

A statute addressed in this opinion has changed. Please consult current Florida law.

DE 77-34 - December 6, 1977

**Voter Registration Of Naturalized Citizen  
Sections 97.031, 97.041, 97.051, 97.063, and 98.111, F.S.**

*To: Thomas W. Kemp, President, Fiduciary Research, Incorporated, 550 N.E. 5th Avenue, Boca Raton, FL 33432*

*Prepared by: Division of Elections*

Your have requested an opinion of this office in answer to the following question:

"When a person of foreign birth registers to vote in Florida, is it still necessary for him to disclose the date and place of his naturalization, and is such information required to be included on his voter registration form?"

In order to register as an elector, a person must be a citizen of the United States. FLA. CONST. Art. VI Section 2. At the time of registering, each person must subscribe to an oath that he or she is "qualified to register as an elector under the Constitution and laws of the State of Florida". FLA. CONST. Article VI Section 3; Section 97.051(1), F.S. To be so qualified to register would include United States citizenship.

The registration form is statutorily mandated to include the "state or country of birth" as well as the date thereof. Section 98.111(1), F.S. Despite this fact, there is no specific statutory requirement that proof of citizenship be presented at the time of registration. This matter is discretionary with the supervisor of elections. The law does provide that the supervisor may "require satisfactory proof" of the person's qualifications in the event there is any question regarding the person's qualifications. Section 97.041(2), f.S. This would appear to include naturalization papers if there is any question of the United States citizenship of a foreign born individual. Until the supervisor is satisfied of the person's qualification to register, the registration is not accepted.

While there is no specific requirement to present naturalization records at the time of registration, it is recommended that one bring them to the voter registration to avoid any possible confusion or delay.

It should be noted that Florida law currently provides a special registration for electors (desiring to vote for president and vice-president of the United States pursuant to P.L. 91-285) who do not meet Florida's residency requirement. Section 97.031, F.S. The oath executed in such cases does require one to state his or her place of birth. Again, the individual is not required to present proof of citizenship, but where foreign birth is indicated, such proof should be available for the supervisor. Due to the adoption of the new Florida Election Code, this provision has been repealed effective January 1, 1978. Chapter 77-175, Section 66, Laws of Florida.

The new election code provides for absentee voter registration as did the previous code. However, the

application for registration as found in Section 97.063(4), F.S., has been amended to include the following addition to the oath:

"... that, if I was born in a foreign country, I obtained citizenship by means of..." Chapter 77-175, Section 3., Laws of Florida.

Thus, in the case of absentee registration, disclosure of the method of obtaining citizenship by one foreign born is statutorily required, as of January 1, 1978. Submission of naturalization papers is not required by law with the application, though the supervisor has discretion in the exercise of his or her authority to be satisfied with the applicant's qualifications.

The date and place of naturalization may be required to be disclosed to the supervisor. Such information is not required at present to be included in the registration form. The authority of the Department of State to prescribe the registration form and require "other information deemed necessary by the Department...", " Section 98.111(1), F.S., would appear to permit the disclosure of such information to be required. However, such is not the case at the present.

Disclosure of the date and place of a person's naturalization of United States citizenship is not specifically required by statute. However, such information may be requested by the supervisor before acceptance of the registration of a foreign — born individual. Disclosure of the method by which citizenship was obtained by a foreign — born is required in instances of absentee registration.