

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

**DE 92-15 - July 20, 1992**

**Voter Registration Forms  
Section 98.111(1), 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 concerning voter registration forms. You are the Supervisor of Elections for Pinellas County and under Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue this advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

You ask:

1. In view of the Americans with Disabilities Act (ADA), should we continue to ask registrants if they have a permanent disability?
2. Should we omit the section of the voter registration form which asks registrants to indicate whether voter assistance is needed due to physical disability, illiteracy or language?

We suggest that you combine the two sections on the voter registration form and use the following language:

If you need accommodation or voting assistance due to a disability, illiteracy or language, please specify.

Section 98.111(1), Florida Statutes, requires that the voter registration form be prepared to elicit whether a registrant is permanently disabled. This statute enables supervisors of elections to obtain the information necessary to provide voter assistance at the polls to those voters who require such assistance in order to vote.

Although neither the ADA nor the regulations address conflicting laws, Section II-1.4200, Title II Technical Assistance Manual, prepared by the United States Department of Justice pursuant to Title IV, Section 12206(c)(3) of the ADA, provides:

Title II [of the ADA] does not disturb other Federal laws or any State laws that provide protection for individuals with disabilities at a level greater or equal to that provided by the ADA. It does, however, prevail over any conflicting State laws.

Here, Section 98.111(1), Florida Statutes, is designed to protect a disabled person's right to vote by

ensuring that he receives whatever assistance is necessary to enable him to cast his vote at the polls. Thus, the ADA does not prevent a supervisor of elections from asking a person whether he is disabled for the purpose of ensuring that the voter who requires assistance in voting receives such assistance.

However, not all registrants who are permanently disabled need assistance in voting. In addition, some voters may also have disabilities which are not permanent in nature, but require assistance in voting for a period of time. By using the language suggested above instead of the language which is currently used on the Pinellas County voter registration application, the application will illicit the information necessary to accommodate voters who need assistance and will not require a person with a permanent disability who does not need voting assistance to indicate that he is permanently disabled on the voter registration form when the information serves no useful purpose.

### **SUMMARY**

Section 98.111(1), Florida Statutes, is designed to protect a disabled person's right to vote by ensuring that he receives whatever assistance is necessary to enable him to cast his vote at the polls. Thus, the ADA does not prevent a supervisor of elections from asking a person whether he is disabled for the purpose of ensuring that the voter who requires assistance in voting receives such assistance.