

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

DE 88-47 - November 2, 1988

**Appointment of Volunteer Deputy; Voter Registrar  
Section 98.271(2)(a), F.S.**

*To: Mr. Mike Hamby, Executive Director, Florida Democratic Party, Post Office Box 1758,  
Tallahassee, Florida 32302*

*Prepared by: Division of Elections*

This is in reference to your request for an advisory opinion on the appointment of volunteer deputy voter registrars. You are Executive Director of the Florida Democratic Party and the Division of Elections has authority under Section 1106.23(2), Florida Statutes, to issue advisory opinions to several categories of persons including political parties. Therefore, we have authority to issue this opinion. Your specific question is:

If an individual meets all of the enumerated criteria in Section 98.271(2)(a), Florida Statutes, to be designated a volunteer deputy registrar, may a supervisor of elections deny such appointment on the stated ground that an individual belongs to a partisan group?

Section 98.271(2)(a), Florida Statutes, states: "No person shall be denied appointment simply because of his race, sex, religion, political affiliation, organizational involvement, or political activity." (Emphasis added.) This statute clearly prohibits denial of appointment by a supervisor of elections solely on the basis of a person's membership in a partisan group. Therefore, in answer to your question, a supervisor of elections may not deny appointment on the sole ground of a person's belonging to a partisan group.

The statute also provides that, as a safeguard against partisan wrongdoing by the registrar, each volunteer deputy voter registrar must, before entering office, make a written oath "that he will faithfully perform the duties of his office." The oath must also contain a statement of the penalty for false swearing. Section 98.271(2)(a), Fla. Stat.

**SUMMARY**

Membership in a partisan group cannot be the sole ground on which a supervisor of elections denies the appointment of a volunteer deputy voter registrar.