

DE 90-24 - May 24, 1990

**Information Required for Voter Registration  
Section 98.111, F.S.**

*To: Honorable Dorothy Walker Ruggles, Supervisor of Elections, Pinellas County, 315 Court Street, Clearwater, Florida 34616-5190*

*Prepared by: Division of Elections*

This is in reference to your request for an advisory opinion on voter registration information. You are the Pinellas 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.

Your letter indicates that you have had challenges to two of the informational requirements for voter registration pursuant to Section 98.111, Florida Statutes:

- 1) Date of birth; and
- 2) Whether the registrant is permanently disabled.

In reference to the first information challenged, you ask if a person refuses to provide a birth date because it is very private information, do you stop the voter registration at that point or complete the voter registration and tell them someone from your office will contact them to discuss the matter?

This issue was addressed by the Attorney General in AGO 74-343. The Attorney General opined that "a registration officer should not register as an elector a person who refuses to provide the registration officer with his or her date of birth." The Attorney General stated that the requirement for an elector's birth date serves two purposes:

- 1) The birth date permits the registration officer to determine whether the person has, in fact, attained the minimum age required by the statutes; and
- 2) The birth date provides an additional means of identifying the elector.

Consequently, a person who refuses to provide a birth date will not be permitted to register to vote.

In reference to the second information challenged, you indicate that an elector feels that it is not constitutional to ask a person if he has a disability. In State v. McDonald, 357 So.2d 405, 407, (Fla. 1978), the Florida Supreme Court stated that legislative enactments are presumptively valid. As does the Attorney General, we decline to comment on the constitutionality of a statute. See Op. Atty Gen. 75-3.

Therefore, we presume that Section 98.111(1)(k), Florida Statutes, requiring the supervisor to ask whether a person has a disability, is constitutional.

### **SUMMARY**

A person who refuses to provide a birth date will not be permitted to register to vote.

We presume that Section 98.111(1)(k), Florida Statutes, requiring the supervisor to ask whether a person has a disability, is constitutional.