

# Obsolete. Please consult current Florida law.

DE 88-10

## Removing Electors From Registration Rolls; Providing Lists of Registered Voters Sections 98.081; 98.201; 98.301, F.S.; Section 98.211(1), F.S.

*To: Honorable Dee Brown, Supervisor of Elections, Marion County, Post Office Box 289, Ocala, Florida 32678-0289*

*Prepared by: Division of Elections*

This is in reference to your request for an advisory opinion on removing electors from registration rolls and furnishing copies of lists of registered voters to municipalities. You are the Marion County Supervisor of Elections and, therefore, under Section 106.23(2), Florida Statutes, the Division of Elections has the authority to issue this opinion to you.

Your specific questions are as follows:

1. The supervisor of elections receives lists from the Bureau of Vital Statistics and the Clerk of the Circuit Court of those persons who should be removed from the registration lists due to death, felony convictions or adjudication of mental incompetency. In addition, the supervisor receives notification from other counties and other states of those electors who have reregistered in those jurisdictions. However, when a voter dies or is convicted of a felony out of state, or moves without reregistering again, how does the supervisor remove that person's name from the registration rolls?
2. A municipal employee has requested a list of registered voters to verify which of those persons resides in the city limits. Does this person have authority under Section 98.211(1), Florida Statutes, to obtain the voter registration list?

In reference to your first question, as to how you may go about removing a person's names from the voter registration list when a voter dies or is convicted of a felony out of state, or moves without reregistering again, Section 98.201, Florida Statutes, provides two procedures for removal of names of electors when it comes to the supervisor's knowledge that such person has become disqualified to vote.

The first procedure contained in Section 98.201(1), Florida Statutes, provides that when it comes to the supervisor's attention that an elector is disqualified, the supervisor must notify such person by mail at his last address. If there is evidence that the notice was not received, then notice must be given by publication in a newspaper of general circulation in the county where the elector was last registered or last known. This notification shall provide that the registration is allegedly invalidated and that the person must show cause at a hearing to show why the person's name should not be removed from the registration books. Upon holding an administrative hearing, the supervisor will determine whether there is sufficient evidence to strike the elector's name from the registration books. If there is sufficient evidence, the supervisor will strike the name.

The second procedure provides that when a supervisor has reason to believe that an elector is disqualified, the supervisor may mail a post or renewal card to verify the qualifications of an elector. Upon the non return of such card, the supervisor may then proceed as provided in Section 98.081, Florida Statutes, for nonreturns.

Section 98.081, Florida Statutes, provides a procedure whereby a supervisor may temporarily remove a registered elector from the active registration books when that elector has not voted for the past two years. However, an elector may within three years notify the supervisor in writing that his status has not changed and the supervisor will then restore his name to the registration books.

In reference to your second question, as to whether a municipal employee is eligible to obtain a list of registered voters pursuant to Section 98.211(1), Florida Statutes, we would suggest that you contact the administrator of the municipality to see which employees of the municipality have authority to act for the municipality and receive such a list from the supervisor. You may want to provide a copy of Section 98.211, Florida Statutes, to the administrator of the municipality so that that person may see the restrictions the Florida Legislature has placed on providing this information.

### **SUMMARY**

When a voter dies or is convicted of a felony out of state, or moves without registering again, the supervisor may remove that person's name from the registration rolls pursuant to Section 98.201, Florida Statutes. In addition, Section 98.081, Florida Statutes, allows a supervisor to temporarily remove an elector from the active registration books when that person has not voted for the past two years.

The administrator of a municipality should make the determination as to which municipal employees have authority to act for the municipality and receive a list of registered voters pursuant to Section 98.211(1), Florida Statutes.