

Florida Poll Watchers: Rules and Constraints

Poll watchers are individuals who monitor polling places and ballot counting sites. In Florida, “poll watchers” are stationed at Election Day and early-voting polling places, and “observers” watch the opening and counting of vote-by-mail ballots. While poll watchers play an important role in providing transparency, they can also be a potential source of disruption and intimidation. For this reason, all states have a series of regulations and constraints regarding who can serve as poll watchers and what they can do. Florida’s, which derive both from the state’s election code and from the Florida Division of Elections’ manual (which is codified in the state’s administrative code) are:

Appointment

- Poll watchers must be designated by a political candidate, the chair of the county executive committee of a political party, or the chair of a ballot measure committee at least 14 days before Election Day.¹ All designees are subject to approval by the relevant county’s supervisor of elections.²
- No one else can be a poll watcher.
- Candidates and law enforcement officers are ineligible to be designated as poll watchers.³
- Poll watchers must be registered voters of the county in which they serve.⁴
- Poll “observers” at vote-by-mail ballot counting sites must be candidates, political party officials, political committee officials, or authorized designees of those people or groups. They may observe vote-by-mail ballot canvassing as long as the candidate or party requests it.⁵

Role of Watchers and Observers

- Poll watchers observe the election process, including the voter check-in process and the general conduct of voters and election officials, but in doing so they may not obstruct the orderly conduct of the election.⁶
- Poll watchers wear badges that identify them by name.⁷
- Poll watchers are allowed to review the voting list, which is continuously updated by the election inspector at each precinct to track who has already voted.⁸

¹ Fla. Stat. § 101.131(2).

² Fla. Stat. § 101.131(2).

³ Fla. Stat. § 101.131(3).

⁴ Fla. Stat. § 101.131(1).

⁵ Fla. Stat. § 101.5614(4)(a).

⁶ Fla. Stat. § 101.131(1). See also Fla. Admin. Code R. 1S-2.034 at 14 (June 2024).

⁷ Fla. Stat. § 101.131(5).

⁸ Fla. Stat. § 101.23.

- Poll watchers can challenge a person’s right to vote via a written and sworn form stating the grounds for the challenge.⁹ However, frivolous challenges are a criminal offense.¹⁰
- Observers, after signing an affidavit swearing not to divulge any election results, must be able to see the markings on vote-by-mail ballots that are being duplicated because physical damage prevented a ballot-reading machine from reading them. Observers may make reasonable objections to ballot duplications, which the canvassing board resolves.¹¹
- When election workers permit it, watchers may view vote-by-mail envelopes and voter signatures. They are not entitled to unlimited review but what is reasonable for workers to allow given time constraints and the volume of ballots to process.¹²

Prohibited Activities

To prevent poll watchers from disrupting elections, Florida law prohibits the following activities:

- **Obstruction:** Watchers may not obstruct the orderly conduct of the election.¹³
- **Voter Interaction:** Poll watchers are not allowed to interact with voters in any way. They may direct questions or challenges only to the polling place’s clerk.¹⁴
- **Solicitation:** It is illegal for anyone (including poll watchers) to engage in any activity with the intent of influencing a voter within 150 feet of a polling place or secure ballot intake station, including wearing any campaign items.¹⁵
- **Intimidation:** No one, including poll watchers, may directly or indirectly threaten through any tactic to use force, violence, or intimidation to persuade someone to vote or refrain from voting, vote for or against any candidate or issue, or refrain from acting as an election official or poll watcher.¹⁶
- **Carrying Weapons:** No person, including poll watchers, may carry a weapon while at a polling place, even if they have a concealed carry license.¹⁷
- **Photography:** Florida law expressly prohibits all photography inside a polling place (except voters taking pictures of their own ballots).¹⁸

The Division of Elections’ manual contains further rules concerning poll watchers:

- **Campaign Items:** Watchers are not allowed to wear campaign buttons, shirts, hats, or other campaign paraphernalia.¹⁹
- **Disruptive Use of Mobile Devices:** In addition to photography, the manual clarifies that watchers are prohibited from making recordings of any kind inside the polling location.

⁹ Fla. Stat. § 101.111(1)(a).

¹⁰ Fla. Stat. § 101.111(2).

¹¹ Fla. Stat. § 101.5615(4)(a).

¹² Fla. Stat. § 101.572(2).

¹³ Fla. Stat. § 101.131(1).

¹⁴ Fla. Stat. § 101.131(1).

¹⁵ Fla. Stat. § 102.031(4)(a)-(b); and Fla. Admin. Code R. 1S-2.034 at 12 (June 2024).

¹⁶ Fla. Stat. § 104.0615(2).

¹⁷ Fla. Stat. § 790.06(12)(a)(6).

¹⁸ Fla. Stat. § 102.031(5).

¹⁹ Fla. Admin. Code R. 1S-2.034 at 15 (June 2024).

Watchers may use mobile electronic devices, but they may not take phone calls inside the polling location and their devices must be set on silent or vibrate.²⁰

Federal and state law strictly prohibit all people, including observers, from engaging in voter intimidation. Any action that makes a voter feel intimidated, threatened, or coerced (including any effort to prevent a voter from registering to vote, voting, or voting for or against any candidate or ballot measure) could constitute voter intimidation, regardless of whether it breaks a specific rule.²¹

Removal

- Florida law vests poll workers and county supervisors of elections with “full authority” to take “any reasonable action necessary” to ensure that the polls remain safe and orderly.²²
- To empower poll workers to wield this authority, sheriffs are required to deputize a deputy sheriff for each polling place. The deputy is subject to all lawful commands from election workers and may call on bystanders for aid when necessary to maintain peace and order at the polls.²³
- In addition to the deputy sheriff, the county supervisor of elections and the clerk of each polling place may call on law enforcement to remove disruptive or unruly people but should use sound judgment in deciding whether doing so is necessary.²⁴

²⁰ Fla. Admin. Code R. 1S-2.034 at 15 (June 2024).

²¹ 18 U.S.C. §§ 241, 594; 52 U.S.C. § 10101(b); and Fla. Stat. § 104.0615(2).

²² Fla. Stat. § 102.031(1).

²³ Fla. Stat. § 102.031(2).

²⁴ Fla. Stat. § 102.031(4)(c).