

A statute addressed in this opinion has changed. Please consult current Florida law.

DE 94-19 - October 5, 1994

**Authority to Acquire Voter Registration Information
Sections 98.211(2) and (3); and 103.091(1), F.S.**

TO: The Honorable Kurt S. Browning, Supervisor of Elections, Pasco County, 705 East Live Oak Avenue, Dade City, Florida 33525

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding the authority to acquire voter registration information. You are the Pasco County Supervisor of Elections, and, pursuant to Section 106.23(2), Florida Statutes, the Division has authority to render this opinion to you.

You ask substantially the following questions:

1. Section 98.211(2)(e), Florida Statutes, specifies that registered political committees, registered committees of continuous existence, and political parties or **officials thereof** (emphasis added) shall be entitled to receive voter registration information. What is the definition of an "official"?
2. May any "official" of a political party, acting independently of other party officials, request voter registration information on behalf of the party?
3. May individual precinct committeemen or committeewoman request voter registration information for their specific precincts without the approval of a party official?; and
4. If the answer to Number 3 is in the negative, is the individual precinct committeeman or committeewoman required to file an Oath of Acquisition?

While voter registration books are public records, the Florida Election Code is clear as to whom the supervisor of elections may furnish copies of voter registration information. Pursuant to Section 98.211 (2), Florida Statutes, copies of voter registration information may only be provided to:

- (a) The courts for the purpose of jury selection;
- (b) Municipalities;
- (c) Other governmental agencies;
- (d) Candidates, to further their candidacy;
- (e) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only; and
- (f) Incumbent officeholders to report to their constituents.

Furthermore, Section 98.211(2), Florida Statutes, prohibits the use of voter registration information for commercial purposes and limits its use to purposes related to elections, political or governmental

activities, voter registration, law enforcement, or jury selection.

Finally, Section 98.211(3), Florida Statutes, requires any person who acquires a list of registered voters from the supervisor of elections to take and subscribe to an oath which provides in part that:

I hereby swear or affirm that I am a person authorized by s. 98.211, Florida Statutes, to acquire information on registered voters of _____ County, Florida;

As to your first question, the Florida Election Code does not define the term "official." Official is defined in Webster's Ninth New Collegiate Dictionary, to mean, among other things, "one who holds or is invested with an office; officer." Webster's Ninth New Collegiate Dictionary, 1985. Black's Law Dictionary defines an official as "an officer; a person invested with the authority of an office." Black's Law Dictionary, (5th Ed., 1979). Therefore, an official, within the context of Section 98.211(2), Florida Statutes, means an officer, such as a chairman or treasurer, of a registered committee or political party.

As to your second question, any authorized official of a political party may request voter registration information on behalf of the party. There is no requirement in the election code that party officials act in concert or in agreement with each other when making requests for voter lists. If a party official subscribes to the Oath of Acquisition, that person is entitled to the voter information even if that person is acting independently of other party officials.

As to your third question, an individual precinct committeeman or committeewoman, elected pursuant to Section 103.091(1), Florida Statutes, would be considered a party official. Therefore, a precinct committeeman or committeewoman would not need the approval of another party official to acquire voter registration information on that person's precinct.

As to your fourth question, in order to obtain voter registration information, an individual precinct committeeperson, as a party official, must subscribe to an Oath of Acquisition, which is retained by the supervisor of elections.

SUMMARY

An official, as stated in Section 98.211(2), Florida Statutes, means an officer, such as chairman or treasurer, of a registered committee or political party. Any official of a political party may request voter registration information independent of other party officials. An individual precinct committeeperson, elected pursuant to Section 103.09(1), Florida Statutes, is considered a party official entitled to acquire voter registration information on that person's precinct. A precinct committeeperson must complete an Oath of Acquisition to obtain voter registration information.