



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

March 23, 2022

The Honorable Mark Andersen
Supervisor of Elections, Bay County
830 W. 11th St.
Panama City, Florida 32401

Re: DE 22-05 Polling Place Address – Notice
of Change §§ 97.071; 101.71, Florida
Statutes

Dear Supervisor Andersen:

This letter responds to your request for an advisory opinion regarding the definition of a “polling place address” and the requirement that a new voter registration card be mailed to electors when the address of the polling place changes. Because you are a supervisor of elections proposing to take action related to Florida’s election laws, the Division of Elections is authorized to issue an opinion to you pursuant to section 106.23(2), Florida Statutes (2019).

FACTS

Your request for an advisory opinion asks several questions:

- (1) What is the definition of a “polling place address?”
- (2) What does the statute require a supervisor to provide the electorate with respect to the address of a polling place?
- (3) If the polling place address changes on a temporary or emergency basis, must the supervisor issue new voter information cards to electors?
- (4) Is a website or a phone number ever sufficient information for a “polling place address?”

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The short answer to your questions is that the Florida Election Code requires a supervisor to designate a single polling place at a physical address and inform the electors of that location whenever the supervisor issues a voter information card. If the designated polling place location is permanently changed, the supervisor is required to issue every elector a new voter information card with the updated designated polling place location. If the polling place location is changed on a temporary basis, the supervisor is required to provide every elector written notice. If there is an emergency that requires the supervisor to change the polling place location on short notice, the supervisor is required to post a written notice on the originally designated polling place location to inform the electors of the new location. Lastly, the Florida Election Code does not authorize a supervisor to place a website or a phone number in the “polling place address” box on a voter information card. A supervisor may, however, place a website or phone number in either the “contact information of supervisor” box or the “other information deemed necessary by the supervisor” box of a voter information card.

ANALYSIS

The Florida Election Code requires supervisors of elections to designate a polling place within each voting precinct of each county. § 101.001(1), Fla. Stat. The supervisor is then required to issue all registered voters a voter information card that contains, among other things, the polling place address that the registered voter can physically vote at on election day. § 97.071(1)(h), Fla. Stat. A “polling place” is defined as “the building which contains the polling room where ballots are cast.” § 97.021(29), Fla. Stat. Thus, a “polling place address,” is the physical address of the designated polling place in each precinct of each county. § 101.71(1), Fla. Stat.

Additionally, a supervisor is required to furnish registered voters with a new voter information card in the event the designated polling place is changed. § 97.071(3), Fla. Stat. The new voter information card must contain the updated physical address of the newly designated polling place designated under section 101.001. *Id.*

However, the temporary and emergency polling place location provisions contained in sections 101.71(2)-(3), provide their own notification requirements and are therefore separate from the general notification requirements set forth in section 97.071(3). *See Antonin Scalia & Bryan A. Garner, Reading Law: The Interpretation of Legal Texts* 107-11 (2012) (when statutory language identifies one way of performing a task, it may reasonably be interpreted to exclude additional ways of performing that same task).

If the supervisor determines that the permanent designated polling place is insufficient to hold an election:

[T]he supervisor shall, not less than 30 days prior to the holding of an election, provide for the voting place for such precinct to be moved to another site that is accessible to the public on election day in said precinct or, if such is not available, to another site that is accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more

precincts being located for the purposes of an election in one building, the supervisor of elections shall provide adequate supplies, equipment, and personnel are available to accommodate the voters for the precincts that are collocated. *When any supervisor moves any polling place pursuant to this subsection, the supervisor shall, not more than 30 days or fewer than 7 days prior to the holding of an election, give notice of the change of the polling place for the precinct involved, with clear description of the voting place to which changed, at least once in a newspaper of general circulation in the county and on the supervisor of elections' website. A notice of the change of the polling place involved shall be mailed, at least 14 days prior to an election, to each registered elector or to each household in which there is a registered elector.*

§ 101.71(2), Fla. Stat. (Emphasis added).

Similarly, in the event of an emergency that renders the designated polling place unavailable within the thirty-day time limit set forth in section 101.71(2), “the supervisor of elections shall designate a new polling place which shall be accessible to the public on election day and shall cause a notice to be posted at the old polling place advising the electors of the location of the new polling place.” § 101.71(3), Fla. Stat. (emphasis added).

However, if the supervisor was utilizing sections 101.71(2)-(3), to permanently change a polling place address, then section 97.071(3)'s requirement would apply because the limiting statutory language would no longer apply to a “temporary” or “emergency” polling place location.

Lastly, your request for an advisory opinion asks whether an internet address or telephone number can be used in place of a physical address on the voter information cards. As discussed above, the term “polling place” has an explicit statutory definition that does not include an internet address or a telephone number. Accordingly, the physical address of the physical polling place location must be provided on the voter information card to comply with the statutory mandate under section 97.071. There should, at all times, be a designated permanent polling place location for each precinct as required under sections 97.071, 101.001, and 101.71(1). The polling place designated by the supervisor under section 101.001 remains such until a supervisor officially changes the designated polling place under section 101.001(4)(a). Accordingly, a supervisor may not issue a voter information card that contains an internet address or telephone number in lieu of a physical address for the polling place address. A supervisor may, however, place a website or phone number in either the “contact information of supervisor” box or the “other information deemed necessary by the supervisor” box of a voter information card. § 97.071(i), (j), Fla. Stat.

SUMMARY

The Florida Election Code requires a supervisor to designate a single polling place at a physical address and inform registered voters of that location whenever the supervisor issues a voter information card. If the designated polling place location is permanently changed, the supervisor is required to issue every registered voter a new voter information card with the updated designated polling place location. If the polling place location is changed on a temporary basis, the supervisor is required to provide every elector written notice. If there is an emergency that requires the supervisor to change the polling place location on short notice, the supervisor is required to post a written notice on the originally designated polling place location to inform the electors of the new location. Lastly, the Florida Election Code does not authorize a supervisor to place a website or a phone number in the “polling place address” box on a voter information card. A supervisor may, however, place a website or phone number in either the “contact information of supervisor” box or the “other information deemed necessary by the supervisor” box of a voter information card.

Respectfully,

A handwritten signature in blue ink, appearing to read "M. Matthews", is positioned above the typed name.

Maria I. Matthews, Esq.
Director, Division of Elections