

1S-2.048 State and Federal-Designated NVRA Voter Registration Agencies-Responsibilities.

(1) General application. These provisions apply to voter registration agencies as designated by Section 1973gg-5 of the National Voter Registration Act of 1993, and Section 97.021, F.S. Voter registration agencies are not considered third-party voter registration organizations. Applicable voter registration agencies include:

(a) Any office that provides public assistance (e.g., any office that provides assistance through the food assistance program under the federal Supplemental Nutrition Assistance Program, the Medicaid program, Children's Health Kidcare, Department of Children and Families Medicaid program, the Special Supplemental Food Program for Women, Infants, and Children, and the Temporary Cash Assistance Program).

(b) Any office that serves persons with disabilities. The office may be a stand-alone governmental agency or an office operating within a state or local government agency such as the Agency for Persons with Disabilities, a state-funded college or university, the Florida Department of Veterans' Affairs, the Florida Department of Children and Family Services, the Florida Department of Education's Division of Blind Services and Division of Vocational Rehabilitation.

(c) Any center for independent living as defined in Section 413.20, F.S.

(d) Any public library. A public library refers to any library that serves a community, district or region and provides an organized collection of printed and other library materials or combination thereof, paid staff, a schedule in which staff services are available to public, facilities to support collection, staff and schedule, and is supported in whole or in part with public funds. The term does not include an academic library.

(e) Any armed forces recruitment office.

(2) For purposes of designating a coordinator under subsection (3) and reporting voter registration activities under subsection (7), "each voter registration agency" refers to the highest level of administrative unit or a consortium unit that oversees and monitors activities over one or more jurisdictional, district, or regional offices or divisions.

(3) Coordinator. Each voter registration agency shall designate an agency coordinator for voter registration activities related to NVRA and Section 97.058, F.S. The coordinator shall:

(a) Notify the Division of Elections of his or her name and contact information and keep the Division up-to-date regarding any changes.

(b) Identify those agency staff and agents of the agency whose duties involve offering new agency services or renewal or recertification thereof, or the intake of address changes for those services.

(c) Ensure that the duties of persons identified in paragraph (b) delineate responsibility to provide voter registration and update opportunities to their clients at the same time as they are being offered the agency's services.

(d) Provide training to agency staff identified in paragraph (b) which may be satisfied by in-house training, or training offered by the Supervisor of Elections' office, or the Department of State's NVRA Coordinator. The training should cover at a minimum the following topics: how and to whom voter registration services must be offered whether services are provided in person, by phone, online, or other means, how to process the voter registration of special classes of clients as victims of domestic violence or stalking violence, and high-risk professional classes of applicants who may be entitled to address confidentiality under certain circumstances, what the procedures are for advising clients of certain voter registration rights under federal and state law as set out in the preference form referenced further in this rule, how to make applications in electronic or paper format available or accessible, what is the degree of assistance required if client requests assistance to complete the application, what are the mandatory and optional fields of a voter registration application, how to record or track an agency's voter registration activities, and what is the process for collecting and submitting voter registration applications or, if authorized by law, electronic voter registration information.

(4) Voter registration applications. A voter registration agency shall ensure that regardless of the manner in which the person applies (in-person, over the phone, online or other means), for new or renewal or recertification of agency services or for updates to his or her address with respect to those services, the person shall be offered the opportunity to apply for voter registration at the same time by distributing a voter registration application or making a voter registration application available online and printing, or through inputting voter registration information electronically. The person shall also be provided the same degree of assistance that the agency provides in assisting the person in connection with the agency's own services, unless the person refuses such assistance.

(5) Notice of Rights. When a person applies for primary agency services or assistance from a voter registration agency for the first time or renews or recertifies eligibility for such services or assistance, or changes his or her address with respect to that service or assistance, the voter registration agency, with the exception of public libraries, must give in person or provide paper or electronic access to the following information about their rights:

(a) The right to apply to register or update his or her voter registration record through the voter registration agency, or decline to do so.

(b) The right to have his or her benefits or services unaffected by whether he or she decides to register or not register to vote.

(c) The right to ask for and receive the same degree of help to fill a voter registration application as the person would receive to apply for the agency's own services.

(d) The right to privacy so as to be able to complete a voter registration application without assistance, and to have a person's decision to register or not register be kept confidential including not disclosing to the public where a person submitted his or her voter registration information.

(e) The right to submit a complaint to the Florida Department of State if the person believes that someone has interfered with his or her right to apply to register or to decline to register, his or her right to privacy in such decision, or his or her right to choose his or her own political party.

(6) Preference form. The preference form entitled "National Voter Registration Act Preference Form and Application" (DS-DE #77-ENG; eff. 01/2012; <http://www.flrules.org/Gateway/reference.asp?No=Ref-00680>), incorporated herein by reference, may be used to comply with the requirements in subsections (4) and (5). Otherwise, the voter registration agency must ensure that any programmatic or electronic interface with the client complies with the requirements in subsections (4) and (5). A Spanish version is also available and is entitled "National Voter Registration Act Formulario de Preferencia y Solicitud de Registrar (DS-DE #77-SPN, eff. 01/2012; <http://www.flrules.org/Gateway/reference.asp?No=Ref-00681>). Both forms are available online at: <http://election.dos.state.fl.us/forms/index.shtml> or directly from the Division of Elections, Room 316, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, or by phone at (850) 245-6200. A public library is not required to develop or use a preference form except when it is acting in the capacity of another voter registration agency.

(7) Data collection.

(a) On behalf of each voter registration agency, each voter registration coordinator shall report quarterly on the prior 3-months of voter registration activities. Such reports are due on April 15, July 15, October 15, and January 15. Such report shall be submitted to the Division of Elections. The coordinator shall use the form entitled "NVRA Voter Registration Agencies Quarterly Activities Report Form," (DS DE #131; eff. 01/2012; <http://www.flrules.org/Gateway/reference.asp?No=Ref-00682>) incorporated herein by reference. The form is available for electronic input on the Division's webpage at: <http://election.dos.state.fl.us/NVRA/index.shtml>. If the electronic system is not functioning, the form may be downloaded and submitted in hard-copy to the Division of Elections, at (850) 245-6200, or R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250. Except as provided in subsection (8) for public libraries, a voter registration agency must report the following aggregated data as set forth in the form.

1. How many clients declined to register or update their voter registration record. For purposes of this rule, the term "decline" does not include those persons who request that the application be mailed or who take an application in lieu of completing or submitting voter registration information at the time of applying for or receiving new or renewal or recertification of agency services, or updating an address for those services.

2. How many clients sought new or a renewal or recertification of agency services or assistance or made an address change with an agency in each category: in person, by mail, via online, web service, or electronic remote location, by telephone, or through home site visit.

3. How many voter registration applications were mailed to clients.

4. How many clients submitted voter registration information or an application to the agency (including applications received in the mail or delivered to the agency).

5. How many voter registration applications were forwarded for each county to the Supervisor of Elections' office, regardless of whether they were invalid, incomplete, or a duplicate of an existing registration.

(8) A public library must:

(a) Provide to its patrons access to a voter registration application by either distributing voter registration applications or making it available online for printing at the same time its patron applies for a new or renewal of a library card or updates an address for purposes of a library card.

(b) Assist patrons if help is requested to complete the voter registration application to the same degree it provides assistance with the completion of its own forms to obtain a new library card or renewal thereof, or to update their address.

(c) Report to the Department of State, the number of voter registration applications forwarded by each public library in the county to the local Supervisor of Elections' office.

Rulemaking Authority 20.10(3), 97.012(9), 97.058(9) FS. Law Implemented 97.058, 97.012 FS. History—New 1-2-12.