

**DE 94-20 - October 6, 1994**

**Municipal Recall  
Section 100.361(1), F.S.; and DE 88-46**

*TO: Mr. Pat Brayton, Chairman, City of Brooksville, Recall Committee, 205 North Alpine Circle, Brooksville, Florida 34601*

*Prepared by: Division of Elections*

This is in response to your request for an advisory opinion regarding municipal recall elections. You are the Chairman of the City of Brooksville Recall Committee. Therefore, pursuant to Section 106.23 (2), Florida Statutes, the Division has authority to render this opinion to you.

You ask essentially the following:

Does an elector who signs the first recall petition have the right to demand in writing that the elector's name be stricken from the petition?

Your question is answered in the negative.

The Division directly addressed this question in our Opinion DE 88-46. In this formal opinion, the Division, interpreting Section 100.361(1), Florida Statutes, opined that an elector may not have the elector's name removed from the first recall petition. "If an elector changes his mind about recalling an official, he simply need not sign the second petition...." Op. Div. Elect. Fla. 88-46. "[T]he city clerk may not strike names from the first recall petition at any time." Id.

Section 100.361(1)(g), Florida Statutes, was amended in 1989. However, this statutory change only related to the deadline for withdrawing signatures from the second petition. Therefore, the Division's opinion on this question remains unchanged.

**SUMMARY**

An elector may not have the elector's name stricken from the first recall petition at any time.