



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

MEMORANDUM

TO: Supervisors of Elections

FROM: Cord Byrd
Florida Secretary of State

A handwritten signature in blue ink, appearing to be "CB", is written over the name "Cord Byrd" in the "FROM" field.

DATE: July 29, 2026

SUBJECT: Directive 2026-03 – Implementation of HB 991 Citizenship Verification

-
1. I issue this directive in my capacity as the “chief election officer” of the State of Florida with the responsibility to “[o]btain and maintain uniformity in the interpretation and implementation of the election laws” and “[p]rovide written direction . . . to the supervisors of elections on the performance of their official duties with respect to the Florida Election Code.” § 97.012(1), (16), Florida Statutes.
 2. It has come to my attention that some Supervisors are misinformed about what HB 991 requires. *See* CS/CS/HB 991 (HB 991) (recently amending various provisions of the Election Code regarding the verification of United States citizenship); Ch. 2026-26, Laws of Florida. Specifically, the misinformed Supervisors believe that HB 991 prohibits registration of applicants who have not been verified as United States citizens, and that this prohibition conflicts with federal law requiring their registration for federal elections. That is incorrect because HB 991 does not prohibit registration.
 3. As interpreted by the Supreme Court, federal law requires the States to register every applicant to vote in federal elections upon the applicant’s submission of a complete application based solely on an affirmation, under penalty of law, that he or she satisfies all eligibility requirements. *See Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1 (2013). The amendments made by HB 991 do not conflict with federal law. HB 991 does not condition registration on an applicant’s submission of documentary proof of citizenship along with the voter registration application. Instead, the law operates post-registration, requiring Supervisors to notify the applicant of potential ineligibility, to allow provisional

ballot voting until US citizenship is verified, and to perform removal proceedings (if applicable).

4. Pursuant to sections 97.0525 and 97.057, Florida Statutes, as amended by HB 991, Supervisors of Elections will receive an additional piece of information regarding the applicant's legal status as a United States citizen from the Department of Highway Safety and Motor Vehicles (DHSMV). The applicant's legal status will be listed as citizen or not/unknown.
5. Pursuant to section 97.053(6), Florida Statutes, as amended by HB 991, if the information received indicates that the applicant is not a United States citizen or that status is unknown, then the Supervisor of Elections must "us[e] available state and federal governmental sources," including but not limited to U.S. Citizenship and Immigration Services' SAVE, to verify the applicant's United States citizenship. If United States citizenship is still not verified, then the Supervisor must notify the applicant and ensure that the applicant receives a provisional ballot if the applicant presents himself or herself to vote. However, if information from the other governmental entities indicates that the applicant is not a United States citizen, as opposed to such status being unknown, then the Supervisor must "initiate notice pursuant to section 98.075(7)" for potential removal of the registered voter from the registration rolls.
6. Notifying voters of potential ineligibility, ensuring that they receive a provisional ballot, and initiating removal are functions Supervisors of Elections already perform. Beginning on January 1, 2027, HB 991 merely provides that Supervisors will receive information regarding an applicant's United States citizenship status from DHSMV at registration so that those functions are performed as early as possible.
7. I issue the following directive to clarify the State's interpretation of HB 991's provisions and direct their implementation accordingly:

Pursuant to federal and state law, Supervisors of Elections must **register** every applicant just as you always have. Then, beginning on January 1, 2027:

- a. If the eligibility information you receive from DHSMV indicates that the applicant is not a United States citizen or it is unknown whether they are a United States citizen, then you must "us[e] available state and federal governmental sources," including but not limited to SAVE, to verify the applicant's United States citizenship.
- b. If United States citizenship is still not verified, then you must notify the applicant and ensure that the applicant receives a provisional ballot if citizenship cannot be verified prior to voting. Further, if information from the other governmental entities indicates that the applicant is not a United States citizen, as opposed to such status being

unknown, then you must “initiate notice pursuant to section 98.075(7)” for potential removal from the registration rolls.

8. This directive remains in effect until such time as it is superseded or revoked by an act of Congress, state law, subsequent directive, or final court order.