

IV. STATE-BY-STATE SURVEY

When states regulate voter registration drives, it directly affects who participates in the electoral process, and who is permitted to assist them. This survey provides a state-by-state snapshot of the following four categories of restrictions.

1) Official Volunteer Systems

- Laws requiring official certification or authorization to conduct voter registration drives.

2) Training Programs

- Laws offering or requiring a specified course of training before conducting voter registration drives.

3) Registration & Reporting Requirements

- Laws requiring groups to first register with the State and maintain or submit various records and reports related to drives.

4) Return Deadlines & Penalties

- Laws requiring the submission of collected voter registration applications prior to the general book closing deadline, and imposing penalties for violations of the return deadline or violations of other rules.

For almost every state, the Brennan Center provided the chief election official with an opportunity to edit the summary. Revised drafts were returned to the official for final review.

These summaries are not intended as, and do not constitute, legal advice. They are provided for informational and educational use only. For more information, including specific voter registration requirements, or any revisions to the laws described, contact the elections office listed for each state.

FLORIDA

Official Volunteer System:	No	For More Information: Division of Elections Room 316, R.A. Gray Building 500 Bronough Street Tallahassee, FL 32399-0250 (850)245-6200 http://election.dos.state.fl.us/
Training:	No	
Registration & Reporting:	Yes	
Return Deadline & Penalties:	48 hours*	
Other:	Yes	
* 48 hr. deadline enjoined by federal court		

In 2011, Florida enacted new restrictions on community-based voter registration. On May 31, 2012, a U.S. District Court blocked the state from enforcing the new law because it found several key components unconstitutionally burdensome.¹ Additionally, because of the Voting Rights Act, these restrictions are unenforceable in five counties — Hendry, Collier, Hardee, Hillsborough, and Monroe — until they receive federal “preclearance.” A federal court is currently considering Florida’s petition for preclearance, which is being challenged by numerous civic and voting rights groups, including some represented by the Brennan Center.²

Any third party organization — defined as an organization, entity, or person who collects or solicits for collection a voter registration form from another person who is not their spouse, child, or parent — must pre-register with the Florida Division of Elections before conducting registration activity.³ Pre-registration requires, among other things, electronic submission of the name and address of each employee or volunteer who will be registering voters on the organization’s behalf, called the organization’s “registration agents.”⁴ As passed, the law would require each registration agent to sign a sworn declaration acknowledging felony criminal penalties for false registration before he or she may help register voters.⁵ However, this requirement is now blocked by a federal court order.⁶ Each registered third-party organization will be issued a unique identifying number and that number must be recorded on each completed voter registration application the organization collects and submits to state election officials.⁷ Information the state collects from voter registration organizations is to be updated daily and is a public record.⁸ Much of an organization’s pre-registration information, including the names of “responsible individuals,” will be publicly available online.⁹

The new law also required organizations to account for every state and federal form the organization handled, including unused forms. Monthly reports were to be submitted by the 10th of the month for information about the preceding month, even if there was no registration activity.¹⁰ And organizations were required to notify the state within 10 days of any change in the status of individual registration agents.¹¹ Each of these reporting requirements is currently enjoined, in whole or in part, by the U.S. District court.

The statute requires registered organizations to submit completed forms to state officials within 48 hours or the next business day if the appropriate office is closed for the 48-hour period.¹² The recent court order

¹ League of Women Voters of Florida. v. Browning, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793 (N.D. Fla. May 31, 2012).

² See Florida v. United States, 820 F. Supp. 2d 85, 87 (D.D.C. 2011).

³ FLA. STAT. § 97.021(37) (2011); FLA. ADMIN. CODE ANN. r. 1S-2.042(5)(b) (2011)

⁴ FLA. STAT. § 97.0575(1) (c) (2011).

⁵ FLA. STAT. § 97.0575(1)(d) (2011).

⁶ League of Women Voters of Florida. v. Browning, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793, at *11-12 (N.D. Fla. May 31, 2012).

⁷ FLA. ADMIN. CODE ANN. r. 1S-2.042(3)(b), (4)(a) (2011).

⁸ FLA. STAT. § 97.0575(2) (2011).

⁹ Fla. Dep’t. of State, Div. of Elections, *Third Party Voter Registration Organizations*, <http://tpvr.election.myflorida.com/> (last visited June 5, 2012).

¹⁰ FLA. ADMIN. CODE ANN. r. 1S-2.042(5)(a) (2011).

¹¹ FLA. ADMIN. CODE ANN. r. 1S-2.042(3)(e) (2011).

¹² FLA. STAT. § 97.0575(3)(a) (2011).

enjoins this deadline and any deadline less than 10 days (which was the return deadline under the prior version of the law).¹³

Failure to return a completed form within the return deadline is punishable by a \$50 fine per form, or \$250 per form if the violation is willful. Failure to return completed forms by the general registration deadline is punishable by a \$100-per-form fine, or \$500 per form if the violation is willful. Failure to return a form to election officials is punishable by \$500 per form or \$1,000 per form if the violation is willful. A third party organization cannot be fined more than a total of \$1,000 for all violations in a calendar year.¹⁴

The Secretary of State may refer to the Attorney General any reasonable concerns about a person who may have violated the third-party restrictions. The Attorney General may bring a civil action for a violation or seek an injunction to prevent a violation, a restraining order, or any other appropriate order.¹⁵

In addition, it is a third degree felony to compensate an individual based on the number of registration forms collected.¹⁶ Drives requesting 10,000 or more registration applications will be charged 1 cent per application.¹⁷

View the full report at:

http://www.brennancenter.org/content/resource/state_restrictions_on_voter_registration_drives/

¹³ League of Women Voters of Florida. v. Browning, No. 4:11-CV-628-RH/WCS, 2012 WL 1957793, at *11 (N.D. Fla. May 31, 2012).

¹⁴ FLA. STAT. § 97.0575(3)(a) (2011).

¹⁵ FLA. STAT. § 97.0575(4) (2011).

¹⁶ FLA. STAT. § 104.012(3) (2011).

¹⁷ FLA. STAT. § 97.052 (2011).