



# Florida

## *Voter Registration & Voter List Maintenance Guide*

*Provided by*

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# State Guide to Voter Registration & Voter List Maintenance Statutes

This is a guide to your state's laws relating to voter registration and voter list maintenance.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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# Who can I contact with election related questions?

## [Link to Elections Official](#)

<b>Chief Elections Office:</b>	Cord Byrd, Secretary of State <a href="#">Elections Division</a>
<b>Physical Address:</b>	500 South Bronough Street Tallahassee, FL 32399
<b>Mailing Address:</b>	Florida Division of Elections R.A. Gray Building, Room 316 500 South Bronough Street Tallahassee, FL 32399-0250
<b>Phone Number:</b>	850-245-6200
<b>Fax Number:</b>	850-245-6217
<b>Online Contact:</b>	<a href="mailto:DivElections@dos.myflorida.com">DivElections@dos.myflorida.com</a>

# How do I register to vote?

[Link to Register](#)  
[Link to Statutes](#)

## **97.041 Qualifications to register or vote.**

(1)(a) 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.

(b) A person who is otherwise qualified may preregister on or after that person's 16th birthday and may vote in any election occurring on or after that person's 18th birthday.

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

(a) 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.

(b) 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.

(3) A person who is not registered may not vote.

# How do I cancel my voter registration?

[Link to Statutes](#)

## [98.045 Administration of voter registration.](#)

(2) REMOVAL OF REGISTERED VOTERS.—

(a) Once a voter is registered, the 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 conducted pursuant to s. 98.065 or s. 98.075.

(b) Information received by a voter registration official from an election official in another state indicating that a registered voter in this state has registered to vote in that other state shall be considered as a written request from the voter to have the voter's name removed from the statewide voter registration system.

# How is voter list maintenance handled?

## [98.065 Registration list maintenance programs](#)

(2) A supervisor must incorporate one or more of the following procedures in the supervisor's annual registration list maintenance program under which the supervisor shall:

(a) Use change-of-address information supplied by the United States Postal Service through its licensees to identify registered voters whose addresses might have changed. Additionally, in odd-numbered years, unless the supervisor is conducting the procedure specified in paragraph (b), the supervisor must identify change-of-address information from address confirmation final notices mailed to all registered voters who have not voted in the preceding two general elections or any intervening election and who have not made a request that their registration records be updated during that time; or

(b) Identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests sent to all registered voters in the county.

## 98.065, cont.

(3) A registration list maintenance program must be conducted by each supervisor, at a minimum, once each year, beginning no later than April 1, and must be completed at least 90 days before the date of any federal election. All list maintenance actions associated with each voter must be entered, tracked, recorded, and maintained in the statewide voter registration system.

(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources which indicates that a registered voter's legal residence might have changed to another location within the state, the supervisor must change the registration records to reflect the new address and must send the voter an address change notice as provided in s. 98.0655(2).

(b) If the supervisor of elections receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, or from other sources which indicates that a registered voter's legal residence might have changed to a location outside the state, the supervisor of elections shall send an address confirmation final notice to the voter as provided in s. 98.0655(3).

(c) If an address confirmation request required by paragraph (2)(b) is returned as undeliverable without indication of an address change, or if any other nonforwardable return-if-undeliverable mail is returned as undeliverable with no indication of an address change, the supervisor must send an address confirmation final notice to the voter.

(d) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid, preaddressed return form within 30 days or for which the final notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration and confirming his or her current address of legal residence, requesting a vote-by-mail ballot and confirming his or her current address of legal residence, or appearing to vote and confirming his or her current address of legal residence. However, 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 shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the correction of registration records based on information submitted by the voter or removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

(6) The supervisor shall, at a minimum, conduct an annual review of voter registration records to identify registration records in which a voter is registered at an address that may not be an address of legal residence for the voter. For those registration records with such addresses that the supervisor has reasonable belief are not legal residential addresses, the supervisor shall initiate list maintenance activities pursuant to s. 98.075(6) and (7).

### **98.065 cont.**

(7)(a) No later than July 31 and January 31 of each year, the supervisor must certify to the department the address list maintenance activities conducted during the first 6 months and the second 6 months of the year, respectively, including the number of address confirmation requests sent, the number of voters designated as inactive, and the number of voters removed from the statewide voter registration system.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not conducted the list maintenance activities required by this section, the department shall conduct the appropriate list maintenance activities for that county. Failure to conduct list maintenance activities as required in this section constitutes a violation of s. 104.051.

### **98.0655 Registration list maintenance forms.**

The department shall prescribe registration list maintenance forms to be used by the supervisors which must include:

(1) An address confirmation request that must contain:

(a) The voter's name and address of legal residence as shown on the voter registration record;

(b) A request that the voter notify the supervisor if either the voter's name or address of legal residence is incorrect; and

(c) Information about updating voter information through the online voter registration system.

(2) An address change notice that must be sent to the newly recorded address of legal residence by forwardable mail, including a postage prepaid, preaddressed return form with which the voter may verify or correct the voter's new address information.

(3) An address confirmation final notice that must be sent to the newly recorded address of legal residence, or to all addresses on file for the voter if no indication of new address has been received, by forwardable mail and must contain a postage prepaid, preaddressed 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 to the voter.

(b) If the voter has changed his or her legal residence to a location outside 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 shall be designated as inactive in the statewide voter registration system, and confirmation of the voter's address of legal residence may be required before the voter is authorized to vote in an election.

### **98.075 Registration records maintenance activities; ineligibility determinations.—**

(1) MAINTENANCE OF RECORDS.—The department shall protect the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records. List maintenance activities 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. The department may adopt by rule uniform standards and procedures to interpret and administer this section.

## 98.075 cont.

### (2) DUPLICATE REGISTRATION.—

(a) The department shall identify those voters who are registered more than once or those applicants whose registration applications within the state would result in duplicate registrations. The most recent application shall be deemed an update to the voter registration record.

(b)1. The department may become a member of a nongovernmental entity whose sole purpose is to share and exchange information in order to verify voter registration information. The membership of the nongovernmental entity must be composed solely of election officials of state governments, except that such membership may also include election officials of the District of Columbia. If the department intends to become a member of such a nongovernmental entity, the agreement to join the entity must require that the Secretary of State, or his or her designee, serve as a full member with voting rights on the nongovernmental entity's board of directors within 12 months after joining the entity.

2. The department may share confidential and exempt information after becoming a member of a nongovernmental entity as provided in subparagraph 1. if:

a. Each member of the nongovernmental entity agrees to maintain the confidentiality of such information as required by the laws of the jurisdiction providing the information; or

b. The bylaws of the nongovernmental entity require member jurisdictions and the entity to maintain the confidentiality of information as required by the laws of the jurisdiction providing the information.

3. The department may only become a member of a nongovernmental entity as provided in subparagraph 1. if the entity is controlled and operated by the participating jurisdictions. The entity may not be operated or controlled by the Federal Government or any other entity acting on behalf of the Federal Government. The department must be able to withdraw at any time from any such membership entered into.

4. If the department becomes a member of a nongovernmental entity as provided in subparagraph 1., the Department of Highway Safety and Motor Vehicles must, pursuant to a written agreement with the department, provide driver license or identification card information to the department for the purpose of sharing and exchanging voter registration information with the nongovernmental entity.

5. If the department becomes a member of a nongovernmental entity as provided in subparagraph 1., the department must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year. The report must describe the terms of the nongovernmental entity membership and provide information on the total number of voters removed from the voter registration system as a result of the membership and the reasons for their removal.

(c) Information received by the department from another state or the District of Columbia upon the department becoming a member of a nongovernmental entity as provided in subparagraph (b)1., which is confidential or exempt pursuant to the laws of that state or the District of Columbia, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department shall provide such information to the supervisors to conduct registration list maintenance activities.

### (3) DECEASED PERSONS.—

(a)1. The department shall identify those registered voters who are deceased by comparing information received from:

a. The Department of Health as provided in s. 98.093;

b. The United States Social Security Administration, including, but not limited to, any master death file or index compiled by the United States Social Security Administration; and

c. The Department of Highway Safety and Motor Vehicles.

2. Within 7 days after receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.



## 98.075 cont.

(b) The supervisor shall remove the name of a deceased registered voter from the statewide voter registration system within 7 days after receipt of a copy of a death certificate issued by a governmental agency authorized to issue death certificates.

(4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall identify those registered voters who have been adjudicated mentally incapacitated with respect to voting and who have not had their voting rights restored by comparing information received from the clerk of the circuit court as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department must notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) before the removal of a registered voter from the statewide voter registration system.

(5) FELONY CONVICTION.—

(a) The department shall identify those registered voters who have been convicted of a felony and whose voting rights have not been restored by comparing information received from, but not limited to, a clerk of the circuit court, the Board of Executive Clemency, the Department of Corrections, the Department of Law Enforcement, or a United States Attorney's Office, as provided in s. 98.093. The department shall review such information and make an initial determination as to whether the information is credible and reliable. If the department determines that the information is credible and reliable, the department must notify the supervisor and provide a copy of the supporting documentation indicating the potential ineligibility of the voter to be registered. Upon receipt of the notice that the department has made a determination of initial credibility and reliability, the supervisor shall adhere to the procedures set forth in subsection (7) before the removal of a registered voter's name from the statewide voter registration system.

(b) The supervisors shall coordinate with their respective clerks of the court to obtain information pursuant to s. 98.093 to identify registered voters within their respective jurisdictions who have been convicted of a felony during the preceding week and whose voting rights have not been restored. The supervisor shall adhere to the procedures set forth in subsection (7) before the removal of a registered voter's name from the statewide voter registration system. For purposes of this paragraph, a supervisor's duties under subsection (7) begin upon his or her determination that the information received from the clerk is credible and reliable.

(6) OTHER BASES FOR INELIGIBILITY.—Subsections (2)-(5) do not limit or restrict the department or the supervisor in his or her duty to act upon direct receipt of, access to, or knowledge of information from any governmental entity that identifies a registered voter as potentially ineligible. If the department or supervisor receives information from any governmental entity other than those identified in subsections (2)-(5) that a registered voter is ineligible because the voter is deceased, adjudicated a convicted felon without having had his or her voting rights restored, adjudicated mentally incapacitated without having had his or her voting rights restored, does not meet the age requirement pursuant to s. 97.041, is not a United States citizen, is a fictitious person, or has listed an address that is not his or her address of legal residence, the supervisor must adhere to the procedures set forth in subsection (7) before the removal of the name of a registered voter who is determined to be ineligible from the statewide voter registration system.

## 98.075, cont.

### (7) PROCEDURES FOR REMOVAL.—

(a) If the supervisor receives notice or information pursuant to subsections (4)-(6), the supervisor of the county in which the voter is registered must:

1. Notify the registered voter of his or her potential ineligibility by mail within 7 days after receipt of notice or information. The notice must include:

a. A statement of the basis for the registered voter's potential ineligibility and a copy of any documentation upon which the potential ineligibility is based. Such documentation must include any conviction from another jurisdiction determined to be a similar offense to murder or a felony sexual offense, as those terms are defined in s. 98.0751.

b. A statement that failure to respond within 30 days after receipt of the notice may result in a determination of ineligibility and in removal of the registered voter's name from the statewide voter registration system.

c. A return form that requires the registered voter to admit or deny the accuracy of the information underlying the potential ineligibility for purposes of a final determination by the supervisor.

d. 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.

e. Instructions for the registered voter to contact the supervisor of elections of the county in which the voter is registered if assistance is needed in resolving the matter.

f. Instructions for seeking restoration of civil rights pursuant to s. 8, Art. IV of the State Constitution and information explaining voting rights restoration pursuant to s. 4, Art. VI of the State Constitution following a felony conviction, if applicable.

g. The following statement: "If you attempt to vote at an early voting site or your normal election day polling place, you will be required to vote a provisional ballot. If you vote by mail, your ballot will be treated as a provisional ballot. In either case, your ballot may not be counted until a final determination of eligibility is made. If you wish for your ballot to be counted, you must contact the supervisor of elections office within 2 days after the election and present evidence that you are eligible to vote."

2. If the mailed notice is returned as undeliverable, the supervisor must, within 14 days after receiving the returned notice, either publish notice once in a newspaper of general circulation in the county in which the voter was last registered or publish notice on the county's website as provided in s. 50.0311 or on the supervisor's website, as deemed appropriate by the supervisor. The notice must contain the following:

a. The voter's name and address.

b. A statement that the voter is potentially ineligible to be registered to vote.

c. A statement that failure to respond within 30 days after the notice is published may result in a determination of ineligibility by the supervisor and removal of the registered voter's name from the statewide voter registration system.

d. An instruction for the voter to contact the supervisor no later than 30 days after the date of the published notice to receive information regarding the basis for the potential ineligibility and the procedure to resolve the matter.

e. An instruction to the voter that, if further assistance is needed, the voter should contact the supervisor of elections of the county in which the voter is registered.

f. A statement that, if the voter denies the accuracy of the information underlying the potential ineligibility, the voter has a right to request a hearing for the purpose of determining eligibility.

g. The following statement: "If you attempt to vote at an early voting site or your normal election day polling place, you will be required to vote a provisional ballot. If you vote by mail, your ballot will be treated as a provisional ballot. In either case, your ballot may not be counted until a final determination of eligibility is made. If you wish for your ballot to be counted, you must contact the supervisor of elections office within 2 days after the election and present evidence that you are eligible to vote."

## 98.075 cont.

3. If a registered voter fails to respond to a notice pursuant to subparagraph 1. or subparagraph 2., the supervisor must make a final determination of the voter's eligibility within 7 days after expiration of the voter's timeframe to respond. If the supervisor determines that the voter is ineligible, the supervisor must remove the name of the registered voter from the statewide voter registration system within 7 days. The supervisor shall notify the registered voter of the supervisor's determination and action.

4. If a registered voter responds to the notice pursuant to subparagraph 1. or subparagraph 2. and admits the accuracy of the information underlying the potential ineligibility, the supervisor must, as soon as practicable, make a final determination of ineligibility and remove the voter's name from the statewide voter registration system. The supervisor shall notify the registered voter of the supervisor's determination and action.

5. If a registered voter responds to the notice issued pursuant to subparagraph 1. or subparagraph 2. and denies the accuracy of the information underlying the potential ineligibility but does not request a hearing, the supervisor must review the evidence and make a determination of eligibility no later than 30 days after receiving the response from the voter. If the supervisor determines that the registered voter is ineligible, the supervisor must remove the voter's name from the statewide voter registration system upon such determination and notify the registered voter of the supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755. If such registered voter requests a hearing, the supervisor must send notice to the registered voter to attend a hearing at a time and place specified in the notice. The supervisor shall schedule and issue notice for the hearing within 7 days after receiving the voter's request for a hearing and shall hold the hearing no later than 30 days after issuing the notice of the hearing. A voter may request an extension upon showing good cause by submitting an affidavit to the supervisor as to why he or she is unable to attend the scheduled hearing. Upon hearing all evidence presented at the hearing, the supervisor shall make a determination of eligibility within 7 days. If the supervisor determines that the registered voter is ineligible, the supervisor must remove the voter's name from the statewide voter registration system and notify the registered voter of the supervisor's determination and action and that the removed voter has a right to appeal a determination of ineligibility pursuant to s. 98.0755.

(b) The following apply to this subsection:

1. All determinations of eligibility must be based on a preponderance of the evidence.

2. All proceedings are exempt from chapter 120.

3. Any notice must be sent to the registered voter by certified mail, return receipt requested, or other means that provides a verification of receipt or must be published in a newspaper of general circulation where the voter was last registered, on the county's website as provided in s. 50.0311, or on the supervisor's website, whichever is applicable.

4. The supervisor shall remove the name of any registered voter from the statewide voter registration system only after the supervisor makes a final determination that the voter is ineligible to vote.

5. Any voter whose name has been removed from the statewide voter registration system pursuant to a determination of ineligibility may appeal that determination under s. 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.

(8) CERTIFICATION.—

(a) No later than July 31 and January 31 of each year, the supervisor shall certify to the department that the supervisor has conducted the activities required pursuant to this section during the first 6 months and the second 6 months of the year, respectively. The certification must include the number of persons to whom notices were sent pursuant to subsection (7); the number of persons who responded to the notices; the number of notices returned as undeliverable; the number of notices published in the newspaper, on the county's website, or on the supervisor's website; the number of hearings conducted; and the number of persons removed from the statewide voter registration system and the reasons for such removals.

(b) If, based on the certification provided pursuant to paragraph (a), the department determines that a supervisor has not satisfied the requirements of this section, the department shall satisfy the appropriate requirements for that county. Failure to satisfy the requirements of this section constitutes a violation of s. 104.051.

## [The National Voter Registration Act of 1993](#)

Congress enacted the National Voter Registration Act of 1993 (also known as the “NVRA” and the “Motor Voter Act”), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration. Section 8 of the NVRA contains requirements with respect to the administration of voter registration by States and requires States to implement procedures to maintain accurate and current voter registration lists.

For more information about the NVRA, please visit the [Department of Justice website](#).

# List of voter registration statuses and their definitions

## [Link to Statutes](#)

Registration Statuses	
<b>Active</b>	The voter is Active and eligible to vote.
<b>Inactive</b>	The voter is Inactive due to lack of voter activity.
<b>Canceled</b>	The voter is now registered to vote in another state. This information usually comes from out-of-state cancellation notice.
<b>Pending</b>	The voter’s application is in Pending status while awaiting verification of their Driver’s License, FL ID, or Social Security number.
<b>Removed</b>	A voter who has been removed from the voter rolls for multiple reasons including Deceased, Civil Rights Felon, Mentally Incompetent, and No Activity for a certain amount of time and provided with address confirmation and final notices.

## **How do I file a HAVA complaint?**

[Link to HAVA Complaint Process](#)

[Link to Form](#)

The HAVA complaint form is for persons who believe that a violation of Title III of HAVA has occurred, is occurring or is about to occur relating to voting system standards, provisional ballot voting, registration under the statewide voter registration system, or registration by mail.

## **How do I file a non-HAVA election complaint?**

[Link to Election Complaint Process](#)

[Link to Form](#)

In order to file a complaint, you must use the Commission's complaint form, (FEC Form 1).

If you file more than one complaint against the same person, the Commission is barred from investigating the second complaint if it is based upon facts or allegations that were raised or could have been raised in the first complaint. See Section 106.25(2), Florida Statutes, and Rule 2B-1.0025(3), Florida Administrative Code.

# Who can I contact regarding an election related complaint?

<b>Department of State, Election Division</b>	
<b>Physical Address:</b>	500 South Bronough Street Tallahassee, FL 32399
<b>Mailing Address:</b>	Florida Department of State Division of Elections Room 316, R.A. Gray Building 500 South Bronough Street Tallahassee, FL 32399-0250
<b>Phone Number:</b>	850-245-6200
<b>Email Address:</b>	<a href="mailto:DivElections@dos.myflorida.com">DivElections@dos.myflorida.com</a>
<b>Website:</b>	<a href="https://dos.fl.gov/elections/contacts/contact-us/">https://dos.fl.gov/elections/contacts/contact-us/</a>

<b>Florida Elections Commission</b>	
<b>Physical Address:</b>	107 West Gaines Street, Suite 224 Tallahassee, FL 32399-1050
<b>Mailing Address:</b>	The Florida Elections Commission 107 West Gaines Street Suite 224, Collins Building Tallahassee, FL 32399-1050
<b>Phone Number:</b>	850-922-4539
<b>Email Address:</b>	<a href="mailto:fec@myfloridalegal.com">fec@myfloridalegal.com</a>
<b>Website:</b>	<a href="https://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints">https://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints</a>