

DE 93-04 - June 16, 1993

**Closing Registration Books When There is An Intervening Legal Holiday
§§ 98.051(3)(c), and 683.01, F.S.**

*TO: The Honorable David Leahy, Supervisor of Elections, Suite 1910, 111 Northwest First Street,
Miami, Florida 33128-1962*

Prepared by: Division of Elections

This is in reference to your letter of May 17, 1993, requesting an opinion relating to the closing date of registration books when a legal holiday falls on the book-closing day. You are the Supervisor of Elections for Dade County. Therefore, the Division, pursuant to Section 106.23(2), Florida Statutes, has authority to issue this opinion to you.

You ask specifically whether the 30-day book closing provision of Section 98.051, Florida Statutes, applies where county offices, but not state offices, are closed on Monday, October 10, 1994, for Columbus Day.

Section 98.051(3)(c), Florida Statutes, provides that:

In computing the 30-day period for closing of the registration books, the election day shall be excluded, but all other holidays and Sundays shall be included. Registration shall be conducted on weekdays only; and, should the 30th day preceding an election fall on a Sunday or a legal holiday, then the registration books shall close at 5 p.m. on the immediately succeeding day which is not a Sunday or legal holiday. (Emphasis added.)

The legislature, in Section 683.01, Florida Statutes, created 21 legal holidays, one of which is Columbus Day. Columbus Day is the second Monday in October. See, Section 683.01(1)(p), Florida Statutes.

When Columbus Day is a legal holiday that falls on the 30th day prior to an election, the registration books will close on the next succeeding day which is not a Sunday or legal holiday. Therefore, in 1994 the registration books will close on Tuesday, October 11, 1994. The fact that Columbus Day is not a holiday for which state offices are closed is of no consequence.

SUMMARY

Columbus Day, by a general law, is designated as a legal holiday. Therefore, when Columbus Day falls on the 30th day prior to an election, the registration books will close on the next succeeding day which is not a Sunday or legal holiday, even though state offices are not closed for the holiday.