



FLORIDA DEPARTMENT *of* STATE

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Secretary of State

November 5, 2021

The Honorable Lori Edwards
Supervisor of Elections, Polk County
P.O. Box 1460
Bartow, Florida 33831

Re: DE 21-05 Exclusion of Poll Watchers §
101.131, Florida Statutes

Dear Supervisor Edwards:

This letter responds to your request for an advisory opinion regarding whether political parties may have a poll watcher in the polling room area during a “non-partisan” election. Because you are a supervisor of elections proposing to take action related to Florida’s election laws, the Division of Elections is authorized to issue an opinion to you pursuant to section 106.23(2), Florida Statutes (2021).

FACTS

Your request for an advisory opinion asks if a political party may have a poll watcher in the polling room area during a “non-partisan” election. Your request is based on a political party’s request to have poll watchers in the Haines City polling area during the April 6, 2021 Haines City Municipal Election.

ANALYSIS

The short answer to your question is yes, a political party may have poll watchers in polling room areas during a “non-partisan” election. The statute governing poll watchers does not distinguish between “partisan” elections and “non-partisan” elections. Accordingly, there is no statutory basis for a supervisor of elections to refuse to admit a poll watcher designated by a political party into the polling area because the election is “non-partisan.”

Section 101.131, Florida Statutes (2021), provides for the admittance of poll watchers to polling rooms during elections in Florida:

Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. The poll watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters. Each poll watcher shall be a qualified and registered elector of the county in which he or she serves.

§ 101.131(1), Fla. Stat. (emphasis added).

The statute unambiguously states that a political party may have a poll watcher in each polling room during *the* election. It does not distinguish between “partisan” elections and “non-partisan” elections.

Thus, so long as a designated poll watcher does not engage in the prohibited activities described in section 101.131(1), a supervisor of elections does not have a basis for prohibiting a poll watcher from being in a polling room because the election is “non-partisan.”

SUMMARY

A supervisor of elections cannot refuse to admit a political party’s designated poll watcher to a polling room on the basis that the election is “non-partisan” because section 101.131(1) does not distinguish between “partisan” and “non-partisan” elections.

Respectfully,



Maria I. Matthews, Esq.
Director, Division of Elections