

Florida Department of State

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List Maintenance Categories and Procedures

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(Post-conference clarification on slides 2,
5, 6, 8, 9, 11, 18, 19, 23 (updated 5-29-12))



Ken Detzner
Secretary of State

Current List Maintenance Activities Statistics

BVRS processed (i.e., reviewed and examined for credible and reliable determination)

- **Deceased files**

- ❖ 4,194 - **DOH** Death Matches
- ❖ 53,448 - **SSA** Death Matches

- **Felon files**

- ❖ 11,000 matches— includes interstate sex offenders, & interstate felons

- **Non-citizen files**

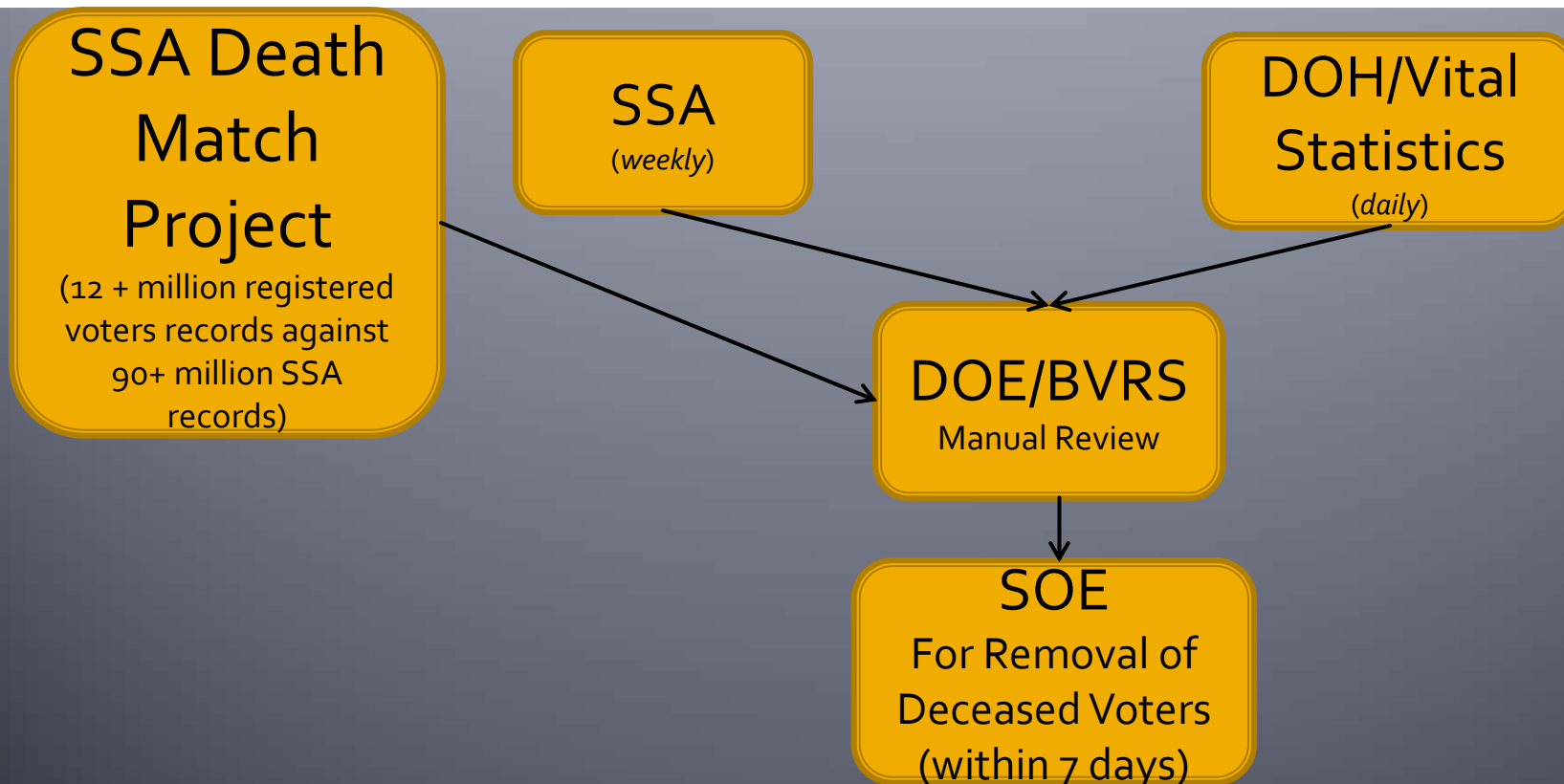
- ❖ 1,256 *non-immigrant* files processed as credible and reliable match for notice and removal--others to follow as we continue to vet 'non-citizen matches'

BVRS Initiatives

- SSA Death Match
- Interstate Felon
- Non-US Citizen Project

SSA Death Match

Workflow Overview

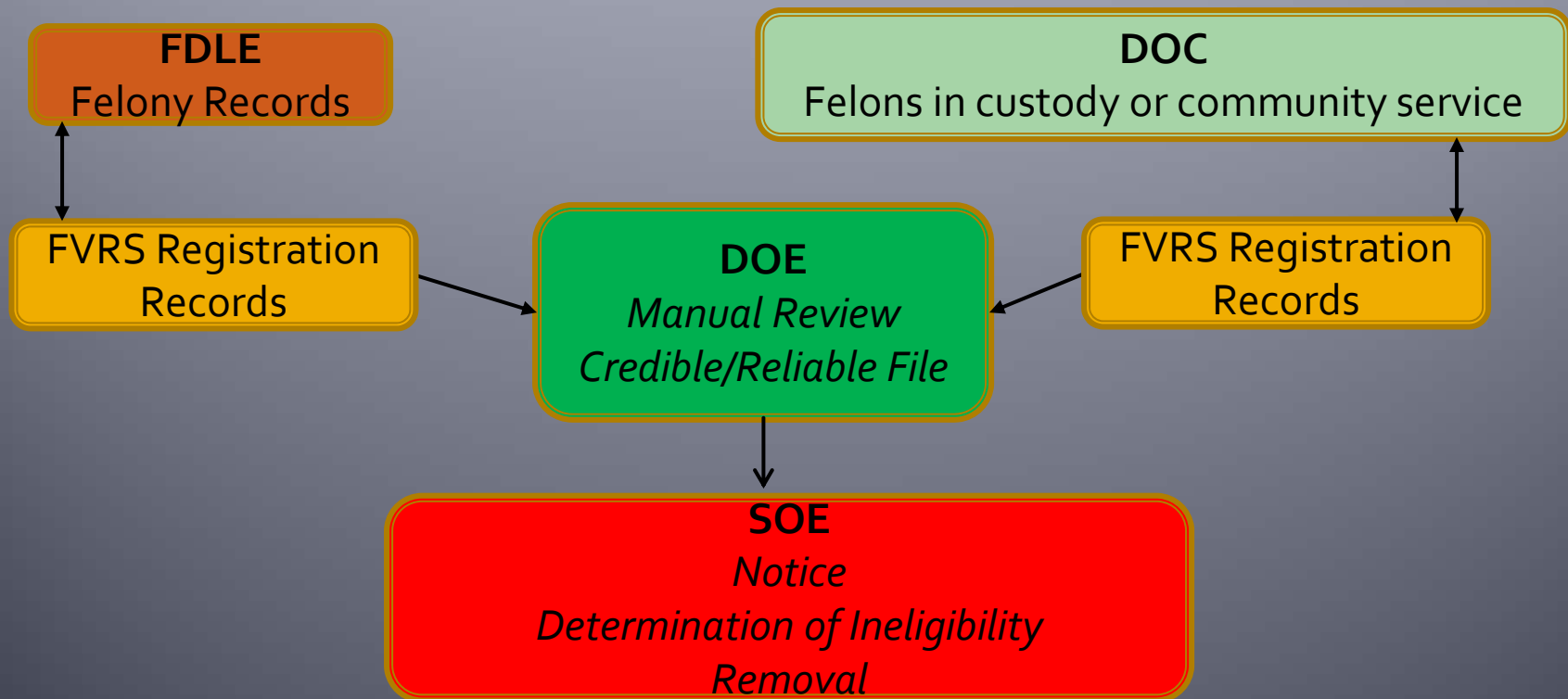


SSA Deceased Match Overview

- Project period February 22, 2012 –April 18, 2012
 - ❖ FVRS registration records matched against 90+ million SSA deceased records
 - ❖ 53,448 SSA Death Match files processed (BVRS review yielded 51,309 valid matches—suspended to county SOE in same way as DOH death match files for removal within 7 days)
- Access to SSA database continues --on weekly basis—suspended through FVRS in same way as DOH death data
- Ongoing coordination with ALA & GA Vital Stat Offices to receive death data too.

Interstate Felon Project

Workflow Overview

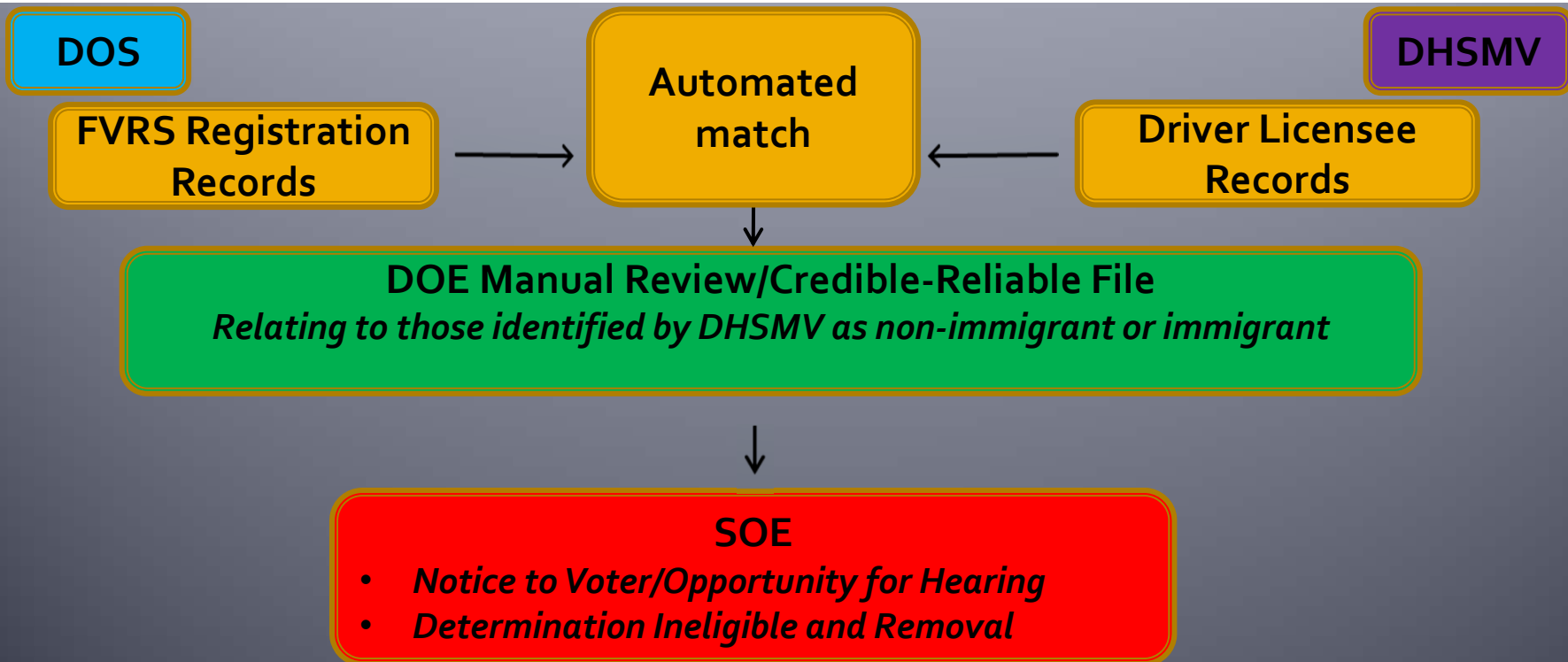


Project overview

- Concentration on interstate felons and interstate sex offenders who are convicted felons
- Sources used: FDLE, DOC, and DHSMV
 - Matching criteria based on name, DOB, SSN
- Interstate felon data will become part of a DOC batch that will be run daily.

Non-U.S. Citizenship Project

Workflow Overview



Initial Identification of Non-U.S. Citizens

- Focus of review on two major potential categories of non-U.S. citizens identified by DAVE:
 - ✓ *Non-immigrant*: Temporary (legal) status to be in the U.S. —i.e. limited period of time and/or for limited specific activity or purpose (generally must renew driver's license or state ID card every year)
 - ✓ *Immigrant*: Long-term/permanent lawful status to live and work in U.S.—i.e., lawful permanent resident
- Match between DHSMV's DAVE records against existing FVRS voter registration records

What BVRS Reviewed

- Verification of identity in initial FVRS-DHSMV match (requires min. 3-match criteria: Name, DOB, last 4SSN or DL/State ID#)
- Reconfirmation that DAVID still lists person as non-U.S. citizen. Screen shows:
 - ✓ “Not a U.S. citizen status
 - ✓ Foreign Country of Birth
 - ✓ Whether licensee has complied with REAL ID Act (meaning has the person come into DHSMV for a new license/state ID or renewal and provided documentary proof of legal status (whether citizen or not)

On and after December 1, 2017, no driver's license or state ID card can be issued or renewed without providing documentary proof of legal status. *For persons born after December 1, 1964, proof must be provided by December 1, 2014.*

BVRS Review-Cont'd

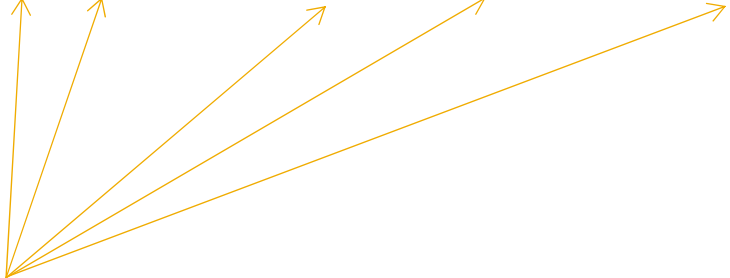
- Types of REAL ID compliant documentation available to assess legal status:
 - ✓ Passport (country of origin)
 - ✓ Birth certificate (non-U.S.)
 - ✓ Certificate of naturalization
 - ✓ Visa document
 - ✓ "Green card" for legal permanent resident (not a U.S. citizen)
 - ✓ Other government issued document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

BVRS Review-Cont'd

- If person in FVRS and DHSMV records is not the same → **invalid match**
- If person listed in DHSMV record as U.S. citizen → **invalid match**
- If person in DHSMV listed as not U.S. citizen but no supporting documentation available → **indeterminate match (not processed further)**

Content of Match File Sent to SOE

CNTY OF RESIDENCE	FVRS VTR ID	FVRS REG STAT	FVRS REG DATE	LAST NAME	FIRST_NAME	MIDDLE_N	HSMV_SSN	HSMV_LICENSE_NO	HSMV_GENDER	HSMV_BIRTH_DATE	BVRS Review	Last DHMV transaction date	Reviewer
CAL	123456789	ACT	9/18/2008	SMITH	JOHN	A	123456789	Full DL #	M	6/10/1978		11/23/2011	Me 3-13-12



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

Notes from examiner regarding identity verification and check of legal status as last determined through DHSMV DAVID—may include alien registration #

Last time person had contact with DHSMV re new or renewal of license or state ID card

Reviewer initials and date

SOE Process(cont'd)

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

- 1. Review file information**
- 2. Conduct any additional research** (you also have access to DAVE now), and if information credible and reliable to proceed.

SOE Process (cont'd)

3. **Initiate notice** (send by certified mail, return receipt requested, or by some other verified receipt)

Notice must include:

- ✓ A statement of **basis for ineligibility**
- ✓ A copy of any **supporting documentation**

[Copy of redacted DAVE screen shot showing non-legal citizen status –SEE NEXT SLIDE]

- ✓ 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 (if applicable)

SOE Process (cont'd)

A copy of supporting documentation

[Print-out of redacted DAVE screen showing non-legal citizen status provided confidential personal identifying information such as DL, state ID #, SSN, and signature are redacted.]



FLORIDA
A SAFER
HIGHWAY SAFETY AND MOTOR VEHICLES

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	Class	Status	A#: 791706832 14
[REDACTED]	E	EXPIRED	
JINYONG BAE 225 CHARLESTON DR ENTERPRISE AL 363305090		Historical Driver License Activity	
Date of Birth	Sex	Height	Country Of Birth
01-02-76	M	6'00	KOREA (REP)
Restrictions	Endorsements		
A			
Issue Date	Duplicate Date	Expiration Date	
06-16-09		06-16-10	
SSN	Form Number		
[REDACTED]	D100906160055		

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

SOE Process (cont'd)

- 4. Allow voter 30 days to respond** (if you receive verification that mail delivered)
- 5. Publish notice ONLY** if notice undeliverable
(s. 98.075(7)(a)2.a.-e.
- 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>		
Voter's Name	_____	
	Last Name	First Middle
Date of Birth (MMDDYY)	_____	
Gender (please circle)	Male	Female
Personal Identifying Number (Provide only one of these card numbers)		
Driver's License No or Florida ID Card No.		Last 4 Social Security No.

Residential Address	_____	
Phone Number	Home: _____	Work: _____
<p>Please check the box that applies to you sign and date form:</p> <p><input type="checkbox"/> Under penalties of perjury, I swear or affirm that the information that I am ineligible is inaccurate 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 accurate.</p>		
SIGNATURE OF VOTER: _____		DATE: _____
(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.)		
Return form to: [insert contact information: fax, e-mail, mailing and physical addresses)		

SOE Process(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

Remember: 1. Dual citizenship: Person is still eligible to register and vote as long as at least a U.S. citizen. 2. Other special circumstances in which person might be U.S. citizens if born in Puerto Rico (8 USC 1402), island of Guam (8 USC 1407), Virgin Islands (8 USC s. 1406), and Panama Canal Zone (8 USC s. 1403). Contact the DHSMV if you have any questions about whether a person might be a U.S. citizen.

SOE Process

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

If a registered voter potentially identified as not a U.S. citizen

- ❖ Becomes a U.S. citizen any time between registration but before removal, such person shall be deemed eligible for purposes of continuing registration and should not be removed from the rolls.
- ❖ Becomes a U.S. citizen any time after determination of ineligibility/removal, he or she will have to re-register. (s. 98.075(7)(b)6., F.S.)

NOTE: SOEs have authority to investigate and refer fraudulent registrations or illegal voting to the state attorney's office. See Section 104.42, F.S.

Pointers

If a registered voter potentially identified as not U.S. citizen

- ❖ Is removed based on a determination of ineligibility, he or she has the right to appeal in circuit court. See s. 98.0755, F.S.

Pointers

If a registered voter potentially identified as not U.S. citizen

- ❖ Is removed, subsequently votes a provisional ballot because he or she claims to be U.S. citizen and was erroneously removed,
 - **IF** proof shows U.S. citizenship existed/acquired any time before determination of ineligibility/removal, voter's name should be restored per s. 98.081(2), F.S. Then canvassing board shall count ballot per s. 101.048 (2), F.S.
 - **IF** proof shows U.S. citizenship acquired after determination of ineligibility/removal, the voter's provisional ballot cannot count because the person is not registered and not entitled to vote per s. 101.048(2), F.S.

Requested Feedback:

- 1. NOTIFY** the chief of the Bureau of Voter Registration Services of all cases in which file match was identity mismatch, administrative error, U.S. citizenship acquired anytime before removal, or person U.S. born citizen.
- 2. PROVIDE** the registered voter's name and FVRS No.
 - This will help to ensure the integrity and improve the process.

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 correct or update his or her legal status on DHSMV record as soon as possible.
 - ✓ Refer person to DHSMV's website
 - www.GatherGoGet.com for documentation instructions
 - www.flhsmv.gov to locate driver license or tax collector offices convenient to the person
 - ✓ Provide DHSMV's in-person contact: 850-617-2000

THE END

- QUESTIONS?
- SUGGESTIONS FOR IMPROVEMENTS/ENHANCMENTS?

For further information or questions, contact:

Chief, Bureau of Voter Registration Services

Florida Department of State

850-245-6205