

Obsolete. Please consult current Florida law.

DE 076-30-September 30, 1976

**CHAPTERS 101,107, 90,
FLORIDA STATUTES
ABSENTEE BALLOT
ELECTOR'S CERTIFICATE**

*To: Honorable Willie Mae Jones, Supervisor of Elections, Gilchrist County Courthouse,
Trenton, Florida 32693*

Prepared by: Division of Elections

You have asked whether an elector's certificate as required and established by Section 101.64, Florida Statutes, is valid where, or if the signature of the election is attested to by a notary public only, or by a commanding officer of an elector serving in the Armed Forces of the United States.

Section 101.64, Florida Statutes, establishes the form of elector's certificate for absentee ballots.

Section 101.65, Florida Statutes, provides at subsection (2)(a) that any person eighteen years of age or older may serve as an attesting witness and subsection (2)(b) allows any Supervisor of Elections or Deputy Supervisor to serve as a sole attesting witness.

Employing the settled rule of statutory construction that statutory provisions should, where possible, be read in parimateria to accomplish a reasonable and comprehensive interpretation of the legislative will, we note that Section 117.04, Florida Statutes, invests notaries public with the same acknowledging authority "as other officers of this state" — presumably including Supervisors of Elections. We further note that Section 90,011 invests certain commissioned officers of the United States Armed Forces with acknowledging authority in respect of oaths, affidavits, and acknowledgements "required or authorized by the laws of this state. . . "

Accordingly, it would appear that an elector's certificate, otherwise valid, may be subscribed or acknowledged by two witnesses eighteen years of age or older, or by a notary public, or by a commissioned officer as described precisely in Section 90.011, Florida Statutes.

The law of Florida requires substantial compliance with the prescriptions of Chapter 101, Florida Statutes, and such substantial compliance will be afforded the full force and effect of law absent fraud or patent injury by violation of the integrity of the ballot or electoral process. Bordman V. Esteva, 323 South 2nd 259 (Florida 1975), reh. den.

The interpretation given Sections 101.64 and 101.65, Florida Statutes, herein would appear to be in more than merely substantial compliance with the provisions of the pertinent statutes read together.