

DE 91-04 - April 24, 1991

**Removing Disqualified Voters from Registration List
Sections 98.081 and 98.201, F.S.**

TO: Honorable Mary W. Morgan, Supervisor of Elections, Collier County, Collier Government Complex, 3301 Tamiami Trail East, Naples, Florida 33962

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion concerning the procedures for removing the names of nonresident voters from the official voter registration list. You are the Collier County Supervisor of Elections and, therefore, under Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue this opinion to you.

You stated that you have received, from the county jury clerk in the clerk of the circuit court's office, copies of replies to jury summons which indicate that respondent no longer lives in the county in which he is registered to vote.

You ask the following questions:

1. May a response to a jury summons, which indicates that the respondent has moved out of the county in which he is registered, be used as a request for removal of that voter's name from the voter registration list?
2. If not, which removal procedure in Section 98.201, Florida Statutes, should be used to remove the name of the voter from the voter registration list?

The answers to your questions are, respectively:

1. No, when a statute sets out a process or processes, it is assumed that the processes provided are the only processes allowed. See Ideal Farms Drainage Dist. v. Certain Lands, 19 So.2d 234 (Fla. 1944). In other words, the expression of one method excludes all other methods not mentioned. Section 98.201, Florida Statutes, provides only two ways by which a supervisor may remove names of disqualified voters from the registration list. Therefore, one of these methods must be used and the supervisor of elections cannot use the response to a jury summons, which indicates that the respondent has moved out of the county in which he is registered as a request for removal of the voter's name from the voter registration list.
2. Section 98.201, Florida Statutes, allows you to choose either of two ways to remove the name of a disqualified voter from the registration list.

The first subsection, Section 98.201(1), Florida Statutes, uses the word "shall," which makes it appear

that this is the required method. However, the second subsection, Section 98.201(2), Florida Statutes, states that a supervisor "may" use the alternative method provided in the second subsection.

Section 98.201(1), Florida Statutes, provides a method that requires a hearing, but which concludes the matter at that time. Section 98.201(2), Florida Statutes, provides that a name may be temporarily withdrawn from the registration list, pursuant to Section 98.081, Florida Statutes, without a hearing, if correspondence is returned as undeliverable or is not answered. The removal remains temporary for three years, after which time the person must re-register.

SUMMARY

A supervisor of elections cannot use the response to a jury summons, which indicates that the respondent has moved out of the county in which he is registered, as a request for removal of that voter's name from the voter registration list. However, the supervisor may select either of the two ways to remove the name of a disqualified voter from the voter registration list provided by the provisions of Section 98.201, Florida Statutes.