

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

DE 90-20 - May 17, 1990

**Release of Voter Registration Information  
Section 98.211, F.S.**

*To: Honorable Mary W. Morgan, Supervisor of Elections, Collier County, Collier Government Complex, Naples, Florida 33962*

*Prepared by: Division of Elections*

This is in reference to your letter requesting an opinion regarding the release of voter registration records covered in Section 98.211, Florida Statutes. The Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue advisory opinions to several categories of persons including supervisors of elections. Your questions and our responses are as follows:

- 1) Must the oath required by Section 98.211, Florida Statutes, be signed or is a court order sufficient authorization for the release of the records?
- 2) If the oath must be signed, whose signature should we accept:
  - a) the chief administrative judge of the circuit?
  - b) the circuit judge within the county so designated by the chief administrative circuit judge?
  - c) the clerk of courts as they will be the ones designated by law to use the list?
- 3) If the supervisor of elections and the clerk of the court share the same computer system, may the supervisor authorize the direct on-line access to the voter records to be restricted only to the jury clerk for the use by the jury clerk in sending jury summons and jury functions under the following conditions:
  - a) security for such access is a series of specific passwords identifying the jury clerk.
  - b) the jury clerk would have read-only capabilities which would access only specific information fields of each voter's record -- voter identification number, voter's name, mailing address, and voter's status.
- 4) If such on-line access is permitted purely for jury selection functions by the clerk, should the voter registration records made available be:
  - a) only those registered as of the date of the court order or oath?

b) all current voters -- both actives and inactive -- as of the date the jury summons are sent -- on a weekly basis?

In reference to your first question, if a supervisor of elections is ordered by the court to release voter registration records, such information must be released pursuant to the court order. Normally, an authorized person must sign the oath before the supervisor may release voter registration records. However, when a court order is issued for the release of voter registration records, the order is sufficient authorization for the release of these records. The court has the power to enforce its lawful orders and disobedience may result in punishment for contempt of court. The supervisor of elections should request, however, that the oath be signed by an authorized representative of the court, but in any event, the records must be furnished pursuant to the court order.

In reference to your second question, the person signing the oath must be an authorized agent or representative of the person or entity requesting the information. See Op. Div. Elect. 88-26. Therefore, any of the above-named persons would be acceptable to sign the oath.

In reference to your third question, the Division of Elections previously issued an opinion addressing a similar question. See Op. Div. Elect. 88-29. The Division opined that Section 98.211, Florida Statutes, does not allow inquiry access to the voter registration master file to the entities listed in this statute. On-line access to the voter registration files circumvents the signing of the oath. In addition, Section 98.161(3), Florida Statutes, states that "the supervisor is the exclusive official custodian of the registration books and has exclusive control of matters pertaining to registration of electors." Consequently, computer on-line access would also circumvent the supervisor's "exclusive control" of the registration books. Therefore, the supervisor of elections may not authorize direct on-line access to the voter registration records.

Accordingly, it is unnecessary for us to consider your fourth question.

## **SUMMARY**

A court order is sufficient authorization for the release of voter registration records.

If an oath is signed, the person signing the oath must be an authorized agent or representative of the purser entity requesting the voter registration records.

Section 98.211, Florida Statutes, does not allow inquiry access to the voter registration master file to the entities listed in this statute. Such access circumvents the requirements of the statute.