



# R. JOYCE GRIFFIN

Supervisor of Elections

Monroe County, Florida

[www.KeysElections.org](http://www.KeysElections.org)

Make a copy of this document for candidate's records **CP 18**

## **Poll Watcher information**

F.S. 101.111 Challenging a Voter

F.S. 101.131 Watchers at polls

Attached you will find a copy of Florida Statute 101.131 regarding poll watchers at the polls, DS-DE 125 Designation of Poll Watchers Form to be used in submitting names for approval by the Supervisor of Elections, and a copy of Florida Statute pertaining to entering a challenge.

1. You may have one watcher in each polling area at any one time.
2. Watchers shall be allowed within the polling room to: Watch and observe the conduct of electors and officials.
3. Watchers shall not obstruct the orderly conduct of any election.
4. Watchers shall not question voters. All challenges of any voter shall be reduced to writing and delivered to the precinct clerk or inspector before the voter cast the ballot.

Please advise your poll watchers of the above mentioned items. If you have any questions, please don't hesitate to contact our office at 292-3416. We are here if you need us.

## **Acknowledgement – Poll watcher information**

**See attached:** DS-DE 125 Designation of Poll Watchers Form

\_\_\_\_\_  
Candidate's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Candidate's Name

Key West Office: 530 Whitehead Street #101 • Key West, Florida 33040-6577 • (305) 292-3416

Marathon Office (MM 52.5): 10015 Overseas Highway • Marathon, Florida 33050-9701 • (305) 289-6017

Key Largo Office (MM 102): Murray Nelson Center • 102050 Overseas Hwy. # 137 • Key Largo, Florida 33037-9700 • (305) 453-8740

#### 101.111 Voter challenges.—

(1)(a) Any registered elector or poll watcher of a county may challenge the right of a person to vote in that county. The challenge must be in writing and contain the following oath, which shall be delivered to the clerk or inspector:

#### OATH OF PERSON ENTERING CHALLENGE

State of Florida  
County of \_\_\_\_\_

I do solemnly swear or affirm that my name is \_\_\_\_\_; that I am a member of the \_\_\_\_\_ Party; that I am a registered voter or pollwatcher; that my residence address is \_\_\_\_\_, in the municipality of \_\_\_\_\_; and that I have reason to believe that \_\_\_\_\_ is attempting to vote illegally and the reasons for my belief are set forth herein to wit: \_\_\_\_\_

\_\_\_\_\_  
(Signature of person challenging voter)

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_.

\_\_\_\_\_  
(Clerk of election)

(b)1. The clerk or inspector shall immediately deliver to the challenged person a copy of the oath of the person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048, except as provided in subparagraph 2.

2. If the basis for the challenge is that the person's legal residence is not in that precinct, the person shall first be given the opportunity to execute a change of legal residence in order to be able to vote a regular ballot in accordance with s. 101.045(2). If the change of legal residence is such that the person is then properly registered for that precinct, the person shall be allowed to vote a regular ballot. If the change of legal residence places the person in another precinct, the person shall be directed to the proper precinct to vote. If such person insists that he or she is currently in the proper precinct, the person shall be allowed to vote a provisional ballot in accordance with s. 101.048.

(c) Alternatively, a challenge in accordance with this section may be filed in advance with the supervisor of elections no sooner than 30 days before an election. The supervisor shall promptly provide the election board in the challenged voter's precinct with a copy of the oath of the person entering the challenge. The challenged voter shall be allowed to cast a provisional ballot in accordance with s. 101.048, subject to the provisions of subparagraph (b)2.

(2) Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083; however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.

**History.**—s. 43, ch. 4328, 1895; GS 227; s. 43, ch. 6469, 1913; RGS 272, 347; CGL 328, 404; s. 5, ch. 26870, 1951; s. 10, ch. 27991, 1953; s. 23, ch. 28156, 1953; s. 4, ch. 65380; s. 13, ch. 77-175; s. 554, ch. 95-147; s. 9, ch. 99-6; s. 17, ch. 2003-415; s. 27, ch. 2005-277; s. 10, ch. 2006-1; s. 17, ch. 2008-95; s. 4, ch. 2010-167.

**Note.**—Former ss. 99.26, 102.42.

#### 101.131 Watchers at polls.—

(1) 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.

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the supervisors of elections, on a form prescribed by the division, before prior to noon of the second Tuesday preceding the election poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the supervisor of elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for ~~each polling rooms room~~ shall be approved by the supervisor of elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the supervisor of elections no later than 7 days before early voting begins. The supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling ~~rooms room~~ or early voting ~~areas area~~. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

(3) No candidate or sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.

(4) All poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided in this section.

(5) The supervisor of elections shall provide to each designated poll watcher, no later than 7 days before early voting begins, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the polling room or early voting area.

Section 28. Subsections (1), (2), and (3) of section 101.151, Florida Statutes, are amended to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



## Designation of Poll Watchers

<b>Section 1. Election</b>				<b>Official Use Only</b>		
Election Date: <input style="width: 150px;" type="text"/> Select Early Voting or Election Day: <input style="width: 150px;" type="text"/>				<b>Complete Only One of the Boxes Below:</b> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>		
<b>Section 2. Category of Authorized Persons</b> I am a <b>candidate</b> (or candidate designee*) for the following office in this election: I am the <b>chair</b> (or designee*) of the County Executive Committee of the following Party: I am the <b>chair</b> (or designee*) of the following Political Committee:						
* A candidate or chair as indicated above must first submit a written, signed designation to the supervisor of elections (or for statewide candidates/issues, to the Division of Elections) authorizing the designee to designate poll watchers on his or her behalf.						
<b>Section 3. Candidate/Chair/Designee</b> I request that the listed person(s) below (none of whom is a candidate or a sheriff, deputy sheriff, police officer or other law enforcement officer), who are qualified and registered voters of the county in which they will serve, be approved as poll watchers at the locations indicated below.						
Name: <input style="width: 100%;" type="text"/> Address: <input style="width: 100%;" type="text"/> Email address: <input style="width: 100%;" type="text"/> Phone: <input style="width: 100%;" type="text"/>						
By submitting this form, I certify that I am the person listed above and I am authorized under s. 101.131, Florida Statutes, to designate poll watchers.						
Date Submitted: <input style="width: 80px;" type="text"/>		Note: This form becomes a public record when submitted to the Supervisor of Elections.				
<b>Section 4. List of Designated Poll Watchers</b>					<b>Official Use Only</b>	
Name	Date of Birth (mm/dd/yyyy)	Residential Address	Phone #	Polling Place / Early Voting Site (Either write "All Locations" or specify location)	Approved (Y/N)	Assigned Badge Number

## Designation of Poll Watchers

Name	Date of Birth (mm/dd/yyyy)	Residential Address	Phone #	Polling Place / Early Voting Site (Either write "All Locations" or specify location)	Approved (Y/N)	Assigned Badge Number

Note: This instructional page need not be included with submission of the DS-DE 125.

#### INSTRUCTIONS FOR POLL WATCHER DESIGNATIONS

1. Each candidate/political party/political committee may have only one poll watcher per polling room or early voting area at any one time.
2. A candidate whose name will appear on the ballot in a future election may not designate poll watchers for an election in which the candidate's name is not on the ballot.
3. Designation of Poll Watchers, Form DS-DE 125, must be used to request designation of poll watchers. **Separate forms must be submitted for designating Early Voting and Election Day poll watchers.** Sufficient information concerning the desired poll watcher must be completed on the form so that the Supervisor of Elections can identify the person as a registered voter in the supervisor's county.
4. Form DS-DE 125 and any attachments to it may be provided to the supervisor of elections by personal delivery, mail, fax, or email.
5. The deadlines to submit a request for poll watcher designation:  
For Early Voting (EV) -- No later than noon at least 14 days before EV begins.  
For Election Day -- No later than noon of the second Tuesday preceding the election.
6. The Supervisors of Elections must approve or disapprove the designation of poll watchers for early voting areas no later than 7 days before the start of early voting and the designations for poll watchers for polling rooms on Election Day, on or before the Tuesday before the election.

#### POLL WATCHERS

A poll watcher:

1. Must be a qualified and registered voter of the county in which they serve as poll watcher.
2. Cannot be a candidate, sheriff, deputy sheriff, policeman, or other law enforcement officer.
3. Who is designated for a specific location is not precluded from going to another polling room/EV area if the number of poll watchers at any particular polling room/EV area does not exceed the allowable number for the applicable candidate/political party/political committee.
4. Who is designated for "All locations/areas" (at-large) is not permitted to be present in a polling room/EV area at the same time as another poll watcher designated by the same candidate/political party/political committee.
5. Will be provided a Poll Watcher Identification Badge by the Supervisor of Elections. The poll watcher must wear his or her Poll Watcher Identification Badge while in the polling room or EV area.
6. Must bring his or her own materials and necessities.
7. Is allowed within the polling room to observe the conduct of the election. He or she *may not* obstruct the orderly conduct of the election.
8. May observe the voter check-in process. He or she may not come closer to the inspectors' table or the voting booths than is reasonably necessary to perform the poll watcher's functions.
9. May not speak to or otherwise interact with voters nor provide assistance to a voter in any way with the voting of his/her ballot, unless a Request for Assistance Form is completed at the voter's request.
10. May make and provide written voter challenges to the precinct clerk.
11. Shall pose any questions regarding polling place procedures directly to the precinct clerk for resolution.

Note: For further details or requirements governing the designation and conduct of poll watchers, refer to sections 101.131 and 101.111, Florida Statutes; Rule 15-2.034 of the Florida Administrative Code; and the rule's incorporated form, DS-DE 11, which contains the Polling Place Procedures Manual.