



Florida Department of State

FREQUENTLY ASKED QUESTIONS

Division of Elections

Telephone: 850-245-6200

December 7, 2015



BUREAU OF VOTER REGISTRATION SERVICES

FAQs

Question #1

What is the deadline for a 3PVRO to deliver the voter registration applications it collects to the Division or the Supervisor of Elections?

Question #1 – Response

Despite s. 97.0575, F.S., providing that the 3PVRO is liable for a \$50 fine if not delivered within 48 hours, the 48-hour period was declared unconstitutional and Rule 1S-2.042 correctly reflects the court's ruling that the 3PRVO has **10 days** to deliver the application to the Division or SOE. (This is one time that a rule controls over what is in statute.)

Note, however, if the application was collected by the 3PVRO prior to book closing, then the 3PVRO must deliver it before book closing even if within the 10-day period.

Question #2

Is a candidate, who has filed qualification papers and is opposed in an upcoming election, entitled to obtain a list of absentee voters on file from past elections under s. 101.62(3), F.S.?

Question #2 – Response

- A candidate can only can access absentee ballot information from the point he or she legally is entitled going forward and until he or she is no longer entitled to it.
- A candidate may not obtain absentee ballot information that predates the time when the candidate became entitled to it.
- The point of the law is to do outreach to existing absentee ballot voters, not those in the past.

Question #3

What criteria must the SOE use to determine whether a voter registration applicant is ineligible?

Question #3 – Response

Per s. 98.045, F.S.:

- The failure to complete a voter registration application as specified in s. 97.053.
- The applicant is deceased.
- The applicant has been convicted of a felony for which his or her civil rights have not been restored.
- The applicant has been adjudicated mentally incapacitated with respect to the right to vote and such right has not been restored.
- The applicant does not meet the age requirement pursuant to s. 97.041.
- The applicant is not a United States citizen.
- The applicant is a fictitious person.
- The applicant has provided an address of legal residence that is not his/her legal residence.
- The applicant has provided a driver license number, Florida identification card number, or the last four digits of a social security number that is not verifiable by the department.

Question #4

What procedure must the supervisor of elections incorporate in the biennial registration list maintenance program?

Question #4 – Response

Section 98.065, F.S. – the SOE must incorporate one or more of the following under which:

- Change-of-address information supplied by the United States Postal Service through its licensees is used to identify registered voters whose addresses might have changed.
- Change-of-address information is identified from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county.
- Change-of-address information is identified from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.

Question #5

May the SOE remove the name of a deceased voter from the voter registration rolls based upon an uncertified copy of a death certificate or one not notarized?

Question #5 – Response

Yes, nothing requires the copy to be certified or notarized, but s. 98.075(3)(b), F.S., requires that the copy be of a death certificate issued by a governmental agency authorized to issue death certificates.

BUREAU OF VOTING SYSTEMS CERTIFICATION

FAQs

Question #6

Is there a form a county must submit when it gets a new voting system or when it makes a change to its existing voting system?

Question #6 – Response

- Per s. 101.5607(1)(a), F.S., whenever a county implements a new voting system or makes a change to its current voting system, this updated information must be filed with the Division.
 - This is done by filing a **Voting Systems Acquisition Form**.
 - The filing should occur as soon as all installations and systems ‘acceptance testing’ has been completed.
 - The county will receive the blank form when it receives the installation disks for the new or upgraded voting system.
 - DOE uses the completed forms to update the website with voting systems information currently in use in each county.

Question #7

How often does a county's security procedures need to be submitted to the Division?

Question #7 – Response

- Per s. 101.015(4)(b) and (c), F.S., counties must submit security procedure updates at least 45 days before Early Voting commences or if such change is made as a result of an emergency situation or other unforeseen circumstance, submission is expected even if it is within the 45 day window.
- BVSC conducts a review during odd-numbered years or any time there are changes in the procedures.
 - After the review, a checklist of acceptable/unacceptable items is provided to the county.

Question #8

Is it necessary for a county to conduct a trial run of a recount before an election?

Question #8 – Response

- While there is no requirement that a county conduct a trial run of a recounted race, many counties will be using a new voting system for the upcoming elections cycle. A ‘practice run’ will enable the county to be better prepared if an actual recount is required.
 - s. 102.141(7), F.S., if the first set of unofficial returns show that a candidate or measure was defeated by one-half of a percent or less of the votes cast, a machine recount is required unless the candidate states in writing that a recount need not be done.
 - s. 102.166(1), F.S., if the second set of unofficial returns show that a candidate or measure was defeated by one-quarter of a percent or less, a manual recount of all overvoted/undervoted ballots is required unless candidate states in writing that one need not be done or the number of overvotes/undervotes is fewer than the number of votes needed to change the election outcome.

Question #9

Are counties required to submit Municipal Election dates to the Division?

Question #9 – Response

- Whenever a county has a Municipal Election and/or changes the date of one, this information should be submitted to the Division of Elections.
- The Division uses this information when scheduling FVRS maintenance windows and also publishes it to the DOE website.

Question #10

Why should a county submit a “test” election results file before election night?

Question #10 – Response

- Per s. 102.141(4), F.S., on election night, counties are required to submit to the Department of State all early voting and tabulated absentee results within 30 minutes after polls close; thereafter, with the exception of provisional ballot results, updated precinct election results every 45 minutes until all results are completely reported.
- To ensure that everything goes smoothly and as expected on election night, counties should submit a ‘test’ file via the SOE file utility once their public Logic and Accuracy testing is complete.

BUREAU OF ELECTION RECORDS

FAQs

Question #11

May the incumbent use the word “re-elect” if the person is seeking election to the office to which he or she was **appointed**?

Question #1 – Response

With one exception, the answer to this question is yes. An incumbent (defined as being one who presently occupies an office), even if appointed, may use the word “re-elect” if the person is seeking election to the office to which he or she was appointed. (*See Advisory Opinion DE 90-47 for definition of incumbent*)

(Exception in on next slide)

Question #1 – Response Cont.

The **exception** is that an incumbent **judicial** candidate may not use the word “re-elect” if they are the incumbent of that position by virtue of appointment rather than election. *See SC09-1747 (Feb 4, 2010)*

Question #12

What should a filing officer do when a candidate or committee fails to pay an automatic fine for a late campaign treasurer's report?

Question #12 – Response

If a Candidate – Notify the FEC:

- Submit a sworn complaint, proof of delivery to the address on record with the filing officer and other appropriate documentation.
- The FEC will enter a default final order.
- After the time has run to appeal (30 days), the final order, the filing officer can start collection activities.
- Check with your county attorney's office or financial office regarding outstanding debt collection.

Question #12 – Response Cont.

If a Political Committee or ECO:

- If the time to pay or appeal (20 days) has passed since the committee's or organization's receipt of the fine notice, start revocation proceedings as set forth in Rule 1S-2.021, Florida Administrative Code.

Question #13

What is a loan report under Chapter 106 and who must file this report?

Question #13 – Response

Section 106.075, Florida Statutes, provides that a person **who is elected to office** must report to the filing officer **all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, and made in the 12 months preceding his or her election** to office. The report must be made, in the manner prescribed by the Department of State, **within 10 days after being elected to office.** (emphasis added)

(Response continued on next slide)

Question #13 – Response Cont.

- Only filed by candidates who are **elected** to office;
- Elected official reports only loans:
 - Received in his or her **personal** capacity;
 - Done within the 12 months prior to election; and,
 - Used for campaign purposes (all or a portion of).
- Report is not seeking to solicit the loans that the candidate made to his or her campaign.
- Reported via forms DS-DE 73 and 73A.
- Must be submitted within 10 days after being elected.

Question #14

If a person is appointed to fill a vacancy, how long is the term of office?

Question #14 – Response

- **The answer varies by office.** Possible options are:
 - Until the first Tuesday after the first Monday following the next general election;
 - For the remainder of the term;
 - Until the next general election; or
 - Time certain

(Response continued on next 7 slides)

Question #14 – Response Cont.

- Section 100.111, Florida Statutes:
 - Applies to offices required to be filled by Article IV of the constitution.
 - State offices, except legislative and judicial offices
 - County officers (constitutional and school board)
 - If remainder of term is less than 28 month. Then the appointment will be for the remainder of the term.
 - If the remainder of the term is greater than 28 months, then appointment will be until the first Tuesday after the first Monday following the next general election.

Question #14 – Response Cont.

- Judicial Vacancies:
 - Fla. Const., Art. V, s. 11 – appointed for a term ending on the first Tuesday after the first Monday in January of the year following the next primary and general election occurring at least one year after the date of the appointment.

Question #14 – Response Cont.

- **Until the next general Election:**
 - **Fire Control Districts** –
 - Section 191.005(5), F.S.
 - **Soil and Water Districts** –
 - Section 582.18(2), F.S.

Question #14 – Response Cont.

- **For the remainder of the term:**
 - **Community Development Districts**
 - Section 190.004(4), F.S.
 - **Water and Sewer Districts**
 - Section 153(5), F.S.
 - **Mosquito Control Districts**
 - Section 388.111, F.S.

Question #14 – Response Cont.

- **Miscellaneous Special Districts:**
 - To determine how vacancies are filled and for how long, review the enabling statute.
 - Helpful web page:
 - <https://dca.deo.myflorida.com/fhcd/sdip/officialistdeo/alphalist.cfm>

Question #14 – Response Cont.

FIND AND SELECT SPECIAL DISTRICTS OF INTEREST

To select more than one special district, hold down the CTRL key as you click on your selections.

To get to a special district quicker, highlight any special district in the box and type the first letter of the special district's name you are seeking, and then scroll to the special district you are seeking, or begin typing the name of the special district.



Question #14 – Response Cont.

<i>St. Augustine-St. Johns County Airport Authority</i>	
Registered Agent's Name:	Mr. Edward R. Wuellner
Registered Office Address:	4796 U.S. 1 North St. Augustine, FL 32095
Telephone:	(904) 209-0090
Fax:	(904) 209-0528
E-Mail:	erw@sgj-airport.com
Website:	www.flynf.org 
Active or Inactive:	Active
Status:	Independent
County(ies):	St. Johns
Local Governing Authority:	St. Johns County
Function(s):	Airports / Air Navigation Facilities
Date Created/Established:	March 12, 1963
Creation Documents:	Chapter 2002-347, Laws of Florida (Codified)
Statutory Authority:	Chapter 332, Florida Statutes
Governing Body:	Elected
Authority to Issue Bonds:	Yes
Revenue Source:	Ad Valorem
Most Recent Update:	October 14, 2015
Creation Method:	Special Act

Question #15

Is this candidate petition valid?

- A petition for U.S. Representative that has the title of the office listed only as “U. S. Congress” along with a district number, (e.g., “U.S. Congress – District 15”)?

Question #15 – Response

Yes, because the U.S. Senate has no districts. The candidate petition form requires “the title of the office being sought” to be placed on the form. “U.S. Congress” is not a title of an office. Congress consists of two houses: The U.S. Senate and the U.S. House of Representatives. Thus, by placing “U.S. Congress” on the form, it does not actually specify an office - the form must indicate a specific office because the voter is signing the form petitioning that the named person be placed on the ballot for a specific office. Because U.S. Congress does not appear on the ballot as an office title, “U.S. Congress” by itself is not a valid office for placement on a candidate petition.

◦ **(response continued on next slide)**

Question #15 – Response Cont.

If you cannot reasonably determine which house of Congress to which the petition applies from the face of the petition, the petition will be invalid. Because a court may apply a substantial compliance doctrine, a SOE's office must give the candidate a little leeway. Here are suggested determinations whether a petition is valid:

Dist 8 Congressman – valid for US Representative, District 8 – it's clear that "Congressman" refers to the US Congress and District 8 makes it a House of Representative candidate since the US Senate does not have districts.

U.S. Congressman 8th District – valid for same reason as above.

Congressional Representative or Congressioinal Rep – valid as it indicates Representative and district numbers are not required for the 2016 election.

Congressman District 8 or U.S. Congress District 8 – valid for District 8, U.S. House for same reasons stated in first example above.

Director's Office – HAVA Section

FAQs

Question #16

How much longer will the Health and Human Services VOTE Program Grant continue?

Question #16 – Response

The program is on its last year.

After the 2015 – 2016 reimbursement period (September 30, 2016), and the chance to apply for unused funds, the program will expire unless Congress reauthorizes it.

Question #17

May a Supervisor of Elections purchase something that is not on the county's Federal Election Activities Plan and amend the plan after the purchase?

Question #17 – Response

No, the plan must be amended and approved before the purchase is made.

Question #18

How can a Federal Election Activities Plan be amended?

Question #18 – Response

- ❑ The Supervisor of Elections needs to send an e-mail to the HAVA Coordinator requesting to amend the plan. List the fiscal year, type of contract, what needs to be amended, and all sources of funding that apply.
- ❑ Example: FY2014-2015 Federal Elections Activities, add Voter Information Cards using Federal, County Matching Funds and Interest Earned.
- ❑ The HAVA Coordinator will reply to the e-mail request to let the SOE know if the amended plan has been approved.

Question #19

What is meant by HAVA “roll over funds” and what can they be used for?

Question #19 – Response

If HAVA funds are received in a certain fiscal year and they are not all spent in that fiscal year, they may roll over to the next fiscal year.

Any funds remaining in the account at the end of the fiscal year remains in the account to be used for the same purposes for subsequent years or until the funds are expended.

Question #20

Can HAVA funds be spent on electronic poll books?

Question #20 – Response

- ❑ While HAVA monies could potentially be used to purchase electronic poll books, the Florida Legislature has placed limitations associated with the HAVA appropriation. The limitations are set out in proviso language for Federal Election Activities.
- ❑ Before HAVA funds can be used to purchase electronic poll books, the poll books must have been previewed and pre-approved before a request can be made for the use of HAVA funds. They have not yet been approved.

Director's Office – NVRA COORDINATOR

FAQs

Question #21

What is the deadline for a Voter Registration Agency to deliver the voter registration applications it receives to the Supervisor of Elections?

Question #21 – Response

Despite the NVRA specifying no later than 10 days, Florida law (s. 97.058(6), F.S.) requires the voter registration agency (VRA) to submit completed and incomplete voter registration applications within 5 days of the VRA's receipt to the SOE of the county where the VRA processed or received the application.

Question #22

What can SOEs do to assist a voter registration agency?

Question #22 – Response

- Conduct outreach/training to designated VRAs in county
- Make voter registration applications available
- Coordinate, if possible, 5-day pickup for applications in high volume offices
- Incorporate VRAs' roles into voter education programs
- Assign proper application source code into FVRS so that system reflect number of applications coming from VRAs

Question #23

- How can a SOE access and review the Florida Fish and Wildlife Commission's FTP site regarding its voter registration application activity in the SOE's county ?

Question #23 – Response

- Use the instructions on the SOE Resources webpage: http://soe.dos.state.fl.us/pdf/FWCC_Instructions_to_Access_Website_2013.pdf to access the ftp site.
- Once on the ftp site, an excel spreadsheet exists for each county. The spreadsheet contain the names of customers of FWC and its subagents who have stated they want a voter registration app sent to them.
- When reviewing the files, only copy and paste the file to your computer. Do **NOT** cut and paste as this will delete the file from the FWC website.

Question #24

Are voter registration agencies (VRAs) subject to the same regulations as third-party voter registration organizations (3PVROs)?

Question #24 – Response

No, different statutes and rules apply.

VRA: s. 97.058, F.S. and Rule 1S-2.048

3PVRO: s. 97.0575 and Rule 1S-2.042.

Director's Office – MISCELLANEOUS

FAQs

Question #25

When a county updates its precincts or polling places, how should it notify the Division?

Question #25 – Response

By uploading the revised precinct and polling place data files to the SOE Portal. No need to send anything else!

Question #26

How do I report early voting locations and times to the Division?

Question #26 – Response

➤ Provide early voting locations (addresses) and times by emailing Form DS-DE 140 to:

DivElections@dos.myflorida.com

➤ Due no later than the 30th day before an election.

Question #27

How does the SOE obtain reimbursement for petition signature verification expenses when the candidate/committee has filed an affidavit of undue burden?

Question #27 – Response

- The Supervisor of Elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer **no later than December 1 of the general election year.**
- The Chief Financial Officer shall cause such supervisor to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less.
(s. 99.097(4), F.S.)



Florida Department of State

**The End –
Any not so frequent questions
you desire to ask and
have answered?**

