

Florida Poll Workers: Rules and Constraints

Florida poll workers play a vital role in administering elections. Their duties range from opening and closing the polls to assisting voters and maintaining order at polling locations. In recent years, Florida — like other states across the country — has [faced](#) poll worker shortages, particularly among bilingual poll workers. For elections to function well, it is critical that government officials recruit and train enough poll workers.¹ It is equally critical, however, that these poll workers comply with the law and perform their duties fairly and impartially.

Recent press [reports](#) have identified efforts around the country, including in Florida, to recruit individuals who subscribe to falsehoods about elections and the integrity of the democratic process as poll workers. In at least one [instance](#), individuals have been encouraged to break local election rules. Of course, government officials cannot prevent poll workers from participating in the electoral process based solely on their viewpoints or beliefs. But they can take reasonable steps to ensure that poll workers comply with the law on Election Day.

Florida, like other states, already has many guardrails in place to prevent those who seek to undermine elections from qualifying as poll workers and disrupting election processes. These guardrails are detailed below, along with further actions that election officials can take.

Legal Constraints on Poll Workers

Eligibility

Poll workers must meet certain eligibility requirements under Florida law. State law provides that at least 20 days before an election, county supervisors of election (“supervisors”) must appoint at least two types of poll workers, detailed below, for each precinct: **clerks** and **inspectors**.² Together, the clerks and inspectors comprise a polling location’s “election board.”³ While counties may develop their own poll worker application process,⁴ Florida law requires that all poll workers: (1) be registered qualified voters of the county in which they are appointed to serve; (2) be able to read and write English; and (3) have had their right to vote restored pursuant to Florida law if they previously were convicted of a felony.⁵ Sixteen and seventeen-year-olds who preregister to vote also may serve as poll workers provided they would otherwise qualify for the role aside from their age.⁶ Candidates for office in contested elections may not serve on an election board.⁷

Applicants must be willing to follow applicable laws and procedures. Before opening the polls, state law requires clerks and inspectors to take and sign a written or printed oath to “perform the duties of inspector or clerk of election . . . according to law” and “endeavor to prevent all fraud, deceit, or abuse in conducting the election.”⁸ Supervisors must collect these signed oaths along with the poll list and election returns.⁹ Pursuant to the oath, supervisors may

refuse to appoint applicants who demonstrate an unwillingness to follow applicable laws and instructions. They cannot, however, turn away applicants solely on the basis of their viewpoints or beliefs so long as they are consistent with laws governing elections.¹⁰

Poll workers must attend a training. Florida law requires that supervisors provide training for inspectors and clerks prior to each primary, general, and special election.¹¹ The department of state, division of elections provides a statewide training curriculum — including specific etiquette and sensitivity training with respect to voters with disabilities — as well as a uniform polling place procedures manual for poll workers.¹² Inspectors and clerks must complete this training before serving in an election; clerks must complete a minimum of three hours of training prior to each election, and inspectors must complete a minimum of two hours of training prior to each election.¹³ Further, state law makes clear that poll workers cannot work at the polls unless they demonstrate “a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.”¹⁴ Counties may choose to create additional training materials and provide certificates to each poll worker upon completing their training.¹⁵

Chain of Command

Poll workers must answer only to their county supervisor. Under Florida law, poll workers are appointed and compensated by their supervisor, who remains responsible for “the attendance and diligent performance” of each clerk and inspector.¹⁶ Accordingly, poll workers must answer only to their supervisor (or, in practice, delegates in the supervisor’s office) rather than to their political party or any party official, and those who refuse to comply may be removed and replaced by the supervisor.¹⁷ To ensure fairness and the nonpartisan execution of election duties, election boards must consist of poll workers from both political parties.¹⁸

Florida law creates a clear chain of command structure among poll workers. Under Florida law, the clerk (one per polling location) manages and oversees all aspects of the polling place on Election Day, including the inspectors (one or more per polling location).¹⁹ Inspectors support the clerk and may perform a range of duties depending on how the clerk chooses to allocate responsibilities, including, but not limited to, assisting in opening and closing the polls, setting up voting equipment, and processing voters to verify eligibility.²⁰ Counties may provide additional guidance as to how clerks and inspectors should divide up tasks as well as create additional roles — such as assistant clerks, precinct techs, and equipment managers — within the chain of command structure as needed.²¹ Like clerks and inspectors, individuals in these additional roles must answer to their supervisor.²²

Deputy sheriffs must answer to their county supervisor and election board. In addition to poll workers, Florida law requires that each polling location have an assigned deputy sheriff. Deputized by the county sheriff, deputy sheriffs remain at the polling location throughout Election Day and are charged with maintaining good order outside the polling location by, for example, organizing the line of voters.²³ They are not in uniform nor armed and, in practice, are often former poll workers. Although they are not part of the election board as clerks and inspectors are, deputy sheriffs are compensated by their county supervisor and must complete a training course conducted by the supervisor prior to serving at the polls on Election Day.²⁴ On

Election Day, deputy sheriffs must answer to and follow the instructions of the clerks and inspectors, and they may enter the polling place only if authorized by the clerk or a majority of inspectors.²⁵

Following Applicable Laws

Poll workers are further constrained by their duty to follow local, state, and federal laws.²⁶ Failure to do so may violate their oath of office, warrant removal, and result in criminal liability.²⁷ These applicable laws include the following constraints:

No person, including poll workers, may intimidate or harass voters. Federal and state laws prohibit actual or attempted intimidation, threats, or coercion against a voter with the purpose of interfering with the right to vote.²⁸ Violators — including poll workers — are subject to significant civil and criminal liability.²⁹ Florida law further prohibits the use of “bribery, menace, threat, or other corruption” to influence, deceive, or deter any voter.³⁰ Examples of [prohibited intimidation](#) may include, without limitation, using insulting, offensive, or threatening language or raising one’s voice.³¹

Poll workers may not disrupt elections through disinformation. Florida law prohibits knowingly using false information to, among other things, induce or attempt to induce a voter to refrain from voting or registering to vote.³² Spreading disinformation that discourages individuals from voting — including false information about who can vote, how and when they can vote, or other aspects of the election process — may therefore violate state law and warrant removal.

Poll workers may not otherwise interfere with or attempt to influence voters. In addition to prohibiting intimidation, Florida law prohibits poll workers from using their position to attempt to influence or interfere with any election or voter.³³ Relatedly, it is a felony offense for any poll worker to disclose for whom an elector voted.³⁴ Florida law further requires that prior to opening the polls, the clerk or supervisor must designate and mark the boundaries of a no-solicitation zone of 150 feet around the polling location or secure ballot intake station (drop box).³⁵ No person — including, but not limited to, poll workers — may solicit voters or otherwise engage “in any activity with the intent to influence or effect of influencing a voter” within this perimeter.³⁶

Poll workers may not prevent eligible voters from casting a ballot. Florida poll workers receive challenges filed by voters or poll watchers on Election Day.³⁷ Upon receipt of a properly filed written challenge, poll workers must allow the challenged voter to cast a provisional ballot.³⁸ Similarly, any voter who arrives at the polls without identification must be allowed to cast a provisional ballot.³⁹ In other words, Florida voters who affirm they are qualified should not leave a polling location without at least the opportunity to cast a provisional ballot.⁴⁰ And when verifying identification or otherwise determining voter eligibility, poll workers must strive to apply the relevant portions of Florida’s election code uniformly and consistently across all voters at their polling place. Applying any standard, practice, or procedure differently to one individual than to other individuals in the precinct constitutes a clear violation of state law.⁴¹

Poll workers must assist voters in two-person teams. To ensure impartiality and fairness, state law and Florida Department of State guidance require that any voter who requires assistance marking the ballot or using voting equipment be assisted by two poll workers of different parties.⁴² If two poll workers of different parties are not present, two poll workers of the same party must assist the voter.⁴³

Poll workers may not tamper with voting systems or election equipment. In Florida, it is a felony offense to tamper or attempt to tamper with or destroy any voting system or equipment in an effort to interfere with the election process.⁴⁴

Available Enforcement Mechanisms

Florida election officials have broad authority to appoint, remove, oversee, and train poll workers to ensure that elections run smoothly and remain free from disruptions.⁴⁵ Available enforcement mechanisms include:

Screening process. As noted above, each county supervisor maintains control over the poll worker appointment process.⁴⁶ Consistent with this authority, supervisors can refuse to appoint individuals who cannot meet or are unwilling to follow the above eligibility criteria and constraints.

Training content. As noted above, state law requires poll workers and deputy sheriffs to complete training through their county supervisor prior to serving on Election Day.⁴⁷ At this training, county officials should remind poll workers about relevant laws and rules, including their duty to answer only to the election officials and workers within their chain of command rather than their political parties, any party official, or any other outside individual or entity. These training sessions provide an opportunity for officials to clearly explain the checks in place to prevent voter fraud or manipulation of the election process and provide context to correct common rumors and misperceptions.

Assigning poll workers. Given the clerk's role in overseeing the election process and inspectors, supervisors should choose — to the extent possible — to appoint only individuals with substantial previous poll worker experience and demonstrated knowledge of voting procedures to serve in this role. If they do not already, local officials should aim to track where first-time poll workers (at all levels) are placed, distribute first-time poll workers evenly across the jurisdiction, and ensure that every precinct has at least one poll worker with previous experience.

Removal. As detailed above, in the event that a poll worker refuses to comply with their duties, follow applicable laws, or otherwise disrupts the election process, that poll worker should be immediately removed and replaced.⁴⁸ In case a disruption occurs, counties should also prepare — to the extent they do not already have one — a set removal plan and procedure. This plan could include: (1) a written list of common grounds for removal; (2) properly documenting the cause of the removal and all parties involved; and (3) maintaining, if possible, a list of back up poll workers to cover staffing shortages. In fact, Florida law already provides guidance as to replacements; persons who have completed the requisite training requirement within two years

before the election should be prioritized as replacements, and any replacement poll worker must be a member of the same political party as their predecessor.⁴⁹

Dispute resolution. Under Florida law, the clerk and inspectors at a polling place must decide any question based on a majority vote.⁵⁰ State law already provides that poll workers must be trained in problem-solving and conflict-resolution skills in the event that disputes arise on a given question.⁵¹ If they have not already done so, county officials may further choose to create a set procedure for reporting disputes up the chain of command so they can be quickly resolved.

Oath of office. The oath of office provides a strong legal basis for preventing and addressing abuses by poll workers.⁵²

¹ See, e.g., Fla. Stat. § 102.014(6) (explaining that in Florida, county election officials “work with the business and local community to develop public-private programs to ensure the recruitment of skilled” poll workers).

² Fla. Stat. § 102.012(1)(a).

³ *Id.* Election boards are distinct from county canvassing boards, which are comprised of the supervisor of elections, a county court judge, and the chair of the county board of commissioners. See FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS CANVASSING BOARD MEMBERSHIP AND ACTIVITIES (Sept. 2019), <https://soe.dos.state.fl.us/pdf/DE%20Guide%200020-%20Canvassing%20Board%20Membership%20and%20Activities.pdf> (last visited Sept. 23, 2022).

⁴ See, e.g., PALM BEACH COUNTY SUPERVISOR OF ELECTIONS, POLL WORKER APPLICATION FORM, <https://www.pbcelections.org/Poll-Workers/Poll-Worker-Application-Form> (last visited Sept. 6, 2022).

⁵ Fla. Stat. §§ 102.012(2); Fla. Stat. § 97.041(1)(a), (2)(b).

⁶ Fla. Stat. § 97.041(1)(b).

⁷ Fla. Stat. § 102.012(2).

⁸ Fla. Stat. § 102.012(1)(a).

⁹ *Id.*

¹⁰ See generally, U.S. CONST. amend. I.

¹¹ Fla. Stat. § 102.014(1)–(4).

¹² Fla. Stat. § 102.014(1), (7).

¹³ Fla. Stat. § 102.014(4).

¹⁴ Fla. Stat. § 102.014(1).

¹⁵ *Id.* See also, e.g., MIAMI-DADE COUNTY ELECTIONS DEPARTMENT, POLL WORKERS’ COMBINATION TRAINING MANUAL, <https://www.miamidade.gov/elections/library/guidelines/poll-worker-combination-training-manual.pdf> (last visited Sept. 21, 2022).

¹⁶ Fla. Stat. §§ 102.012(1)(a), 102.021(1).

¹⁷ Fla. Stat. §§ 102.014(3), 104.051(1).

¹⁸ Fla. Stat. § 102.012(2). Note that an exception exists for primaries in which only one party has candidates appearing on the ballot.

¹⁹ Fla. Stat. §§ 102.012(1)(a), 102.031(2).

²⁰ Fla. Stat. §§ 102.012(4), 101.043, 101.23, 102.031(1)–(2), 102.071.

²¹ FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS, POLLING PLACE PROCEDURES MANUAL 5, https://files.floridados.gov/media/703005/adopted-clean-de11_pollplaceprocmanual.pdf (last visited Sept. 22, 2022) (hereinafter “Poll Manual”); see also, e.g., MIAMI-DADE COUNTY ELECTIONS POLL WORKER FREQUENTLY ASKED QUESTIONS (FAQS), <https://www.miamidade.gov/elections/library/instructions/poll-worker-recruitment-faq.pdf> (last visited Sept. 22, 2022); PINELLAS COUNTY SUPERVISOR OF ELECTIONS POLL WORKER INFORMATION, <https://www.voteinellas.gov/Become-an-Election-Worker/Poll-Worker-Information> (last visited Sept. 22, 2022).

²² Poll Manual, *supra* note 21, at 5.

²³ Fla. Stat. § 102.031; Poll Manual, *supra* note 21, at 6.

²⁴ Fla. Stat. §§ 102.014(1), 102.021(1).

²⁵ Fla. Stat. §§ 102.031, 102.101; Poll Manual, *supra* note 21, at 33.

²⁶ Fla. Stat. § 102.012(1)(a).

²⁷ Fla. Stat. §§ 102.012(1)(a), 104.011, 104.051, 104.11.

²⁸ 52 U.S.C. §§ 10101(b), 10307(b); 42 U.S.C. § 1985(3); 18 U.S.C. § 594; Fla. Stat. §§ 104.0515(3), 104.0615(2).

²⁹ *Id.*

³⁰ Fla. Stat. § 104.061.

³¹ See, e.g., U.S. DEP’T OF JUSTICE, FEDERAL LAW CONSTRAINTS ON POST-ELECTION “AUDITS” (July 8, 2021), <https://www.justice.gov/opa/press-release/file/1417796/download> (explaining federal voter intimidation laws and explaining that intimidation may be in the form of both physical and non-physical threats); see also INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION, GEORGETOWN LAW, FACT SHEET: PROTECTING AGAINST VOTER INTIMIDATION, <https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/10/Voter-Intimidation-Fact-Sheet.pdf> (last visited Sept. 22, 2022). See also, e.g., Poll Manual, *supra* note 21 at 26 (instructing poll workers to treat every voter with “dignity and respect” as to “words, tone, and actions”).

³² Fla. Stat. § 104.0615(3).

³³ Fla. Stat. §§ 104.31(1)(a), 104.051(4).

³⁴ Fla. Stat. § 104.23. Further, any photography of the polling room (with the exception of voters who photograph their own ballot) is generally prohibited. Fla. Stat. § 102.031(5).

³⁵ Fla. Stat. § 102.031(4)(a).

³⁶ Fla. Stat. § 102.031(4)(b).

³⁷ Fla. Stat. § 101.111(1)(a), (c). Given their role in receiving challenges, poll workers generally do not file challenges while working an election, and supervisors of elections, not poll workers, are charged with investigating fraudulent registrations and illegal voting. Fla. Stat. § 104.42.

³⁸ Fla. Stat. § 101.111(b), (c). If the basis for the challenge is that the voter's legal residence is not in that precinct, the voter must first be given the opportunity to execute a change of legal residence in order to vote a regular ballot. Fla. Stat. § 101.111(b)(2).

³⁹ Fla. Stat. § 101.43(2).

⁴⁰ Under Florida law, individuals can face misdemeanor charges for making frivolous challenges and felony charges for knowingly using false information to challenge a voter. Fla. Stat. §§ 101.111(2), 104.0615(3)(a).

⁴¹ Fla. Stat. § 104.0515(2)(a), (5).

⁴² Fla. Stat. § 101.051(1); Poll Manual, *supra* note 21, at 25.

⁴³ Poll Manual, *supra* note 21, at 25.

⁴⁴ Fla. Stat. § 104.30(2).

⁴⁵ Fla. Stat. §§ 102.012(1)(a), 102.014(1), 104.051(1).

⁴⁶ Fla. Stat. § 102.012(1)(a).

⁴⁷ Fla. Stat. § 102.014.

⁴⁸ Fla Stat. §§ 102.014(3), 104.051(1).

⁴⁹ Fla. Stat. § 102.014(2), (3).

⁵⁰ Fla. Stat. § 102.012(1)(a).

⁵¹ Fla. Stat. § 102.014(1).

⁵² Fla. Stat. § 102.012(1)(a).