

**DE 88-36 - August 18, 1988**

**Residence Address on Voter Registration Records**

**Sections 97.041(1)(A); 97.091(1); 98.211; and 119.07(3), F.S.**

*To: Honorable Charles J. Kaniss, Supervisor of Elections, Pinellas County, 315 Court Street, Clearwater, Florida 33516*

*Prepared by: Division of Elections*

This is in reference to your request for an advisory opinion relating to the Florida Election Code, Chapters 97-106, Florida Statutes. You are a supervisor of elections and pursuant to Section 106.23 (2), Florida Statutes, the Division has authority to issue this opinion to you.

Your specific questions are as follows:

- 1) A rehabilitative program in your county requires that each client live in housing furnished, or arranged for, by the program and report to the central office location every day. The client's actual residence address is not public record. In an effort to register clients to vote, the program has listed the client's reporting location as the residence address of each client when registering to vote. May the supervisor of elections use the office or central location address of a rehabilitate program as the residence address for a person seeking to register to vote when that person is part of a rehabilitative program requiring residents in a controlled environment outside of an institution and when the client's actual residence address is not public record?
  
- 2) You have a person who wants to register to vote but does not want to list her residence address because she is in fear of bodily harm from her ex-husband. She is reluctant to give even a mailing address because she feels it could be traced. May you use a courthouse address for the address of record when the person is in fear of bodily harm and that person feels that by giving her residence address it could lead to such harm?

In reference to your questions, Section 97.041(1)(a), Florida Statutes, provides that a person who registers to vote must be:

1. At least 18 years of age.
2. A citizen of the United States.
3. A permanent resident of Florida.
4. A permanent resident of the county where he wishes to register to vote.

If a person meets the qualifications to register to vote, then the information required in Section 98.111, Florida Statutes, must be elicited from the voter. This information includes several items including the residence address of the person seeking to register to vote. Pursuant to Section 98.211, Florida

Statutes, as amended by Chapter 87-538, Laws of Florida, voter registration information is public record although its use is restricted by the Election Code to purposes which are related to elections, political or governmental activities, voter registration, law enforcement or jury selection.

Section 119.07(3), Florida Statutes, provides numerous exceptions to the Public Records Act; however, the residence address of an elector is not as such one of these exceptions. If the residence address is an exception due to a specific statutory exemption, then it may be withheld from the voter registration records. Only the Florida Legislature can create exceptions to the Public Records Act and if no exception is contained in either the Public Records Act or another statute, there is no exception. Morgan v. State, ex. rel. Shevin, 383 So.2d 744 (4th DCA 1980).

Therefore, a person may not register without giving a residence address unless the residence address has been exempted from the public records by the Florida Legislature.

In reference to your first question, whether a person may use the office or central location address of a rehabilitation program as the address of residence for a person seeking to vote when that person is a part of a rehabilitative program, a person wishing to vote in Florida must be a permanent resident of Florida and of the county where he wishes to register to vote. In addition, Section 97.091(1), Florida Statutes, provides that "no person shall be permitted to vote in any election precinct or district other than the one in which he has his permanent place of residence and in which he is registered." Therefore, if the rehabilitation center is his permanent residence, then that would be the appropriate address to be used for the person's residence address listed with the voter registration records. If this is not his permanent address, then it may not be listed as his residence address. An elector's address may be withheld from the voter registration records only if it has been specifically exempted by the Florida Legislature. If the residence address is exempted from the voter registration records, it is not necessary to use any residence address.

In reference to your second question, a person who does not want to list her residence address because she is in fear of bodily harm must also list her residence address when registering to vote and the residence address becomes a part of the voter registration records unless she can cite an appropriate statutory exemption for the residence address being withheld.

## **SUMMARY**

A person's residence address must be provided at the time of registration and it will become a part of the voter registration records which are public records pursuant to Section 98.211, Florida Statutes, as amended by Chapter 87-538, Laws of Florida, unless the person can cite an appropriate statutory exemption for the residence address being withheld.