



# Third-Party Voter Registration Organization (3PVRO) Summary

## DE Reference Guidelines 0012 (Updated 06/2024)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

## What is the governing law, rule and forms?

- Section [97.0575](#), Florida Statutes
- See Rule [1S-2.042](#), Florida Administrative Code (eff. 09/26/2023) and incorporated [forms](#):
  - Form DS-DE 119 - 3PVRO Registration Form
  - Form DS- DE 121 - Complaint Against 3PVRO
  - Form DS-DE 124 - Supervisors of Elections Accounting of 3PVRO Voter Registration Applications
  - Form DS-DE 126 - Supervisors of Elections' Transmittal Form – 3PVRO Noncompliance
  - Form DS-DE 127 - Non-Felon and U.S. Citizen Declarations
  - Form DS-DE 129 - 3PVRO Voter Registration Application Receipt

*Note: The citizenship declaration portion of [Forms DS-DE 119 and 127](#) is not in effect at this time because it has been preliminarily enjoined by the Northern District of Florida, United States District Court. Therefore, the citizenship affirmation is not required until and unless the law goes into effect.*

## Who/what is a 3PVRO?

- Any person or entity, or organization that collects or intends to collect any complete or incomplete voter registration application from a voter must first register with the state as a 3PVRO. A 3PVRO may be:
  - Any candidate, political committee, or political party.
  - Any subsidiary or affiliate of a registered 3PVRO that itself independently engages in separate collection of voter registration applications on behalf of the affiliate. (Affiliate organization means any person, group, or entity associated with the 3PVRO 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.) See [WHO/WHAT IS NOT A 3PVRO?](#)
  - **Note:** Any person or entity that prints or distributes blank voter registration applications or helps a person complete an online application form through Florida's official online voter registration system ([RegistertoVoteFlorida.gov](#)) or an online fillable form without collecting the paper applications does require registration as a 3PVRO. However, if a person, entity, or organization, receives by mail or in person, a paper application, complete or incomplete, even if unsolicited, such person, entity, or organization has a duty to forward the application to the Supervisor of Elections or Division of Elections as soon as possible.

## Who/what is not a 3PVRO?

The following persons or entities are not considered 3PVRO for purposes of the law:

- A person who collects a voter registration application from that person's spouse, child, or parent.

- An employee or agent of the Division of Elections, Supervisor of Elections, or Department of Highway Safety and Motor Vehicles engaged in registering people to vote or collecting voter registration applications.
- An official voter registration agency designated under [52 U.S.C. s. 20506\(a\)](#) of the National Voter Registration Act, or state law (ss. [97.021](#) & [97.058](#), Florida Statutes, and Rule [1S-2.048](#), Fla. Admin. Code).
- Any organization that only distributes voter registration applications but does not collect them.

### How does a person or entity become a 3PVRO register?

- A person or entity collecting voter registration applications must register with the Florida Division of Elections and submit [Form DS-DE 119](#) (Third-Party Voter Registration Organization Registration Form) before engaging in voter registration activities.
- An affiliate organization which itself independently engages in separate collection of voter registration applications from Florida voter registration applicants on behalf of the affiliate must file a [Form DS-DE 119](#) even if its affiliated organization has filed this form.
- [Form DS-DE 119](#) may be emailed as a pdf attachment to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com) or alternatively mailed to the Division of Elections.

**Note:** A submitted [Form DS-DE 119](#) must include the designated registered agent's name and signature. ).

**Attention:** The citizenship declaration portion of this Form is not in effect at this time because it has been preliminarily enjoined by the Northern District of Florida, United States District Court. Therefore, the citizenship affirmation is not required until and unless the law goes into effect.

- The Division of Elections will assign the new 3PVRO a unique identifier once the registration to become a 3PVRO is approved.

### What is the difference between a 3PVRO registered agent and a 3PVRO registration agent?

- A 3PVRO "registered" agent" is an individual resident in the state or a domestic or foreign corporation or a not-for-profit corporation authorized to transact business in the state and authorized to accept legal service of process for the 3PVRO.
- A 3PVRO "registration agent" is any person who is employed by or volunteers for the 3PVRO and collects or handles voter registration applications from applicants on behalf of the 3PVRO. A person may serve as a 3PVRO registration agent for more than one 3PVRO.

### What are the duties of a 3PVRO?

- The 3PVRO must comply with state law and rules governing 3PVRO activities, including, but not limited:
  - To register as a 3PVRO with the State (Division of Elections) if the person or entity intends to collect voter registration applications.
  - To affirm that each person collecting or handling voter registration applications on behalf of the third-party voter registration has not been convicted of a felony violation as set forth in section 97.0575(1)(e), FS, and is a U.S. citizen as set forth in section 97.0575(1)(f). **Attention:** *The citizenship declaration portion of [Forms DS-DE 119 and 127](#), as currently adopted in rule is not in effect at this time because it has been preliminarily enjoined by the Northern District of Florida, United States District Court. Therefore, the citizenship affirmation is not required until and unless the law goes into effect.*

- To keep its 3PVRO information and employee registration agents' information updated within 10 days of any change. *Note: The 3PVRO is not required to report or update information on volunteer registration agents.*
- To serve as a fiduciary for the applicant from whom it collects paper voter registration applications, regardless of the method used to complete the paper application.
- To not keep an applicant's voter registration application (or the voter's personal information contained therein) for any purpose other than to deliver it timely to the Division of Elections or the Supervisor of Elections in the county in which the applicant resides. **Attention: This provision is not in effect at this time because it has been preliminarily enjoined by the U.S. District Court for the Northern District of Florida.**
- To provide a receipt to the applicant upon collecting an applicant's application (see [Form](#) DS-DE 129 for receipt). 3PVRO or registration agent on behalf of 3PVRO may retain a copy of the receipt provided.
- To timely submit all voter registration applications (completed or not) it collects to the Supervisor of Elections in which the applicant resides or the Division of Elections no later than 10 days after the person dates the application or before registration deadline. If the 10<sup>th</sup> day falls on a weekend, holiday, or other day in which the Division or Supervisor of Elections' office is closed, the application must be delivered the following business day. If book closing is within the 10-day period, then the application must be submitted on or before the book closing deadline. See "Penalties for a 3PVRO Not Promptly Delivering Voter Registration Applications" below for timeliness requirements.
- To place its assigned 3PVRO ID # on any voter registration application it delivers to the Division of Elections or to a Supervisor of Elections. (The ID # must be recorded on the bottom portion of the voter registration application in a manner that does not obscure any other entry.)
- To have its registration agent initial the bottom front side of the application.
- To record the date the 3PVRO or agent collects the application unless applicant already dated the application. . (The date must be noted on the bottom of the application in the format MM/DD/YY in a way that does not obscure any other entry.)

### How can a 3PVRO update its registration?

- A 3PVRO shall use [Form](#) DS-DE 119 to update its registration information on file. Updates must be made within 10 days of a change. The form shall be submitted as an e-mail attachment in pdf format to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com).
- If a 3PVRO's registration agent terminates his or her employment, the 3PVRO must file via email a scanned updated [Form](#) DS-DE 119 reflecting the employed registration agent's termination. The form shall be submitted as an e-mail attachment in pdf format to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com).

### How can a 3PVRO terminate its registration?

- A 3PVRO shall use [Form](#) DS-DE 119 to withdraw its registration at any time.
- Effective November 6, 2024, a 3PVRO's registration with the State automatically expires at the conclusion of the specific general election cycle in which they registered. If a 3PVRO re-registers after having its registration cancelled, the Division shall re-assign the same 3PVRO number.

### How may a 3PVRO obtain blank voter registration applications?

- 3PVROs may obtain voter registration applications in the following ways:

- Download from the Division of Elections' website and copy.
  - Obtain copies from a supervisor of elections.
  - Obtain copies from the Division of Elections.
- The request for forms to an election official or Division must be received in writing from a designated officer of the 3PVRO. The first 9,999 applications of each order are provided free of charge; a charge of 1 cent per application is assessed for each subsequent application (see [s. 97.052\(1\)\(b\)](#), Fla. Stat.). Shipping costs will be assessed.

## What are the duties of a Supervisor of Elections relative to 3PVROs?

The Supervisor of Elections (SOE) must:

- Include the 3PVRO ID # on the bottom of each blank voter registration application the SOE provides to the 3PVRO in a manner that does not obscure any other entry.
- Record the delivery date on the bottom portion of the returned voter registration application the date the application was delivered. The date of delivery is:
  - The actual date of receipt, if delivered in person or mailed no or clear postmark is on the envelope.
  - The date of the clear postmark for mailed delivery.
- Report daily the number of voter registration applications (state and federal) provided to and delivered by each 3PVRO.
  - Due to the Division of Elections by noon each business day for prior business day activity and only required when delivery and receipt of applications occurred on the prior business day.
  - [Form DS-DE 124](#) must be used. The form may be emailed as a pdf. attachment to: [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com).
- Report using [Form DS-DE 126](#) any untimely filed voter registration application by a 3PVRO and:
  - Include an explanatory statement (For an application that only contains the 3PVRO's ID # and no other information, which was delivered after registration deadline or more than 10 days after the applicant signed the application, the explanatory statement should include a description of the Supervisor of Elections' efforts to contact the applicant to confirm that the application was delivered to the 3PVRO.)
  - Email to the Office of Election Crimes and Security at [OECS@dos.myflorida.com](mailto:OECS@dos.myflorida.com) as a scanned pdf. attachment or by express mail or expedited courier service.
  - Attach documents that reflect the untimely submission in pdf format to [3PVRO@dos.myflorida.com](mailto:3PVRO@dos.myflorida.com), or send them by express mail or expedited courier service.
  - Process received voter registration applications, even if untimely received, and assign source code "8" in the Florida Voter Registration System.

## Civil penalties for failing to submit or untimely submitting collected voter registration applications

- A 3PVRO must promptly deliver applications to the applicant's Supervisor of Elections or the Division of Elections —no later than 10 days from date of collection or the deadline for registration ("book closing") for an upcoming election, whichever is sooner. If the 10<sup>th</sup> day falls on a weekend, holiday, or other day on which the office is closed, the application(s) must be submitted by the following business day unless book closing falls within the 10-day period in which case it must be submitted on or before book closing.

- The date the applicant signed the voter registration application is presumed to be the date the 3PVRO received or collected the application.
- Untimely delivery of voter applications by a 3PVRO may only be excused based upon:
  - ✓ **“Force majeure”** means any event or occurrence of societal significance beyond the reasonable control and without the fault of the 3PVRO which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the 3PVRO, 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; or
  - ✓ **“Impossibility of performance”** means an actual impossibility or impracticability of compliance as the result of a condition or circumstance that the third-party voter registration organization did not create and could not reasonably have anticipated.
- The 3PVRO itself is liable for the following fines for untimely delivery or failure to deliver (see table for details):

Activity	Fine per application per day	Fine if act is willful
✓ Application delivered or postmarked more than 10 days from date collected	\$50 (maximum \$2,500)	\$2,500
✓ Application collected <i>before</i> the registration deadline for any given election for federal or state election but received <i>after</i> the registration deadline.	\$100 (maximum \$5,000)	\$5,000
✓ Application never submitted	\$500 (maximum \$5,000)	\$5,000
<b>Maximum aggregate fine that can be assessed against a 3PVRO, including affiliate organizations, for violations committed in a calendar year is \$250,000.</b>		

- If a person or entity collection voter registration applications on behalf of a 3PVRO is convicted of altering a person’s application without the person’s knowledge and consent, the 3PVRO is also liable for a \$5,000 fine for each application altered.

## How to file a complaint against a 3PVRO?

- A person who claims to have provided a voter registration application to a 3PVRO and whose name does not appear as an active voter must use a 3PVRO complaint [form](#) DS-DE 121 and file it with the Office of Elections Crimes and Security.
- A person may file an elections fraud complaint [form](#) DS-DE 34 with the Office of the General Counsel for any allegations of irregularities or fraud involving a 3PVRO’s voter registration activities.

## Alleged Violations of 3PVRO Laws

- The Division of Elections and the Department of State’s General Counsel will review 3PVRO complaints or reported violations by a 3PVRO and make recommendations to the Secretary of State.
- The Secretary, upon reasonable belief that a violation has occurred, may refer the matter to Florida’s Attorney General for enforcement.
- Any 3PVRO may submit a statement of force majeure or impossibility of performance to explain the circumstances constituting the violations. If the statement demonstrates the failure to submit or untimely submission was the result of force majeure or impossibility of performance, the Secretary of State will not refer the violation to the Attorney General.

- The Attorney General may institute a civil action against the 3PVRO, to include a permanent or temporary injunction, a restraining order, or any other appropriate order, along with the imposition of the applicable fines.