

Comment Under Section 5, Submission No. 2011-2187

Submitted by League of Women Voters of Florida, Democracia USA, the Brennan Center for Justice, and the Lawyers' Committee for Civil Rights Under Law

July 15, 2011

ATTACHMENT A

May 20, 2011 Emergency Regulations for Third-Party Voter Registration Organizations

1SER11-01 (1S-2.042) Third-Party Voter Registration Organizations.

(1) 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: <http://election.dos.state.fl.us/forms/index.shtml>:

(a) Form DS-DE 119 (eff. 05/2011 ~~05/2010~~), entitled "Third-Party Voter Registration Organization Registration Form."

(b)-Form DS-DE 120 (eff. 05/2011 ~~05/2010~~), entitled "~~Quarterly Report Form for Organized Voter Registration Drives by~~ Third-Party Voter Registration Organization Registration Agent's Sworn Statement."

(c) Form DS-DE 121 (eff. 05/2010), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(d) Form DS-DE 123 (eff. 05/2011), entitled "Third-Party Voter Registration Organization's Accounting of Voter Registration Applications."

(e) Form DS-DE 124 (eff. 05/2011), entitled "Supervisor of Elections' Accounting of Third-Party Voter Registration Organization's Voter Registration Applications."

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

(a) "Affiliate organization" of a third-party voter registration organization means any person, as defined in Section 1.01(3), F.S., that is associated with the third-party voter registration organization 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.

(b) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the third-party voter registration organization, 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.

(c) "Impossibility of performance" means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

(d) “Registration agent” means any individual who is employed by or volunteers for a third-party voter registration organization and who solicits or collects voter registration applications from Florida voter registration applicants on behalf of the organization. “Organized voter registration drive” means any voter registration activity that is coordinated with, or directed by, a third-party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third-party voter registration organization.

(3) Registration.

(a) A third-party voter registration organization (hereinafter “organization”) shall complete and file Form DS-DE 119 with the Division by submitting the form as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitting the form to the Division’s facsimile machine at 850-245-6291 before engaging in prior to conducting any voter registration activities. A third-party voter registration organization shall also use Form DS-DE 119 to update or withdraw its registration and submit it in the required manner of transmission as the original Form DS-DE 119.

(b) Upon the organization’s initial and complete registration, the Division shall provide the organization its third-party voter registration organization identification number, which number shall begin with “3P.” An organization is not deemed registered as a third-party voter registration organization until the Division issues the organization its identification number.

(c) An organization shall submit any change in information previously submitted to the Division within 5 days following the change by submitting the change on an amended Form DS-DE 119 in the required manner of transmission as the original Form DS-DE 119. A change is not considered filed until the Division receives the change.

(d) After receiving its third-party voter registration organization identification number and before a registration agent may solicit or collect voter registrations applications on its behalf, the organization shall have the registration agent complete and submit Form DS-DE 120 to the Division as an attachment in pdf format included in an email to 3PVRO@dos.state.fl.us or transmitting the form to the Division’s facsimile machine at 850-245-6291.

(4) Voter Registration Applications Provided to Third-Party Voter Registration Organizations.

(a) Voter registration applications provided by the Division and each supervisor of elections to an organization shall include the third-party voter registration organization identification number in the “Official Use Only” space on the statewide voter registration application, Form DS-DE 39, incorporated by reference in Rule 1S-2.040, F.A.C.

(b) The registration agent or the organization shall print the date and time that the voter registration applicant completed the application in a conspicuous space on the front side of any voter registration application it collects from a voter registration applicant in a manner that does not obscure any of the applicant's entries. The date and time printed by the registration agent or the organization shall be in the following format: mo/dy/yr; ##:##a (or p) with the month being printed in numerical format. For example, if the voter registration applicant completed the application on May 15, 2014 at 1:30 p.m., the entry shall be: 5/15/14; 1:30p. The entry for an application completed on October 11, 2014 at 11:30 a.m., would be printed as 10/11/14; 11:30a on the front of the application.

(c) Each organization shall ensure that its third-party voter registration organization identification number is recorded in the "Official Use Only" space on Form DS-DE 39 or in another conspicuous space on any voter registration application it submits to the Division or a supervisor of elections.

(d) Each organization is responsible for accounting for all voter registration applications provided to it by the Division or a supervisor of elections. By the 10th day of each month, the organization shall submit to the Division a Form DS-DE 123 as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmit the form to the Division's facsimile machine at 850-245-6291 to report its accounting of the number of state and federal voter registration application forms provided to and received from each of its registration agents for the preceding month.

(e) Whenever a registration agent terminates his or her employment from, or volunteer services for, the organization, the organization shall retrieve all state and federal voter registration applications in the possession of the registration agent. The organization shall file notice of the terminated status of the registration agent by amending its DS-DE 119.

(f) If an organization terminates its status as a third-party voter registration organization, it shall return all voter registration applications issued to it by the Division or any supervisor of elections to whomever issued the applications to the organization within 5 days of the termination of its status. The address for the Division is Bureau of Voter Registration Services, Division of Elections, R. A. Gray Building, Room 316, Tallahassee, Florida 32399-0250. The address for the applicable supervisor of elections may be obtained by calling 850-245-6200 or found at http://election.dos.state.fl.us/SOE/supervisor_elections.shtml. The organization shall also submit a Form DS-DE 123 as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmit the form to the Division's facsimile machine at 850-245-6291 to report a final accounting of voter registration forms issued to the organization.

(g) The Division and supervisors of elections shall record the date and time of each voter registration application they receive from an organization on the front side of the application in a manner that does not obscure any of the applicant's or organization's entries.

(h) The Division and supervisors of elections shall record the number of voter registration applications they provide to, and receive from, each organization. Each supervisor of elections shall report by noon, each day to the Division the number of voter registration applications provided to and received from each organization the previous day on Form DS-DE 124, which shall be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmit the form to the Division's facsimile machine at 850-245-6291. If the supervisor of elections' office is closed on the day a report is due, the supervisor shall submit Form DS-DE 124 for the preceding business day on the next business day the office is open. Supervisors of Elections are required to submit Form DS-DE 124 even when no voter registration applications were provided to, and received from, a third-party voter registration organization.

~~Voter Registration Drive Quarterly Report. A third party voter registration organization shall use Form DS-DE 120 to file quarterly reports with the Division as required by Section 97.0575(1), F.S. The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. 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.~~

~~(5) Complaints and Fines.~~

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 121 to file the complaint with the Division.

(b) Any other person may report allegations of elections fraud, which includes irregularities or fraud involving voter registration, by filing a written complaint with the Division using Form DS-DE 34, entitled "Elections Fraud Complaint," incorporated by reference in Rule 1S-2.025, F.A.C.

~~(6)(c) Fines. If the Division determines that a fine should be imposed on a third party voter registration organization, the Division shall serve an administrative complaint pursuant to Rule 28 106.2015, F.A.C., upon the third party voter registration organization by personal delivery or certified mail, return receipt requested. A third-~~

~~party voter registration organization upon which the Division serves an administrative complaint may request a hearing in accordance with Sections 120.569 and 120.57, F.S., and subsection 28-106.2015(5), F.A.C.~~

Rulemaking Authority 20.10(3), 97.012(1), 97.012(2), 97.012(15), 97.0575(1), (2), (5) ~~(4)~~, ~~(8)~~ FS. Law Implemented 97.012(2), 97.012(15), (37) ~~(36)~~, 97.053, 97.0575 FS. History—New 2-26-09, amended, 5-31-10, _____.

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Submitted by League of Women Voters of Florida, Democracia USA, the Brennan Center for Justice, and the Lawyers' Committee for Civil Rights Under Law

July 15, 2011

ATTACHMENT B

Proposed Final Regulations for Third-Party Voter Registration Organizations

1S-2.042 Third-Party Voter Registration Organizations.

(1) 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: <http://election.dos.state.fl.us/forms/index.shtml>:

(a) Form DS-DE 119 (eff. 06/2011 ~~05/2010~~), entitled "Third-Party Voter Registration Organization Registration Form."

(b) Form DS-DE 120 (eff. 06/2011 ~~05/2010~~), entitled "~~Quarterly Report Form for Organized Voter Registration Drives by~~ Third-Party Voter Registration Organization Registration Agent's Sworn Statement."

(c) Form DS-DE 121 (eff. 06/2011 ~~05/2010~~), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(d) Form DS-DE 123 (eff. 06/2011), entitled "Third-Party Voter Registration Organization's Accounting of Voter Registration Applications."

(e) Form DS-DE 124 (eff. 06/2011), entitled "Supervisor of Elections' Accounting of Third-Party Voter Registration Organization's Voter Registration Applications."

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

(a) "Affiliate organization" of a third-party voter registration organization means any person, as defined in Section 1.01(3), F.S., that is associated with the third-party voter registration organization 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.

(b) "Engaging in any voter registration activities" means that the organization is soliciting for collection or collecting voter registration applications from Florida voter registration applicants.

(c) "Force majeure" means any event or occurrence of societal significance beyond the reasonable control and without the fault of the third-party voter registration organization which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the third-party voter registration organization, 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.

~~(d)(e)~~ “Impossibility of performance” means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

~~(e)(f)~~ “Registration agent” means any individual who is employed by or volunteers for a third-party voter registration organization and who solicits for collection or who collects voter registration applications from Florida voter registration applicants on behalf of the organization. ~~“Organized voter registration drive” means any voter registration activity that is coordinated with, or directed by, a third party voter registration organization and where one or more persons solicit or collect voter registration applications on behalf of the third party voter registration organization.~~

(3) Registration.

~~(a) Before engaging in any voter registration activities, a~~ A third-party voter registration organization (hereinafter “organization”) shall complete and file Form DS-DE 119 with the Division. The organization must submit the form as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmit the form to the Division’s facsimile machine at 850-245-6291 prior to conducting any voter registration activities. An affiliate organization which solicits for collection or collects voter registration applications from Florida voter registration applicants must file a Form DS-DE 119 even if its affiliated organization has filed a Form DS-DE 119. An third-party voter registration organization shall also use Form DS-DE 119 to update or terminate withdraw its registration.

(b) Upon receipt of an organization’s initial and completed registration, the Division shall assign the organization a unique third-party voter registration organization identification number that begins with “3P.” An organization is not deemed registered as a third-party voter registration organization until the Division issues the organization its identification number.

(c) A registration agent must complete, sign, and date Form DS-DE 120 before beginning his or her duties for the organization and the organization must ensure the form is submitted to the Division within 10 days after the form is signed. Form DS-DE 120 may be submitted to the Division when the organization submits its initial DS-DE 119. For any addition to the list of its registration agents or change in information about a registration agent other than termination of a registration agent, the organization shall submit an updated Form DS-DE 119. For permissible means of notifying the Division of the termination of a registration agent, see subsection (6)(b).

(d) A registration agent may be a registration agent for one or more organizations, but each organization must ensure that the registration agent submits a separate Form DS-DE 120 for its organization.

(e) An organization shall submit any change in information previously submitted to the Division within 10 days following the change. A change is not considered filed until the Division receives the change.

(f) Except as otherwise provided in subsection (6)(b), any forms or amendments or additions to forms required under this subsection must be submitted in the same manner of transmission required for the Form DS-DE 119 used to initially register an organization.

(4) Voter Registration Applications Provided to and Used by Third-Party Voter Registration Organizations Drive Quarterly Report.

(a) All voter registration applications provided by the Division and each supervisor of elections to an organization shall include the third-party voter registration organization identification number on the bottom of the reverse side of each voter registration application in a manner that does not obscure any other entry.

(b) The registration agent or the organization shall print the date and time that the voter registration applicant completed the application in a conspicuous space on the bottom portion of the reverse side of the voter registration application it collects from a voter registration applicant in a manner that does not obscure any other entry. The date and time printed by the registration agent or the organization shall be in the following numerical format: MM/DD/YY; hh:mm am/pm. For example, if the voter registration applicant completed the application on May 15, 2014 at 1:30 p.m., the entry on the bottom portion of the reverse side of the application shall be: 5/15/14; 1:30pm. The entry for an application completed on October 11, 2014 at 11:30 a.m., would be printed as 10/11/14; 11:30am on the bottom portion of the reverse side of the application.

(c) Each organization shall ensure that its assigned organization identification number is recorded on the bottom portion of the reverse side of any voter registration application it delivers to the Division or a supervisor of elections in a manner that does not obscure any other entry.

(5) Monthly Report by Organizations.

(a) By the 10th day of each month, each organization shall submit to the Division a Form DS-DE 123 to account for the number of state and federal voter registration application forms provided to and received from each of its registration agents for the preceding month. If the organization had no voter registration activity in the preceding

month, the organization shall still submit Form DS-DE 123 reflecting that it did not provide voter registration applications to, or receive any from, its registration agents.

(b) Form DS-DE 123 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitted to the Division's facsimile machine at 850-245-6291.

(6) Termination of Organization and Registration Agent.

(a) If an organization terminates its status as a third-party voter registration organization, the organization shall submit within 10 days a Form DS-DE 119 reflecting its termination and also a Form DS-DE 123 to report its final accounting of voter registration application forms provided to the organization by the Division or any supervisor of elections. All such voter registration applications remaining in the organization's possession should be returned either to the Division or a supervisor of elections within 10 days of filing Form DS-DE 123. The address for the Division is Bureau of Voter Registration Services, Division of Elections, R. A. Gray Building, Room 316, Tallahassee, Florida 32399-0250. The address for the applicable supervisor of elections may be obtained by telephoning 850-245-6200 or found on the Internet at http://election.dos.state.fl.us/SOE/supervisor_elections.shtml.

(b) If a registration agent's employment with, or volunteer services for, an organization is terminated, the organization shall file notice of the terminated status of a registration agent by submitting an updated Form DS-DE 119 or by sending a notification of the termination by email to 3PVRO@dos.state.fl.us or by transmitting the notification to the Division's facsimile machine at 850-245-6291. If Form DS-DE 119 is not used as the means of notification, the notification shall contain the organization's assigned identification number and the name of the registration agent being terminated.

(c) Forms DS-DE 119 and DS-DE 123 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitted to the Division's facsimile machine at 850-245-6291.

(7) Processing of Voter Registration Applications from an Organization by the Division and Supervisors of Elections.

(a) For each non-blank registration application that an organization delivers to the Division or supervisor of elections, a voter registration official shall record the date and time of delivery on the bottom portion of the reverse side of the application in a manner that does not obscure any other entries. For purposes of this rule and not for voter registration purposes, an application is considered delivered to the Division or a supervisor of elections at the time the application is actually delivered by the organization. Therefore, if an organization delivers more than one

application at the same time, those applications shall bear the same date and time of delivery regardless of when the applications are processed.

(b) An organization's untimely delivery of a voter registration application does not affect the validity of the application. Such 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 organization. Each supervisor of elections shall report to the Division on Form DS-DE 124 by noon of the following business day the number of voter registration applications provided to and received from each organization the previous business day. Supervisors of Elections are not required to submit Form DS-DE 124 when they did not provide any voter registration applications to, or receive any from, an organization on the preceding business day.

(d) Form DS-DE 124 required under this subsection must be submitted as an attachment in pdf format in an email to 3PVRO@dos.state.fl.us or transmitted to the Division's facsimile machine at 850-245-6291.

~~Voter Registration Drive Quarterly Report. A third-party voter registration organization shall use Form DS-DE 120 to file quarterly reports with the Division as required by Section 97.0575(1), F.S. The quarterly reports shall be filed no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter, respectively. 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.~~

~~(8)(5) Complaints and Fines.~~

(a) Any person claiming to have provided a completed voter registration application to a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls shall use Form DS-DE 121 to file the complaint with the Division.

(b) Any other person, except supervisors of elections or their staff, may report allegations of ~~elections fraud,~~ which includes irregularities or fraud involving voter registration, by filing an elections fraud written complaint with the Division, ~~using Form DS-DE 34, entitled "Elections Fraud Complaint," incorporated by reference in~~ See Rule 1S-2.025, F.A.C.

(c) Supervisors of elections or their staff shall report any untimely filed voter registration application submitted by an organization by sending the Division an explanatory statement in an email and attaching documents which

reflect the untimely submission in pdf format to 3PVRO@dos.state.fl.us or by transmitting the explanatory statement and documentation to the Division's facsimile machine at 850-245-6291.

~~(6)(c) Fines. If the Division determines that a fine should be imposed on a third party voter registration organization, the Division shall serve an administrative complaint pursuant to Rule 28-106.2015, F.A.C., upon the third party voter registration organization by personal delivery or certified mail, return receipt requested. A third party voter registration organization upon which the Division serves an administrative complaint may request a hearing in accordance with Sections 120.569 and 120.57, F.S., and subsection 28-106.2015(5), F.A.C.~~

Rulemaking Authority 20.10(3), 97.012(1), (2), (15), 97.0575(1), (2), (5) (4), (8) FS. Law Implemented 97.012(1), (2), (15), (37) (36), 97.053, 97.0575 FS. History—New 2-26-09, amended, 5-31-10, _____.

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Submitted by League of Women Voters of Florida, Democracia USA, the Brennan Center for Justice, and the Lawyers' Committee for Civil Rights Under Law

July 15, 2011

ATTACHMENT C

May 20, 2011 Emergency Form – Sworn Statement by
Registration Agent

**THIRD-PARTY VOTER REGISTRATION ORGANIZATION
REGISTRATION AGENT'S
SWORN STATEMENT**
(Section 99.0575, Florida Statutes)

Note: This form becomes a public record upon its filing.

I, _____, with
(Print your name in format of First, Middle, and Last)

swear or affirm that I am employed by, or a volunteer for, the following third-party voter registration organization:

(Print the name of third-party voter registration organization)

whose third-party voter registration organization number assigned to it by the Division of Elections, Florida Department of State, is _____, and that I will obey all state law and rules
(Print assigned number)

regarding the registration of voters. I understand the penalties for false registration may include a term of imprisonment up to 5 years and a fine up to 5,000, pursuant to sections 775.082, 775.083, and 775.084, Florida Statutes. Subsequent convictions may result in greater penalties. False registration offenses include, but are not limited to, offenses constituting a felony of the third degree, such as false swearing or submission of false voter registration information (section 104.011, Florida Statutes), and giving anything of value that is redeemable in cash to any person in consideration of that person becoming a registered voter or altering a voter registration application of another person (section 104.012, Florida Statutes).

My permanent address: _____
(address) (city) (state) (zip code)

and if applicable,
my temporary address: _____
(address) (city) (state) (zip code)

(Signature of registration agent)

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20 _____.

Personally known _____ or

Produced identification _____

Type of identification produced: _____

Signature of Notary Public

Print, type, or stamp name of Notary Public and when
commission expires in space below:

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ATTACHMENT D

Secretary of State Directive 2011-01, May 19, 2011



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KURT S. BROWNING
Secretary of State

MEMORANDUM

FROM: Kurt S. Browning *KAB*
Florida Secretary of State

TO: Supervisors of Elections

DATE: May 19, 2011

SUBJECT: Directive 2011-01

On May 19, 2011, House Bill 1355, amending the Florida Election Code (chapters 97-106, Florida Statutes), became law (hereinafter chapter 2011-40, Laws of Florida). Most changes take effect immediately upon becoming law. The timing of certain provisions may impact the conduct of elections already in progress. Therefore, in my capacity as the Chief Elections Official of the State of Florida and pursuant to my authority in section 97.012, Florida Statutes, I hereby issue this directive for the purpose of ensuring that specific new changes are uniformly interpreted and implemented and that the elections are conducted in a fair and impartial manner so that no voter is disenfranchised.

- Early voting is now required only in elections containing state or federal races. *See* ch. 2011-40, § 39, Laws of Fla., amending § 101.657, Fla. Stat. For elections in which early voting is required, the early voting period begins 10 days before an election and ends on the 3rd day before an election. The hours in which the early voting is offered is extended to a maximum of 12 hours per day with a minimum of 6 hours per day. The hours are determined at the discretion of the Supervisor of Elections. However, a Supervisor must now provide the hours and the addresses of the early voting sites to my office no less than 30 days before the election. In the event there is an election in which early voting is required for which there is less than 30 days since the effective date of this law, I direct the Supervisor of Elections to provide me with such information immediately if not previously submitted.
- Voters who move from one Florida county to another county are generally no longer able to make the address change at the polls on the day of an election and vote a regular ballot. *See* ch. 2011-40, § 26, Laws of Fla., amending § 101.045, Fla. Stat., although an exception exists for active military voters and their family members who execute an affirmation or complete a voter registration application update.

Although these out-of-county voters who do not fall within the active military exception will have to vote a provisional ballot, the same standard that would apply for counting a regular ballot applies for counting their ballots. That is, the provisional ballot shall count unless the canvassing board determines more likely than not that the person was not entitled to vote. That would occur only if the voter was not registered or the voter voted in a precinct other than the one that corresponds to his or her new address as written under penalty of law on the ballot certificate and affirmation, or if evidence was available before the board that either the voter had already voted or that the voter was committing fraud. The Florida Legislature did not impose any additional requirements of proof for this category of provisional ballot voters; therefore, it is very important that the poll worker ensure that the voter is in the proper precinct before casting a provisional ballot.

- Address confirmation or verification at the polls at the time of presenting a photo and signature identification has also changed. *See* ch. 2010-40, § 25, Laws of Fla., amending § 101.043, Fla. Stat. A poll worker cannot ask a voter whose address on the presented identification is the same as the address on record to recite his or her residence address or to provide any other address-related information. For all other voters, a poll worker can no longer use the address on the identification to make a voter confirm or verify his or legal residence or to challenge the person's eligibility to vote.

Despite the above, I do not read the new law to keep a poll worker from being able to recite the address on record to the voter and asking the voter whether that address has changed. It is the voter's prerogative to respond if at all and to ask questions or volunteer further information. These provisions are consistent with voter intake provisions relating to photo and signature identification already contained in the Polling Place Procedures Manual (DS-DE 11, eff. 08-2010/Rule 1S-2.034, Fla. Admin. Code).

The new law simply makes it clearer that the address listed on record is deemed to be the valid legal address for the voter until the voter volunteers otherwise.

This directive remains in effect until such time as it is superseded or revoked by subsequent directive, law, or final court order.