




FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

KURT S. BROWNING
Secretary of State

MEMORANDUM

TO: Supervisors of Elections

FROM: Donald L. Palmer, Director
Division of Elections 

DATE: September 5, 2008

SUBJECT: Verification/Override Procedures Pursuant to s. 97.053(6), F.S. effective September 8, 2008

As you are aware, Section 3 of Chapter 2008-95, Laws of Florida amended the verification process in section 97.053(6), Florida Statutes. The purpose of this amendment is to redirect the emphasis on verification from the identifying number on the application to the applicant's actual correct identifying number (Florida driver's license number, Florida identification card number, or last four digits of the social security number).

The amendment to s. 97.053(6), F.S., was effective upon becoming law; however, implementation was delayed until we received preclearance from the United States Department of Justice. We have now received that preclearance for the law, the attached procedures and the recommended letter notifying voters of the lack of verification. If any of the five preclearance counties (Collier, Hardee, Hendry, Hillsborough and Monroe) develop alternative or modified notification procedures and/or form notice letter, those counties will need to submit the changes to the U.S. Department of Justice for preclearance under section 5 of the Voting Rights Act.

In order to implement these amendments, effective September 8, 2008, the following procedures will apply:

For all new applications:

1. Applications entered into Florida Voter Registration System (FVRS) will be routed through the Department of Highway Safety and Motor Vehicles (DHSMV) for verification of the driver's license number, state identification card number or social security number provided on the application.

- Numbers which are matched cause the applicant to become an active voter.
 - Numbers that cannot be verified will be sent to the Bureau of Voter Registration Services (Bureau). The Bureau will check the record for any data entry errors using the scanned image of the application in FVRS and will check the information on the application against information provided by the DHSMV. If the Bureau can resolve the issues, the application will be routed to the Supervisor for activation.
 - Numbers that cannot be verified or resolved by the Bureau will be routed to the Supervisor for follow-up with the voter.
2. For applications that were not verified or resolved, the Supervisor must notify the applicant that the number provided could not be verified and that the applicant must provide evidence to verify the authenticity of the applicant's number. A sample letter is attached. To satisfy the authentication requirement, the applicant may present his or her Florida driver's license, Florida identification card, or social security card. The applicant can either appear in person before the Supervisor with evidence in hand, or mail, fax or e-mail a copy of the relevant document. The evidence does not have to be of the number provided on the application in order for a person to be able to personally authenticate the applicant's number. For example, the person may have originally provided another state's driver's license number on the application, which could not subsequently be verified. The person follows up this time by providing evidence of a Florida driver's license or the last 4 digits of his or her social security number. Either number can be authenticated regardless of what the applicant originally wrote on his or her application.
 3. If the applicant provides a copy of a current and valid Florida driver's license, Florida identification card, or social security number, the supervisor should retain the copy or make a copy of the document to be filed along with the application. The document should be kept in your local system but should not be sent to FVRS.
 4. If the applicant provides the evidence of his or her actual number, the applicant should be made an active voter, assuming the applicant is otherwise determined to be eligible. Note that as long as the completed application was received by the book closing deadline, the applicant can vote in the upcoming election, even if the evidence is provided after the books have closed.
 5. The supervisor should revise the number that is contained in the Florida Voter Registration System to reflect the applicant's correct number. Change the source from "F" (form) to "P" (proof). If the number provided on the original paper application is not the correct number, do not correct the paper application. Instead, attach the copy of the applicant's document to the file.
 6. If the applicant has not provided the evidence necessary prior to the applicant appearing at the polls, the person should be provided a provisional ballot. The applicant has until 5 p.m. of the second day following the election to provide the evidence necessary to verify their number. In lieu of appearing before the supervisor of elections, a copy of the document may be mailed, faxed or emailed to the supervisor of elections. If the evidence is provided by the deadline, and all other requirements have been met, the provisional ballot will be counted.