

DE 77-21 - August 22, 1977

**Residence For Registration
Chapter 97, F.S.**

To: Honorable Bette Foote, Supervisor of Elections, Hendry County Courthouse, Post Office Box 174, Labelle, Florida 33935

Prepared by: Division of Elections

Your letter of June 22nd asks whether a property — owner, or one contracting to purchase property, in Hendry County — not a resident — may register to vote in Hendry County.

Section 97.041, Florida Statutes, requires, inter alia, that the registrant be a "permanent resident of Florida and of the county where he wishes to register..."

If one who is, as you say, an apparent out-of-state resident now files an instrument representing that he is a permanent resident of your county and of Florida and intends so to reside therein, you may accept same as evidencing permanent residency, although you are not bound to do so in the face of knowledge to the contrary.

As to declarations of domicile, which you mention in your letter, the Attorney General has ruled that such declaration by itself is not proof of the requisite residency. A.G.O. 070-97 (1970) Such declaration, however, evidences same, and in the absence of knowledge to the contrary should be accepted as such.

SUMMARY

The establishment of permanent residency in Florida, for registration purposes, is not, in fact, accomplished by the simple purchase of property within the State. The Attorney General has opined that declarations of domicile are not by themselves proof of residency. If, after reviewing the facts, the Supervisor determines that there is sufficient evidence to the contrary, registration need not be granted.