

The statute addressed in this opinion has changed. Please consult current Florida law.

DE 88-38 - September 12, 1988

**Restoring Name to Voter Registration Records When the Elector's Status Has Not Changed
Sections 97.041(1),(3); 98.081, F.S.**

To: Honorable Dorothy K. Holt, Supervisor of Elections, Clay County, Post Office Box 337, Green Cove Springs, Florida 32043

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion. The Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue advisory opinions relating to the Florida Election Code, Chapters 97-106, Florida Statutes, to several categories of persons, including supervisors of elections. Your question is:

You are requesting an official interpretation of the word "status," as it relates to an elector and a procedure which may be uniformly followed to restore a name to voter registration records when the elector makes known to the supervisor that his status has not changed.

Section 97.041(1)(a), Florida Statutes, provides that a person must meet the following qualifications to register and vote:

1. Be a citizen of the United States.
2. Be a permanent resident of the State of Florida.
3. Be a permanent resident of the county where the person wishes to register.
4. Be eighteen years of age.

In addition, Section 97.041(3), Florida Statutes, provides that the following persons are not eligible to register or to vote:

1. Persons adjudicated mentally incompetent who have not had their competency restored.
2. Persons convicted of a felony whose civil rights have not been restored.
3. Any person who is not registered to vote.

Section 98.081(1), Florida Statutes, provides a procedure whereby a supervisor may temporarily remove a registered elector from the active registration books. Such an elector may be removed when he meets, during the past two years, any of the following requirements:

1. Did not vote in any election in the county or did not make a written request that his registration records be updated.
2. Did not respond to a written notice by the supervisor of elections requesting information regarding a change in the elector's status and thirty days have elapsed.
3. Had first class mail sent by the supervisor returned to the supervisor as undeliverable.

After the supervisor has made a diligent effort to locate an elector and has posted a list of the temporarily withdrawn electors at the courthouse, the elector's name may be removed from the active voter registration records. However, Section 98.081(1), Florida Statutes, also provides that the name must be restored to the active records when the elector, in writing, makes known to the supervisor that his status has not changed.

You asked for an official interpretation of the word "status." Status is not defined in the Florida Election Code. Webster's Dictionary defines status as "the condition of a person in the eyes of the law." Webster's Ninth New Collegiate Dictionary, 1152 (1st ed. 1983).

A person's status as used in Section 98.081(1), Florida Statutes, refers to those voter registration qualifications contained in Section 97.041, Florida Statutes. Thus, a person must continue to be a citizen of the United States, a permanent resident of the State of Florida, and a permanent resident of the county where the elector is registered to vote. In addition, if the person has been adjudicated mentally incompetent, his competency must have been restored and a person convicted of a felony must have had his civil rights restored.

In reference to your request for a procedure which may be followed uniformly during a countywide election, Section 98.081(1), Florida Statutes, provides only that an elector's name shall be restored to the registration records when the elector, in writing, makes known to the supervisor that his status has not changed. In addition, this section provides that a federal post card application from a citizen overseas indicating that an elector's status has not changed constitutes written notification to the supervisor. Therefore, when an elector notifies the supervisor in writing that his status has not changed, his name must be restored to the registration records.

SUMMARY

A person's name shall be restored to the voter registration records when the elector, in writing, makes known to the supervisor that his status has not changed. A federal post card application from a citizen overseas indicating that the elector's status has not changed constitutes written notification to the supervisor. Status refers to U.S. Citizenry, permanent residency in Florida and permanent residency of the county where the elector is registered to vote. In addition, a person who has been adjudicated mentally incompetent must have had his competency restored and a person convicted of a felony must have his civil rights restored.