

DE 02-14 - October 10, 2002

**County Charter Commission Eligibility for Voter Registration Information  
§ 98.095, Florida Statutes**

*To: The Honorable Carolyn D. Kirby, Supervisor of Elections, Columbia County, 971 West Duval Street, Suite 102, Lake City, Florida 32055-3734*

*Prepared by: Division of Elections*

Dear Ms. Kirby:

This is in response to your request for an advisory opinion relating to the release of county register information under section 98.095, Florida Statutes. You are the Supervisor of Elections for Columbia County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has the authority to issue an opinion to you. You ask the following questions:

1. Does a Charter Committee appointed by the Board of County Commissioners come under F.S. 98.095?
2. Is the Charter Commission considered a governmental agency? If so how?
3. Once a Charter is completed, they no longer exist as a committee, how are they eligible for a list of voters?

Section 98.095, Florida Statutes, provides as follows:

98.095. County registers open to inspection; copies

(1)(a) 1. The registration books of each county in this state are public records. Any citizen of the state is allowed to examine the registration books of any county while they are in the custody of the supervisor of that county, but is not allowed to make copies or extracts therefrom except as provided by this section.

2. Within 15 days of a request for voter registration information, the supervisor shall furnish any requested information, excluding only a voter's signature and social security number and such other information that is by statute specifically made confidential or is exempt from public records requirements, which the supervisor maintains pursuant to "The Florida Election Code."

(b) Notwithstanding paragraph (a), if after the most recent election there is a request for information relating to electors who voted in that election, within 15 days of the request the supervisor shall either provide the information or allow the persons, entities, or agents thereof, as authorized in this section, to personally extract or copy the information.

(c) Actual costs of duplication of information authorized by this section for release to the public shall be charged in accordance with the provisions of s. 119.07.

(2) The information provided by the supervisor pursuant to this section shall be furnished

only to:

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

Such information shall not be used for commercial purposes. No person to whom a list of registered voters is made available pursuant to this section, and no person who acquires such a list, shall use any information contained therein for purposes which are not related to elections, political or governmental activities, voter registration, or law enforcement.

(3) Any person who acquires a list of registered voters from the office of the supervisor shall take and subscribe to an oath which shall be in substantially the following form: I hereby swear or affirm that I am a person authorized by s. 98.095, Florida Statutes, to acquire information on registered voters of .... County, Florida; that the information acquired will be used only for the purposes prescribed in that section and for no other purpose; and that I will not permit the use or copying of such information by persons not authorized by the Election Code of the State of Florida.

(Signature of person acquiring  
list)

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_, (year).

(Signature and title of person administering oath)

County charter commissions are statutorily created governmental entities. Pursuant to sections 125.60 - 125.64 of the Florida Statutes, they are created to conduct a comprehensive study of the operation of county government and of the ways in which the conduct of county government might be improved or reorganized. Upon completion of that study, the charter commission presents a proposed charter to the board of county commissioners for the purpose of holding a referendum election. A charter commission is authorized by statute to hold public hearings, to employ staff, consult and retain experts and purchase, lease, or otherwise provide for whatever supplies, materials, equipment and facilities it deems necessary and desirable to perform its statutory responsibilities. The expenses of a charter commission are paid by the board of county commissioners from the general fund of the county.

Therefore, a duly created charter commission would be considered a governmental agency for the purposes of section 98.095(2)(b), Florida Statutes.

Once a charter commission is dissolved pursuant to section 125.64(4), Florida Statutes, it would no

longer be eligible for voter information as a government agency under section 98.095, Florida Statutes.

### **SUMMARY**

A charter commission created pursuant to sections 125.60 -125.64, Florida Statutes, is a governmental agency for the purposes of section 98.095, Florida Statutes. Once a charter commission is dissolved pursuant to section 125.64(4), Florida Statutes, it would no longer be eligible for voter information as a government agency under section 98.095, Florida Statutes.

Sincerely,

Edward C. Kast  
Director, Division of Elections

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