

## **Florida: Protections Against Intimidation of Voters and Election Workers**

*This resource details state and federal laws protecting against the intimidation of voters and election workers and the disruption of the voting process.*

### **Voters in Florida have the right to vote free from intimidation under federal and state law.<sup>1</sup>**

Federal law broadly prohibits intimidation, threats, or coercion throughout every stage of the election process;<sup>2</sup> more information on the federal protections that apply to all states can be found [here](#). In addition, the following actions are specifically prohibited by Florida law:

- Intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce any person to vote or not vote, or to vote for or not vote for a particular candidate.<sup>3</sup>
- Using bribery, menace, threat, or other corruption to influence, deceive, or deter any person from voting or to interfere with the free exercise of a person's right to vote at any election.<sup>4</sup>
- Using force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel any person to vote or refrain from voting, to vote or refrain from voting for a particular candidate or ballot measure, or to refrain from registering to vote.<sup>5</sup>
- Soliciting voters inside a polling place or within 150 feet of a secure ballot intake station or the entrance of a polling place.<sup>6</sup>

The below addresses the laws that serve as guardrails against specific threats of intimidation.

### **Voter Challenges**

Although Florida law permits any registered voter or poll watcher to challenge the eligibility of another voter in that county,<sup>7</sup> state law also provides some guardrails:

- Challenges must be made in writing and under oath to the clerk or inspector.<sup>8</sup>

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<sup>1</sup> See, e.g., 18 U.S.C. §§ 594, 241; 52 U.S.C. § 10101(b); Fla. Stat. §§ 104.0515(3), 104.061(1), 104.0615(2), 102.031(4)(a).

<sup>2</sup> See U.S. Department of Justice, *Voting Rights Fact Sheet* (Sept. 2024), <https://www.justice.gov/crt/media/1366636/dl> (summarizing federal laws that protect against intimidation).

<sup>3</sup> Fla. Stat. § 104.0515(3).

<sup>4</sup> Fla. Stat. § 104.061(1).

<sup>5</sup> Fla. Stat. § 104.0615(2)(a)-(c).

<sup>6</sup> Fla. Stat. § 102.031(4)(a).

<sup>7</sup> Fla. Stat. § 101.111(1)(a).

<sup>8</sup> Fla. Stat. § 101.111(1)(a).

- A copy of the oath is delivered immediately to the challenged voter by the clerk or inspector, and the voter is entitled to cast a provisional ballot.<sup>9</sup>
- If the challenge is based on the voter's residence, the challenged voter must first be given an opportunity to execute a change of legal residence form so that they can vote a regular ballot.<sup>10</sup>
- Voters may provide further evidence of their eligibility to the supervisor of elections until 5 p.m. on the second day after Election Day.<sup>11</sup>
- Submitting frivolous challenges is a misdemeanor, and each instance of a frivolous challenge constitutes a separate offense.<sup>12</sup>
- Knowingly using false information to challenge a voter is a felony.<sup>13</sup>

The National Voter Registration Act (NVRA) provides additional safeguards to protect voters from mass challenges before an election:

- The NVRA expressly recognizes that National Change of Address information is not sufficient on its own to serve as the basis for canceling a voter's registration.<sup>14</sup>
- The NVRA prohibits the systematic removal of voters from the rolls within 90 days of a federal election.<sup>15</sup>

More information about the limitations and process for voter challenges in Florida can be found [here](#).

### **Intimidation of Poll Workers and Election Officials**

In addition to federal protections against the intimidation of election workers, it is a felony in Florida to use or threaten to use force, violence, intimidation, or coercion to induce an individual to refrain from acting as an election official.<sup>16</sup> It is also a felony to knowingly use false information to induce or attempt to induce an individual to refrain from acting as an election official.<sup>17</sup>

### **Voter Intimidation by Poll Workers**

The Brennan Center and All Voting is Local published a detailed resource on the rules and constraints for Florida poll workers [here](#).

### **Intimidation by Poll Watchers**

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<sup>9</sup> Fla. Stat. §101.111(1)(b)1.

<sup>10</sup> Fla. Stat. §101.111(1)(b)2.

<sup>11</sup> Florida Division of Elections, Florida Voter Guide, November 2023, 21, <https://files.floridados.gov/media/707256/final-voterregvotingguide-eng-2024-election-cycle-20231110.pdf>.

<sup>12</sup> Fla. Stat. § 101.111(2).

<sup>13</sup> Fla. Stat. § 104.0615(3)(a).

<sup>14</sup> 52 U.S.C. § 20507(c)(1)(B).

<sup>15</sup> 52 U.S.C. § 20507(c)(2)(A).

<sup>16</sup> Fla. Stat. § 104.0615(2)(d).

<sup>17</sup> Fla. Stat. § 104.0615(3)(c).

In addition to Florida’s voter intimidation laws detailed above, the state places limits on who may serve as poll watchers and what they may and may not do:

- Watchers must be registered to vote in the county in which they serve, and only one watcher per political party and one watcher per candidate may be in each polling room or early voting area at any given time.<sup>18</sup>
- Law enforcement and candidates may not serve as poll watchers.<sup>19</sup>
- Watchers must wear their identifying badge issued by the supervisor of elections.<sup>20</sup>
- Watchers may not take photographs or recordings of any kind inside the polling room or early voting site, nor may they interact with any voters.<sup>21</sup>
- Watchers are prohibited from wearing campaign buttons, shirts, hats, or other campaign items.<sup>22</sup>
- Watchers may not obstruct the orderly conduct of an election or come closer to the inspectors’ table or the voting booths than is reasonably necessary to properly perform their function as watchers.<sup>23</sup>

Election officials and poll workers may remove from a polling place any poll watcher who abuses their role.<sup>24</sup>

### **State and Local Law Enforcement**

Sheriffs are required to deputize a deputy sheriff at each polling location.<sup>25</sup> Deputies may be in plain clothes and are not armed. In practice, they may be recruited by the election official in the jurisdiction and are often former poll workers. Deputy sheriffs are subject to all lawful commands of the clerk or inspectors at each polling place and each early voting site.<sup>26</sup> Law enforcement officers are otherwise not permitted in polling places except to cast a ballot, unless they have permission from the election clerk or the majority of the election inspectors.<sup>27</sup> If any officer refuses to comply, the clerk or inspectors may make an affidavit against the officer for their arrest.<sup>28</sup>

### **Guns at Polling Places**

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<sup>18</sup> Fla. Stat. § 101.131(1).

<sup>19</sup> Fla. Stat. § 101.131(3).

<sup>20</sup> Fla. Stat. § 101.131(5).

<sup>21</sup> Florida Division of Elections, Polling Place Procedures Manual, April 2020, 11–12, [https://files.floridados.gov/media/703005/adopted-clean-de11\\_pollplaceprocmanual.pdf](https://files.floridados.gov/media/703005/adopted-clean-de11_pollplaceprocmanual.pdf); Fla. Stat. §§ 101.131(1), 102.031(5).

<sup>22</sup> Florida Division of Elections, Polling Place Procedures Manual, 12.

<sup>23</sup> Fla. Stat. § 101.131(1).

<sup>24</sup> Fla. Stat. § 102.031(1), (4)(c).

<sup>25</sup> Fla. Stat. § 102.031(2).

<sup>26</sup> Fla. Stat. § 102.031(2).

<sup>27</sup> Fla. Stat. §§ 102.031(3)(a)6, 102.101.

<sup>28</sup> Fla. Stat. § 102.101.

Guns and other weapons, apart from those belonging to law enforcement officers who have been authorized by a law enforcement agency to vote while on duty and who are required to carry a weapon while on duty, are prohibited at polling places.<sup>29</sup> Therefore, the presence of any such firearm in or around a polling place should be treated as intimidation.

Even at locations where firearms are not expressly prohibited, firearm carry may constitute unlawful intimidation. Such conduct may consist of carrying a visible firearm while near a polling location or at a drop box or vote-counting site, displaying a concealed firearm during a discussion or argument with a voter or election worker, or approaching a voter or election worker while displaying a firearm.

### **Door-to-Door Intimidation**

Florida and federal law prohibit canvassing efforts that are used to intimidate voters.<sup>30</sup> Any voter who receives a visit from a privately organized canvassing group does not have to answer any questions and should report any incidents of intimidation to their local officials. Additionally, it is a felony in Florida to impersonate or deliberately act as a public officer.<sup>31</sup>

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<sup>29</sup> Fla. Stat. § 790.06(12)(a)(6); Op. Att’y Gen. Fla. 1993-37 (1993).

<sup>30</sup> 18 U.S.C. §§ 594, 241; Fla. Stat. §§ 104.0515(3), 104.061(1), 104.0615(2).

<sup>31</sup> Fla. Stat. § 843.0855(2).