

Rescinded

DE 91-09 - October 21, 1991

Recertification of Petitions Sections 99.097 and 100.371, F.S.

TO: Honorable Robin Krivanek, Supervisor of Elections, Hillsborough County, 419 Pierce Street, Room 195 Tampa, Florida 33602-4082

Prepared by: Division of Elections

This is in reference to your recent letter, requesting an advisory opinion concerning the effect of a change in congressional district boundaries on already certified initiative petition cards. You are the Supervisor of Elections for Hillsborough County and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

You ask:

1. When will the boundaries of the new congressional districts be effective with regard to certifying constitutional initiative petitions by district?
2. After the effective date referred to above, will the supervisors of elections be required to recertify, by new congressional district, those individual petition cards already certified according to old congressional districts, if the petition effort is ongoing?
3. If the answer to #2 is yes, may the individual petitions be reassigned based on the address as shown on the petition, even though the signer may have a more current address on file, or must the petitions be completely rechecked to determine the current status of the signer as a registered voter at the stated or more recent address?

It is the opinion of the division that:

1. The effective date of the new congressional districts is not provided for in Chapters 97-106, Florida Statutes; therefore, the division is without authority to render an opinion on this subject.
2. Supervisors of elections will not be required to recertify initiative petition cards already certified prior to the effective date of the new congressional district boundaries.

In reference to your first question, Section 106.23(2), Florida Statutes, provides in part:

The Division of Elections shall provide advisory opinions when requested by any supervisor of elections...relating to any provisions...of Florida election laws with respect to actions such supervisor...has taken or proposes to take.

The Florida election laws are found in Chapters 97-106, Florida Statutes. The method of redistricting is not provided in these chapters. Therefore, the division is without power to render an opinion as to when that process will be terminated or effective.

As to your second question, Section 100.371, Florida Statutes, provides in part:

(1) Constitutional amendments proposed by initiative shall be placed on the ballot for the general election occurring in excess of 90 days from the certification of ballot position by the Secretary of State.

(2) Such certification shall be issued when the Secretary of State has received verification certificates from the supervisors of elections indicating that the requisite number and distribution of valid signatures of electors have been submitted to and verified by the supervisors....

(4) The sponsor shall submit signed and dated forms to the appropriate supervisor of elections for verification as to the number of registered electors whose valid signatures appear thereon. The supervisor shall promptly verify the signatures.... Upon completion of verification, the supervisor shall execute a certificate indicating the total number of signatures checked, the number of signatures verified as valid and as being of registered electors, and the distribution by congressional district. This certificate shall be immediately transmitted to the Secretary of State....

(5) The Secretary of State shall determine from the verification certificates received from supervisors of elections the total number of verified valid signatures and the distribution of such signatures by congressional districts. Upon a determination that the requisite number and distribution of valid signatures have been obtained, the secretary shall issue a certificate of ballot position for that proposed amendment....

The statutory provisions cited above indicate that the signatures are to be verified by the supervisor of elections promptly upon receipt of payment of the fee provided by Section 99.097, Florida Statutes. Further, the certificate of the verification must be immediately transmitted to the Secretary of State. This section does not provide that the certifications may be revisited after they are made.

Therefore, it is the opinion of the division that the certification of voters' signatures is made according to the voters' list and congressional districts in force at the time of the certification, and that they are not recertified as a result of the changing of district boundaries.

Since your second question was answered in the negative, your third question is moot.

SUMMARY

The division is without authority to render an opinion on the effective date of the new congressional

districts. Supervisors of elections will not be required to recertify initiative petition cards already certified prior to the effective date of the new congressional district boundaries.