration application collected by any 3PVRO (including any person, entity, or agent acting on its behalf) is not promptly delivered to the Division or the Supervisor of Elections, only the 3PVRO itself is liable for the following fines:**

- \$50 for each voter registration application received by the Division or the Supervisor of Elections more than 48 hours* after the applicant delivered the completed application to the 3PVRO (including any person, entity, or agent acting on its behalf). The fine is \$250 per application if the act was willful. If the office is closed at the 48-hour deadline, the deadline is extended to the next business day.
 - \$100 for each voter registration application collected by a 3PVRO or any person, entity, or agent acting on its behalf, before book closing* for any given election for federal or state office and received by the Division or the Supervisor of Elections after the book closing deadline. The fine is \$500 per application if the act was willful.
 - \$500 for each voter registration application collected by a 3PVRO or any person, entity, or agent acting on its behalf, which is not submitted to the Division or the Supervisor of Elections. The fine is \$1000 per application if the act was willful.
- The date the applicant signed the voter registration application is presumed to be the date the 3PVRO received or collected the application. The 3PVRO is responsible for printing the date and time the applicant completed the application in a conspicuous space on the bottom portion of the reverse side of any voter registration application in a manner that does not obscure any of other entry.
- *See Rule 1S-2.042(7)(a) for applicable guidance on timelines when the 3PVRO mails the applications to the Division or a Supervisor of Elections.
- The aggregate fine which may be assessed against a 3PVRO, including affiliate organizations, for violations committed in a calendar year is \$1,000.

What Can a 3PVRO Do to Help Ensure the Applicant Becomes a Registered Voter?

Assist applicants in properly filling out the voter registration form by having the applicants:

- Write clearly and legibly.
- Provide their "physical" residence address.
- Provide their Florida Driver's License or Florida identification card number. If none, the last four digits of their Social Security Number, or check "None" when they have no driver's license, ID card, or SSN.
- Complete all required boxes.
- Sign the voter registration form with an original signature.
- Provide their first and last names.
- Provide their date of birth.

Relevant Forms

- Form DS-DE 39, Uniform Statewide Voter Registration Application
- Form DS-DE 119, Third-Party Voter Registration Organization Registration Form
- Form DS-DE 120, Third-Party Voter Registration Organization Registration Agent's Sworn Statement
- Form DS-DE 121, Form for Complaint Against Third-Party Voter Registration Organization
- Form DS-DE 123, Third-Party Voter Registration Organization's Accounting of Voter Registration Applications

Who Do I Contact for More Information?

Florida Department of State, Division of Elections; Phone: 850-245-6286 or 850-245-6290; Fax: 850-245-6291. Email: 3PVRO@dos.myflorida.com; Website: <http://election.dos.state.fl.us/voter-registration/third-party.shtml>