

DE 01-01 - February 22, 2001

**Inspectors and Clerks to Conduct Elections
§ 102.012(2), Florida Statutes**

*To: The Honorable David C. Leahy, Supervisor of Elections, Miami-Dade County Elections Office,
111 NW 1 Street, Suite 1910, Miami, Florida 33128-1962*

Prepared by: Division of Elections

Dear Mr. Leahy:

This is in response to your request for an advisory opinion regarding the appointment of election board members in municipal elections. You are the Supervisor of Elections for Miami-Dade County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You essentially ask the following:

When election board members are appointed to work in a municipal election, are those members required to be registered qualified electors of that municipality or can those electors reside outside the municipality as long as they reside within the county?

There is no direct answer to your question because it involves a two-step process. Section 100.3605 (1), Florida Statutes, provides that the Florida Election Code governs the conduct in municipal elections in "the absence of an applicable special act, charter, or ordinance provision." Therefore, your particular municipal code may address this issue and provide procedures for municipal elections. If your municipal code does not address this issue, the answer defaults to the Florida Election Code, and, according to Florida Statutes, the election board members must reside, and be registered or preregistered voters, in the county, not necessarily the municipality, in which they were appointed.

The Florida Election Code provides that supervisors of elections in each county shall appoint two election boards for each precinct in the county as set forth in section 102.012(1), Florida Statutes. Section 102.012(2), Florida Statutes, provides that each member of the election board must be able to read and write in English and "be a registered qualified elector of the county in which the member is appointed." If the member is not a registered elector, the member must be preregistered to vote in the county to which he or she was appointed as set forth in section 97.041(1)(b), Florida Statutes.

SUMMARY

It is not necessary, in the absence of an "applicable special act, charter, or ordinance provision," for an election board member to reside in the municipality as long as the election board member resides, and is a registered, or preregistered, elector of the county to which the elector was appointed.

Sincerely,

L. Clayton Roberts
Director, Division of Elections

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