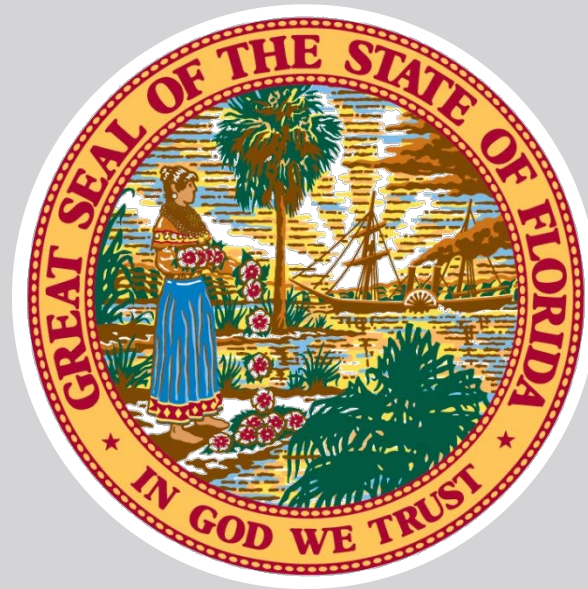


# Florida Department of State

1

## Processing Ineligible Registered Voters- Non-Immigrants

Presented by:  
Dr. Christopher Sharp, Chief  
Bureau of Voter Registration  
Services  
April 2012



Ken Detzner  
Secretary of State

Dr. Gisela Salas, Director  
Division of  
Elections

# Initial Identification of Non-U.S. Citizens

- FVRS voter registration records matched against DHSMV's DAVE records
- 1256 registered voters identified in this batch as 'non-immigrants' in DAVE and therefore potentially ineligible.
  - ✓ *Non-immigrant:* Someone who is legally authorized to be in the U.S. for a limited period of time and for specific activity or purpose.
  - ✓ *Non-immigrant:* Subject to annual renewal of driver's license or state ID card every year.

# Examples of Non-immigrants

- ✓ Temporary visitor for business or pleasure
- ✓ Diplomat or other foreign government official
- ✓ Students: academic, vocational
- ✓ Researcher
- ✓ Person in special or highly skilled occupation
- ✓ Temporary agricultural or seasonal worker
- ✓ Exchange Visitor
- ✓ Religious worker
- ✓ Entertainer
- ✓ Media, journalist
- ✓ Au pair
- ✓ Victim of human trafficking or other criminal activity
- ✓ A person seeking safe haven from dire homeland situations like civil war, natural disaster or other extraordinary conditions

# What BVRS Reviewed

- Review of DHSMV DAVE database-initial screen:
  - ✓ “Not a U.S. Citizen” status
  - ✓ Foreign Country of Birth listed
  - ✓ Supporting ID documents to comply with federal REAL ID Act
    - *REAL ID Act requires persons to provide documentary proof of legal status whenever they apply or renew a driver’s license or state ID card.*
    - *By December 1, 2017, the cycle for all renewals will be completed and every record in DAVE will have supporting documentation of legal status in order for issuance or renewal of driver’s license or state ID card.*
    - *(For persons born after December 1, 1964, proof must be provided by December 1, 2014.)*

# BVRS Review-Cont'd

- Review of REAL ID compliant documentation for legal status of non-U.S. citizens:
  - ✓ Passport (country of origin)
  - ✓ Visa
  - ✓ Birth certificate
  - ✓ "Green card" for legal permanent resident (not a U.S. citizen)
  - ✓ Other government issued document authorizing temporary stay

# BVRS Review-Cont'd

- Cross-check of **ICE's** public online site regarding non U.S. citizen detainees

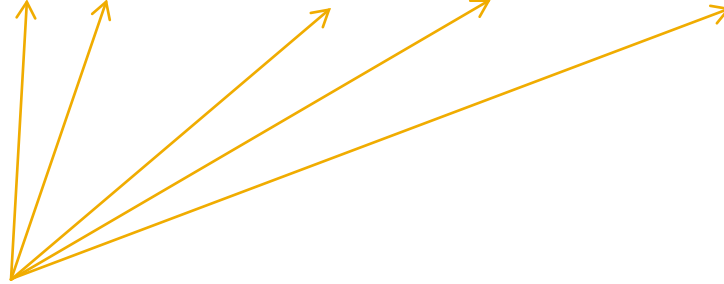
<https://locator.ice.gov/odls/homePage.do>

**ICE:** Immigration and Customs Enforcement bureau within the Department of Homeland Security (**DHS**). One of the 3 bureaus besides CIS (Citizenship and Immigration services ) and CBP (Customs and Border Patrol) that serves as successor to INS.

**NOTE:** A DOS request is currently pending before DHS to access a federal database (such as SAVE--Systematic Alien Verification for Entitlements) and/or other federal databases in order to cross-check whether a non U.S. citizen's legal status has changed since obtaining a driver's license or state ID card.

# Content of List File

CNTY OF RESIDENCE	FVRS VTR ID	FVRS REG STAT	FVRS REG DATE	LAST NAME	FIRST_NAME	MIDDLE_N	AME	HSMV_SSN NO	HSMV_LICENSE_	HSMV_G ENDER	HSMV_BIRTH DATE	Verification status	Last DHMV transaction date	Reviewer
CAL	123456789	ACT	9/18/2008	SMITH	JOHN	A		123456789	Full DL #	M	6/10/1978	verified thru dave, non US citizen; verified through ICE	11/23/2011	Me



Notes from examiner that supporting documents were viewed to verify citizenship status, and citizenship status	Last date individual went to DHSMV	Reviewer initials and date
--	------------------------------------	----------------------------

These are our match items before we look for supporting documents. At least three criteria must be exact in FVRS and DAVE

# What to Do (cont'd)

Follow steps in section 98.075(6) and (7), F.S., as you would for any other potentially ineligible voter:

- 1. Review file** information [Note: These files are not compiled electronically in the same way that the Division compiles felon or mental incompetency files. There are no attached scanned images or documents in these files.]
- 2. Conduct** any additional **research** [Refer to whatever other sources you have to confirm identity and potential change in legal status. You should all have access to DHSMV's DAVE. If you find information credible and reliable, proceed.]

# What to Do (cont'd)

**3. Initiate notice (within 7 days).** Send notice by certified mail, return receipt requested or by some other means of verified delivery). Notice must include:

- ✓ A statement of **basis for ineligibility**
- ✓ A copy of any **supporting documentation**
  - *Print out the latest screen shot from the DHSMV DAVE containing legal status. This is what DHSMV has last recorded.*
  - *Redact confidential/personal identifying information such as DL, state ID #, SSN, and signature.*
- ✓ A statement that **failure to respond** within 30 days may result in removal from rolls
- ✓ A **return form** that requires voter to admit or deny accuracy of information
- ✓ A statement that a person denying ineligibility has a **right to a hearing**
- ✓ Contact information for Supervisor of Elections
- ✓ Instructions for seeking restoration of civil rights (Not applicable in these cases)

# DAVE Screen Shot (redacted)



## MAN Driver And Vehicle Express (MDAVE)

DIGITAL IMAGES ARE RESTRICTED TO LAW ENFORCEMENT USE PURSUANT TO S. 322.142(4), FLORIDA STATUTES - IMAGES INCLUDE PHOTOGRAPHS AND SIGNATURES

### Individual Summary Page

New Search



DL/ID Number

[REDACTED]

Class

E

Status

VALID

[REDACTED]

Historical Driver License Activity

Date of Birth

[REDACTED]

Sex

M

Height

6'02

Country Of Birth

CANADA

Restrictions

A

Endorsements

Issue Date

03-09-11

Duplicate Date

Expiration Date

03-09-12

SSN

[REDACTED]

Form Number

[REDACTED]

Conditional Messages:

NOT A CITIZEN SAFE DRIVER

# Sample Notice

Suggested  
Sample  
Notice to  
Send  
Potentially  
Ineligible  
Non-U.S.  
Citizen

(Date)

(Voter's name and address)  
(Voter Reg. No.)

Dear Mr./Mrs. XXXXXXXX:

The \_\_\_\_\_ County Supervisor of Elections has received information from the Florida Division of Elections that calls into question your eligibility to be registered to vote. The information originated from the Florida Department of Highway Safety and Motor Vehicles (see attached) which lists you as not being a U.S. citizen. In Florida, only U.S. Citizens can register and vote. See s. 97.041, *Fla. Stat.* (2011).

Please complete and return the enclosed 'voter eligibility form' to the Supervisor of Elections' office within thirty (30) days of receipt.

If you believe we have made a mistake about your identity or citizenship status, or you have acquired citizenship since your last interaction with DHSMV, please include with the 'voter eligibility form' a **copy** of any document that either shows that you are not the person identified in this letter or that you are a U.S. citizen. The following documents are examples of proof of U.S. citizenship: U.S. Birth Certificate, Passport, U.S. Consular Certificate of Birth, or U.S. Certificate of Naturalization. If your name has changed or you use another name different from that on the document, please include a copy of the document showing that name change. You also have the right to request a hearing if you deny that the ineligibility information is accurate.

You may mail, fax or e-mail the voter eligibility form and supporting documentation or you can come in person with that form and any supporting document to the Supervisor of Elections' office. **If you fail to respond within thirty (30) days, we may determine that you are ineligible and remove your name from the voter registration rolls. You will then no longer be eligible to vote.**

You may reach our offices as follows: [insert contact information including phone number, physical street address, mailing address, fax number and e-mail address.]

Sincerely,

\_\_\_\_\_  
Supervisor of Elections

Enclosures: Voter Eligibility Form with Self-addressed Return Envelope  
DAVE Screen shot

# What to Do (cont'd)

- 4. Allow voter 30 days to respond** (if you receive verification that mail delivered)
- 5. Publish notice ONLY** if notice undeliverable (Section 98.075(7)(a)2.a.-e, Fla. Stat.)
- 6. Provide hearing ONLY** if person denies ineligibility AND person requests hearing

# Sample Return Form

Suggested Sample 'Voter Eligibility Form' to Send to Voter

<u>VOTER ELIGIBILITY FORM</u>		
<p>1. You have been identified as potentially ineligible to be registered to vote.                      2. If you do not respond within thirty (30) days after receiving this notice, the supervisor of elections may determine that you are ineligible to be registered to vote and remove your name from the voter registration system.</p>		
<u>PLEASE PRINT</u>		
<b>Voter's Name</b>	_____	
	Last Name	First Middle
<b>Date of Birth</b> (MMDDYY)	_____	
<b>Gender</b> (please circle)	Male	Female
<b>Personal Identifying Number</b> (Provide only one of these card numbers)		
Driver's License No or Florida ID Card No.		Last 4 Social Security No.
_____		
<b>Residential Address</b>	_____	
_____		
<b>Phone Number</b>	Home: _____	Work: _____
<p><b>Please check the box that applies to you sign and date form:</b></p> <p><input type="checkbox"/> Under penalties of perjury, I swear or affirm that the information that I am ineligible is <b>inaccurate</b> AND:                      _____ I request a hearing. (Please bring whatever documents you have in support of your eligibility),                      OR                      _____ I do not request a hearing. Please see attached document in support of my eligibility. DO NOT MAIL ORIGINAL.</p> <p><input type="checkbox"/> Under penalties of perjury, I swear or affirm that the information that I am ineligible is <b>accurate</b>.</p>		
SIGNATURE OF VOTER: _____		DATE: _____
<p>(It is a criminal offense to knowingly make a false statement in writing with the intent to mislead a public official in the performance of his or her official duty. s. 837.06, Fla. Stat.)</p> <p><b>Return form to:</b> [insert contact information: fax, e-mail, mailing and physical addresses)</p>		

# What to Do (cont'd)

## 7. Review proof of U.S. citizenship if provided

- ✓ U.S. Passport Booklet or Card
  - ✓ U.S. Birth Certificate
  - ✓ U.S. Certificate of Consulate Birth
  - ✓ U. S. Certificate of Citizenship
  - ✓ U.S. Certificate of Naturalization
- *If there is a difference in name, the voter should provide the documentation supporting the name change, the voter will have to provide court order or marriage license showing authorized name change.*
  - *Remember: 1. If a person has dual citizenship with the U.S. and another country, he or she is still eligible to register and vote as a U.S. citizen. 2. Persons born in certain U.S. territories (e.g., Puerto Rico, island of Guam, Panama Canal, Virgin Islands, etc.), he or she may be a U.S. citizen. Contact USCIS for confirmation*



# Sample Citizenship Documents

## CERTIFICATE OF NATURALIZATION

**THE UNITED STATES OF AMERICA**

**CERTIFICATE OF NATURALIZATION**

No. 00000000

ESP Registration No. A00000000

I certify that the description given is true, and that the photograph affixed hereto is a likeness of me.

*[Signature]*  
(Applicant and true registration of holder)

Personal description of holder, or if date of naturalization: JUNE 17, 1980

Date of birth: FEMALE

Sex: FEMALE

Height: 5 feet 2 inches

Marital status: MARRIED

Country of former nationality: RUSSIA

It is known that, pursuant to an application filed with the Secretary of Homeland Security

at ANCHORAGE, ALASKA

The Secretary, having found that OKSANA KADAVCHIGOVA MIDGET

then residing on the United States, intends to reside in the United States when so required by the Naturalization Laws of the United States, and had in all other respects complied with the applicable provisions of such naturalization laws and was entitled to be admitted to citizenship, such person having taken the oath of allegiance in a ceremony conducted by the US DISTRICT COURT

at ANCHORAGE, ALASKA on JULY 27, 2007

that such person is admitted as a citizen of the United States of America.

*[Signature]*  
Director, U.S. Citizenship and Immigration Services

IT IS PUNISHABLE BY U. S. LAW TO COPY, PRINT OR PHOTOGRAPH THIS CERTIFICATE, WITHOUT LAWFUL AUTHORITY.

**DEPARTMENT OF HOMELAND SECURITY**

## CONSULAR REPORT OF BIRTH ABROAD

UNITED STATES OF AMERICA DEPARTMENT OF STATE

0119011

**Consular Report of Birth Abroad**  
OF A CITIZEN OF THE UNITED STATES OF AMERICA

This is to certify that:

**JOHN THOMAS AMERICAN-BORNOVERSEAS**  
Sex: MALE, born at CASABLANCA, MOROCCO  
On AUGUST 12, 2000

Acquired United States CITIZENSHIP as both as established by documentary evidence  
Presented to the Consular Service of the United States at  
CASABLANCA, MOROCCO  
On JANUARY 06, 2011

MOTHER: FATHER: PARENTS:  
THOMAS DANIEL BORNOVERSEAS  
Date of Birth: MARCH 08, 1977

HUBAN AN AMERICAN  
Date of Birth: JANUARY 13, 1978

*[Signature]*  
Assistant Secretary and Consular Affairs  
Date of Issuance: MARCH 21, 2011

\*11-00219-56\*

150 500020

# Sample Citizenship Documents

## U. S. BIRTH CERTIFICATE SAMPLE -FLORIDA



**Certificate of Birth**  
STATE OF FLORIDA

THE STATE OF FLORIDA PROUDLY PROCLAIMS THE ARRIVAL OF A NEW CITIZEN

*Child First Name Middle Last Name Jr*

BORN ON NOVEMBER 29, 2007 AT 0909  
IN THE CITY OF SOUTH MIAMI  
IN THE COUNTY OF MIAMI-DADE  
AT SOUTH MIAMI HOSPITAL

*Love and Protect our Most Valuable Resource – Our Children*

WE ARE PRIVILEGED TO HONOUR AND CONGRATULATE THE PARENTS:

MOTHER'S MAIDEN NAME: *Mother First Middle Mother Maiden* NATIVE OF: GEORGIA, UNITED STATES  
FATHER'S NAME: *Father First Middle Father Last* NATIVE OF: HONDURAS

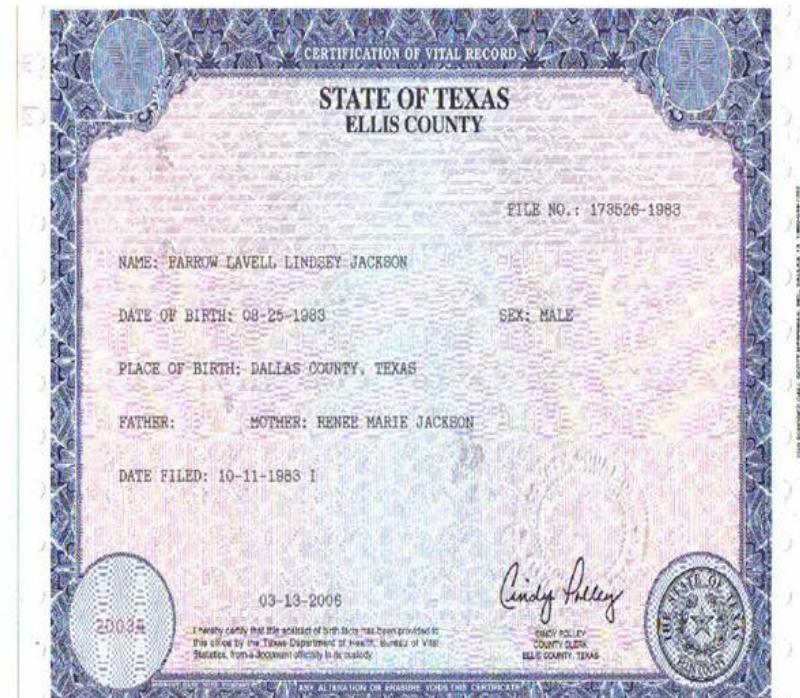
PROCLAIMED AND ISSUED ON: MAY 26, 2009

State Registrar Governor of Florida

State File Number: 109-2007-123456 Date Filed: October 24, 2007

© 2002 TM, SC, USA

## U.S. BIRTH CERTIFICATE SAMPLE -TEXAS



CERTIFICATION OF VITAL RECORD  
STATE OF TEXAS  
ELLIS COUNTY

FILE NO.: 173526-1983

NAME: FARROW LAVELL LINDSEY JACKSON  
DATE OF BIRTH: 08-25-1983 SEX: MALE  
PLACE OF BIRTH: DALLAS COUNTY, TEXAS  
FATHER: MOTHER: RENEZ MARIE JACKSON  
DATE FILED: 10-11-1983 I

03-13-2006

Cindy Alley

20034

STATE OF TEXAS  
COUNTY CLERK  
ELLIS COUNTY, TEXAS

ANY ALTERATION OR SPOILING INVALIDATES THIS CERTIFICATE

# What to Do

8. **Determine eligibility** of person based on information you have
9. **If ineligible, remove voter's name** from rolls
10. **Record the 'removal reason code'** as "K" for not U.S. citizen
11. **Send notice** to the voter regarding removal
12. **Retain record permanently** as they are part of the voter registration records. See item #158, GS-3  
<http://dlis.dos.state.fl.us/barm/genschedules/GS3.pdf>

# Pointers

- It is strongly encouraged but not required (for continuing registration purposes) that a registered voter who is determined to be a U.S. citizen to contact DHSMV to correct or update his or her legal status on record.
  - 1) Refer person to DHSMV's website
    - [www.GatherGoGet.com](http://www.GatherGoGet.com) for documentation instructions
    - [www.flhsmv.gov](http://www.flhsmv.gov) to locate driver license or tax collector offices
  - 2) Provide DHSMV's "in-person" contact: 850-617-2000

# Pointers

- If you determine that a registered voter initially identified as not a U.S. citizen has subsequently become a U.S. citizen, this person shall be deemed eligible for purposes of continuing registration and should not be removed from the rolls.
- HOWEVER, the matter should be referred to the State Attorney. See Section 104.011 (false swearing of an application) and Section 104.42, F.S. ('duty to report fraudulent registration and illegal voting').

# Required Feedback:

- If you determine that a registered voter is eligible for whatever reason (e.g., mismatch—misidentification, obtained U.S. citizenship, administrative error, etc.) then the voter's shall not be removed from the rolls.
  - 1. NOTIFY immediately the chief of the Bureau of Voter Registration Services**
  - 2. PROVIDE the registered voter's name and FVRS No.**
- This will help to ensure the integrity and improve the process.

# THE END

- QUESTIONS
- SUGGESTIONS
- COMMENTS

For further information or questions, contact:

Dr. Christopher Sharp,

Chief, Bureau of Voter Registration Services

Florida Department of State

850-245-6205