



**Florida Fair Elections Coalition**

**Deland, FL**

[www.ffc.org](http://www.ffc.org)

## Pollwatchers' Rights & Responsibilities

### You are entitled to:

- Watch any polling place in your county during early voting or Election Day.
- Closely observe the election process, including voting equipment.
- Inspect precinct list and public counters on voting machines.
- Address questions and concerns to poll clerk.
- See polling places procedures manual.
- Report issues and concerns.
- Leave and return without being disruptive.
- Speak with voters outside the no-solicitation zone.

### You must:

- Be a registered voter in the county.
- Have letter from supervisor of elections stating you are eligible to poll watch for particular party or candidate.
- Not be a candidate or law enforcement officer.
- Not speak to or interact with voters in polling place.
- Not wear or display any campaign clothing, buttons, or materials.
- Not take photos in polls during voting.
- Not make calls or text while in polling place; set phone on vibrate; step outside to make phone calls or text.
- Not interfere with orderly conduct of election or poll workers doing their jobs.

§101.131(1)

### Florida Voters Bill of Rights

- Vote and have vote accurately counted.
- Cast vote if in line at time of closing.
- Ask for and receive assistance.
- Receive up to two replacement ballots.

- Receive written or oral instructions on voting.
- Receive an explanation if right to vote is questioned.
- Cast provisional ballot if right to vote is questioned.
- Vote free from coercion or intimidation
- Vote on a system in working condition that counts votes accurately §101.031(2)

## Quick Guide to Florida Election Law

### Outside the polling place:

- Precinct sign, in English and Spanish, shall be located at each polling place such that it can be read from adjacent roadways § 101.71(4)
- No-solicitation zone shall be within 150 ft. of polling place entrance. No campaigning or campaign materials are allowed to be distributed in this area. § 102.031(4)(b).
- Voting times for Election Day are 7:00 am to 7:00 pm. Persons in line at 7:00 pm are allowed to vote §100.011(1).
- A deputy sheriff shall be assigned to each polling place to maintain good order and respond to lawful commands of the poll clerk §102.031(1)(2).

### Inside the polling place:

*Any citizen may observe opening or closing procedures. (Maximum of three allowed.)*

### Persons Allowed in Polls When Open

- Poll clerk, poll workers, supervisor of elections, and deputy SOE.
- Poll watchers.
- Voters, those assisting voter, or in care of voter.
- Emergency personnel or law enforcement officer, with permission of poll clerk or a majority of poll workers.
- Persons participating in a mock election for minors, with permission of SOE §102.031(3)(a).

### Persons Not Allowed in Polls When Open

- Law enforcement officers, except to cast vote or as stated above §102.101.

### Required Documents & Signs to Be Posted

- Sign giving instructions for voting.

- Sign with Voters Bill of Rights.
- Polling Place Procedures Manual available for inspection §101.031(1); §101.5611(1).

### Eligibility Issues

- Photo ID is required to vote regular ballot. Accepted forms of ID are:
  - FL Drivers License,
  - FL ID from DMV,
  - U.S. passport,
  - debit or credit card (with photo),
  - military, student, neighborhood, retirement center, public assistance, veteran's health ID from US Dept. of Veterans Affairs, government employee ID, concealed weapons permit, §101.043(1)(a).
- Second ID with signature must be shown if photo ID has no signature §101.043(1)(b).
- If required ID is not provided, voter must vote provisional ballot §101.043(2).
- Address on ID is not a basis for confirming or challenging residence §101.043(1)(b).
- Voters who have moved may vote regular ballot:
  - if moved within county of registration, is active military member or family, or moved to precinct with electronic poll book allowing immediate change of address, or
  - if signs affirmation of eligibility and change of address information or fills out voter registration form with new address. §101.045(2)(a)(b)(d).
- If voter has changed name legally, he or she may change name by filling out affidavit or by filling out voter registration form with new name §101.045(2)(c),(d).
- Challenge to a person's right to vote may be made by any registered voter.
  - must be in writing §101.111(1).
  - must be delivered to person being challenged §101.111(1)(b)(1).
  - must not be frivolous. This is a 1st degree misdemeanor §101.111(2).
  - Person challenged must be allowed to change address as specified above if that is basis of challenge §101.111(1)(b)(2).

### Assistance & Accessibility

- Voters who are blind, disabled, or illiterate may request assistance from:
  - Two election officials or
  - Person of their choice other than their employer or agent of employer or union §101.051(1)
- Polling places must be accessible to and usable by persons with disabilities §101.715.

### Voter & Machine Errors

- Voters who make an error or spoil a ballot may request a new ballot. No more than two extra ballots may be issued §101.5608(2)(b).
- If machine rejects ballot, it may be corrected by voter. Without viewing ballot, poll worker shall instruct voter about possible reasons for rejection. Spoiled ballot and stub shall be preserved in an envelope §101.5608(2)(b).

### Treatment of Provisional Ballots

- Handling: Provisional ballot shall be placed in a secrecy envelope, sealed in a second provisional ballot envelope, and deposited in a ballot box for return to the SOE §101.048(1).
- If cast electronically, Provisional Ballot Voter's Certificate and Affirmation must first be completed §101.048(4).
- If lack of ID was reason for voting provisional ballot, it will be counted without further action by voter as long as signature matches the one on file and ballot is cast in proper precinct. §101.048(2)
- If provisional ballot cast for reasons other than proper ID, written evidence of eligibility may be submitted to SOE no later than 5 pm on the second day after the election. §101.048 (1)a.
- Check if vote counted: Within 30 days of election, a free access system will be set up by SOE to allow those casting provisional ballots to determine if ballot was counted and, if not, the reason for rejection §101.048(7)(a).

Revised by Mary K. Garber, Florida Fair Elections Coalition, October 2020.

To access *Florida 2020 Statutes, Title IX. Electors and Elections*, click [here](#).