

# RESCINDED

DE 90-21 - May 11, 1990

## Closing of Voter Registration Books Prior to Municipal Elections Sections 98.051(3)(A)3. and 98.051(3)(D), F.S.

*To: Ms. Jean Grafton, City Clerk, City of Ocoee, 150 North Lakeshore Drive, Ocoee, Florida 34761*

*Prepared by: Division of Elections*

This is in reference to your April 24, 1990 letter regarding the closing of the voter registration books prior to the City of Ocoee municipal elections. You are City Clerk for Ocoee and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions relating to the Florida Election Code, Chapters 97-106, Florida Statutes, to several categories of persons, including local officers having election-related duties.

Your question is as follows:

Your regular municipal election is "piggy-backing" the general election on November 6, 1990 and a run-off election, if necessary, will be held November 20. Is the date for closing the municipal registration books for the run-off the same as for the general election? Or, is this considered a separate election with a separate closing date?

Section 98.051(3), Florida Statutes, provides for the closing of registration books prior to elections. Section 98.051(3)(d), Florida Statutes, specifically provides in pertinent part:

When a district, municipal, or special election is called at a time when the books are open, the supervisor shall close the books to further registration or party changes for such district, municipal, or special election on the 30th day before such election.... However, if a district, municipal, or special election is called at the same time as a regularly scheduled election, the books shall close for such district, municipal, or special election on the day designated for the books to close for the regularly scheduled election. (Emphasis added.)

Section 98.051(3)(a)3., Florida Statutes, provides that the registration books close on the 30th day before the general election. Since your election is "piggy-backing" the general election, your registration books will close for the regular municipal election at the same time the registration books close for the general election which will be 30 days prior to the election.

If a run-off election is necessary, the voter registration books will not reopen prior to the run-off election on November 20. Section 98.051(3)(d), Florida Statutes, provides that when a municipal election is held at a time when the books are open, and the registration books will open immediately after the general election, the supervisor will close the books to further registration or party changes for the municipal election on the 30th day before the election, or immediately in the event the date of the election is less than 30 days away. Since your run-off election is only 14 days after the regular

election, the registration books will remain closed until after the run-off election, if one is needed.

### **SUMMARY**

When the municipal election falls on the same date as the general election, the registration books for the municipality will close 30 days prior to the general election pursuant to Section 98.051(3)(a)3., Florida Statutes. When a run-off election is held two weeks after the general election, the books would remain closed until after the run-off election pursuant to Section 98.051(3)(d), Florida Statutes.