

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

FLORIDA

Fact Sheet on Voting Rights for Homeless Persons

Federal and state voting laws pose some barriers for homeless persons when registering and voting. In order to exercise the right to vote, people should be aware of laws that govern the voting process. These laws cover topics such as mailing address and ID requirements for voter registration, advance registration requirements, and the availability of provisional ballots. Listed below are several bullet-points detailing how the State of Florida is dealing with these issues.

Do You Need to Have a Traditional Dwelling to Register?

- **No.** Residence is defined as a place of fixed habitation at which the individual intends to stay.

Is a Mailing Address Required to Register?

- **No.** A registrant will be asked to provide a mailing address, but is not required to provide one in order to register.

What is the Deadline to Register?

- The deadline is 29 days before an election (October 6).

What Are the Durational Residency Requirements?

- A registrant must be a legal resident of Florida and the county of registration at the time of registration.

What Is the State's Position Regarding Voter Mobility?

- A voter must re-register if he/she moves. A registered voter in Florida who changes his/her legal residence to another state after voter registration has closed in that state, may vote absentee in the county of his/her former residence for the offices of Vice President and President of the United States.

What Are the Registration Identification Requirements for All Registrants?

- All registrants must provide a driver's license number, state ID number, or the last four digits of his/her Social Security number, if he/she has one of these. If not, he/she may indicate this on the registration form and will be allowed to register anyway.

Is ID Required on Election Day?

- **Yes.** A voter must provide current and valid picture identification with a signature. Current approved forms of picture identification are: Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; and public assistance identification. If the picture identification does not contain a signature, the voter will be asked to provide an additional identification with his/her signature. If the voter does not have the proper identification he/she will be required to vote a provisional ballot. The local canvassing board will count the provisional ballot if the signature on the provisional ballot matches the one on the registration record.

Does the State Have Procedures for Casting Provisional Ballots?

- **Yes.** A voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, or a person who cannot present appropriate ID at the polls may vote using a provisional ballot. The Board of Elections will determine whether or not to count the ballot. A voter may present evidence to the Board to prove his/her voting eligibility during this process.

How May Names Be Removed From the State Voter Registration List?

- Supervisor of elections may remove a voter's name from the list if the voter makes a written request, has committed a felony, is mentally incapacitated, dies, or if the Supervisor receives notice from a voter election official of another state that the voter has registered to vote in that state. The Supervisor must send periodic confirmation notices to certain registered voters. If a voter does not respond within 30 days, the voter is placed on the inactive list. Registration is restored if the voter updates his registration, requests an absentee ballot, or appears to vote. If after two general elections, the voter has not taken any of these actions, his registration will be revoked. The Supervisor cannot mail notices or remove voters from the list 90 days or closer to a federal election except if the voter requests removal, dies, or otherwise becomes ineligible.

How Does an Individual's Criminal Background Affect His/Her Ability To Vote?

- Florida disqualifies voters for conviction of a felony. However, voting rights can be restored. For more information, call the Office of Executive Clemency at 1-800-435-8286 or go to <https://fpc.state.fl.us/Policies/ExecClemency/newrcrprocess.pdf>.

Florida Voter's Rights

As a registered voter in Florida, you have the right to:

- Cast your vote if you are in line when the polls close.
- Ask for and receive assistance in voting.
- Ask for up to two replacement ballots if you make mistakes.
- Ask for written or spoken instructions to help you vote.
- Ask for assistance if you are blind, have a disability, or cannot read or write.
- An explanation if your registration or identity is in question.
- Vote using a provisional ballot if you are not on the list of registered voters or have not presented appropriate identification.
- Ask for non-English materials in specific counties.

If you have questions about voting or voter registration, contact the Florida Department of State Division of Elections at (850) 245-6200 or online at <http://election.dos.state.fl.us>. Or, contact NLCHP's Civil Rights Program at tozdeger@nlchp.org or 202-638-2535.