

DE 92-10 - June 24, 1992

**Preregistration and Subsequent Qualification for Office
Sections 97.041 and 99.021, F.S.**

TO: Honorable Cora Sue Robinson, Supervisor of Elections, Gulf County, 1000 Fifth Street, Port St. Joe, Florida 32456

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding a person who, after preregistering to vote, is seeking to qualify for an elected public office. You are the Gulf County Supervisor of Elections and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to render this opinion to you.

Substantially, you ask:

Whether a person, who will not be 18 years old until five days after the close of the qualifying period, may preregister to vote and qualify for the office of county commissioner?

Section 97.041, Florida Statutes, provides that persons are allowed to preregister to vote on or after their seventeenth birthday for any election occurring on or after their eighteenth birthday. Thus, a person cannot be a qualified elector until he is 18 years of age.

Section 99.021, Florida Statutes, provides that as a part of the qualification process, a person must swear to an oath or affirmation that, among other things, he is a qualified elector of his county.

It is well settled in Florida that the statutory oath a person is required to take upon qualifying for office refers to qualifications applicable when the term of the office he seeks begins. State ex rel. Fair v. Adams, 139 So.2d 879 (Fla. 1962), Davis ex rel. Taylor v. Crawford, 116 So. 41 (1928), State ex rel. Knott v. Haskell, 72 So. 651 (1916). Therefore, a person who will be a qualified elector when his term of office begins may qualify for the office of county commissioner.

Finally, we note that the qualifications for county commissioner are found in Article VIII, Section 1 (e), Florida Constitution. No minimum age requirement is provided for this office, and the legislature may not impose any additional qualifications. State v. Grassi, 532 So.2d 1055, 1056 (Fla. 1988).

SUMMARY

A person who is 17 years of age and who will not be 18 years of age and a qualified elector until five days after the close of the qualifying period may, nevertheless, qualify for the office of county commissioner. The candidate's qualifying oath that he is a qualified elector of his county refers to qualifications at the commencement of the term of office.

A person who is 17 years of age and who will not be 18 years of age and a qualified elector until five days after the close of the qualifying period may, nevertheless, qualify for the office of county commissioner. The candidate's qualifying oath that he is a qualified elector of his county refers to qualifications at the commencement of the term of office.