

Obsolete. Please consult current Florida law.

DE 77-38 - December 30, 1977

Elector's Change Of Name S. 97.091(2), F.S. (1977)

To: Honorable Jackie Winchester, Supervisor of Elections, County Office Building, 810 Datura Street, West Palm Beach, Florida 33401

Prepared by: Division of Elections

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

What procedure is to be followed in the change of name of a registered voter on the records of the supervisor of elections?

This question is similar to that responded to in Opinion DE 077-29 regarding change of address by electors.

Effective January 1, 1978, the Florida Election Code provides a procedure by which an elector may register a change of name. This exclusive procedure is found in s. 97.091(2), F.S. (1977), as enacted in s. 3, ch. 77-175, Laws of Florida, which reads in pertinent part as follows:

"An elector whose name changes because of marriage or other legal process may be permitted to vote, provided such elector furnishes at the polls proof of his new name and executes and affidavit under oath... Upon receipt of an affidavit certifying a change in.. name, the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to reflect the change. . in name of such elector."

No other provision is made in the election code for any procedure for changing an elector's name on the registration records.

The procedure outlined in this statute is the same that provided for changes of address. Accordingly, the reasoning of Opinion DE 077-29 (rendered December 5, 1977) would be applicable in this situation as well. Namely, in order for a change of name to be made on the records of the supervisor it will be necessary for the elector to execute an affidavit substantially in the form provided in s. 97.091(2), F.S. (1977).

This affidavit may be executed on election day at the polling place and upon satisfactory proof of the elector's new name, the elector may be permitted to vote. Changes of name may be made at times other than election day by the execution of an affidavit and the presentment of same to the supervisor. There being no other procedure outlined by the legislature in the adoption of the new election code, it must be construed by appropriate rules of statutory construction that the method provided in s. 97.091(2), is the exclusive method of making changes in the name of registered voters.

SUMMARY

A change of name of a registered voter may be made by the execution of an affidavit in accordance with s. 97.091(2), F.S. (1977). Upon providing of proof of the elector's new name and execution of the affidavit, the elector may be permitted to vote on election day. At other times, the change may be made by execution of an affidavit presented to the supervisor of elections.