

RESCINDED

DE 90-16 - March 29, 1990

Media Request for List of Voters or Voter Registration Information Section 98.211, F.S.

*To: Honorable Ion Sancho, Supervisor of Elections, Leon County Courthouse, Tallahassee, Florida
32301-8279*

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion. Under Section 106.23(2), Florida Statutes, the Division of Elections has authority 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 specific question is:

Whether members of the media may receive lists of voters or voter registration information.

You state that specific requests to your office by the media include requests for information regarding a voter's party affiliation, change in party affiliation by elected public officials, their voting histories and their voting precincts.

Section 98.211(1), Florida Statutes, provides that while the voter registration books are public records, only the following categories of persons may receive copies of voter registration information:

1. The courts for purpose for jury selection;
2. Municipalities;
3. Other governmental agencies;
4. Candidates, to further their candidacy;
5. Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
6. Incumbent officeholders, to report to their constituents.

In addition, Section 98.211(2), Florida Statutes, provides that voter registration information may not be used for commercial purposes and can only be used for purposes which are related to elections, political or governmental activities, voter registration, law enforcement or jury selection.

A member of the media does not fall into any of the above categories and, therefore, may not receive a list of registered voters from the supervisor of elections.

However, Section 98.211(1)(a), Florida Statutes, additionally provides:

Every citizen is allowed to examine the registration books while they are in the custody of the supervisor, but is not allowed to make copies or extracts therefrom except as provided by this

section.

Pursuant to this provision, a member of the media may examine the registration books while they are in the custody of the supervisor of elections, but as mandated above, is not allowed to make copies or extracts therefrom.

If, as a service to members of the media, a supervisor of elections provides information by telephone to members of the media, which information the members of the media could obtain themselves if they personally examined the registration books, this would be acceptable. However, the supervisor is under no statutory obligation to provide this service.

SUMMARY

A member of the media may not receive a list of registered voters from the supervisor of elections. A member of the media may examine the registration books while they are in the custody of the supervisor of elections, but is not allowed to make copies or extracts therefrom. In addition, as a service to members of a media, a supervisor of elections may provide information by telephone if such information is available to members of the media if they personally examined the registration books. However, the supervisor is under no statutory obligation to provide this service.