

A statute addressed in this opinion has changed. Please consult current Florida law.

DE 77-16 - June 9, 1977

Poll Lists Registration Rolls

To: Honorable Elsie B. Garrett, Supervisor of Elections, Okaloosa County Courthouse, Crestview, Florida 32536

Prepared by: Division of Elections

You have posed two questions:

1. Are poll lists public documents before being returned to the supervisor?
2. Are voter lists available to the public "for business purposes"?

First, poll lists are to be kept by inspectors to preclude persons from voting a second time, Section 101.23, F.S., and are not public records subject to Chapter 119 inspection, examination or copying until they are returned to the supervisor. A.G.O. 074-284 (1974) The opposite conclusion would threaten chaos at the polls amidst balloting, and settled rules of statutory construction constrain avoidance of such an interpretation. Your first question is, thus, answered in the negative.

Second, DE 076-05 and DE 076-09 have addressed the "public records" character of so-called voter lists. In this respect, I would draw your attention to CS/SB 563 (passed unanimously by both houses of the Florida Legislature and signed by the Governor) which amends Section 98.211, F.S., by creating Section 98.211, F.S., providing for the furnishing of certain voting list information "only to the courts for the purpose of jury selection, municipalities, other governmental agencies, candidates to further their candidacy, registered political committees" and others named therein, to "be used solely for political purposes and not for commercial purposes." Additionally, no person obtaining such list pursuant to the foregoing "shall use any information contained therein for purposes which are not related to elections, political activities, voter registration, law enforcement, or jury selection." An oath requires that one so authorized to obtain said information "will not permit the use or copying of such list by persons not authorized by the Election Code of the State of Florida to use such list."

These provisions are effective January 1, 1978.