

**DE 98-09 - June 8, 1998**

**Address Changes Based on Petition Cards**  
**§§97.052(1), 97.071(2), 97.1031(1),(2),(3),(4), 99.021(1), F.S.**

*TO: Honorable P. Douglas Wilkes, Jr., Supervisor of Elections, Santa Rosa County, 6564 Caroline Street, Milton, Florida 32570-4720*

*Prepared by: Division of Elections*

This is in response to your request for an advisory opinion relating to changes of address based on information supplied by petition cards. You are the Supervisor of Elections for Santa Rosa County. Therefore, pursuant to section 106.23(2), Florida Statutes, the division has authority to render this opinion to you.

You ask whether an alternative method petition card which indicates an address change satisfies the requirement that address changes be made in writing and, if so, when does the change become effective. Similarly, you ask what the effective date is for name changes, address changes, and party changes made via any other format besides the voter registration application form.

The uniform statewide voter registration application may be accepted for initial registration, **change of address, change of party affiliation**, change of name, or replacement of a voter ID card. §97.052(1) (a), Fla. Stat. (emphasis supplied). Once registered, the voter may obtain a replacement card by providing the supervisor with a signed written request. §97.071(2), Fla. Stat. In addition, when an elector changes his or her address to another address in the same county, the elector must notify the supervisor in writing and obtain a new voter ID card. §97.1031(1), Fla. Stat. The same procedure is effective for name changes and changes in party affiliation. §97.1031(2) and (3), Fla. Stat.

Thus, it is clear that name changes, address changes, and changes in party affiliation may be accomplished by sending the supervisor a signed written notice of the change. Whether the signed written notice is in the form of a properly executed petition card, a letter, or a hand written signed note, is immaterial. We should also note that at the request of a majority of supervisors, we amended our petition form in 1995 to include a box for the voter to indicate whether the address on a petition was a new address.

Regarding the effective date of an address change, section 97.1031, Florida Statutes, provides that the supervisor shall make necessary changes in the elector's records as soon as practical upon receipt of a notice indicating a name change, party change, or address change within the same county. §97.1031 (4), Fla. Stat. In addition, subsection (3) of section 97.071, Florida Statutes, provides that if a party change is received between the book closing date for the first primary and the date of the second primary election, such change cannot be effective until after the date of the second primary.

Thus, while the statutes clearly require some action on the part of the supervisor after receipt, there is

no specific instruction as to when the address change, etc. takes effect. This being the case, it is our opinion that the same rule with respect to initial voter registrations should apply, i.e., the effective date is the date it was hand-delivered (if hand-delivered) or the date of the postmark, if mailed. If the postmark is illegible, the effective date is the date actually received.

Finally, the opinions expressed herein do not bear on when a petition is timely submitted in order to properly qualify. The time of receipt for qualifying petitions is a separate issue controlled by chapter 99, Florida Statutes. Similarly, this opinion should not be read to contradict the provisions of section 99.021(1)(b), Florida Statutes, which prohibits persons from switching parties within 6 months of the general election for which they seek to qualify if they have been the candidate of another political party during this same time period. *See, Op. Div. Elect. 92-13 (July 14, 1992).*

### **SUMMARY**

A properly completed alternative method qualifying petition, which has the change of address box marked indicating a new address, satisfies the requirement that a notice of address change must be in writing. The effective date for name changes, address changes within the county, and party changes is the date actually received by you, if the petition is hand-delivered. If received by mail, it is the date of the postmark if there is a legible postmark. Otherwise, it is effective upon actual receipt. With respect to party changes, if a notice is received between the book closing date for the first primary election and the date of the second primary election, such changes cannot be made until after the second primary election. These provisions cannot be read to contradict the qualifying provisions of chapter 99, Florida Statutes, including section 99.021(1)(b).