

Obsolete. Please consult current Florida law.

DE 86-16 - September 19, 1986

**SUPERVISOR OF ELECTIONS;
VOTER QUALIFICATIONS;
RESIDENCE, USE OF
AFFIDAVITS; AUTHORIZATION;
SECTIONS 97.091, 97.102,
97.103(1), 98.201, AND 100.241, F.S.**

*To: Ms. Kathleen Burnette, Supervisor of Elections, Madison County Courthouse,
Madison, Florida 32340*

Prepared by: Division of Elections

This is in response to your request for an advisory opinion in accordance with Section 106.23(2), Florida Statutes as to whether, as a result of circumstances such as a recent redistricting or scheduled referendum, a supervisor of elections is authorized to require an elector to execute an affidavit of residence at the polls before being allowed to vote.

Your question is answered in the affirmative.

The duty of a supervisor of elections to preserve and maintain an accurate, honest, and dependable registration and election record is without question and firmly established in the election code, State ex. rel. Normal vs. Holmer, 106 Fla. 434, 35 So. 2d 396 (1948). In performing this duty, the supervisor may make such investigations and inquiries as necessary to determine the accuracy of voter registration lists, see 1946 Op. Atty. Gen. 46-158, April 16, 1946, and must strike the names of disqualified electors upon residency grounds as provided by Section 98.201, F. S. See 1950 Op. Atty. Gen. 50-208, March 11, 1950.

Sections 97.091, 97.102, and 97.103(1), F.S. indicate that the burden is on the person to establish his or her qualifications to vote, including residency. Failure to establish to the satisfaction of the supervisor of elections eligibility to vote based on residency (among other matters) will preclude that person from being eligible to vote.

To assure the integrity of the elections process, a supervisor must be assured of the correctness of an elector's residence. Where circumstances so require, the supervisor may satisfy the residency requirement at the polls by use of sworn affidavit.

The use of affidavits is well-recognized in Florida's Election Code; for example, see Section 97.091, F.S., regarding precinct registration, and Section 100.24 1. F.S., pertaining to freeholder voting. See also Division of Elections opinion No. 77-28 issued December 5, 1977 pertaining to affidavits of change of address.

In the performance of the supervisor's duty consistent with the exigency of

circumstances necessitating that measures be taken to assure the sanctity of elections, a supervisor is authorized to require an affidavit at the polls to satisfy the residency requirement.

Without directing that a particular affidavit form be used, I offer the following as a suggested affidavit.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF

I solemnly swear or affirm that I am a qualified elector, registered and residing in
Precinct _____, District _____, of
_____ COUNTY, FLORIDA.

Mailing Address _____

Residence Address _____

Sworn to and subscribed before me this date, _____.

Elections Officer