

DE 77-28 - December 5, 1977

**Elector Address Changes Section
97.091, Florida Statutes**

To: Helen B. Gienau, Supervisor of Elections, Polk County, P.O. Box 1460, Bartow, Fl 33830

Prepared by: Division of Elections

Your letter of November 19, 1977 advised this office that several thousand addresses have been changed in Polk County by the post office. To assist your office in receiving these address changes, so as to save time and money, you have asked if you may utilize a newspaper advertisement with a form as part thereof requesting voters to return it to your office with the address change.

Current law, which is in effect until January 1, 1978, provides that an elector may be permitted to vote in the precinct from which he moved, in any election, prior to and including the next general election following the change of residence. Section 97.091(2), F.S. An affidavit was required only in the event the elector's name was changed. *Id.* After the next general election subsequent to the change of residence, the elector must notify the supervisor in writing of the change and receive a certificate of transfer to the new precinct. *Id.* Notification in writing is required, but it need not be an affidavit or other formal document. A letter or other such writing would appear to be sufficient. Accordingly, until January 1, 1978, when the current law is revised, the newspaper advertisement you have described appears sufficient for change of address, provided one general election has intervened since the address change.

Effective January 1, 1978, the new election code makes some significant changes in this law. Instead of voting at the precinct from which he has moved, he will then vote at the precinct to which he has moved. Chapter 77-175, Section 3, Laws of Florida. At the time of voting, the elector must present at the new polling place proof of his new residence and execute an affidavit of change of residence. *Id.* The new law goes on to state:

"Upon receipt of an affidavit certifying a change in residence..., the supervisor shall as soon as practicable make the necessary changes in the registration records of the county to reflect the change in residence ... of such elector." *Id.*

Thus, the former notification in writing requirement has been revised to require the execution of a more formal affidavit and the changes in the supervisor's registration records can only be made after receipt of such an affidavit. The restriction that such changes were to be made "after one general election" has been eliminated. Accordingly, effective January 1, 1978, and effective change of residence must be made by affidavit. However, I see no reason why this cannot be sworn to and executed before a notary outside the supervisor's office. Use of the newspaper advertisement, provided it furnished an affidavit form, would appear permissible.

SUMMARY

A newspaper advertisement may be used by the supervisor to request address changes from voters. Until January 1, 1978, any writing is sufficient to request the change in the records, provided one general election has intervened. Effective January 1, 1978, an affidavit of change of address must be presented to the supervisor. This may be sworn to and executed outside the supervisor's office by a notary or other person authorized to administer oaths.