

**DE 076-34-November 29, 1976**

**CHAPTER 97, ET SEQ.  
QUALIFICATIONS TO  
VOTE IN COUNTY ELECTION**

*To: Honorable Robin Krivanek, Supervisor of Elections, Hillsborough County,  
Tampa, Florida*

*Prepared by: Division of Elections*

By letter of November 17, 1976, you have presented to the Division of Elections Ordinance No. 76-10, Board of County Commissioners of Hillsborough County, (adopted October 27, 1976) wherein, at Section 8 it is provided that there shall be held in a municipal service taxing unit (the Sun City Center Law Enforcement Unit) a referendum election, and that the only persons qualified to vote in said referendum election shall be: "Only those who are qualified electors and residents or owners of real property in said district..."

Specifically, you ask whether pursuant to Ordinance 76-10 owners of real property who are not qualified electors may vote in said referendum election.

It is not clear that Section 8 of the Ordinance establishes two distinct categories of voters (electors who are residents on one hand, and owners of real property on the other). It may be that the word 'or' is not used as an exclusive disjunction in Section 8. That is, Section 8 may be declaring that any person may vote if he is a qualified elector and resident, or if he is a qualified elector and owns real property in the district. If this interpretation of Section 8 were to be indulged, it is clear that all qualified electors irrespective of ownership would be declared entitled to vote, and the Section would be valid notwithstanding the prohibition upon restriction of the ballot to freeholders. On this interpretation one not a freeholder but a qualified elector alone would be entitled to vote, and the "owners of real property" language would be surplusage.

However, in specific response to your above stated question and indulging the interpretation which you have not unreasonably placed upon Section 8, it is the opinion of the Division of Election that the County Commission is without authority to permit other than registered voters (otherwise known as qualified electors) to vote. See, for example, Section 97.041(3)(a), Florida Statutes: "the following persons are not entitled to vote – persons not registered".