

# Obsolete. Please consult current Florida law.

DE 87-06 - July 23, 1987

## Microfilming Inactive Voter Forms or Cards

Sections 97.051(2), 97.091, 98.081, 98.081(3), 98.081(4), 98.101, 98.201, 98.201(1), 98.301, 98.412, 98.451 and 98.461, F.S.

*To: Mr. Jim Berberich, Chief, Bureau of Archives and Records Management, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399*

*Prepared by: Division of Elections*

This is in reference to your request for an opinion concerning the substitution of microfilm for voter registration forms or cards in light of Op. Atty. Gen. 86-18 (February 18, 1986). (Copy attached.) You asked specifically:

May microfilm be substituted for inactive voter forms or cards?

Op. Atty. Gen. 86-18, addressed the following question:

Is a supervisor of elections authorized to substitute microfilm records for copies of voter registration certificates or forms of registered voters in the supervisor's master file of elections maintained pursuant to ss. 98.101, 98.412 and 98.461, F.S.?

The question was limited to the supervisor of election's master file of electors, an alphabetical file of the electors' registration forms or cards. Section 98.461, Florida Statutes. This file contains only information on current voters. The Attorney General opined that Section 98.461, Florida Statutes, precluded the use of microfilm documents in the voter registration master file.

Section 98.461, Florida Statutes, was amended in 1986 to provide an alternative to storing voter registration forms. Information, including the voter's signature, may now be electronically reproduced and stored as provided in Section 98.451, Florida Statutes. Chapter 86-200, S.1, Laws of Fla. This change to Section 98.461, Florida Statutes, does not affect the validity of the Attorney General's opinion, since the change only provides that the information may be electronically stored and produced and does not provide that the information may be microfilmed.

Your question, however, relates to the storing of inactive voter registration forms or cards on microfilm. The following circumstances will cause a voter form or card to be removed from the voter registration master file:

1. The death, conviction of a felony or adjudication of mental incompetency of a voter. Section 98.301, Florida Statutes.

2. The voter requesting in writing to have his name removed. Section 98.081(3), Florida Statutes.
3. The voter registering in another jurisdiction. Section 97.051(2), Florida Statutes.
4. The voter moving from the jurisdiction without complying with Section 97.091, Florida Statutes. Section 98.201(1), Florida Statutes.

In addition, the supervisor is authorized to temporarily withdraw an inactive voter from the voter registration master file. Section 98.081, Florida Statutes. These voters may be reinstated within three years without reregistering. If the voter is not reinstated within three years, the voter's name is permanently removed from the master file.

When the name of a voter is permanently removed from the master file, the original registration form is filed in the supervisor's office, pursuant to Section 98.081(4), Florida Statutes, which reads:

When the name of any elector is removed from the books pursuant to this section, s. 98.201, or s. 98.301, his original registration form shall be filed alphabetically in the office of the supervisor.

The language of the statute is clear: the "original registration form shall be filed in the office of the supervisor." When the wording of a statute is plain and unambiguous, there is no need to speculate on any other construction or interpretation which may appear more or less reasonable. State v. Egan, 287 So.2d 1, 4 (Fla. 1973); Heredia v. Allstate Insurance Co., 358 So.2d 1353, 1355 (Fla. 1978).

## **SUMMARY**

Microfilm may not be substituted for inactive voter registration forms or cards filed with the supervisors of elections pursuant to Section 98.081(4), Florida Statutes.