

DE 80-30 - August 29, 1980

Party Executive Committee; Residency

To: Mr. R. L. Reid, Post Office Box 659, Palatka, Florida 32077

Prepared by: Division of Elections

This is in response to your request for an advisory opinion, pursuant to Section 106.23(2), Florida Statutes (1979).

Your questions can be restated as follows:

1. May a resident of one county be a member of a political party executive committee in another county?
2. May a resident of one county be a registered voter in another county?
3. If the answers to the above questions are no. Is an individual subject to penalties for knowingly violating the law?

Section 103.091(1), Florida Statutes (1979), provides in pertinent part:

" A political party may provide for the selection of its national committee and its state and county executive committees in such manner as it deems proper. Unless otherwise provided by party rule, the county executive committee of each political party shall consist of at least two members, a man and a woman, from each precinct, who shall be called the precinct committeeman and committee woman." (emphasis added)

Therefore, since a precinct is a subunit of a county, it follows that Florida law calls for a county residence for all members of a county executive committee, unless otherwise provided by party rule. A county residence requirement is further reinforced by Section 103.091(5), Florida Statutes (1979), which states in reference to the method for filling vacancies in any county executive committee:

Such vacancy shall be filled by a qualified member of the political party residing in the district where the vacancy occurred and for the unexpired portion of the term." (emphasis added) FTN/1

Additionally, Section 103.131(4), Florida Statutes (1979) further supports the view that county executive committee people must be residents of the county, if not residents of the district or precinct for which they have been appointed or elected. Section 103.131(4), Florida Statutes (1979), states:

Every political party office shall be deemed vacant in the following cases:

(4) "By his ceasing to be an inhabitant of the state, district or precinct for which he shall have been elected or appointed."

Accordingly, a person whose permanent place of residence is in one county cannot serve on the political executive committee of another county, unless otherwise provided by party rule.

FTN/1 An election district is two or more precincts which have been consolidated. Section 98.031(2), Florida Statutes (1979).

As to the second part of your question, a county residence requirement for registration of electors is mandated by Article VI, Section 2, Florida Constitution of 1968. A county residence requirement for an elector is mandated by Section 97.091(1), Florida Statutes (1979), as amended by Chapter 80-292, Laws of Florida.

"No person shall be permitted to vote in any election precinct or district other than the one in which he has his permanent place of residence and in which he is registered. However, persons temporarily residing outside of the county shall be registered in the precinct in which the county courthouse is located when they have no permanent address in the county and it is their intention to remain a resident of Florida and of the county in which they are registered to vote...."

A person may not vote in a county other than the one in which he has his permanent place of residence. There is an exception where a person is temporarily residing outside the county and it is their intention to remain a resident of Florida and the county in which they are registered to vote.

The penalty provision of Section 104.011, Florida Statutes (1979), applies only to false oaths and affirmation regarding voting, registration or elections which are willfully made. Section 104.15, Florida Statutes, applies to an elector who willfully votes knowing he is not qualified. Therefore, anyone who willfully and knowingly violates the voting residency requirements referred to herein is guilty of a felony in the third degree.

Your questions are answered accordingly.