

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

DE 78-29 - July 27, 1978

**Municipal Recall; Petition Signature Verification**  
**ss. 99.097 and 101.361, F.S.**

*To: Honorable Camilla D. Bruce, Supervisor of Elections, Seminole County Courthouse, Sanford, Florida 32771*

*Prepared by: Division of Elections*

This is in response to your letter of July 15, 1978, in which you requested the opinion of this office in answer to substantially the following question:

What is the meaning of the phrase "as registered in the office of the supervisor of elections" in s. 100.361, F.S., with regard to the verification of municipal recall petition signatures?

A uniform procedure for the recall of municipal governing officials has been established by the legislature, s. 100.361, F.S. See Op. Atty Gen. Fla. AGO 076-232 (December 8, 1976). The supervisor of elections is charged therein with the responsibility for verifying the signatures on the two petitions required in order to mandate a recall election. See ss. 100.361(l)(d) and (h), F.S.

The law provides that each person signing the petition shall sign his/her name "...as registered in the office of the supervisor of elections and shall state his place of residence and voting precinct." s. 100.361(l)(c), F.S. The question you have posed is directed to the exactness required of the signee.

The municipal recall statute provides no other guidance as to the supervisor's responsibility for checking signatures. A quick, cursory reading of the section quoted above might lead one to believe the petition signatures must be an exact match of the corresponding signature found in the supervisor's records.

But the legislature has seen fit to also require the signee to include his/her residence address and precinct number. If an exact signature match was required, there would be no need for the legislature to have added these two other items of information. It cannot be assumed that the legislature acts without a reason. Residence and precinct information provides additional guidance to the supervisor in determining who is the signee. In the case of a signature which is not a perfect match this additionally required information can assist the supervisor in making a determination in the exercise of his/her discretion as a constitutional officer of the signature's validity as being that of a registered elector.

The procedures for checking signatures and the criteria by which the supervisor may make the necessary verification have been enacted by the legislature, s. 99.097, F.S. Regarding the comparison of signatures, it there states:

"A name on a petition, which is not in substantially the same form as the name on the voter

registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same." s. 99.097(3), F.S.

There is nothing in this statute to indicate a legislative intent that it be limited to candidates, or that it is not applicable to recall. In fact, it specifically makes reference to the payment of the verification fee "...in the case of a petition to have an issue placed on the ballot..." s. 99,097(4), F.S. Accordingly, there appears to be no reason why the provisions of this section are not applicable to the issue question of municipal recall.

Therefore, the proper standard for a supervisor to follow in determining if a recall signature is to be counted as valid is that stated in s. 99.097(3), F.S. In so doing, the supervisor is vested with that discretionary authority normally conferred upon constitutional officers.

### **SUMMARY**

When checking signatures on municipal recall petitions, the supervisor of elections should rely on the standard enunciated in s. 99.097(3), F.S. and need not require a perfect match between the petition signature and that on the registration rolls.