

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

DE 79-01 - August 14, 1979

**Furnishing List Of Registered Voters;
s. 98.211, F.S.**

To: Honorable J. K. (Buddy) Irby, Supervisor of Elections, Alachua County Courthouse, Gainesville, Florida 32601

Prepared by: Division of Elections

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

Who is authorized to sign the affidavit provided for under Florida Statutes 98.211(2), in order to acquire a list of the registered voters?

Section 98.211(1), Florida Statutes, provides that lists of registered electors, including only the name, party affiliation, address and precinct number of each elector may be furnished only to the following:

"... (a) The courts for the purpose of jury selection;(b) Municipalities(c) Other governmental agencies(d) Candidates, to further their candidacy(e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and(f) Incumbent officeholders to report to their constituents..."

Therefore, there appear to be two types of recipients of voter lists; those individuals (candidates, incumbent officeholders and officials of registered committees and political parties) and entities (courts, municipalities and governmental agencies).

Subsection (2) of Section 98.211, Florida Statutes, requires any person who acquires a list of registered voters from the Supervisor of Elections to take and subscribe to an Oath which provides in part that:

"I hereby swear and affirm that I am a person authorized by s. 98.211, Florida Statutes, to acquire a list of the registered voters of county..."

In the case of those individuals specified in Section 98.211(1), Florida Statutes, they are the only persons authorized to acquire a list and therefore the candidate, incumbent officeholder or official of a registered committee or political party must execute the Oath and may not designate another to do so in his place.

No specific person is authorized by statute to sign the Oath for the entity entitled to receive a list of registered voters. The Supervisor should take care that the person signing the Oath for the entity is one who is responsible and may be held accountable in the case of misuse.

It is our suggestion that either a Judge or the Clerk of the Court, the mayor or city manager for a municipality, and the head of the department for a governmental agency should take and subscribe to the Oath.

SUMMARY

In order to furnish a list of registered voters to a person pursuant to Section 98.211, Florida Statutes, the Supervisor of Elections must receive an Oath signed by the candidate, incumbent officeholder or official of a registered committee or political party, or in the case of an entity, by a person who the Supervisor of Elections feels has significant responsibility in such entity in order that they may be held accountable for any possible misuse.