

Obsolete. Please consult current Florida law.

DE 076-01 - June 24, 1976

CHAPTER 97 AND CHAPTER 98, FLORIDA STATUTES - CLOSING OF REGISTRATION BOOKS

*To: Honorable Joe Oldmixon, Supervisor of Elections, Escambia County Courthouse,
Pensacola, Florida*

Prepared by: Division of Elections

You have requested of the Division of Elections an advisory opinion regarding the closing of registration books under Florida laws and the eligibility of persons to vote in presidential and non-presidential elections in Florida in consequence of the requirements for the closing of registration books.

Section 98.051(4), Florida Statutes, provides:

"The books shall close at 5 p.m. on the 45th day before each state and local election and on the 30th day before each national election for President and Vice President of the United States and remain closed for 5 days after the election, during which time no registration shall be accepted and after which time they shall be open for registration. However, when the books are closed for the primaries, registration shall be accepted for the general election."

Your question is specifically concerned with the entitlement to vote of those persons registering during the 15 day hiatus between the closing of the books on the 45th day before each state and local election and the closing of the books on the 30th day before each national election.

Persons registering before the closing of the registration books on the 45th day prior to the immediately upcoming general election are, as you know, entitled to cast their ballots in the upcoming state, local and national election.

Persons registering after the closing of the registration books on the 45th day prior to the immediately upcoming general election are not entitled to vote in such immediately upcoming state and local election, but need not re-register for a subsequent state or local election, having accomplished that registration during the aforesaid hiatus period.

Such persons are entitled, by statute, upon the establishment of the residency requirement to vote in the immediately upcoming national election.

Section 98.031, Florida Statutes, treats of this category of ballot as limited to national elections, and can be implemented by execution of an affidavit of residency by the would-be voter.

In an effort to be helpful, but without suggesting that there is an exclusive means by which the foregoing is to be accomplished, this office might suggest that machines may be locked off as to certain categories in accordance with the entitlement of the individual voter to cast his ballot for state and local and/or national candidates. Where this cannot be done, resort may be had to alternative means of balloting for persons not qualified or entitled to cast ballots for state or local candidates.

Your question is answered accordingly, and I trust that this will clarify the Division's opinion of March 1, 1976.