

DE 77-20 - August 22, 1977

**Municipal Elector Qualifications - Address Changes
Chapter 97, F.S.**

To: Honorable Margaret S. Hamby, Supervisor of Elections, Taylor County Courthouse, Post Office Box 1046, Perry, Florida 32347

Prepared by: Division of Elections

You pose, for opinion, two questions.

First, may one who owns and operates a business within a municipality but is resident outside the municipality in that county, vote in the municipality?

Your question is answered in the negative. Section 97.091, Florida Statutes, flatly prohibits, at Subsection (1), one from voting in any precinct or district other than the one in which one has his permanent place of residence and is registered (with certain inapposite exceptions).

Second, you ask whether — when the Post Office changes residents' address or residents change addresses — you may make corrections to the registration records or is the responsibility with the affected residents?

Please note that Section 98.081, Florida Statutes, specifies a procedure for removal of names; Section 98.082, Florida Statutes, specifies a procedure for removal of names whenever "it shall come to the supervisors knowledge that any elector has become disqualified to vote. . ." Section 98.201(2), Florida Statutes, provides that the supervisor may, at any time, contact electors by the specified procedure to verify the qualifications of an elector.

These specifications of the supervisors authority and duties would imply the absence of authority unilaterally to alter records in a manner departing from the statutory procedure. In this regard, please note that Section 97.103, Florida Statutes, imposes upon electors the duties to notify the supervisor of certain changes of name* and Section 97.111, Florida Statutes, authorizes electors to have the supervisor change party affiliation records.

There is no prohibition upon the supervisor contacting the elector in order to have the elector initiate a change or correction of the record.

SUMMARY I

Section 97.091(1), Florida Statutes, prohibits an individual from registering and voting in any precinct or district other than the one in which the maintains a permanent place of residence.

SUMMARY II

Chapter 97, Florida Statutes, imposes the duty upon the elector to notify the Supervisor of Elections of any change in status. Chapter 98, Florida Statutes, provides the supervisor the authority to remove names or change information on the books and their procedure for so doing. The supervisor may contact the elector to initiate change.

*This requirement does not appear in the Florida Election Code of 1977, effective January 1, 1978.