

DE 89-03 - May 5, 1989

**Use of Change of Address Forms to Register a Voter
Sections 97.051, 98.111, F.S. Art. VI, S. 3, Fla. Const.**

*To: Honorable Jane Carroll, Supervisor of Elections, Broward County, Broward County
Governmental Center, Fort Lauderdale, Florida 33301*

Prepared by: Division of Elections

This is in response to your letter requesting an advisory opinion on the following question:

Whether it is permissible to allow a person to register to vote after the voter register books have closed when that person was registered to vote in another county in the state and was instructed by a volunteer deputy supervisor of elections, or deputy supervisor of elections, to only complete a change of address form and it is discovered after the voter registration books have closed that the person did not complete a new registration form?

Pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions to any supervisor of elections.

Article VI, Section 3, of the Florida Constitution, requires that each eligible citizen, upon registering to vote, shall subscribe to the following oath:

I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register to as an elector under the Constitution and laws of the State of Florida.

Section 97.051, Florida Statutes, requires that each person provide information regarding previous registrations and Section 98.111, Florida Statutes, additionally requires that the registration form must elicit the following information from the individual: full name, sex, party affiliation, date of birth, race, state or country of birth and residence address.

If the change of address form includes the oath and the information required by Sections 97.051 and 98.111, Florida Statutes, the person will have met all the constitutional and statutory requirements to become a registered voter in that county and the voter's name may appear on the registration books. If the change of address form does not include the oath and information required by Sections 97.051 and 98.111, Florida Statutes, the person will not have met all the constitutional and statutory requirements to become a registered voter in that county.

We, therefore, recommend that the supervisor of elections use a form incorporating all of this mandated information when either registering voters or making a change in information on a particular voter. I am enclosing a sample form which is used by the Supervisor of Elections in Orange County

which meets this criteria. If this type of form is used when either registering new voters or in changing information on a particular voter, this type of mistake will not occur.

SUMMARY

A person using the change of address form which does not contain the mandated constitutional and statutory information will not be allowed to register after the books have closed. To be registered to vote in a county, an individual must file a registration form which meets the criteria set forth in the Florida Constitution and statutes. The constitution requires an oath from each voter and Sections 97.051 and 98.111, Florida Statutes, provide additional information that each voter must provide.