



FLORIDA ELECTION OBSERVERS: RULES AND CONSTRAINTS

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Election observers, referred to as “poll watchers” and “observers” in Florida, are individuals who monitor polling places and ballot counting sites, respectively. While election observers 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 rules and constraints regarding who can serve as election observers and what they can do. Additionally, both Congress and the Department of Justice may send federal observers to monitor elections for compliance with voting and civil rights laws. More information can be found [here](#). Florida’s rules on poll watchers and observers, which derive both from the state’s election code and from the Florida Division of Elections’ Polling Place Procedures 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. All designees are subject to approval by the relevant county’s supervisor of elections.¹
- Candidates and law enforcement officers are ineligible to be designated as poll watchers.²
- Poll watchers must be registered voters of the county in which they serve.³
- 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 upon request.⁴
- Members of the public may observe the ballot counting process but may not handle ballots or interfere with the orderly counting of ballots.⁵
- Members of the public may inspect sealed vote-by-mail envelopes and voter certificates, but must do so at a reasonable time and may not handle ballots.⁶

1 Fla. Stat. § 101.131(2).

2 Fla. Stat. § 101.131(3).

3 Fla. Stat. § 101.131(1).

4 Fla. Stat. § 101.5614(4)(a).

5 Fla. Stat. § 101.5614(1).

6 Fla. Stat. § 101.572(1).



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.⁷
- Poll watchers must wear badges that identify them by name.⁸
- 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. The election inspector may regulate access to the lists to ensure that such inspection does not unreasonably interfere with the orderly operation of the polling place.⁹
- Poll watchers can challenge a person's eligibility to vote via a written and sworn form stating the grounds for the challenge, but frivolous challenges are a criminal offense.¹⁰ More information on the rules and constraints on voter eligibility challenges in Florida can be found [here](#).
- 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 may receive reasonable access if time and the volume of ballots to process allow.¹²

Prohibited 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 (e.g., vote-by-mail dropbox), including wearing any campaign items.¹⁵
- **Intimidation:** Under Florida law, 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

7 Fla. Stat. § 101.131(1). See also Florida Department of State, Division of Elections, *Polling Place Procedures Manual*, July 2024, 15, <https://perma.cc/62D4-3UUL> (noting that poll watchers can observe the conduct of the election, but may not obstruct the orderly conduct of the election).

8 Fla. Stat. § 101.131(5).

9 Fla. Stat. § 101.23.

10 Fla. Stat. § 101.111(1)(a),(2).

11 Fla. Stat. § 101.5614(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); Florida Department of State, Division of Elections, *Polling Place Procedures Manual*, 10.

16 Fla. Stat. § 104.0615(2).



- **Carrying Weapons:** No person, including poll watchers, may carry a handgun—openly or concealed—or other concealed 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
- **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. Watchers may use mobile electronic devices, but they may not take phone calls inside the polling location, and their devices must be set to 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 More information on the federal and state laws that protect Florida voters from intimidation can be found [here](#).

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

17 Fla. Stat. § 790.06(12)(a)(6).

18 Fla. Stat. § 102.031(5).

19 Florida Department of State, Division of Elections, *Polling Place Procedures Manual*, 15.

20 Florida Department of State, Division of Elections, *Polling Place Procedures Manual*, 15.

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

22 Fla. Stat. § 102.031(1), (4)(c).

23 Fla. Stat. § 102.031(2).

24 Fla. Stat. § 102.031(4)(c).