

DE 78-20 - April 6, 1978

**Purged Voter; Reinstatement
ss. 98.051 & 98.081, F.S.**

To: Honorable Mary E. Morgan, Supervisor of Elections, Room 102, Pasco County Courthouse, Dade City, Florida 33525

Prepared by: Division of Elections

This is in response to your request for an opinion of this office in answer to the following questions:

1. "May a purged voter be reinstated on election day at the polls; if so, what form do we use?"
2. "After the books are closed, and during the thirty (30) days prior to election day, must we reinstate purged voters in the office?"

It is assumed that by use of the term "purged" in your question you are referring to a voter removed for failure to exercise the franchise and not disqualification.

An elector shall be purged by the supervisor of elections every odd-numbered year for failure to have voted in any election in the county during the past four years and to have returned a form mailed by the supervisor. An elector's name may be restored upon notice to the supervisor, in writing, that the status of that elector has not changed, s. 98.081(1), F.S. (1977). The legislature has stated that this method of removal of names from the registration lists is cumulative and is not a reregistration procedure. Id. It is intended to be a method to be used for keeping the permanent registration list up to date.

The elector's name is required to be restored upon the written notification to the supervisor of no change in his status. The statutory language found in that section is significant. It mandates that the supervisor "shall then reinstate the name on the registration books without the elector reregistering." Id. (e.s.). This language indicates a legislative intent that this reinstatement occur then, i.e. at the time of receipt of the necessary written notification.

The elector is not reregistering. Neither is this a cancellation and new registration procedure. The "withdrawn temporarily" status of a "purged" elector is equivalent to being placed in an inactive status. At any time when the proper notification is received by the supervisor, the elector is fully reinstated.

This procedure is not in conflict with that provided in s. 98.081(4), F.S., which provides for restoration of an elector's name which has been "erroneously or illegally removed." A purged voter has not been so removed and is not reinstated pursuant to that subsection. The language of subsection (4) allowing restoration of the elector, "even though the registration books are closed," does not appear to reflect a

legislative intent to restrict such closed book restoration to the exclusion of purged voters. As noted above, the very language of subsection (1) indicates an immediate restoration of purged voters upon receipt of notification.

Provided this notification is properly presented, there is no restriction in the law as to the time restoration may occur. There is nothing contained in the statutes which limits such reinstatement to any particular point in time. Accordingly, a purged voter may be reinstated on election day or during the proceeding days when the registration books are closed.

It should be noted that a purged elector is not eligible for immediate restoration pursuant to subsection (1) in the event his status has changed in the interim. Should such be the case, the elector has a change in registration which which the supervisor may accept for subsequent elections, but not the one for which the books are currently closed, s. 98.051(2), F.S. If an elector was purged erroneously or illegally, the name shall be restored pursuant to s. 98.081(4), F.S.

The form which you should use on election day is that which you would utilize for reinstatements at other times when the books are open. The elector need not submit the required written notification on any special form, but may do so in any written form.

SUMMARY

An elector whose name has been "purged" from the registration books has merely had his name withdrawn temporarily. It may be restored by the supervisor at any time, including election day and when the books are closed, upon notification in writing to the supervisor that his status has not changed since the purge took place.