

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

December 1, 2003

The Honorable Kathy Dent
Sarasota County Supervisor of Elections
Post Office Box 4194
Sarasota, Florida 34230-4194

RE: DE 03-09
Voter Registration Records; §98.095(2)(d),
Florida Statutes

Dear Ms. Dent:

This is in response to your request for an advisory opinion regarding the eligibility of political party state committeemen or state committeewomen to obtain voter registration information pursuant to section 98.095(2)(d), Florida Statutes. You are the Supervisor of Elections for Sarasota County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you.

You have asked essentially the following question:

Are state party committeemen or committeewomen considered “officials” of the party for the purposes of requesting voter registration information under section 98.095(2)(d), Florida Statutes?

The short answer to your question is a qualified no.

In general, simply serving as a state party committeeman or committeewoman would not entitle that person to obtain voter registration information as an “official” of the party under section 98.095(2)(d), Florida Statutes.

Black’s Law Dictionary, 7th Edition, defines an “official” as one who holds an office or is authorized to act for a corporation or organization.

Section 98.095(2)(d), Florida Statutes, states:

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

(d) Registered political committees, registered committees of continuous existence, and political parties or officials thereof, for political purposes only;

The statutory language contained in section 98.095(2)(d), Florida Statutes, simply recognizes that it would be necessary for someone to act on behalf of a political party in making the request for the entity. The "political party" is physically incapable of executing the required oath. Further, section 103.091(3), Florida Statutes, recognizes the distinction between state executive committee officers and committee members and requires that the state executive committee of each political party file with the Department of State the names and addresses of its officers (chair, vice chair, secretary and treasurer) and its members. Therefore, only an official, i.e. an officer of the party or other person authorized to act for the political party, is permitted by the statute to request and receive voter registration information on behalf of the party. A state party committeeman or state party committeewoman is not an officer of the party and, therefore, is not a party "official" for purposes of requesting and receiving voter registration information under section 98.095(2)(d), Florida Statutes, unless they have been given specific written authority by the party to make such a request on behalf of the party. In such a case, the state party's written authorization must be provided to the supervisor of elections by the state party committeeman or committeewoman prior to release of voter registration information to them. The state committeeman or committeewoman would then be required to execute the oath contained in section 98.095(3), Florida Statutes, on behalf of the state party.

SUMMARY

In general, simply serving as a state party committeeman or committeewoman would not entitle that person to obtain voter registration information as an "official" of the party under section 98.095(2)(d), Florida Statutes.

A state party committeeman or state party committeewoman is not an officer of the political party and, therefore, is not a party "official" for purposes of requesting and receiving voter registration information under section 98.095(2)(d), Florida Statutes, unless they have been given specific authority by the party to make such a request on behalf of the party.

Sincerely,

Edward C. Kast
Director, Division of Elections

Prepared by:
Sharon D. Larson
Assistant General Counsel

EK/SDL/ccm