

**DE 94-11 - June 30, 1994**

**Information Required for Voter Registration**

**Sections 97.041(1)(a),(3)(a) and (b), 97.051, 98.111, and 104.011, F.S.; Ch. 94-224, Section 11, Laws of Fla; and Art. VI, Sections 2, 3, 4, Fla. Const.**

*TO: The Honorable Betty Carter, Supervisor of Elections, Orange County, 119 West Kaley Street, Orlando, Florida 32806-3967*

*Prepared by: Division of Elections*

This is in response to your request for an advisory opinion regarding voter registration information. You are the Supervisor of Elections for Orange County. Therefore, pursuant to Section 106.23(2), Florida Statutes, the Division has authority to render this opinion to you.

You ask essentially the following:

What information must an applicant provide to a supervisor before the applicant is considered qualified for voter registration?

Under current Florida law, in order to qualify for voter registration, a voter registration applicant must provide the supervisor with the following information: the applicant's full name; date of birth; residence address at the time of registering; state or country of birth; if the applicant has been convicted of a felony, whether his civil rights have been restored; if the applicant has been adjudicated mentally incompetent, whether his competency has been restored; the applicant's signature, swearing to or affirming the oath required by Article VI, Section 3, Florida Constitution, and Sections 97.051 and 98.111(3), Florida Statutes.

The eligibility requirements for voter registration are prescribed by Article VI, Sections 2, 3 and 4, Florida Constitution, and Sections 97.041, 97.051 and 98.111(3), Florida Statutes. These eligibility requirements are:

1. Subscription to the oath required by Article VI, Section 3, of the Florida Constitution, and Sections 97.051 and 98.111(3), Florida Statutes;
2. At least 18 years old. Section 97.041(1)(a), Fla. Stat.;
3. Citizen of the United States. Art. VI, Section 2, Fla. Const., and Section 97.041(1)(a), Fla. Stat.;
4. Legal resident of Florida. Id.;
5. Legal resident of the county in which the applicant wishes to be registered. Id.;

6. If adjudicated mentally incompetent, whether mental competency has been restored pursuant to law. Art. VI, Section 4, Fla. Const., and Sections 97.041(3)(a) and 98.111(4), Fla. Stat.; and

7. If convicted of a felony, whether civil rights have been restored. Art. VI, Section 4, Fla. Const., and Sections 97.041(3)(b) and 98.111(4), Fla. Stat.

In addition to the above-stated eligibility requirements, Section 98.111, Florida Statutes, directs that the voter registration form shall elicit a variety of other information from an applicant, including in part:

1. Sex;
2. Party affiliation;
3. Race;
4. Post office mailing address at time of registration; and
5. Whether the registrant is permanently disabled.

Although the applicant is "responsible" for providing this information to the supervisor, an applicant cannot be compelled to provide this information in order to register as this information does not pertain to an eligibility requirement. While the importance of obtaining all the information on the registration application is recognized, an applicant who refuses to provide information not relating to eligibility, such as sex or race, must not be denied the opportunity to register to vote. However, applicants should be encouraged to provide the optional, non-eligibility information to assist election officials in monitoring the effectiveness of registration efforts.

Recently passed legislation, Chapter 94-224, Section 11, Laws of Florida, effective January 1, 1995, directly addresses the question presented:

A voter registration application is complete if it contains the applicant's name, legal residence address, date of birth, and signature swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

Ch. 94-224, Section 11, Laws of Fla.

### **SUMMARY**

Under current Florida law, in order to qualify for voter registration, an applicant must provide a supervisor with the following information: the applicant's full name; date of birth; residence address at the time of registering; state or country of birth; if the applicant has been convicted of a felony, whether his civil rights have been restored; if the applicant has been adjudicated mentally incompetent, whether his competency has been restored; and the applicant's signature, swearing to or affirming the oath required by Article VI, Section 3, Florida Constitution, and Sections 97.051 and 98.111(3), Florida Statutes.

Effective January 1, 1995, in order to qualify for voter registration, an applicant must provide the following information to a supervisor: applicant's name; legal residence address; date of birth; and signature, swearing to or affirming that the information contained in the registration application is true and subscribing to the oath required by Article VI, Section 3, Florida Constitution, and Section 97.051, Florida Statutes.