

**DE 88-06 - February 17, 1988**

**Sunland Center Residents Registering to Vote  
Section 97.041, F.S.**

*To: Honorable Babs R. Montpetit, Supervisor of Elections, Union County, Post Office Box 285, Lake Butler, Florida 32054*

*Prepared by: Division of Elections*

This is in reference to your request for an advisory opinion. Under Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions to certain categories of persons including supervisors of elections. You ask the following questions:

1. May a resident of a Sunland Center, who has not been declared mentally incompetent, register to vote under Section 97.041, Florida Statutes?
2. May a former resident of Sunland Center, who is living in a foster home and who has not been declared mentally incompetent, register to vote under Section 97.041, Florida Statutes?

A resident of a Sunland Center, or a former resident of a Sunland Center who is living in a foster home, may register to vote as long as he meets the legal qualifications for registering to vote in Florida. These legal qualifications are:

1. 18 years of age or more
2. citizen of the United States
3. permanent resident of Florida
4. has not been:
  - (a) adjudicated mentally incompetent and not had competency restored, or
  - (b) convicted of a felony and not had civil rights restored.

Section 97.041(1),(3), Fla. Stat.

If resident of a Sunland Center, or former resident of a Sunland Center, has been adjudicated mentally incompetent and has not had his competency restored, he is not eligible to register to vote. If, however, he has not been adjudicated mentally incompetent, he is eligible to register to vote.

We also refer you to a 1974 Attorney General's Opinion, AGO 74-15, which addresses this subject and also concludes that admission to a Sunland Center "does not disqualify any person, otherwise qualified to vote, from voting in an election...."

**SUMMARY**

A resident, or former resident of a Sunland Center, may register to vote as long as he meets the legal qualifications for registering to vote in Florida.