



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KURT S. BROWNING
Secretary of State

July 18, 2011

Ms. Cara L. Campbell
Chair, Ecology Party of Florida
641 SE 6th Avenue
Ft. Lauderdale, Florida 33315

RE: DE 11-02 Minor Political Party – Prescribing
its membership, § 103.095(2), Florida Statutes

Dear Ms. Campbell:

This letter responds to your request for an advisory opinion regarding the interpretation of a provision of the Election Code. Chapter 2011-40, § 46, Laws of Florida (2011), created § 103.095, Florida Statutes, which mandates a minor political party's "constitution, bylaws, rules, and regulations, or other equivalent documents must . . . provide for and contain reasonable provisions that, at a minimum, prescribe procedures to: prescribe its membership . . ." As Chair of the Ecology Party of Florida and to ensure your party complies with the law, you desire to know what the statute means when it mandates the relevant documents must "prescribe its membership." Because you have questions about compliance with Florida's election laws with respect to your party's proposed actions, the Division of Elections has the authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2010).

In the absence of a specific statutory definition of the word "prescribe," we must look to the common dictionary definition of the word, which is "to specify with authority," "to lay down as a rule," or "to designate."¹ Therefore, we interpret the statute to mean that the named documents must designate the procedures by which a person may become a participating member of the minor political party. For example, this could be as simple as the documents providing that any registered voter who designates membership in the party automatically becomes a member of the party. Alternatively, on the other extreme, the documents may reflect that for someone to become a participating member of the party, certain conditions have to be met (*i.e.*, the person must satisfy some lawful, restrictive criteria). We note that the only impermissible membership restriction specifically listed in the new statute is a financial one: An elector registered to vote in

¹ *Merriam-Webster's Online Dictionary*, "prescribe."

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the party “has a fundamental right to fully and meaningfully participate in the business and affairs of the minor political party *without any monetary encumbrance.*”²

SUMMARY

Section 103.095(2), Florida Statutes, which requires a minor political party’s constitution, bylaws, rules, and regulations, or other equivalent documents to “prescribe its membership,” means that the documents must designate the procedures by which a person may become a member of the minor political party.

Sincerely,



Dr. Gisela Salas
Director, Division of Elections

² Ch. 2011-40, § 46, Laws of Florida (2011). [*Emphasis supplied.*]