

Obsolete. Please consult current Florida law.

DE 77-08 - March 14, 1977

Armed Services Absentee Registrant Chapter 97, F.S.

*To: Honorable Helen B. Gienua, Supervisor of Elections, Polk County Courthouse, Bartow, Florida
33830*

Prepared by: Division of Elections

You have informed me that an officer in the United States Air Force, previously registered to vote in Minnesota and temporarily residing in Maryland has filed with you a Declaration of Domicile in Polk County, Florida. You have asked whether:

1. He may register to vote absentee pursuant to Section 97.063(1)(a), F.S.
2. If his wife may register absentee notwithstanding the absence from her name upon the Declaration of Domicile.

Section 97.063(1)(a), F.S., declares that members of the armed services while in active services "and their spouses and dependents" shall be entitled to register absentee if qualified pursuant to Section 97.041, F.S., and as otherwise provided by law.

If the armed services officer in question has made proof of permanent residency in Florida in your county in Florida and has satisfied the requirements of Section 97.041, F.S., he would appear to be entitled to register absentee and be entitled so to vote.

The mere statement, however, that one is a resident of a certain county may not within your sound discretion create residency in that county where the person making said declaration has evidence of attachment to your county, raised a question regarding such Polk County residency.

As to your second question, Section 97.063(1)(a), F.S., would entitle the armed services officer's spouse to register absentee if, but only if, she was otherwise qualified to register in accordance with Section 97.041, F.S. That evidence should be obtained or received by your office in respect of the spouse even as you have obtained or will obtain it in respect of the armed service officer.

You have, finally, indicated that your files do not reflect, in fact, the armed services officer's Declaration of Domicile and that you have asked for proof prior to issuing absentee registration forms. Your action is, of course, quite correct.