

One or more statutes addressed in this opinion has changed.

Please consult current Florida law.

DE 85-05 - May 12, 1985

**EXTRATERRITORIAL POWER OF  
SUPERVISOR OF ELECTIONS**

*To: Honorable Sandra S. Goard, Supervisor of Elections, Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771*

*Prepared by: Division of Elections*

Pursuant to your request, this is a formal elections opinion under Section 106.23(2), Florida Statutes, on essentially the following question:

Can the Supervisor of Elections for Seminole County provide voter registration services for Seminole County residents outside of the boundaries of Seminole County?

A supervisor of elections is a county officer and is elected every four years by the electors of his or her county. Article VIII, Section 1(d), Florida Constitution; Section 98.161(1), Florida Statutes. The powers of an officer are limited to the political subdivision of which he is an officer, and he is powerless to perform any official duties beyond the boundaries of that subdivision. Markham v. Cornell, 18 P. 2d 158 (Kan. 1933); 67 C. J. S., Officers Section 190. “Beyond the territorial jurisdiction of the government under which he holds his grant of power, he is not an officer at all.” Ex. Parte Dillon, 29 S. W. 2d 236, 239 (Mo. Ct. App. 1930). A supervisor of elections of a particular county, therefore, is an officer of that county alone, and cannot perform any official acts beyond the boundaries of that county.

The registration of elections is an official duty of the supervisor of elections. Section 98.041, Florida Statutes, provides for a single registration system in the state and mandates that electors shall be registered pursuant to that system by the supervisor or by a deputy supervisor of elections. Section 98.271(2), Florida Statutes, authorizes the supervisor of elections to appoint volunteer deputy voter registrars “for the purpose of registering voters and accepting changes in registration.” These volunteers are required to be registered electors in the county in which they seek appointment. The registration of electors, therefore, is an official function delegated only to certain statutorily authorized persons. In McCullough v. Scott, 109 S. E. 789, 794 (N. C. 1921), the North Carolina Supreme Court stated: “It is elementary that when the law confers upon a person powers that he as a natural person does not possess, that power cannot accompany his person beyond the bounds of the sovereignty which has conferred the power.” Inasmuch as the power to register electors is an official power granted only to certain public officials, and is not a power conferred upon every citizen, a supervisor of elections cannot enter another county in which he is not considered an officer and in which he has no authority and provide voter registration services for any electors, including residents of his own county.

## SUMMARY

The Supervisor of Elections of Seminole County has no authority to provide voter registration services for Seminole County residents outside the boundaries of Seminole County.