

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

DE 88-44 - October 27, 1988

**Voter Registration Cards
Sections 97.071 and 98.161(6), F.S.**

To: Honorable Billie Jean Nuckolls, Supervisor of Elections, Lee County, Post Office Drawer 2545, Fort Myers, Florida 33902

Prepared by: Division of Elections

This is in response to your request for an advisory opinion. You are a supervisor of elections and under Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue this opinion to you.

You asked the following questions:

1. Do the statutes empower the supervisor of elections to "attach an impression of his seal upon official documents and certificates executed over his signature"?
2. Would a supervisor of elections be in violation of the statutes if the supervisor continued to issue voter registration cards bearing the signature of his predecessor after the supervisor's new cards had arrived?

As to your first question, whether you are empowered to order new voter registration cards imprinted with your name upon becoming supervisor of elections, Section 98.161(6), Florida Statutes, provides:

Each supervisor is authorized to obtain for his office an impression seal approved by the Department of State. An impression of the seal with a description thereof shall be filed with the Department of State. The supervisor is empowered to attach an impression of his seal upon official documents and certificates executed over his signature and take oaths and acknowledgments under his seal in matters pertaining to his office. However, said seal need not be affixed to registration certificates.

In addition, Section 97.071, Florida Statutes, states in pertinent part:

A registration identification card shall be furnished all electors registering under the permanent registration system and shall contain...

(10) Signature of registration officer....

It seems clear that these statutes give you, as a newly appointed supervisor of elections, the discretion to order new voter registration cards bearing your signature and impression of his seal of office. Therefore, this question is answered in the affirmative.

Your second question is whether a supervisor of elections would be in violation of the statutes if the supervisor continued to issue voter registration cards bearing the signature of his predecessor after the supervisor's new cards had arrived?

Two opinions issued by the Attorney General provide some guidance in this matter.

In Attorney General Opinion 44-20, the Attorney General was asked to interpret Section 3, Chapter 21762, Laws of Florida, Acts of 1943. Section 3, the predecessor to Section 98.161(6), Florida Statutes, quoted above, provided:

The Supervisor of Registration in each county of the State of Florida is empowered and directed to attach an impression of said seal to or upon all official documents and certificates executed over his signature.

The Attorney General determined that the provisions of Section 3 authorized a supervisor of registration to attach an impression of his seal to each certificate of registration. However, he also determined that:

...the provisions of Section 3 are directory only and the absence of an impression of such seal from a certificate of registration would not invalidate, the same, or in any way affect the right of a duly qualified elector therein named and described to exercise his right to vote.

Attorney General Opinion 65-104, dated September 16, 1965, also addressed the implications of omitting or altering certain registration formalities. There the Attorney General found that a supervisor of elections may use a facsimile signature, rather than a personal signature, on registration cards furnished to electors. In reaching this conclusion, the Attorney General reasoned that:

...the card provided for in Section 97.071, Florida Statutes, is nothing more than an identification card which is furnished to each elector at the time he registers. There is no obligation on the part of the elector to keep the card nor is he required to show it at any time in the future in order to prove his eligibility to vote.

The emphasis of these two opinions seems to be practicality rather than formality. Since a registration card issued by you but signed by your predecessor in office would not affect a holder's right to vote, your second question is also answered in the affirmative.

SUMMARY

A newly appointed supervisor of elections has the discretion to order new voter registration cards bearing the supervisor's signature and impression of the seal of his office or to continue using voter registration cards bearing the signature of his predecessor in office. A registration card issued by the new supervisor but signed by the predecessor in office does not affect the holder's right to vote.