

DE 82-2 February 1, 1982

RESIDENCY REQUIREMENT SCHOOL BOARD MEMBER, F.S., 230.10

To: Honorable J. K. "Buddy" Irby, Supervisor of Elections, Alachua County, Alachua County Administration Building, Gainesville, Florida 32601

Prepared by: Division of Elections

This is in response to your request for an opinion on the following question:

When must a candidate for school board have established residency within the residence district from which he desires to qualify?

The residency requirement imposed upon a school board candidate is found in Section 230.10, Florida Statutes. This action provides:

"Each candidate who qualifies to have his name placed on the ballot of the general election shall be listed according to the school board member residence area in which he resides."

(Emphasis supplied).

In DE 78-30, my predecessor in office interpreted the above section as requiring a candidate, who submitted qualifying papers, to be placed on the ballot as a candidate from the residence area containing his legal residence. Thus, satisfaction of the residence requirement was determined to be at the time of qualifying for office, not at the time of assuming office. I concur with this opinion.

Section 230.061, Florida Statutes states:

"(1) for the purpose of nominating and electing school board members, each district shall be divided into at least five district school board member residence areas" (Emphasis supplied).

It is a rule of statutory construction that statutes relating to the same person or thing, to the same class of persons or things, or a closely allied subject or object, are regarded as in pari materia. Singleton v. Larsen, 46 So. 2d 186 (Fla. 1950); Harrington & Company v. Tampa Port Authority, 385 So. 2d 168 (Fla. 1978). Such enactments should be construed together and compared with each other. Harrington, Id. Thus, reading Section 230.061, F.S., requiring school districts to be divided into school board member residence areas for the purpose of nominating and electing members, with Section 230.10, F.S., requiring a candidate qualifying to have his or her name placed on the ballot according to the school board member residence area, clearly evinces a legislative intent that the candidate must reside in the area at the time of qualifying for office rather than at some subsequent time.

The electorate in each residence area should know the candidate for whom it is voting. Allowing a candidate to determine the residence area that he or she is representing after the primary election, is contrary to the legislative expression of having district school board member residence areas for the purpose of nominating school board members. Failure to require a candidate to live within school residence area prior to the general election, would permit such candidate to run at-large in the school district; this is clearly contrary to the legislative intent of having candidates from each of the residence area provided in Section 230.06(1), F.S. While each school board member is elected district wide and does not represent a residence area, a careful reading of the statutes clearly contemplates that members elected from residence areas should have some familiarity with and appreciation for the educational problems and needs of the residential areas chosen.

Therefore, I am of the view that a candidate desirous of running for the school board must reside in the residence area at the time of qualifying to run for office of school board member and not at the date of nomination, general election, or date of commissioning. I am further of the view that such person must maintain legal residence within the school residence area, if elected, throughout his or her term of office. See, State ex rel., Askew v. Thomas, 293 So. 2d 40 (Fla. 1974).

Your question is answered accordingly.

SUMMARY

A candidate desirous of running for school board must legally reside within the school residence area at the time of qualifying to run for office of school board member and not at the date of nomination, general election, or date of commissioning. Further, such person must legally reside within a school residence area, if elected, throughout his or her term of office.