

Polling Place Procedures Manual



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Polling Place Procedures Manual

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I. The Election Team

(Sections 101.5610, 102.012, Fla. Stat.)

The Election Team consists of the Election Board and the deputy. The Election Board focuses on election issues inside the polling room. The deputy organizes the process outside the polling room during the early voting period and on Election Day.

On Election Day, the Election Team must arrive at its assigned polling place no later than 6 a.m. in order to set up the room. Everything must be set up and the polls ready to open by 7 a.m. The set-up is to include making accessible voting equipment for persons with disabilities operational by the opening of the polls and throughout the voting day, even if you do not expect anyone to use the equipment.

For the early voting period, follow the directions given to you by the supervisor of elections as early voting hours may vary from day to day and site to site. Set up accessible voting equipment for persons with disabilities and make it operational by the opening of the early voting area and throughout the voting day, even if you do not expect anyone to use this equipment. Post all required signs, such as the Voter's Bill of Rights and Responsibilities, and the following notice: *Only persons with disabilities have the option of voting on a touch screen machine or ballot marking device which allows persons with disabilities ~~them~~ to vote without assistance.*

All forms referenced herein are in your election materials.

Definitions

Clerk: This is the person who is in charge of a polling place during an election. The term also refers to the supervisor or site manager at early voting sites.

Election Board: The board consists of all assigned poll workers except deputies.

Polling Place: The building which contains the polling room where either early

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voting or Election Day voting occurs. On Election Day, a polling place is designated for each precinct.

Polling Room: This is the room (or in the case of early voting, the area designated) in which ballots are cast on Election Day and during early voting.

Poll Workers: Clerks, equipment managers, ballot managers, assistants, deputies, and inspectors fall under the general category of poll workers.

Precinct: This refers to geographic areas that local government has divided for election purposes. The boundaries then determine which issues and offices a voter can vote upon in an election, depending on the voter's residential address within a particular geographic area.

Precinct Register: Precinct register refers to either the computer printout or electronic database. (*Section 98.461(2), Florida Statutes*).

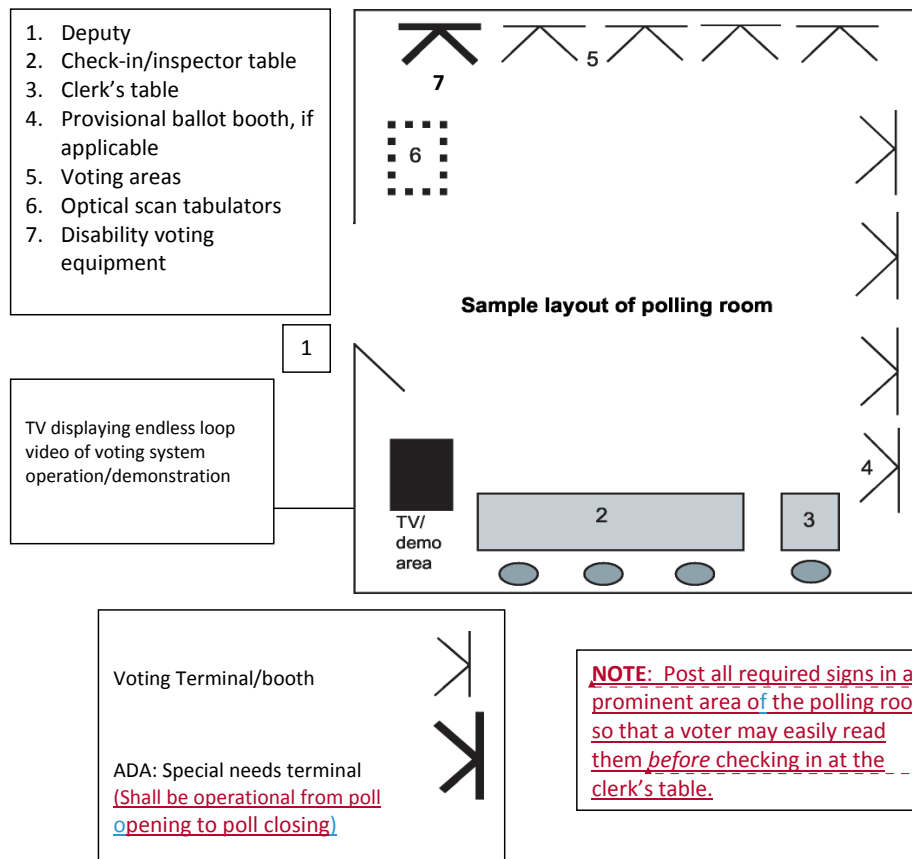
Uniformed Services Members: This term includes any member of the Army, Navy, Air Force, Marine Corp, and Coast Guard, the commissioned corps of the Public Health Service (PHS), and the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA).

Voting Area: This is the area designated by the supervisor of elections at the early voting or Election Day voting sites where voting activities occur including, but not limited to: lines of voters waiting to be processed; the area where voters check in and are processed; and the area where voters cast their ballots.

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Polling Room Diagram

The following diagram is an example of a basic set-up for a polling room. Not all polling rooms are or need to be configured the same. However, make every effort to set up the voting booths in a way that makes it impossible for one voter to see another voter's ballot.



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II. The Polling Place

A. Who IS allowed in the polling room?

(Sections 101.051, 102.031(3), Fla. Stat.)

While the polls are open, the only persons allowed in the polling room on Election Day or during the early voting period are:

- Poll workers
- The supervisor of elections or deputy supervisor of elections
- Voters who are present to vote
- A person (such as an elderly person or a child) in the care of a voter
- A person caring for a voter or assisting a voter (for example, someone assisting a voter who cannot read or does not speak English or assisting an elderly person or a person with disabilities)
- A person who is helping with or participating in a simulated election for minors which has been approved by the supervisor of elections (for example, the Kids Voting program)
- Poll watchers approved by the supervisor of elections
- Election observers appointed by the Department of State

The public is allowed to enter the polling room and watch the procedures before the polls open and after the polls close and all voters have cast their ballots.

B. Who IS NOT allowed in the polling room?

(Section 102.031, Fla. Stat.)

While the polls are open, the following persons or activities *are not* allowed in the polling room on Election Day or during the early voting period:

- Candidates, except to vote.
- Members of the media, except to vote.
- Law enforcement officers or emergency service personnel in a capacity other than as voter, unless permitted by the clerk or a majority of the Election Board.

No photography by any means is allowed in the polling room or early voting area. This prohibition also applies to operational security cameras within the polling room. If they remain operational, they must be covered so filming or video recording of voters and ballots cannot occur.

If the polling room is in a location commonly used by the public to gain access to businesses or homes (such as the lobby of a condominium) or in an area traditionally used as public area for

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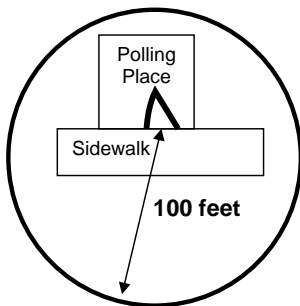
discussion (such as a mall), there may be other people traveling through the polling area. However, care should be taken that these people do not interfere with the voting process.

C. Solicitation Restrictions

(Sections 101.051(2), 102.031, Fla. Stat.)

No person or group may solicit voters inside the polling place. Subject to the exception mentioned below~~discussed~~, no person or group may solicit voters within 100 feet of the entrance to the polling place or early voting site.

Before the polls open, the clerk or supervisor of elections shall designate the no-solicitation zone and mark the boundaries.



The words "solicit" and "solicitation" include such things as:

- Asking someone for his or her vote;
- Offering to provide someone assistance to vote;
- Asking for someone's opinion;
- Asking for a contribution;
- Displaying political advertisements or campaign materials, except for voters who, without loitering, directly enter and exit the polling place when they are present to vote. These voters may wear campaign paraphernalia, e.g. campaign buttons, shirts and hats.
- Distributing any political or campaign material or handout;
- Conducting a poll [note 'exit polling' exception below];
- Asking someone for his or her signature on a petition;~~or~~
- Selling any type of item.

The **only exception** to the no-solicitation law is for exit polling which media or others may conduct. They may approach voters only *after* voters leave the polling place.

The supervisor of elections or the clerk may take any reasonable action to ensure order is maintained at the polling place. That means, if necessary, having law enforcement officers remove disruptive persons from either the polling room or from the no-solicitation zone.

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D. The Election Team

Poll workers must remain nonpartisan during the early voting period and on Election Day.

- DO NOT discuss any candidate, political party, issue, or any related topic with other poll workers, poll watchers, or voters.
- DO NOT wear campaign buttons, shirts, hats, or any other items that are politically oriented.

E. Poll Watchers

(Sections 101.111, 101.131, 101.23, 102.031(3), Fla. Stat.)

Political parties, candidates and some political committees are allowed to have poll watchers in each polling room during the early voting period and on Election Day. Poll watchers must be approved by the supervisor of elections prior to the election. The supervisor of elections will provide each polling place a list of the names of approved poll watchers.

Approved poll watchers are allowed in all polling locations within the county designated. However, each political party, candidate or political committee may have only one poll watcher present at any one time in each polling room when the polls are open on Election Day, or during designated early voting hours.

- Poll watchers must wear their identification badges.
- Poll watchers are allowed within the polling room to observe the conduct of the election. They *may not* obstruct the orderly conduct of the election.
- Poll watchers may observe the voter check-in process. They *may not* come closer to the inspectors' table or the voting booths than is reasonably necessary to perform the poll watcher's functions.
- Poll watchers *may not* speak to or otherwise interact with voters.
- Poll watchers may make written voter challenges with the precinct clerk.
- Poll watchers are not allowed to wear campaign buttons, shirts, hats, or other campaign items while they are in the polling room.
- Poll watchers should pose any questions regarding polling place procedures to the clerk for resolution.

F. Voters

Voters may bring in pre-marked sample ballots or campaign literature for their personal use. They *may not* use these for campaigning purposes.

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Voters may wear campaign buttons, shirts, hats, or any other campaign items when they enter the polling place to vote; voters may not otherwise campaign there.

After each voter leaves, a poll worker must check the voting booth to make sure that the voter cast his or her ballot and that no literature or other materials have been left in the booth. Poll workers must remove and discard any sample ballots or campaign material left by a voter in the polling place.

III. Voter Eligibility

A. Voter Check-in

(Sections 101.23, 101.043, 101.045, 101.49, Fla. Stat.)

All voters are required to check-in (e.g., present the required identification and sign the precinct register or electronic device) and to have their eligibility determined prior to voting.

1. When a voter presents to vote, ask the voter for a current and valid photo ID and signature.

The following forms of photo ID are acceptable by law:

- Florida driver's license

- Florida ID card issued by the Department of Highway Safety and Motor Vehicles
- U.S. passport
- Debit/credit card
- Military ID
- Student ID
- Retirement center ID
- Neighborhood association ID
- Public assistance ID (Social Security or other social services)
- Veteran health ID card issued by the U.S. Department of Veterans Affairs
- License to carry a concealed weapon or firearm issued pursuant to section 790.06, Fla. Stat.
- Employee ID card issued by any branch, department, agency, or entity of the Federal Government, the state, county, or a municipality.

It is acceptable for a voter to present one ID that includes both the photo and signature (e.g., Florida driver's license) or a photo ID and a signature ID (e.g., a student ID with a photo and a credit card with the voter's signature).

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2. Compare the person in the photo to the person who presents himself or herself to vote.

- If determined to be the same person, proceed to paragraph 3.
- If you doubt they are the same person, the voter shall be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.
- If the voter does not present the proper photo and signature ID, he or she shall still be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.

3. Locate the voter's name on the precinct register.

- If the voter's name is on the precinct register, proceed to paragraph 4.
- If the voter's name is *not* on the precinct register, follow the procedure for *Voter's Name is Not on the Precinct Register* on page 10 before continuing the *Voter Check-in* process.

- Be thorough when looking for a voter's name. For example, if the person states that her name is "Mary Smith-Collins," search under the names of "Smith Collins," "Smith-

Collins," "Smith," and "Collins." If the person's name includes an ethnic surname such as "Maria Morena de Arroyo," search for "Moreno," "deArroyo," or "Arroyo."

- Be careful not to confuse voters' with the same name but different suffixes such as Sr., Jr., or II, or voters who are twins with similar sounding names like Terriyana and Terrian or Ethan and Evan.

4. Ask each voter (if you have not already asked before an ID was presented) if he or she has any address change or update to make. However, if you see that the address on the photo ID presented is the same as the one on the precinct register, DO NOT ASK the voter any address related questions; proceed to paragraph 5. Otherwise, follow the steps below:

- If the voter responds **yes** to the question, follow the procedure for *Voter's Address Changes* on page 11.
- If the voter responds **no** to the question, then proceed to paragraph 5.
- If the voter cannot recall or is uncertain if his or her address on record is

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current, ask him or her to recite or otherwise to show you his or her current address to compare with the one on record. If the voter's address is address protected, direct the voter to follow special procedures established by the supervisor of elections for such voter to be able to disclose current address and if necessary, to make address change discreetly.

- The address as listed on the precinct register is presumptively the voter's legal residence until the voter states otherwise.
- If the address on voter's photo ID is different from the precinct register, you may not use that difference as the sole basis to confirm or to otherwise challenge a voter's legal residence address.

5. Have the voter sign the precinct register, electronic signature pad, or the early voting certificate, whichever is applicable. Compare the voter's signature to the signature on the identification.

- If the signatures do not appear to match, follow the procedure for *Voter's Signature Differs* on page 13 before continuing the *Voter Check-in* process.

- If the signatures appear to match, proceed to paragraph 6.

6. If the voter is in the proper precinct (if voting on Election Day), and it has been established that the voter is eligible and entitled to vote a regular ballot, allow the voter to vote. Give the voter his or her proper ballot and check, if applicable, that all pages of a multi-page ballot are included.

- If a voter requests assistance, follow the procedure for *Voter Needs Assistance* on page 16.
- If a voter asks to use a touch screen machine, inform the voter that only persons with disabilities have the option of voting on the touch screen. (See s. 101.56075, Fla. Stat.)
- DO NOT question any voter about the existence, nature or extent of his or her disability.

B. Voter ~~Who~~ ~~Requested an~~ ~~Vote-by-Mail~~ ~~absentee~~ ~~B~~ballot ~~N~~ow ~~W~~wants to ~~V~~vote at the ~~P~~olls (Section 101.69, Fla. Stat.)

Occasionally, a voter who has requested a ~~an~~ ~~vote-by-mail~~ ~~absentee~~ ballot will appear at the polling place to vote. The fact that the

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voter has requested and received a vote-by-mail~~an absentee~~ ballot will be noted on the precinct register.

1. If the voter returns the vote-by-mail~~absentee~~ ballot, voted or not, to the poll worker, the voter shall be allowed to vote upon verification that the voter has not already voted vote-by-mail~~absentee~~. If not able to confirm, the voter shall be allowed to vote a provisional ballot. If the vote-by-mail~~absentee~~ ballot is returned, first mark the returned vote-by-mail~~absentee~~ ballot "Canceled" on the certificate side of the ballot envelope and return the ballot to the supervisor of elections after the polls close.

2. If the voter does not return the vote-by-mail~~absentee~~ ballot, the poll worker must confirm with the supervisor of elections' office that the supervisor of elections has not received the voter's vote-by-mail~~absentee~~ ballot:

- If it is verified that the supervisor of elections has not received the vote-by-mail~~absentee~~ ballot, the supervisor of elections will authorize the voter to proceed with the voting process.
- If it is verified that the supervisor of elections has received the vote-by-mail~~absentee~~ ballot but the voter maintains that he or she did not return the vote-by-mail~~absentee~~ ballot, the

voter shall be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.

- If it cannot be verified or otherwise determined whether the voter's vote-by-mail~~absentee~~ ballot has been received by or returned to the supervisor of elections, the voter shall be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.

If a voter comes to the polling place to drop off a voted vote-by-mail~~absentee~~ ballot, and does not want to vote at the polling place, do not accept the voted ballot. Instruct the voter to take the vote-by-mail~~absentee~~ ballot to the office of the supervisor of elections.—In order for an vote-by-mail~~absentee~~ ballot to be counted, the ballot must be received by the supervisor of elections by 7 p.m. on Election Day.

C. Voter's Name is Not on the Precinct Register

If the voter's name is not on the precinct register or in the electronic database, the inspector shall:

1. Recheck for name variations.

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2. Ask the voter if the voter's name or address has changed:

- If the voter's name has changed, first follow the procedure for *Voter's Name Changes* on page 11 before continuing the *Voter Check-in* process.
- If the voter's address has changed, first follow the procedure for *Voter's Address Changes* on page 11 before continuing the *Voter Check-in* process.

3. If the voter indicates no change of name or address, contact the supervisor's office or, if available at the precinct, check the master list of registered voters in the county to determine if the voter is eligible to vote.

- If the voter is eligible to vote in the precinct, he or she may continue with the *Voter Check-in* process.
- If the voter is eligible to vote but is registered in another precinct, the clerk shall direct the voter to the proper precinct.
- If the voter is an unverified voter [i.e., someone whose personal identifying number (Florida driver's license number, Florida identification card number or last four digits of social security card) could not be verified by the State], the voter shall be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional*

Ballot on page 14.

- If the supervisor of elections or master list indicates the voter is not eligible but the voter believes he or she is eligible, the voter shall be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.
- If you cannot get in contact with the supervisor of elections' office, the voter shall be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.

D. Voter's Name Changes

(Section 101.045(2), Fla. Stat.)

If the voter's former name appears on the precinct register, instruct the voter to complete a name change on an affirmation or a voter registration application before continuing the *Voter Check-in* process.

If the voter's former name is not on the precinct register, the clerk or other designated person must call the supervisor of elections or access a master list of registered voters to determine if the person is eligible to vote in the precinct. If the person is eligible, instruct the voter to complete an affirmation or voter registration application for a name change before continuing the *Voter Check-in* process.

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E. Voter's Address Changes

(Section 101.045(2), Fla. Stat.)

If the voter's name appears on the precinct register but the voter indicates a change or different address than the address listed, follow these procedures:

1. Address Change Within County. If the voter is only making an in-county address change, instruct the voter to complete an affirmation or voter registration application for an address change. Once the voter has completed the form and the voter's new address is determined to be in the same polling place, continue with the *Voter Check-in* process.

2. Address Change From Outside County. If the voter has moved from another Florida county, follow the applicable procedures:

- For precincts using electronic databases, instruct the voter to complete an address change affirmation or voter registration application. Once the voter has completed the form and the voter's new address is determined to be in the same polling place, continue with the *Voter Check-in* process and allow the voter to vote a regular ballot.

- For precincts that do not use

electronic databases, the voter shall be allowed to vote a provisional ballot (see exception below). Follow the procedure for *Voting a Provisional Ballot* on page 14. The voter does not need to fill out a separate address change affirmation or voter registration form. The provisional ballot certificate affirmation may be copied and used for that purpose. Note that if the voter's new address corresponds to a different precinct or polling place, direct the voter to that precinct or polling place to vote.

Exception: For active uniformed services members or their family members moving in from another Florida county, follow the same steps as in paragraph 1 above.

3. Protected Addresses. If a voter's address is marked on the precinct register as address-protected, allow the voter to make the address change in the discreet and confidential manner as established by the supervisor of elections.

4. Change of Polling Place. If a voter is voting on Election Day and the voter's change of address results in a change of polling place, the clerk must direct the voter to the proper polling place corresponding to his or her new precinct to vote.

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A provisional ballot will not count if the voter votes in a precinct other than the one that corresponds to his or her ~~legal residential~~ address of legal residence.

A supervisor of elections must provide each precinct with information which will enable the clerks to direct voters to the proper precinct on Election Day. This may be in the form of a county map showing precinct boundaries and polling place locations, a street index of the county with a polling place list, or any other means, (other than a contact with the supervisor of elections' office) that provides information indicating where a voter should vote based on his or her address.

If the voter is not in the proper polling place but insists that he or she is, allow the voter to vote a provisional ballot.

F. Voter Without Identification

(Section 101.043, Fla. Stat.)

If a voter's name is on the precinct register

but the voter does not have the proper identification, the voter must be allowed to vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.

DO NOT turn away a voter from voting for lack of identification. Allow the voter to cast a provisional ballot.

G. Voter's Signature Differs

(Section 101.49, Fla. Stat.)

If a clerk or inspector doubts whether the signature on the ID and the signature signed belong to the same person, instruct the voter to complete a signature affidavit before continuing the *Voter Check-in* process.

If the person does not complete the affidavit, he or she must vote a provisional ballot. Follow the procedure for *Voting a Provisional Ballot* on page 14.

H. Voter's Right to Vote Is Challenged

(Section 101.111, Fla. Stat.)

A voter's right to vote may be challenged at the polling place, or in advance in which case there will be a notation on the precinct register. A challenger must complete a written "Oath of Person

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Entering Challenge” form.

A challenged voter must be immediately presented with a copy of the written challenge. Except as provided below, the challenged voter shall be allowed to vote a provisional ballot. See *Voting a Provisional Ballot* on page 14.

Exception: If the sole basis of a challenge is that the voter’s legal residence is not in the precinct, the challenged voter shall be first given the opportunity to do a change of address. Follow the procedures for *Voter’s Address Changes* on page 11 before continuing the *Voter Check-in* Process.

IV. The Voting Process

A. Voting in a Primary Election

(Sections 97.055, 100.061, 101.021, Fla. Stat; s. 5, Art.VI, Fla. Const.)

No changes in party affiliation may be made at the polls.

Generally, in partisan office contests in a primary election, a voter may only vote for candidates of the party in which he or she is registered. Voters with no party affiliation cannot vote in partisan contests. Make sure the voter is given the proper ballot based on his or her party affiliation.

However, if all the candidates in the contest in the primary election are from the same party and there will be no general election opposition, all voters, regardless of whether the voter is registered with or without a party affiliation, may vote in that contest. Such contests will be labeled on the ballot as “Universal Primary Contest.”

B. Voting a Provisional Ballot

(Sections 101.048, 101.049, 101.111, Fla. Stat.)

1. Right to vote provisional ballot. The following people have the right to vote a provisional ballot:

- A person whose name is not on the precinct register and the poll worker is unable to verify whether or not the person is a registered voter of the state.
- A person whose name is not on the

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precinct register and the poll worker verifies that the person is not registered in the state, but the person maintains that he or she is entitled to vote.

- A registered voter who is not allowed to make an out-of-county address change at the polls.
- A registered voter who is required but refuses to execute an address change on an affirmation or voter registration application in order to vote a regular ballot.
- A voter whose name is on the precinct register with an indication that he or she has received a ~~an~~ vote-by-mailabsentee ballot and the poll worker is unable to verify whether the vote-by-mailabsentee ballot has been returned to the supervisor of elections.
- A voter whose name is on the precinct register with an indication that he or she has received a ~~an~~ vote-by-mailabsentee ballot and the poll worker confirms that the supervisor of elections has received the voted vote-by-mailabsentee ballot, but the voter maintains that he or she has not returned the vote-by-mailabsentee ballot.
- A voter whose name is on the precinct register with an indication that he or she voted early but the voter maintains he or she has not already voted in this

election.

- A person whose name is not on the precinct register and who has completed either the change of name or change of residence affirmation but the poll worker is unable to verify whether the person is a registered voter of the state.
- A voter who does not produce an acceptable form of photo ID with signature or a photo ID and a signature ID.
- A voter whose Florida driver's license number or Florida identification card number, or the last 4 digits of the Social Security number has not been verified.
- A person whose signature on the precinct register, electronic device or early voting certificate differs from that on the identification presented and the person refuses to complete a signature affidavit.
- A voter whose identity is in question based on the photo identification provided.
- A voter who has been challenged except in specific cases of address changes.
- A voter who votes on or after the normal poll closing time pursuant to a court or other order extending the polling hours.

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- Any person for whom you are unable to get through to the supervisor of elections' office to determine whether or not a person is eligible to vote.

2. Provisional voting on an optical scan system. For optical scan voting, the voter must complete and sign in front of the poll worker the Provisional Ballot Voter's Certificate and Affirmation. The poll worker must also sign the same form after indicating the specific reason why the voter is voting a provisional ballot. The voter must place the voted provisional ballot into the secrecy envelope, place the secrecy envelope in the provisional ballot envelope and seal the envelope. The completed form must be affixed to the envelope. The sealed provisional ballot envelope must be placed in a ballot box. All provisional ballots must remain sealed in their envelopes and must be returned to the supervisor of elections at the close of the polls.

DO NOT allow the voter or anyone else to put the provisional ballot through the tabulating equipment at the polls.

3. Provisional voting on a touch screen system. For touch screen voting, the voter must complete and sign in front of the poll worker the Provisional Ballot Voter's

Certificate and Affirmation. The poll worker must indicate the reason why the voter is voting a provisional ballot on the same form and then sign the form. After the poll worker assigns a unique provisional ballot number and indicates the number on the appropriate form, the voter is allowed to vote the provisional ballot on the touch screen machine using procedures for the specific voting system.

4. Notice of Rights/Instructions. Each person voting a provisional ballot must be given the written notice and instructions required by law that tell the voter about his or her:

- Right to present further written evidence (if he or she so chooses) that supports his/her eligibility to vote to the supervisor of elections by no later than 5 p.m. on the second day following the election.
- Right to find out after the election whether his or her provisional ballot was counted and if not, the reason why.

Keep all provisional ballots voted as a result of the polling hours being extended separate from other provisional ballots cast during regular voting hours.

C. Voter Needs Assistance

(Sections 97.061, 101.051, 101.56075, Fla. Stat.)

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A voter who needs assistance in voting because of blindness, disability, or inability to read or write is allowed to receive assistance in voting.

If a voter asks for help, let the voter know that he/she has the option of voting on a touch screen or other accessible ballot marking device which ~~may~~^{will} allow him/her to vote without assistance. The voter should then be asked if he/she would like to vote on the device or would rather have assistance. No further questions should be asked about the existence, nature, or extent of someone's disability.

If a voter wants help and a notation is already on the precinct register that the person is eligible to receive assistance, the voter does not need to complete the "Declaration to Secure Assistance." Otherwise, the voter must first complete the "Declaration to Secure Assistance."

If the voter is unable to fill out the declaration, the clerk or inspector should complete the declaration and have the voter sign it. After completing the form, the voter is allowed to vote with assistance.

A poll worker shall tell the voter that he or she may receive help from either two election officials or another person of his or her own choosing (other than the voter's employer, an agent of the voter's employer, or an officer or agent of the

voter's union). With the exception of an election official or poll worker, any person providing assistance must complete the "Declaration to Provide Assistance."

For guidance on how to assist voters in your county who speak a language other than English, please refer to instructions provided by the supervisor of elections. For guidance on how to assist voters with special needs due to a disability, see *Voters with Special Needs* on page 23.

D. Voter Requests Assistance on How to Use Voting

Equipment *(Sections 101.5611, 101.031(4), Fla. Stat.)*

If after entering the voting booth, a voter asks for assistance on how to use the voting equipment, two poll workers of different party affiliations, where possible, should provide the voter with information on how to use the voting equipment. Refer to the instructions in the *Voting Systems Operations Manual* as mentioned on page 18.

After the poll workers have provided the instruction to the voter, they must leave the voting booth so the voter can vote in secrecy.

DO NOT request, suggest or seek to persuade any voter to vote for

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any particular candidate, issue, or judicial retention.

E. Voter Needs Another Ballot

(Section 101.5608, Fla. Stat.)

For optical scan systems, if a voter makes a mistake on his or her ballot, the voter may receive another ballot. The ballot that has a mistake on it is referred to as a “spoiled ballot.”

Place the voter’s spoiled ballot in a spoiled ballot envelope. If the voter spoils a second ballot, he or she may be issued another ballot. A voter is allowed up to three ballots total, including the original ballot.

DO NOT give a voter another ballot after the ballot has been counted by the tabulating equipment, even if the voter indicates he or she made a mistake on the ballot.

F. Voter Leaves the Booth Without Casting His or Her Ballot

For optical scan systems, if a voter leaves the polling room and leaves his or her ballot in the voting booth without placing it in the tabulating equipment, two poll workers of different party affiliation, where

possible, shall put the ballot through the tabulating equipment. If the ballot is rejected by the tabulating equipment, the poll workers shall override the rejection mechanism to allow the rejected ballot to be put in the tabulator. If the tabulator rejects the ballot for any other reason such as the ballot is damaged, or it cannot read the ballot coding or marks, the poll workers shall place the ballot in an envelope or container marked “unscanned ballot” for transmittal to the canvassing board.

For touch screen systems, if a voter leaves the polling room without casting his or her ballot, two poll workers of different party affiliation, where possible, shall cast the ballot pursuant to the instructions for the particular voting system.

G. Voter Tries to Take His or Her Ballot From the Polling Room

(Section 104.20, Fla. Stat.)

If a voter attempts to take his or her ballot from the polling room, advise the voter that this is against the law and he or she will be reported.

Explain to the voter that the ballot may be spoiled if the voter does not wish to have it counted. Do not let the voter take the ballot but if the voter does, make a notation on the Ballot Accounting Form

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and document the incident.

H. Voter Decides Not to Vote After Checking in and Returns the Optical Scan Ballot

If a person, who after checking-in, is given a ballot and then returns the ballot to a poll worker before casting it and indicates that he or she does not desire to vote, the ballot, even if blank, shall be treated as a spoiled ballot and shall not be tabulated. Place the voter's spoiled ballot in a spoiled ballot envelope. To preclude the voter from having a voter history, the poll worker should either "undo" the voter check-in in the precinct register (either paper or electronic), if possible, or record the circumstances of the person checking-in and not voting so that the information later may be provided to the supervisor of elections. When the polls close, the Election Board must perform the *Ballot Accounting* procedures (see page 22) to account for the ballots issued and the number of ballots spoiled.

V. Voting Systems Operation

(Sections 101.5601-101.5617, 101.56062, Fla. Stat.)

There are two general types of voting

systems used in the state – optical scan and touch screen. In addition, some counties may use a touch screen device that marks an optical scan ballot. Every county is currently required to have at least one touch screen voting system or other accessible voting system in each polling place for persons with disabilities. The procedures for voting on these types of systems are different.

Instructions on the proper method for casting a ballot for the specific voting system used in the election must be available at each polling place.

Each precinct must have a *Voting System Operations Manual* for each type of voting system including touch screen device used in the county. The manual should include at a minimum instructions on how to set up the voting system in the polling place, how to operate the specific voting equipment used in the county, how to troubleshoot, how to lock the tabulator against further voting after the polls have closed, and how to properly relay vote totals, the ballots, and voting equipment back to the supervisor of elections' office after the polls have closed.

A. Optical Scan Voting Systems

(Section 101.5608(2), Fla. Stat)

The following applies when voting on an

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optical scan voting system:

The voter is given a paper ballot and a secrecy sleeve which he or she takes to the voting booth. After marking the ballot, the voter takes the ballot to the precinct tabulator and puts the ballot in the tabulator.

If there is a race on the ballot that is overvoted (the voter has marked more candidates than there are persons to be elected or has marked more than one choice for an issue) or if the tabulator reads the ballot as completely blank, the ballot will be rejected by the tabulator.

NEVER override the rejection mechanism without the voter specifically indicating that he or she wishes to vote the rejected ballot.

The tabulator will display a message to the inspector monitoring the tabulator. The inspector should inform the voter, without looking at the ballot, the likely cause of the ballot being rejected as indicated by the message displayed. After being informed of the likely cause of the ballot being rejected, the voter shall be told that he or she may get another ballot.

If the voter wants to vote another ballot, the rejected ballot shall be considered spoiled. The ballot should be spoiled by

placing it in an envelope designated for ballots that contain mistakes or errors. The voter is to be given another ballot and secrecy sleeve, with instructions on how to properly mark the ballot. See *Voter Needs Another Ballot*, page 17.

If the voter wants to vote the rejected ballot instead of voting a new ballot, the clerk or poll worker designated by the supervisor of elections, or the voter (depending on the voting system) shall override the rejection mechanism to allow the rejected ballot to be put in the tabulator. See instructions for overriding the rejection mechanism in the *Voting Systems Operations Manual* specific to the voting system in your county.

B. Touch Screen Voting Systems

The following applies when voting on a touch screen voting system:

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- Touch screen voting systems do not use paper ballots. The voter votes his or her ballot on a screen similar to a computer screen. Touch screen voting systems allow many voters with disabilities to vote without assistance.
- Depending on the system used in the county, the voter will either receive a voter card or other device to bring up the correct ballot on the screen. If the voter asks for further assistance, the poll worker will accompany the voter to the booth and, place the device in the system. Once the display appears on the screen, leave the voter alone to vote and cast his or her ballot.
- Touch screen voting systems do not allow a voter to overvote a ballot. However, a voter can undervote the ballot. When the selections are being reviewed by the voter, the system will alert the voter that one or more contests have been undervoted, giving the voter the opportunity to select a choice, if he or she wishes to do so.

C. Touch Screen Devices Marking Optical Scan Ballots

For those counties using touch screen

devices that mark optical scan ballots, the voter should be directed to follow the procedures for putting the ballot in a precinct tabulator.

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VI. Closing the Polls

(Sections 100.011(1), Fla. Stat.)

At 7 p.m. on Election Day, the clerk or other designated official shall announce that the polls are closed. All eligible voters standing in line at the polling place at 7 p.m. on Election Day shall be allowed to vote. A procedure should be in place to clearly mark the end of the line such as having the deputy stand behind the last person in line to establish a cut-off point.

Any voter in line at the closing of polls must be allowed to vote.

In the rare event that a court or other order extends the polling hours, the deputy shall stand behind the last person who is in the line waiting to vote at 7 p.m. Any person voting after the last person who was in line at 7 p.m. must vote a provisional ballot. These provisional ballots voted by persons who entered the line after 7 p.m. must be kept separate from other provisional ballots cast during the regular voting hours. (Section 101.049, Fla. Stat.)

Once all voters have voted, the Election Board must secure the voting device so that no more ballots may be cast. Then the Election Board shall follow the procedures outlined in *the Voting System Operations*

Manual for the voting system used in the county and the security procedures approved for the county.

The same procedures for closing should be followed during the early voting period. However, the closing times for polls during the early voting period may vary each day and between early voting sites. Contact the supervisor of elections regarding the applicable schedule. (Section 101.657, Fla. Stat.)

VII. Ballot Accounting

After all voters have finished voting and the polls are closed, the proceedings of the Election Board are open to the public.

- DO NOT BE PRESSURED for results.
- DO NOT LET ANYONE INTERFERE in any manner, or touch any ballot or ballot container or interfere with the counting of the ballots.
- DO NOT RUSH. Accuracy is extremely important in the completion of these duties.

Ballot accounting must be conducted at the end of each day during early voting and

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on Election Day after the polls close.

A. Counties Using Optical Scan and Touch Screen Voting Systems

After the voting devices have been locked against further voting and the polls have closed, the Election Board will verify the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to make sure that the number of those ballots corresponds with the number of marksense ballots issued by the supervisor of elections.

Next, the Election Board shall verify that the number of voters equals the number of ballots cast as indicated by the precinct ballot tabulator and the touch screen machine(s) plus the number of provisional ballots voted, taking into consideration whether or not provisional voters signed in at a central point or just signed the Provisional Ballot Voter Certificate and Affirmation. The number of voters may be based either on the signatures on the precinct registers, on the tally of voters who signed in on an electronic device, or on the number of voter authority slips that contains voters' signatures.

If there is a difference, the Election Board shall recount the signatures, the validated voter check-ins, or the authority slips and

certificates. If there is still a difference, the clerk shall report such differences in writing to the Canvassing Board, with the reasons for the difference, if known.

If ballots have more than one page, please follow the supplemental accounting procedures prescribed by your supervisor of elections.

B. Counties Using Ballot-on-Demand for Early Voting and/or Election Day

At the end of each day during the early voting period and on Election Day, after the voting devices have been locked against further voting and the polls have closed, the Election Board shall count the number of persons who signed in to vote, and determine the number of persons who voted as shown by the ballots cast on the precinct tabulator. The Election Board will determine the number of ballots printed and the number of ballots spoiled and compare that to the number of persons who signed in and the number of persons who voted. If there are discrepancies, the Election Board shall report the discrepancy to the supervisor of elections.

If ballots have more than one page, please follow the supplemental accounting

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procedures prescribed by your supervisor of elections.

C. Counties Using Optical Scan Ballot Marking Systems

The Election Board shall verify that the number of voters equals the number of ballots cast as indicated by the precinct ballot tabulator *plus* the number of provisional ballots voted, taking into consideration whether or not provisional voters signed in at a central point or just signed the Provisional Ballot Voter's Certificate and Affirmation. The number of voters may be based either on the signatures on the precinct registers, on the tally of voters who signed in on an electronic device, or on the number of voter authority slips that contains voters' signatures.

If there is a difference, the Election Board shall recount the signatures of voters, the validated voter check-ins, or the signed voter authority slips, and the certificates. If there is still a difference, the clerk shall report such differences in writing to the county Canvassing Board, with the reasons for the difference, if known. If ballots have more than one page, please follow the supplemental accounting procedures prescribed by your supervisor of elections.

VIII. Interacting with Voters

A. Voters with Special Needs

Some people of the voting age population have special needs -- perhaps because of hearing, sight, or mobility impairment. Additionally, a voter may have a range of functional impairments resulting from a brain injury, accident, or genetic or birth condition that affect his or her thinking, memory, concentration, speech, emotions, or physical coordination. Voters with special needs have the right to cast a secret ballot and, if needed, to request and obtain assistance in voting. A significant number of these voters do not vote because of concern that their special needs cannot or will not be accommodated in the voting process. See also *Voter Needs Assistance or Voter Requests Assistance on How to Use the Voting Equipment*, pages 16-17.

1. General

It may not always be evident at the outset what the person's special needs are. These basic steps should be followed to ensure that the person with special needs and the poll worker are comfortable interacting with each other:

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- Treat the person as you would a friend, family member or neighbor.
- Always be sensitive.
- Consider the voter first and the disability second. For example, a person who cannot see at all usually prefers being described as ~~being blind or being called~~ a person who is blind rather than a blind person. A person who has some vision prefers being described as a person ~~living~~ with vision loss or a person with vision impairment. A person who communicates with sign language prefers being described as being deaf while a person who has difficulty hearing but who uses spoken language prefers being described as a person who is hard of hearing or a person with a hearing loss.
- Avoid outdated terms such as “handicapped” or “crippled.” The acceptable terms are “disabled” and “mobility impaired.” Also avoid terms such as “differently abled” or “physically challenged.” They sound just as contrived and are just as offensive to people with special needs as they are to anyone else.
- Do not say that the voter is “wheelchair bound” or “confined to a wheelchair” but say he or she is a person who uses a wheelchair ~~or is a~~ “wheelchair user.”

Remember that to a person using the wheelchair, the wheelchair is not confining but liberating.

- Do not use vague group terms such as “they” or “them” for voters with special needs. Those terms tend to isolate rather than to be inclusive.
- Feel free to use common expressions such as “See you later,” or “Good to hear from you” when speaking to a person who is blind or deaf.
- Address questions directly to the person with special needs, even if accompanied by a companion.
- Be patient. If the voter seems unsure or does not seem to understand what you said or what to do next, explain the process more simply if possible, or give the voter more time to complete the task at hand.
- If you are unsure of what to do for or how to help a voter with a special need, just ask and listen carefully to what he or she is saying. ~~This voter will appreciate your interest.~~

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2. *Mobility Impaired*

A voter who is mobility impaired may use a cane, a walker, a wheelchair or crutches. The impairment may be permanent or temporary. Each voter may have a varying degree of mobility. For example, a voter using a wheelchair may be still be able to use his or her hands and arms or be able to get out of the wheelchair and walk a short distance.

- Do not lean across a wheelchair user to talk to someone else or to shake another person's hand.
- Do not pull or touch a voter's wheelchair unless you have received permission to do so providing assistance. The chair is part of the voter's personal space. ~~Remember that wheelchair voters are people and not equipment.~~
- Make sure ramps provide the closest accessibility to the polling place. This is important not only for voters who may be using wheelchairs but for voters who may be using canes, crutches or walkers.
- Make sure ramps are not obstructed so they can be used without difficulty.
- Keep doorways clear of obstacles so wheelchairs can be maneuvered

through them.

- Make sure there is a clear path of travel in the polling area. Be aware of the reach limits of people in wheelchairs.
- When talking with a voter in a wheelchair, sit in a chair so you are at his or her level. If that is not possible, stand at a slight distance so the voter is not straining his or her neck to make eye contact with you.
- If a counter is too high for a wheelchair user to see over it, step around it to conduct business with the person.
- Do not grab a cane, crutch, or walker. People who use them rely on them for balance.
- ~~• When offering a seat to a person who has a mobility impairment or motion disability, remember that a chair with arms may be easier for him or her.~~
- A person with respiratory or heart trouble may not appear to be mobility impaired, but he or she may need to sit down.

3. *Blind or Visually Impaired*

A person who is blind or visually impaired may or may not wear glasses, and therefore it may not be immediately

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obvious that the person is visually impaired. He or she may travel with a guide dog, a cane, a sighted guide or alone. Be prepared to offer assistance in orientation and reading:

- Poll workers should identify themselves before making contact with a person who is blind or visually impaired. They should give their name and role. For example, "I'm Mary Green, the precinct clerk."
- Do not shout when speaking to a person who is blind or visually impaired.
- Do not grab, push or pull a person who is blind or visually impaired. To guide a person, let him or her take your arm. If the person is using a guide dog, walk on the person's side opposite the side the dog is on.
- Do not touch the service animals, including any dog, its harness or its leashes. Do not talk to or otherwise distract service animals~~the dog~~. These distractions could be dangerous to the person's safety.
- Do not touch a person's cane. If the person puts down the cane in an unsafe place, do not move it. Tell the person kindly to move it. That way, the person will know where the cane is.

- Describe the setting including any partly open doors, steps or ramps.
- Be specific with warnings. Do not shout "Look out!" Such warning does not let the person know whether to stop, swerve, duck or jump.
- Be specific and non-visual with directions. Do not tell someone to turn left at the end of the desk. It would be better to say, "Take five steps and turn left."
- When departing from a person who is blind, let him or her know.
- Read informational signs that appear in print on the walls of the polling place.
- Offer magnifying sheets to~~for~~ visually impaired voters.
- Offer the voter who is blind or visually impaired the option of voting on the accessible voting device. If the voter would rather have assistance, allow him or her to be accompanied in the voting booth by someone of his or her choosing or two election officials.

4. Deaf or Hearing Impaired

A voter may be deaf and use an interpreter, be hard of hearing, have suffered a permanent or temporary hearing loss in one or both ears, or have

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some other hearing impairment. Such impairment may not be immediately obvious.

- Do not shout. In addition to being disruptive, it can actually make you harder to understand, especially if the voter reads lips.~~Be sensitive to the fact that a person may not have acknowledged that he or she has a hearing condition.~~
- Always speak clearly and directly face-to-face with the voter even if the voter has an interpreter.
- Let the person know if you are having difficulty understanding his or her speech. It may be helpful to communicate with gestures and/or in writing.
- Tap the person on the shoulder to get his or her attention.
- Give the person your full attention. A person who is hard of hearing, has a speech impediment, or has had a stroke, for example, may be hard to understand.
- Do not finish sentences for the person. If you cannot understand the person, ask him or her to write it down.

B. Voters Who Become

Upset

Voters who come to the polling place to vote and are told that they must go elsewhere or that their registration or eligibility is in question may become frustrated or even irate. To handle the situation, the following things should be kept in mind:

- Attempt to deescalate the situation by remaining calm and professional. If you get upset or shout, the voter is likely to get increasingly upset.~~Stay calm.~~
- Watch your body language.
- Listen to what the voter is saying.
- Offer the voter assistance. Try to find a solution to the problem.
- Be polite. Treat the voter as you would like to be treated.
- If necessary, ask the clerk or deputy to assist if the voter becomes very angry or threatening.
- Keep voice levels down.

Poll workers must document reported problems.

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IX. Voter's Bill of Rights and Responsibilities

(Section 101.031, Fla. Stat.)

A Voter's Bill of Rights and Responsibilities must be posted at the polling place.

A. Voter's Rights

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of the polls in that county.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration or identity is in question.
6. Cast a provisional ballot if his or her registration or identity is in question.
7. Receive written instructions to use when voting, and, upon request, oral instructions in voting from election officers.
8. Vote free from coercion or intimidation by election officers or any other person.
9. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

B. Voter's Responsibilities

Each registered voter in this state should:

1. Familiarize himself or herself with the candidates and issues.
2. Maintain with the office of the supervisor of elections a current address.
3. Know the location of his or her polling place and its hours of operation.
4. Bring proper identification to the polling

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station.

5. Familiarize himself or herself with the operation of the voting equipment in his or her precinct.
6. Treat precinct workers with courtesy.
7. Respect the privacy of others.
8. Report any problems or violations of election laws to the supervisor of elections.
9. Ask questions, if needed.
10. Make sure that his or her completed ballot is correct before leaving the polling station.

Failure to perform any of these responsibilities does not prohibit a voter from voting.

X. Other Important Information

When The Unexpected Happens

In the event of a medical or other emergency requiring assistance from the Police, Fire Department or Medical Personnel, call 911 and then call the supervisor of elections to report the incident.

If there is a power outage, check the Voting Systems Operations Manual on how to deal with ballots cast during an outage. For all other types of emergencies, follow the protocol established by the supervisor of elections.

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