

## PROCEDURES FOR REMOVAL [FA 98.074(7)]

**Step One:** When we receive notice of potential ineligibility, we must notify the voter of his or her potential ineligibility by mail within 7 days after receipt of notice. The notice must include:

- ✔ A statement of the basis for the voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based.
- ✔ A statement that failure to respond within 30 days after the receipt of the notice may result in a determination of ineligibility and removal of the voter's name from the statewide voter registration system.
- ✔ A return form that requires the voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the SOE.
- ✔ A statement that, if the voter is denying the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.
- ✔ Instructions for the voter to contact the SOE if assistance is needed in resolving the matter.
- ✔ Instructions for seeking restoration of civil rights following a felony conviction, if applicable.

**Step Two:** If the mailed notice is returned as undeliverable, the SOE publishes a notice once in a newspaper of general circulation. The notice must contain the following:

- ✔ The voter's name and address.
- ✔ A statement that the voter is potentially ineligible to be registered to vote.
- ✔ A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the SOE and removal of the voter's name from the voter registration system.
- ✔ Instruction for the voter to contact the SOE no later than 30 days after the date of the published notice to receive information on the basis for the potential ineligibility and the procedure to resolve the matter.
- ✔ Instruction to the voter that, if further assistance is needed, the voter should contact the SOE.

**Step Three:** If the voter does not respond to a notice pursuant Step One (notice mailed to voter) or Step Two (notice published in newspaper), the SOE makes a final determination of the voter's eligibility.

If the SOE determines that the voter is ineligible, the voter is removed from the voter registration system.

The SOE notifies the voter of the determination and action.

**Step Four:** If a voter responds to a notice pursuant to Step One (notice mailed to voter) or Step Two (notice published in newspaper), and admits the accuracy of the information underlying the potential ineligibility, the SOE makes a final determination of ineligibility and removes the voter's name from the voter registration system.

The SOE notifies the voter of the determination and action.

**Step Five:** If a voter responds to a notice pursuant to Step One (notice mailed to voter) or Step Two (notice published in newspaper), and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the SOE reviews the evidence and makes a final determination of eligibility.

If the voter request a hearing, the SOE sends notice to the voter to attend a hearing at a time and place specified in the notice. Upon hearing all evidence presented a the hearing, the SOE makes a determination of eligibility.

If the SOE determines that the voter is ineligible, the SOE removes the voter's name from the statewide voter registration system and notifies the voter of the determination and action.

## OTHER KEY REQUIREMENTS [FA 98.075(7)(5B)]

1. All determinations of eligibility must be based on a preponderance of the evidence.
2. All proceedings are exempt from the provisions of Chapter 120 (Administration Procedures Act)
3. Any notice must be sent to the voter by certified mail, return receipt requested, or other means that provide a verification of receipt or must be published in a newspaper of general circulation where the voter was last registered, whichever is applicable.
4. The SOE removes the name of any voter from the statewide voter registration system only after the SOE make a final determination that the voter is ineligible to vote.
5. Any voter whose name has been removed from the statewide voter registration system based on a determination of eligibility may appeal that determination under the provision of FS 98.0755.
6. Any voter whose name was removed from the statewide voter registration system on the basis of a determination of ineligibility who subsequently becomes eligible to vote must reregister in order to have his or her name restored to the statewide voter registration system.

# ELIGIBILITY

## EXCERPTS FROM SECTIONS

**97.041, 98.045, 98.065,**

**AND 98.075,**

**FLORIDA STATUES**



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## QUALIFICATIONS TO REGISTER OR VOTE [FS 97.041]

A person may become a registered voter only if that person:

1. Is at least 18 years of age;
2. Is a citizen of the United States;
3. Is a legal resident of the State of Florida;
4. Is a legal resident of the county in which that person seeks to be registered; and
5. Registers pursuant to the Florida Election Code.

## PERSONS NOT ENTITLED TO REGISTER OR VOTE [FS 97.041(5B)]

The following persons, who might be otherwise qualified, are not entitled to register or vote:

- ✗ A person who has been adjudicated mentally incapacitated with respect to voting in this or any other state and who has not had his or her right to vote restored pursuant to law.
- ✗ A person who has been convicted of any felony by any court of record and who has not had his or her right to vote restored pursuant to law.
- ✗ A person who is not registered may not vote.

## REMOVAL OF A VOTER [FS 98.045(2)]

Once a voter is registered, he name of that voter may not be removed from the statewide voter registration system except at the written request of the voter, by reason of the voter's conviction of a felony or adjudication as mentally incapacitated with respect to voting, by death of the voter, or pursuant to a registration list maintenance activity.

## REGISTRATION LIST MAINTENANCE PROGRAMS [FS 98.065(1)]

The Supervisor of Elections must conduct a general registration list maintenance program to protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records in the statewide voter registration system.

The program must be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965, the National Voter Registration Act of 1993, and the Help America Vote Act of 2002.

## BIENNIAL LIST MAINTENANCE PROCEDURES [FS 98.065(2)]

The SOE must conduct *at least* one of the following procedures:

- ✗ 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 non-forwardable return-if-undeliverable mail sent to all registered voters in the country; or
- ✗ Change-of-address information is identified from returned non-forwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who have not made a written request that their registration records be updated during that time.

## ADDRESS CONFIRMATION FORM [FS 98.0655(1)]

An address confirmation request must contain:

- (a) The voter's name and address of legal residence as shown on the voter registration record; and
- (b) A request that the voter notify the Supervisor if either the voter's name or address of legal residence is incorrect.

## ADDRESS CONFIRMATION FINAL NOTICE FORM [FS 98.0655(3)]

An address confirmation final notice must be sent to the newly recorded address of legal residence by forwardable mail and must contain a postage prepaid return form and a statement that:

- (a) If the voter has not changed his or her legal residence or has changed his or her legal residence *within the state*, the voter should return the form within 30 days after the date on which the notice was sent.
- (b) If the voter has changed his or her legal residence to a location *out-side the state*:
  1. The voter shall return the form, which serves as a request to be removed from the registration books; and
  2. The voter shall be provided with information on how to register in the new jurisdiction in order to be eligible to vote.
- (c) If the return form is not returned, the voter's name is designated as inactive.

## INACTIVE VOTER STATUS [FS 98.065(4)(C)]

A voter is designated as inactive if an address confirmation final notice has been sent and has not been returned within 30 days, or if the final notice has been returned as undeliverable.

A voter on the inactive list may be restored to the active list voters upon the voter:

- ✗ Updating his or her registration,
- ✗ Requesting a Vote by Mail ballot, or
- ✗ Appearing to vote.

If the voter does not update his or her voter registration information, request a Vote by Mail ballot, or vote by the second general election after being placed on the inactive list, the voter's name is removed from the statewide voter registration system and the voter is required to register to have his or her name restored to the statewide voter registration system.

## FELONY CONVICTION [FS 98.075(5)]

The state identifies voter's who have been convicted of a felony and whose rights have not been restored by comparing information received from the clerk of circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office.

The state makes an initial determination as to whether the information is credible and reliable. If the state finds that the information is credible and reliable, the state notifies the SOE and provides a copy of supporting documentation indicating the potential ineligibility of the voter.

Upon receipt of the notice that the state has made a determination of initial credibility and reliability, the SOE adheres to the Procedures for Removal set forth in subsection (7) prior to the removal of a voter's name from the statewide registration system.

