

Obsolete. Please consult current Florida law.

DE 88-11 - March 28, 1988

Voter Identifying Information Sections 97.071 and 98.111, F.S.

To: Honorable Elizabeth J. Foote, Supervisor of Elections, Hendry County, Post Office Box 174, LaBelle, Florida 33935

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion on identifying information for electors, Sections 97.071 and 98.111, Florida Statutes. You are the Hendry County Supervisor of Elections and the Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue an advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

Sections 97.071 and 98.111, Florida Statutes, provides that the supervisor of elections will obtain identifying information on all electors. Among this information is the elector's "race." Your office uses three major designations of race: Caucasoid, Negroid and Mongoloid.

You have an elector, a naturalized citizen of the United States who was born in Jamaica, and moved to Hendry County and registered with you in January 1987. He insists that he is not of the Negroid race, but of the black race. He left his and his wife's voter identification cards in your office and asked that you change the race designation to black. Your question is specifically:

Whether the identifying information regarding an elector's race required under Sections 97.071 and 98.111, Florida Statutes, must be listed according to designations that the supervisor of elections' office uses or as the voter insists that the supervisor of elections use?

The Florida Statutes contain no definition for what constitutes "race." In addition, the Division of Elections has no rules which interpret "race."

Section 98.161(3), Florida Statutes, provides that "The supervisor is the official custodian of the registration books and has the exclusive control of matters pertaining to registration of electors." (Emphasis added.) Therefore, it appears that this section grants the supervisor of elections the authority to interpret matters pertaining to the registration of electors including the designation of "race."

However, two of the prime reasons for obtaining identifying information on electors are to provide identifying information for poll workers to properly identify electors and to provide election officials with statistical information on electors. Accuracy of information is important. Therefore, it would seem to be in the elections officials' best interest to word such statistical information in the way that the most accurate response will be obtained from the electors. Incidentally, this is the reasoning the United States Census Bureau uses when obtaining identifying information for the census. Prior to

1970, members of the Negroid race were identified as "colored." In 1970 this term was changed to "Negroid." In 1980 this term was changed to "blackNegro" and it appears that this last term will also be used in the 1990 as members of the United States Census Bureau Minority Council believe this terminology will obtain the best response from persons answering census questionnaires.

SUMMARY

There are no statutory or rule interpretations of what the word "race" means. Under Section 98.161(3), Florida Statutes, the supervisor has authority to interpret what the word "race" means. We would suggest however, that it is in the election officials' best interest to word such statistical information in the way that the most accurate response will be obtained from the electors.