

(Rescinded in part, see 91-01)

DE 87-16 - October 12, 1987

Verification of Signatures on Petitions Sections 97.091; 98.081(1); 98.201, F.S.

To: Honorable Donna Bryant, Supervisor of Elections, Osceola County, Post Office Box 759, Kissimmee, Florida 32742

Prepared by: Division of Elections

This is in response to your letter requesting an advisory opinion from the Division of Elections on the following questions:

1. When a petition is submitted to the supervisor of elections to verify signatures, should the supervisor verify a name of an elector whose name has been "purged" from the rolls pursuant to Section 98.081(1), Florida Statutes?
2. When a petition is submitted to the supervisor to verify signatures, should the supervisor verify a name of an elector whose name has been temporarily removed from the rolls pursuant to Section 98.081(1), Florida Statutes, because first-class mail addressed to the elector by the supervisor of elections was returned as undeliverable?
3. Should the supervisor verify the name of an elector when the address on the petition is different than the address on the registration books and when the address on the petition is in a different precinct and would change the eligibility of the elector's signature to be counted on the petition?

In reference to your first two questions, Section 98.081(1), Florida Statutes, provides in part that the supervisor will in odd-numbered years mail a form to every elector who did not vote during the past two years or make a written request that his registration records be updated. The form, when returned to the supervisor, will advise the supervisor if the elector's status has changed from that of the registration record.

Electors who do not return these forms will have their names temporarily removed from the registration books. In addition, electors whose first class mail is returned to the supervisor as undeliverable will also have their names temporarily removed from the registration books.

Section 98.081(1), Florida Statutes, further provides that an elector's name will be restored to the registration records without reregistration when the elector makes known to the supervisor in writing that his status has not changed.

An elector whose name has been temporarily removed from the registration books pursuant to Section 98.081(1), Florida Statutes, is not on the registration books. If the elector's name is not on the

registration books when a supervisor is verifying signatures on a petition, the supervisor may not verify the elector's signature for a petition.

In reference to your third question, the supervisor may not verify the name of an elector when the address on the petition is different than the address on the registration books and when the address on the petition is in a different precinct and would change the eligibility of the elector's signature to be counted on the petition. Section 98.201, Florida Statutes, provides that when a supervisor learns that an elector has become disqualified for any cause including moving to another precinct without complying with Section 97.091, Florida Statutes, the registration is allegedly invalidated and will be removed from the registration books unless the elector shows cause why it should not be removed. During the period when it comes to the supervisor's attention that an elector has moved from the precinct without complying with Section 97.091, Florida Statutes, and the time that an elector shows cause why his name should not be removed from the registration rolls, the elector's name may not be counted on a petition.

SUMMARY

An elector whose name has been temporarily removed from the registration rolls pursuant to Section 98.081(1), Florida Statutes, for not voting in the past two years or making a written request that his registration records be updated may not have his signature verified by the supervisor on a petition. In addition, the supervisor may not verify the name of an elector when the address on the petition is different than the address on the registration books and when the address on the petition is in a different precinct and would change the eligibility of the elector's signature to be counted on the petition.