

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

MARTA VALENTINA RIVERA  
MADERA, on behalf of herself and all  
others similarly situated; FAITH IN  
FLORIDA, HISPANIC FEDERATION,  
MI FAMILIA VOTA EDUCATION  
FUND, UNIDOSUS, and VAMOS4PR,

Plaintiffs,

v.

KIM A. BARTON, in her official  
capacity as Alachua County Supervisor  
of Elections, on behalf of herself and  
similarly-situated County Supervisors  
of Elections,

Defendant.

Case No.

1:18-cv-152-MW-GRJ

**SETTLEMENT AGREEMENT**

1. This Settlement Agreement (“Agreement”) is entered into by and between Marta Valentina Rivera Madera, Faith In Florida, Hispanic Federation, Mi Familia Vota Education Fund, UnidosUS, and Vamos4PR (collectively, “Plaintiffs”), and each of the individual Supervisors of Elections of the following 31 Florida Counties: Alachua, Bay, Brevard, Citrus, Clay, Columbia, Duval, Escambia, Flagler, Hernando, Highlands, Indian River, Jackson, Lake, Leon, Levy, Manatee, Marion, Martin, Monroe, Okaloosa, Okeechobee, Pasco, Putnam, St.

Johns, St. Lucie, Santa Rosa, Sarasota, Sumter, Taylor, and Wakulla Counties (collectively, the “Supervisors”). Plaintiffs and the Supervisors are hereinafter sometimes jointly referred to as the “Parties.”

2. This Agreement is intended to fully and finally resolve Plaintiffs’ claims or potential claims against the Supervisors pursuant to Section 4(e) of the federal Voting Rights Act (“VRA”), 52 U.S.C. § 10303(e), set forth in *Rivera Madera v. Barton*, No. 1:18-cv-00152-MW-GRJ (N.D. Fla.) (the “Litigation”). Plaintiffs will file a copy of the Agreement with the court in support of a motion to dismiss as set forth below.

3. The Parties agree that this Agreement and the Parties’ negotiations of this Agreement are not and will not be construed as an admission of the truth of any allegation made or of any liability, fault, or wrongdoing. Neither this Agreement nor any of its terms, nor any communications made in the negotiation of this Agreement, shall be offered as or received into evidence in any pending or future civil, criminal, or administrative proceeding or action against any of the Parties in any court, administrative agency, or other tribunal, for any purpose whatsoever, except as may be necessary to enforce this Agreement or to adjudicate claims for breach of this Agreement.

## **BACKGROUND**

4. Plaintiffs filed the Litigation on August 16, 2018, alleging a claim under Section 4(e) of the VRA, 52 U.S.C. § 10303(e), and seeking to enjoin the Florida Secretary of State (the “Secretary”) and a proposed defendant class of 32 Supervisors of Elections to provide Spanish-language ballots, registration and other election materials, and assistance in the Counties. ECF No. 1.

5. Along with their complaint and motion for a preliminary injunction, Plaintiffs filed motions for certification of plaintiff and defendant classes. ECF Nos. 4, 5.

6. On September 10, 2018, the Court issued a preliminary injunction requiring the Secretary to provide written direction to the Supervisors to make available a facsimile sample ballot in Spanish to voters who fall within the ambit of Section 4(e) of the VRA, to publish the same facsimile sample ballot on their websites, and to provide signage in Spanish at polling places making voters aware of such sample ballots. ECF No. 59.

7. On March 5, 2019, the Court denied without prejudice Plaintiffs’ motions for certification of plaintiff and defendant classes on the ground that the classes were not necessary. ECF No. 107.

8. On April 25, 2019, the Secretary filed a Notice Concerning State Rulemaking informing the Court that the Secretary had initiated the rulemaking

process to amend two administrative rules, Rules 1S-2.032 and 1S-2.034, Florida Administrative Code, pertaining to the provision of Spanish-language ballots and polling-place materials and assistance. ECF Nos. 120, 120-1, 120-2, 120-3.

9. On May 10, 2019, the Court issued a second preliminary injunction. ECF No. 131. Beginning with the March 17, 2020 presidential preference primary election, the second preliminary injunction required the Secretary to instruct the Supervisors to provide specified Spanish-language ballots, election materials, and assistance.

10. Pursuant to the May 10, 2019 preliminary injunction, the Secretary issued Directives 2019-02 and 2019-03 instructing the Supervisors to provide the Spanish-language ballots, election materials, and assistance set forth in the preliminary injunction.

11. On May 10, 2019, the Court stayed the case until the Secretary's rulemaking process was complete or a party moved to lift the stay and the Court so ordered. ECF No. 131 at 16.

12. Final Rules 1S-2.032 and 1S-2.034, Florida Administrative Code, took effect on April 23, 2020.

13. On April 29, 2020, the Eleventh Circuit issued its decision in *Jacobson v. Florida Secretary of State*, 957 F.3d 1193 (11th Cir. 2020).

14. On August 7, 2020, the Court dismissed Plaintiffs' claims against the Secretary for lack of standing under *Jacobson*. ECF No. 170.

15. The Parties now desire to resolve this matter without further litigation.

### **SETTLEMENT TERMS**

16. The Parties agree that for all elections following the effective date of this Agreement, up to and through December 31, 2030, each Supervisor shall:

- a. Provide Spanish-language ballots as required by Rule 1S-2.032(3), Florida Administrative Code, as published on April 3, 2020, and attached hereto as Exhibit A.
- b. Provide the Spanish-language polling place materials and assistance required by Section D of Chapter II and Section C of Chapter VI of the Polling Place Procedures Manual (effective April 2020), incorporated by reference into Rule 1S-2.034, Florida Administrative Code, and attached hereto as Exhibits B and C, respectively.
- c. Make Spanish-language vote-by-mail ballot request forms available in paper and electronic formats. This item (c) does not require a Supervisor who does not make English-language vote-by-mail ballot request forms available in a particular

format (*i.e.*, paper or electronic) to make Spanish-language vote-by-mail ballot request forms available in such format.

- d. Provide Spanish-language translations of secrecy envelopes (including voter's certificates) and instructions with all bilingual or multilingual vote-by-mail ballots.
- e. If the Supervisor provides separate English-language and Spanish-language vote-by-mail ballots, then:
  - i. Ensure that voters are provided a mechanism to request Spanish-language vote-by-mail ballots without having to first request an English-language ballot;
  - ii. Ensure that voters who request Spanish-language vote-by-mail ballots are provided Spanish-language vote-by-mail ballots; and
  - iii. Provide Spanish-language secrecy envelopes (including voter's certificates) and instructions with all Spanish-language vote-by-mail ballots.
- f. Provide a Spanish-language translation of the Supervisor's official website. The Supervisor's use of a machine-translation service such as Google Translate shall be conclusive evidence of compliance with this requirement. This Agreement does not

prohibit a Supervisor from posting on his or her official website links to non-Spanish language websites that the Supervisor does not operate or control (including social-media websites to which the Supervisor posts user-generated content) or require the Supervisor to provide a Spanish-language translation of those websites.

- g. Provide access to a county-specific hotline to assist Spanish-speaking voters during:
  - i. All early-voting hours;
  - ii. All hours when polling places are open on election day;  
and
  - iii. All hours after election day during which voters may cure vote-by-mail and provisional-ballot deficiencies.

This item (g) is satisfied if the Supervisor:

- (1) Makes reasonable, good-faith efforts to staff the hotline at all required times; and
- (2) Provides an alternative translation service to the extent that, despite those efforts, the Supervisor is unable to staff the hotline at all required times.

A mistranslation by an alternative translation service is not a breach of this Agreement and does not give rise to liability on the part of the Supervisor.

- h. Display Spanish-language signage at the Supervisor's main and branch offices informing voters of the availability of Spanish-language election materials and the Spanish-language hotline described in item (g) above.

17. This Agreement will remain in effect through December 31, 2030, and terminate in its entirety on January 1, 2031. If, however, the Director of the United States Bureau of the Census determines that a Supervisor's County must provide Spanish-language election materials and assistance under section 203 of the VRA, then, upon the effective date of that determination, this Agreement will terminate as to the Supervisor in that County.

18. To the extent any conflict arises between any provision of this Agreement and any provision of state or federal law such that the Supervisor is unable to comply with both provisions, the requirements of state and federal law shall prevail.

19. Each party will bear its own attorney's fees and costs.

20. Within ten days after all of the Supervisors have signed this Agreement, Plaintiffs will file a motion for voluntary dismissal with prejudice of

all claims asserted in the Litigation. The motion will request that the Court dismiss the Litigation with prejudice, and not incorporate the terms of this Agreement into a court order or retain jurisdiction to enforce this Agreement, or for any other purpose. The Agreement is contingent on the Court's granting of those requests.

21. The Parties agree that dismissal of the Litigation pursuant to paragraph 20 shall have the same preclusive effect for each Supervisor as the dismissal would have if that Supervisor were a named defendant in the Litigation.

22. This Agreement will not in any way affect claims or potential claims against any Supervisor of Elections who has not signed this Agreement.

23. The preliminary injunctions entered in the Litigation (ECF Nos. 57, 131) are "functionally inactive." ECF No. 188 at 2 n.1. All Parties agree that, as to the Supervisors, any preliminary injunction entered by the Court will have no force or effect after the Court enters its final order of dismissal. *See Cypress Barn, Inc. v. W. Elec. Co.*, 812 F.2d 1363, 1364 (11th Cir. 1987) ("Since a preliminary injunction is interlocutory in nature, it cannot survive a final order of dismissal.").

24. Although the Parties have no authority to alter the legal effect, if any, of the Secretary's Directives, the Parties agree that, to the extent the Secretary's Directives 2019-02 and 2019-03 require the Supervisors to comply with the preliminary injunctions entered in the Litigation, as to Supervisors who sign this

Agreement, those Directives will have no force or effect after the Court enters its final order of dismissal.

25. This Agreement does not preclude any Supervisor from taking any additional steps to assist Spanish-speaking voters.

26. This Agreement is not intended and shall not be construed to create rights in or grant remedies to any non-party as a beneficiary of this Agreement.

27. This Agreement may be amended only by written agreement duly executed by (i) all Parties; or (ii) Plaintiffs and one or more but fewer than all Supervisors. An amendment described in subparagraph 27(ii) will be effective only as to the Parties that execute the amendment.

28. This Agreement may be executed in counterparts and signed electronically. Each counterpart shall constitute an original, and all counterparts together shall constitute a single instrument.

29. This Agreement shall be governed and construed in accordance with the laws of the State of Florida.

30. No action for breach of this Agreement will be brought against any Supervisor until Plaintiffs provide notice of the alleged breach by email and certified mail to the Supervisor's counsel of record in the Litigation (or, in the case of a Supervisor for whom counsel have not appeared in Litigation, to the

Supervisor), and the Supervisor fails, within twenty days after receipt of written notice, to correct the alleged breach.

31. This Agreement represents the entire agreement between the Parties. All prior agreements, representations, statements, negotiations, and undertakings are expressly superseded hereby, have no force or effect, and have no weight in the construction of this Agreement.

32. All Parties acknowledge that they and their counsel have had a full opportunity to review and contribute to the drafting of this Agreement, and that the rule of construction that resolves ambiguities against the drafter shall not be employed in the interpretation of this Agreement.

33. The Parties and their signatories represent that they have read and understand the Agreement. The signatories to this Agreement represent that they are authorized to execute this Agreement on behalf of the Parties whom they respectively represent.

34. The effective date of this Agreement is the date of the Court's final order dismissing the Litigation.

35. The foregoing binding terms and conditions are hereby stipulated and agreed to by the Parties.

Plaintiffs Marta Valentina Rivera  
Madera, Faith In Florida, Hispanic  
Federation, Mi Familia Vota Education  
Fund, UnidosUS, and Vamos4PR:

Dated: \_\_\_\_\_

\_\_\_\_\_  
By: Kira Romero-Craft, LatinoJustice  
PRLDEF, attorney for Plaintiffs

Kim A. Barton, in her official capacity  
as Alachua County Supervisor of  
Elections:

Dated: \_\_\_\_\_

\_\_\_\_\_

Mark Andersen, in his official capacity  
as Bay County Supervisor of Elections:

Dated: \_\_\_\_\_

\_\_\_\_\_

Lori Scott, in her official capacity as  
Brevard County Supervisor of Elections:

Dated: \_\_\_\_\_

\_\_\_\_\_

Maureen Baird, in her official capacity  
as Citrus County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Chris H. Chambless, in his official  
capacity as Clay County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Tomi S. Brown, in her official capacity  
as Columbia County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Mike Hogan, in his official capacity as  
Duval County Supervisor of Elections:

Dated: \_\_\_\_\_

David H. Stafford, in his official  
capacity as Escambia County Supervisor  
of Elections:

Dated: \_\_\_\_\_

Kaiti Lenhart, in her official capacity as  
Flagler County Supervisor of Elections:

Dated: \_\_\_\_\_

Shirley Anderson, in her official capacity  
as Hernando County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Penny Ogg, in her official capacity as  
Highlands County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Leslie Rossway Swan, in her official  
capacity as Indian River County  
Supervisor of Elections:

Dated: \_\_\_\_\_

Carol A. Dunaway, in her official  
capacity as Jackson County Supervisor  
of Elections:

Dated: \_\_\_\_\_

Alan Hays, in his official capacity as  
Lake County Supervisor of Elections:

Dated: \_\_\_\_\_

Mark S. Earley, in his official capacity  
as Leon County Supervisor of Elections:

Dated: \_\_\_\_\_

Tammy Jones, in her official capacity as  
Levy County Supervisor of Elections:

Dated: \_\_\_\_\_

Michael Bennett, in his official capacity  
as Manatee County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Wesley Wilcox, in his official capacity  
as Marion County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Vicki Davis, in her official capacity as  
Martin County Supervisor of Elections:

Dated: \_\_\_\_\_

R. Joyce Griffin, in her official capacity  
as Monroe County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Paul Lux, in his official capacity as  
Okaloosa County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Melissa Arnold, in her official capacity  
as Okeechobee County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Brian E. Corley, in his official capacity  
as Pasco County Supervisor of Elections:

Dated: \_\_\_\_\_

Charles L. Overturf III, in his official  
capacity as Putnam County Supervisor  
of Elections:

Dated: \_\_\_\_\_

Vicky Oakes, in her official capacity as  
St. Johns County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Gertrude Walker, in her official capacity  
as St. Lucie County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Tappie A. Villane, in her official  
capacity as Santa Rosa County  
Supervisor of Elections:

Dated: \_\_\_\_\_

Ron Turner, in his official capacity as  
Sarasota County Supervisor of Elections:

Dated: \_\_\_\_\_

William Keen, in his official capacity as  
Sumter County Supervisor of Elections:

Dated: \_\_\_\_\_

Dana Southerland, in her official  
capacity as Taylor County Supervisor of  
Elections:

Dated: \_\_\_\_\_

Joseph R. Morgan, in his official  
capacity as Wakulla County Supervisor  
of Elections:

Dated: \_\_\_\_\_

# EXHIBIT A

### **1S-2.032 Uniform Design for Election Ballots.**

(1) Purpose. This rule prescribes a uniform ballot design for primary and general elections for each type of certified voting system.

(2) Definitions. For purposes of this rule:

(a) "Audio ballot" means an electronic voting device which audibly reads a ballot and permits the voter to select choices.

(b) "Contest title" means the office title for a race on the ballot in which candidates are seeking an elected office, e.g., "Attorney General" or "County Commissioner, District 2." It also includes the title for a public measure on the ballot, e.g., "Constitutional Amendment," "County Referendum," or "City Referendum."

(c) "Font size" means the size of the printed characters on the ballot. Font size is measured in millimeters (mm) and points. A point equals 0.353mm.

(d) "General election" refers to a general election as defined in Section 97.021, F.S.

(e) "Hybrid voting system" means an electronic or electromechanical device by which a voter interacts with an electronic visual display to produce a paper output that contains the contest titles and the voter's selections, and may also contain, but not be limited to, a barcode or other machine-readable optical label containing the voter's selections.

(f) "Manual marking device" means a roller-ball pen, or felt pen, which leaves an identifiable ink mark on a paper ballot.

(g) "Paper ballot" means an election ballot made of paper to be tabulated by optical scan and for use by a voter to select choices on a vote target by using a manual marking device.

(h) "Primary election" refers to a primary election as defined in Section 97.021, F.S.

(i) "Presidential Preference Primary" refers to a presidential preference primary election in Section 103.101, F.S.

(j) "Visual display ballot" means an electronic display for a voter to select choices as shown on the display, which may be on a touchscreen device or a personal computer display.

(k) "Vote target" means an area on the ballot where the voter indicates his or her vote. The vote target shall be an oval.

(l) "Universal Primary Contest" refers to a contest in a primary election in which all candidates for an office have the same party affiliation and the winner of that contest will have no opposition in the general election. In a universal primary contest, all qualified electors may vote in the primary for that office, regardless of party affiliation.

(3) Ballot language.

(a) The official language for a ballot is English.

(b) Spanish language translations of the ballot will be made available in at least one of the forms provided for in Section 97.021(5), F.S., and into other languages and forms when required by law or court order. This rule does not prohibit a supervisor of elections from translating the ballot into additional languages as he or she determines is necessary to accommodate the respective electorate.

(c) Languages shall appear on the ballot as follows:

1. Separate ballots for each language, except in counties subject to multi-language ballot requirements by section 101.151(8), F.S., and section 203 of the federal Voting Rights Act.

2. In counties subject to multi-language requirements, all languages on the same ballot, with English appearing first and Spanish appearing second, unless authorized pursuant to section 101.151(8), F.S., and section 203 of the federal Voting Rights Act.

3. Notwithstanding the requirements of subparagraph (3)(c)1., nothing prohibits a supervisor of elections from including all languages on the same ballot, with English appearing first and Spanish appearing second, as he or she determines is appropriate to accommodate the respective electorate.

(4) Ballot font, alignment, and columns.

(a) Font. The minimum and maximum font sizes for the different ballots are:

1. Paper ballots: The minimum font size is 10-point type (3.5mm), except the minimum font size for the ballot title is bold, 12-point type (4.2mm). The maximum font size for a paper ballot is 12-point type (4.2mm), except the maximum font size for the ballot title is bold, 14-point type (5 mm).

2. Visual display ballot: The minimum font size is 14-point type (5 mm) and the maximum font size is 24-point type (8.5 mm).

3. All fonts on a ballot shall be within the same sans-serif font family (a narrow version of the same font is considered within the same font family). Sans-serif font means a typeface that does not have small projecting features (serifs) at the end of characters. Recommended fonts are: Arial, Helvetica, Tahoma or Univers. All fonts shall be black. Colored text, however, may be used on the ballot to differentiate between precincts or ballot type (e.g., early voting, vote-by-mail ballot, or election day ballot); in the ballot

footer to direct the voter to vote both sides of the ballot page as specified in paragraph (10)(g), below; and on a visual display ballot as specified in paragraph (11)(a), below.

4. Each category on a ballot shall have consistent font sizes; for example, if one candidate’s name is in 10-point type, the names of all candidates on that ballot shall be in 10 point type.

5. Unless specified by this rule, the font shall not be in bold type.

6. A ballot shall not contain an ampersand, “&”, in any of its titles or text.

7. The contest titles and ballot title for issues shall be in bold and in upper and lower case font. The ballot summary or, when applicable for a proposed constitutional amendment or revision, the financial impact statement, shall be in upper and lower case font followed by the choices of Yes and No.

8. The appropriate three-letter party affiliation or no party affiliation (NPA) for candidates shall be in all capital letters.

(b) Alignment. Unless otherwise indicated herein, all type on a ballot shall be aligned to the left of the page or column, as applicable. The ballot title and the ballot instructions may be centered or aligned to the left on the page or column. If the instructions appear in the leftmost column, there shall be no individual races below the column.

(c) Columns.

1. A paper ballot page shall contain no more than four columns.

2. A visual display ballot shall contain no more than two columns.

3. All candidates for the same race shall appear on the same page and in the same column on a paper ballot or entirely on one screen page of the default setting for a visual display ballot, except as otherwise specified within this rule. A voter may magnify the default setting of a visual display ballot so that all candidates in the same race may not appear on one screen page.

4. No issue or public measure choices of Yes and No shall be split between columns or pages.

5. No judicial merit selection and retention question on the ballot shall appear in more than one column, span more than one column, or extend onto another side or page of the ballot. However, each separate retention question relating to the same or different category of judicial retention may be split.

(5) Ballot Title. The ballot title shall be printed single-spaced, flush left or centered across the top of the first page of a paper ballot and on the first ballot screen of a visual display ballot. The date of the election within the ballot title shall list the full name of the month, the numeric day, and full numeric year (for example, November 3, 2020). The ballot title, in bold upper and lower case letters, shall be printed on the ballot for each election in no less than two and not more than four lines for each language in which the ballot is printed, for example:

Official Presidential Preference Primary Election Ballot (date of election) (name) __ Party [Insert county name], Florida
Official Primary Election Ballot, (date of election) (Insert name of Party or insert Nonpartisan, as applicable), [Insert county name], Florida
Official General Election Ballot (date of election) [Insert county name], Florida
Official Special Election Ballot (date of election) [Insert county name], Florida
Official Special Primary Election Ballot (date of election) (Insert name of Party or insert Nonpartisan, as applicable) [Insert county name], Florida

(6) Contest title. After the instructions, the title of each contest on the ballot shall appear either against no background or a lightly shaded background in bold, upper and lower case font. The contest title involving a public office shall appear as prescribed for office titles in Section 101.151, F.S., *e.g.*, State Senator. Additionally, the contest title for a constitutional amendment shall read:

No. \_\_\_\_ Constitutional Amendment, Article \_\_\_\_, Section \_\_\_\_.

(7) Listing of election contests. Under each ballot title, the ballot shall list the contests in the order specified in Sections 101.151 and 105.041, F.S., and as further specified herein as follows:

(a) Partisan offices.

1. Federal office.
2. State office.
3. County office.
4. Municipal office.

5. District and special district office. The order of district and special district offices on a ballot shall be: multi-county, county, municipal, and districts covering a geographical area less than municipal. The special districts within each listing shall be listed alphabetically.

6. Party offices. The order of placement shall be state, district, and precinct committeemen and committeewomen.

(b) Nonpartisan offices.

1. Justice of the Supreme Court (judicial merit selection and retention).
2. Judge of a District Court of Appeal (judicial merit selection and retention).
3. Circuit Judge (election or merit selection and retention).
4. County Judge (election or merit selection and retention).

5. Nonpartisan county office. If a county elects county officers listed in Section 101.151, F.S., on a nonpartisan basis, the order of those offices shall be the same as the order in Section 101.151, F.S. for partisan offices and shall appear before the contest for school board member.

6. School Board Member.

7. Nonpartisan municipal office.

8. Nonpartisan district and special district office. The order of district and special district offices on a ballot shall be: multi-county, county, municipal, and districts covering a geographical area less than municipal. The district and special districts within each listing shall be listed alphabetically, with district offices listed before special district offices.

(c) Candidate names. Names of candidates shall be in upper and lower case font. The space between candidate names in the same contest may be single-spaced or double-spaced.

(d) Issue or public measure.

1. Statewide constitutional amendment or other statewide public measure.
2. County public measure including local option for merit selection and retention or election for circuit or county judge.
3. Municipal public measure.
4. Special district public measure. Special district public measures shall be listed in the same order as special district offices.

(8) Contest instructions. Immediately below the contest title for public office, the ballot shall instruct the voter about his or her choices as follows:

(a) In contests for office in which the voter may make only one choice, including offices with paired or joint candidates, the instruction shall read: (Vote for 1) or it may be spelled out as (Vote for One).

(b) In contests for office in which the voter may make more than one choice, the instruction shall read: (Vote for up to [enter number to be elected]). The number may be written numerically or spelled out.

(c) When a primary election includes one or more Universal Primary Contests, the phrase, Universal Primary Contest, shall appear in bold beneath the office title of the Universal Primary Contest and before the contest instruction.

(9) Contest choices.

(a) Candidate names other than write-in candidates.

1. The list of names of nominees or candidates shall follow the instructions for contest choices as set forth in subsection (7).  
2. Each nominee or candidate's name shall be displayed in the following order notwithstanding any other order or designation as indicated on the candidate oath per Section 99.021, F.S.

a. First name or a shortened form as provided by the candidate or nominee (*e.g.*, Rob, instead of Robert, or J. instead of James). A period shall immediately follow any designation of a first initial.

b. Middle initial or middle name, and if applicable, a bona fide nickname by which the candidate or nominee is commonly or customarily known. If the oath includes both the first and last names and the nickname of a candidate, the nickname shall be

enclosed in quotation marks (e.g., Garrett R. “Gator” Cane) on the ballot. If the candidate does not indicate on the oath that the nickname should be included with the candidate's first name (e.g., Ted Davis printed on the oath for a candidate named Thomas Eugene Davis; or Dottie Smith printed on the oath for a candidate named Doris Smith), the nickname shall not be in quotation marks on the ballot (e.g., Ted Davis, not “Ted” Davis; or Dottie Smith, not “Dottie” Smith). A period shall immediately follow any designation of any middle initial(s).

c. Surname (last name).

d. Suffix such as Sr or Jr or II or sequential numbers. No comma shall be included in the name before any suffix and no period shall be included after a suffix; for example, the name on the ballot shall appear as John O. Doe Jr without further punctuation.

3. The name of each nominee or candidate shall be in upper and lower case letters.

4. Each name of a nominee or candidate shall be associated with a corresponding vote target.

a. The name(s) shall appear after the oval vote target on the same line.

b. The name of the second candidate or nominee in a paired or joined candidacy shall appear indented under the name of the principal candidate. Only the principal candidate's name shall have the party designation and vote target associated with it.

(b) Write-in candidates.

1. In a contest in which one or more write-in candidates have qualified, the phrase “Write-in” or “Write-in Candidate” shall appear directly after the end of the list of candidate names printed or displayed on the ballot for that contest. A blank line shall be placed after or immediately over Write-in or Write-in Candidate, and a corresponding vote target shall be associated with the blank line. In a contest with joint candidacies, no second write-in line is required.

2. In a contest in which multiple candidates may be selected and more than one write-in candidate has qualified, the phrase “Write-in” or “Write-in Candidate” shall be added and a blank line for each number of selections, or for each number of qualified write-in candidates, whichever is less, shall appear on the ballot. The write-in option shall be added directly below the list of candidate names printed on the ballot for that contest and a corresponding vote target shall be associated with each blank line with the word Write-in (or the words Write-in Candidate) immediately preceding the blank line or over it. For example, when a contest is “Vote for up to 2,” and three write-in candidates have qualified, the contest would reflect the phrase “Write-in” or “Write-in Candidate(s)” and have two blank lines placed after or immediately over the word Write-in or words Write-in Candidate(s) with a corresponding vote target associated with each blank line to ensure that voters could write in the names of two of the three qualified write-in candidates if they so choose.

(c) Party Affiliation.

1. In a general election, the appropriate three-letter abbreviation of a political party name or no party affiliation (NPA) in capital letters shall be included for each candidate or pair of candidates in a partisan contest. The party abbreviation shall appear on the same line to the right of the candidate's name or the first candidate's name of a paired or joint candidacy.

2. The party abbreviation placed on the ballot shall be the same abbreviation the Division of Elections assigns to the registered political party or as appears on the Division's official certification of candidates for the election. The party abbreviation shall not be enclosed in parentheses.

3. The party abbreviation shall not be included on primary election ballots, unless there is a Universal Primary Contest on one or more ballot styles in the county. In a Universal Primary Contest, the names of all candidates for all partisan offices, including candidates for the Universal Primary Contest, shall be displayed with an appropriate abbreviation of the party name.

(d) Incumbent designation. When the law permits the ballot to designate the incumbent on the ballot, the word incumbent shall appear in lower case letters to the right of the incumbent's name.

(e) Multiple contests under one contest title. When there are multiple contests under one contest title (e.g., judicial retention or party office (committeemen and committeewomen) contests), the contests shall be separated by a solid line across the column in which the contest appears.

(10) Paper ballots.

(a) Paper stock. Paper ballots shall be on applicable paper stock so they may be properly read by the optical scan voting equipment. The paper ballot's size shall be a minimum of 8 1/2" x 11" to a maximum of 8 1/2" x 22", not including optional ballot stubs that may be included on the ballot.

(b) Paper color. The ballot color shall be white. Color markings may be on the white-colored ballot.

(c) Ballot layout.

1. Ballot stub. An optional ballot stub of a minimum length of one inch to a maximum length of three inches may be located at

the top or bottom of the paper ballot with the bottom being the preferred location. The stub should have a control number that may be used for later reconciliation of ballots.

2. Barcode. A paper ballot may contain an optional barcode to identify:

a. The ballot, which barcode may be on the ballot, the ballot stub, or both. This barcode shall only identify the party, precinct, ballot style, page number, or type of ballot. The barcode may not be used in any manner to identify the voter.

b. The voter's voted choices on the ballot, which barcode may be located in any area of the ballot, except within the area containing the contests. This barcode shall only contain the voter's selections and may not be used in any manner to identify the voter.

(d) Ballot Instructions.

1. Ballot instructions shall appear flush left or centered in normal or bold font with a minimum size of 10-point type (3.5mm) immediately below the ballot title either across the page or in the first column. The following instructions or substantially similar instructions shall appear:

a. To vote, fill in the (oval) completely (insert picture of filled oval) next to your choice. Use (insert type(s) of appropriate marking device).

If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.

b. Where a write-in candidate has qualified, add an additional instruction to read:

To vote for a write-in candidate, fill in the oval and print the name clearly on the blank line provided for the write-in candidate.

2. The space for marking the vote target shall comply with the voting system's specifications.

3. In contests for retention, constitutional amendments or other public measures, the choices Yes and No shall follow the ballot question in upper and lower case letters on separate lines.

(e) Vote target. The vote target must be an oval, and shall be in black outline. The alignment of the vote target shall be at an available location that allows it to be flush or indented from the left margin.

(f) Ballot front page. The front page of the paper ballot shall conform to the following requirements:

1. The ballot title shall appear as set forth in subsection (5).

2. The election contest(s) shall appear as set forth in subsections (6), (7), (8), and (9).

(g) Ballot footer. A ballot footer shall appear on the bottom of the front page and the bottom of the reverse page if one or more contests appear on the reverse page of the ballot. The text shall be in bold, upper and lower case text, with a minimum font of 10-point (3.5mm) type, and read: Vote Both Sides of Page.

(h) Reverse side of ballot front page. The reverse side of the first page of the paper ballot, if a reverse side is required, shall conform to the requirements for the front page of the ballot, except the ballot title and ballot instructions need not be included.

(i) Multiple ballot sheets. A second ballot sheet of paper and any additional ballot sheets of a paper ballot, if applicable, shall conform to the requirements of the reverse side of the first page of a paper ballot. When multiple ballot sheets exist, page numbers for each ballot page may be inserted for clarification. If page numbers are used, both the current page number and the total page count shall be provided and be located in the same place on each page; for example, Page 1 of 4, Page 3/4, 3 of 5, or similar notations.

(j) Contest designation. Each contest title on the paper ballot shall be in a box outlined in black type or, in the absence of an outline box, each contest title shall have a straight black line above the top of the contest title.

(11) Visual display ballots.

(a) Display.

1. The initial or welcome screen shall contain the ballot title set forth in subsection (5), and may have an icon for the county's seal. The start of the visual introduction or welcome screen can be manual or automatic and may continue on more than one screen.

2. The visual display may have accompanying audio which reads the text on the visual display ballot.

3. The visual display ballot may have color background and color text.

4. The visual display may have contrast and magnification capabilities.

(b) Choice selection. The voter must be able to make selections using a keyboard, number keypad, tactile device, assistive device, mouse, or finger touch.

(c) Ballot instructions. The visual display ballot instructions may appear at any point before the contest choices or may be posted separately and prominently in each voting booth. The instructions on a visual display ballot shall inform the voter how to:

1. Select a language other than English for the ballot and have the remainder of the visual display ballot displayed in the

selected language. This instruction is only required if two or more language choices are offered or required in the county for its voting system.

2. Start voting the ballot.
3. Mark a choice and how that choice will be reflected or appear on the screen, to include how to vote for a write-in candidate.
4. Vote for a qualified write-in candidate whose name is not printed on the ballot. This instruction is to be added in which one or more write-in candidates have qualified for an office.
5. Change or undo a choice if the voter changes his or her mind on a particular candidate or issue.
6. Proceed to the next ballot page.
7. Go back a screen.
8. Review his or her choices before casting the ballot.
9. Cast the ballot in order for his or her vote to be recorded.

(d) Contest title. Before the listing of the election contests on a visual display ballot, the contest title shall appear as specified in subsection (6).

(e) Contest order. The visual display ballot shall list the contests in the order specified in subsection (7).

(f) Contest choices.

1. Below the contest title, the ballot shall direct the voter about the choices in each contest as specified in subsection (8).
2. Each screen of a visual display ballot may have one or more contests on the screen.
3. Each screen of the visual display ballot shall display all candidates in a contest, but if not all candidates can be displayed at the minimum font size on one screen, the visual display shall indicate that additional candidates are on a following display or on a scroll display.
4. The vote target shall be flush or indented on either the left or right side.
5. The selection of choice may be made at the vote target or anywhere on the line containing the vote target.
6. For any public measures, the text may be displayed on as many screens as necessary to accommodate the text. Any coding of the text shall be displayed in the same manner as on paper ballots.

(g) Undervoted contest. The visual display ballot shall indicate to the voter when the voter did not select the total number of allowable vote(s) in a contest.

(h) Final instructions before casting the ballot.

1. The visual display shall indicate to the voter if the voter is about to cast a blank ballot and that no vote on the ballot will be counted.
2. The visual display shall allow the voter to review the ballot and make any desired changes.
3. The visual display shall provide a clear instruction how to cast the ballot and confirm whether the voter desires to cast the ballot.
4. The visual display shall visually display that the ballot was cast and voting is complete.

(12) Hybrid voting system.

(a) Electronic display requirements. The electronic display for a hybrid voting system shall comply with the requirements for a visual display ballot contained in this rule.

(b) Paper output requirements. The font of the paper output must be no less than 10-point type and the paper output itself may be of any size and format so long as it includes all contests and selections and the output can be properly tabulated. The paper output must contain:

1. Human readable text without abbreviations or shortened text for the ballot title, except dates may be in all numeric text, for example, 08/26/2014;
2. Human readable text identical in content as displayed on the visual display ballot for each contest title for which the voter made a selection;
3. Human readable text identical in content as displayed on the visual display ballot for the voter's selections in each contest; and,
4. If the paper output is designed for the tabulator to read the barcode or optical label, a corresponding barcode or other machine-readable optical label for each of the voter's selections.

(13) Audio ballot.

(a) Audio format.

1. The audio system shall allow the voter to change the volume at any point in the balloting process.
2. An audio voting device may have both a visual display ballot and an audio ballot separately or in combination.
3. Audio can be synthesized voice or recorded human speech, which speech may be a male or female voice.
4. The audio ballot shall have the capability for a voter to use either a headphone or tactile interface device to listen to the audio.
5. The audio ballot must produce auditory feedback tones for providing important and necessary information to the voter.
6. All instructions, information, text, and candidate names shall be given without voice inflection so as to favor or disfavor any potential selection.

7. The order of election contests on the audio ballot shall be the same as the requirements in subsection (7).

(b) Audio introduction. The start of the audio introduction can be manual, automatic, or continual repetition. The default language for the audio ballot is English. The introduction shall repeat itself in all applicable languages until the voter confirms to continue with the ballot in English or makes a change to a different language. The introduction must have instructions regarding how the voter may select an additional language. If the voter chooses another language, the remainder of the audio shall be in the selected language.

(c) At the beginning, the audio ballot shall instruct the voter as to:

1. The ballot title, party identification for a primary election, and the number of contests on the ballot.
2. How to have an instruction repeated.
3. How each contest is indicated on the ballot, *and if applicable, the number associated with the contest to facilitate the voter's ability to locate the contest on the ballot.*
4. How to return to a previous contest on the ballot.
5. How to proceed from one contest to another or from one candidate to another.
6. How to make and change a selection in a contest.
7. How to repeat the selections made.
8. How to confirm a choice that has been made.
9. How to enter a write-in candidate's name and vote for the write-candidate.

(d) During the voting session, the audio ballot shall inform the voter of:

1. The contest title and optional contest number of the contest, the number of available votes which can be cast in the contest, the number of candidates for the office, the candidates' names and their corresponding party designation, if included on the ballot, and whether a candidate is an incumbent if authorized by Section 101.151, F.S.
2. Any constitutional amendment as specified in the following order:
  - a. No. \_\_\_\_ Constitutional Amendment, Article \_\_\_\_, Section \_\_\_\_.
  - b. The ballot title for the proposed amendment.
  - c. The ballot summary for the proposed amendment, or when applicable, the full text of the proposed constitutional amendment or revision, followed by the financial impact statement, if provided.
  - d. The choices of Yes and No.
3. Any other public measure in the following order: the ballot title, ballot summary, and the choices of Yes and No.
4. When the voter has not made a selection in a contest or has selected less than the allowable number of choices for the contest.
5. How the voter can change or undo a selection for a candidate or choice.
6. How the voter can continue to the next contest on the ballot.
7. That the voter has reached the end of the ballot.
8. Review his or her choices before casting the ballot and to make any desired changes.
9. How to cast the ballot.
10. A confirmation that the ballot was cast and that voting has been completed.

(14) Deviation from the rule.

A supervisor of elections may reasonably deviate from those requirements to the extent necessary for any of the following reasons:

- (a) There are more candidates for a contest than will fit in one column or screen.
- (b) The candidate's name is longer than will allow the party abbreviation to fit to the right of the candidate's name.
- (c) A candidate's name is too long to fit on one line in the minimum font size.
- (d) The party abbreviation cannot be printed in the minimum font size without going onto a second line.
- (e) Printing the (Vote for 1) or (Vote for up to [enter number to be elected]) designations in the minimum font size will require

an additional ballot card.

(f) The voting system will not permit the suppression of party abbreviations on ballots when a universal primary contest exists.

(g) Any other extraordinary circumstances which cannot reasonably be accommodated except by deviation from the requirements of the rule.

(15) Graphic depiction of ballots.

(a) The forms in this paragraph represent illustrations of uniform presidential preference primary, primary, and general election ballots which may be adapted to each type of voting system certified in Florida based upon the requirements of each voting system and this rule (e.g., font size, flush left or centering of the ballot title, and placement of ballot instructions in the first column or centered across the page). Common examples of adaptations may include, but not be limited to, the insertion of timing marks and barcodes on the ballot, precinct designations, vote targets being of a different type, or vote targets being at a different location on the ballot; otherwise, the ballot used in an election shall be substantially in accordance with one of the following applicable forms:

1. DS-DE 200 (eff. 04/2020), Presidential Preference Primary ballot (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11593>);
2. DS-DE 201 (eff. 04/2020), Democratic Primary ballot, not containing a universal primary contest (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11594>);
3. DS-DE 202 (eff. 04/2020), Republican Primary ballot, not containing a universal primary contest (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11595>);
4. DS-DE 203 (eff. 04/2020), Nonpartisan Primary ballot, not containing a universal primary contest (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11596>);
5. DS-DE 204 (eff. 04/2020), Democratic Primary ballot, containing a universal primary contest (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11597>);
6. DS-DE 205 (eff. 04/2020), Republican Primary ballot, containing a universal primary contest (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11598>);
7. DS-DE 206 (eff. 04/2020), Nonpartisan Primary ballot, containing a universal primary contest (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11599>);
8. DS-DE 207 (eff. 01/2016), General Election ballot (<https://www.flrules.org/Gateway/reference.asp?No=Ref-06441>); and,
9. DS-DE 208 (eff. 01/2016), Hybrid Voting System Primary Election Paper Output Receipt (<https://www.flrules.org/Gateway/reference.asp?No=Ref-06432>).

(b) The forms in paragraph (a), are hereby incorporated by reference and may be obtained from the Division of Elections, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6200, or may be printed directly from the Division of Elections' website.

*Rulemaking Authority 20.10(3), 97.012(1), 101.151(9), 103.101(6), 105.041(2) FS. Law Implemented 103.021, 101.151(9), 101.161, 101.5608(3), (4), 105.041 FS. History—New 6-6-02, Amended 9-8-02, 07-13-04, 2-18-16 (1), (2)(f), (12), (14), (15)(a)9, 1-1-17, 4-23-20.*

## **EXHIBIT B**

# Polling Place Procedures Manual



DS-DE 11 Eff. 04/2020  
(R1S-2.034, F.A.C.)

Florida Department of State  
Division of Elections  
R.A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
(850) 245-6200

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## How To Use This Manual

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### Document Conventions

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This manual contains cross-references to other chapters or sections that contain information relevant to the topic under discussion. If you are using the electronic version of this manual, click the blue cross-reference link to jump to that information. If you are using a printed version of this manual, the cross-reference tells you which chapter or chapter and section to consult.

### Informational Symbols/Icons

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The following icons are used to emphasize information:



Alert – indicates alert; warning; special attention needed



Information – indicates highlighted or additional information



Deadline – indicates a time sensitive issue or a deadline



Important Note

### Assistance

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If you have any questions about the material covered in this manual or need further assistance, please contact your immediate supervisor or designated staff in the supervisor of elections' office [Contact information for supervisors of elections' office <https://dos.elections.myflorida.com/supervisors/>]

## Chapter I - Introduction

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### A. Overview

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This manual is for use by the election team at the polls during the early voting period and on Election Day. All forms and signage referenced herein should be in the supplemental election materials provided as part of training and early voting and Election Day packets.

### B. Definitions

---

The terms used herein are defined as follows:

Clerk	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.
Deputy	The person who has been deputized by the sheriff who is present at all times the polls or early voting site are open and who is charged with maintaining good order at the polls and early voting sites.
Election Board	The clerk and inspectors appointed to conduct an election.
Polling Place	The building which contains the polling room where either early voting or Election Day voting occurs. On Election Day, a polling place is designated for each precinct.
Polling Room	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, inspectors, equipment managers, ballot managers, and assistants.
Precinct	Refers to geographic areas that local government has divided for election purposes. The voter's residential address within a particular geographic area determines which issues and offices a voter can vote upon in an election.
Precinct Register	Refers to either the computer printout or electronic database (or more commonly referred to as an electronic poll book). (section 98.461(2), Fla. Stat.).
Uniformed Services Members	Includes any member of the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service (PHS), and the commissioned corps of the National Oceanic and Atmospheric Administration (NOAA).
Vote-by-Mail Ballot	A ballot cast without going to the polls to vote during early voting or Election Day. (formerly referred to as an absentee ballot).
Voting Area	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 the area where voters are in line waiting to be processed, check in and are processed; and cast their ballots.

## Chapter II – Before Polls Open (Sections 101.5610, 102.012, Fla. Stat.)

### A. Election Team

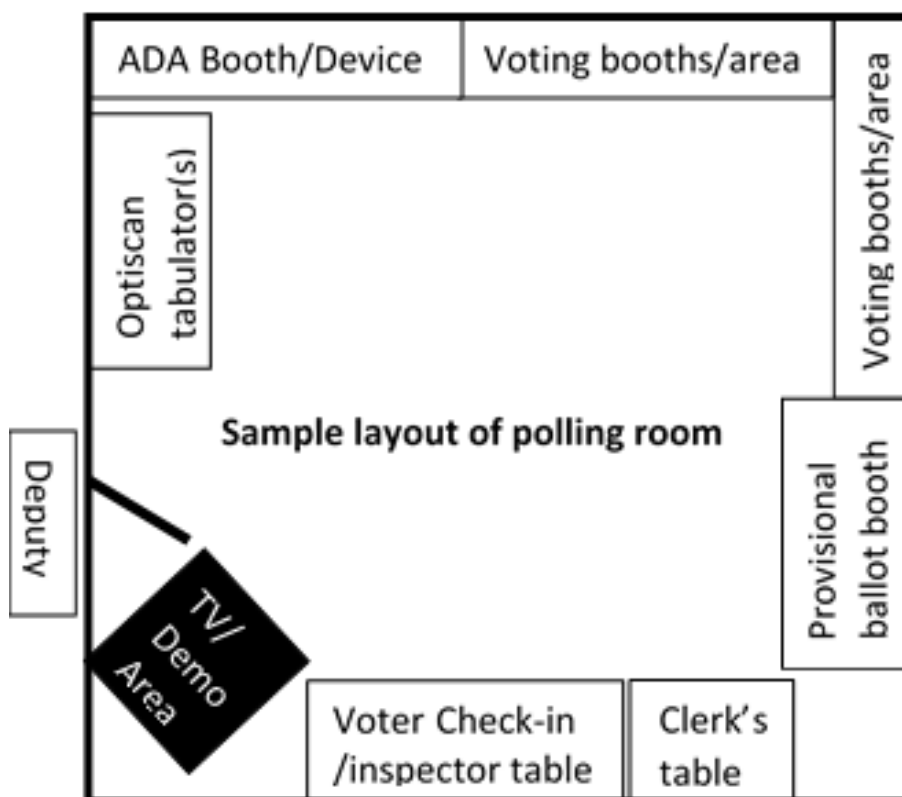
The election team consists of the election board and the deputy or deputies. The election board consists of all assigned poll workers who serve as clerks or inspectors for each precinct. The election board focuses on election issues inside the polling room. The deputy organizes the process outside the 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. Polls must be ready to open and must open by 7 a.m. For the early voting period, opening and closing hours may vary by site. Follow the directions given to you by the supervisor of elections.

### B. Polling Room Layout

The following is an example of a recommended layout for a polling room. Not all polling rooms need to or can be arranged the same as it may depend on the size, location, and shape of the polling room. Voting booths may also be placed in the center in rows, provided privacy is secured.



## C. Set-up

---

At a minimum, the following steps must be taken before polls open:

- Compare the ballots or the ballot information to be used in the voting devices with the sample ballots furnished and certify in writing that the names, numbers, and letters agree.
- Arrange furniture, precinct supplies, and voting equipment.
- Set up the voting booths in a way that voters cannot see each other's ballots to ensure privacy.
- Set up the accessible voting equipment for persons with disabilities, even if you do not expect anyone to use this equipment. Check that equipment works and keep it operational throughout the voting day. All voters should be using voter interface devices that meet accessibility requirements.
- Ensure that paths of travel, doorways, hallways, entrances, and voting areas are clear and accessible.
- Make all requisite supplies, forms, and documents available.
- Display or make available all required notices and instructions in English and Spanish (See *Section D*).
- Ensure election board wear badges identifying them as staff and their role including if they provide language assistance.
- Designate sufficient non-permitted parking to accommodate the anticipated number of voters.
- Set-up and clearly designate the secure vote-by-mail drop box (early voting sites only).
- Designate no-solicitation zone (See *Section E*).

## D. Signage/Information

All of the following must be in English and Spanish and displayed or made available where they can be easily seen and read. This may be set up as a voter information board or kiosk.



Required polling place materials include but are not limited to:

1	Voter's Bill of Rights and Responsibilities	DS-DE 20 and DS-DE 21, eff. 01/2006; section 101.031(1), Fla. Stat.
2	General Information and Instructions to Voters	DS-DE 68, eff. 03/2018, Appendix A; section 101.031(1), Fla. Stat.
3	Specific instructions on manner of voting on voting system	section 101.5611(1), Fla. Stat.
4	Notice of Use of Accessible Voting Equipment	section 101.5611(1), Fla. Stat.
5	Glossary - U.S. Election Assistance Commission's "Election Phrases at a Glance – English to Spanish" and other bilingual election-related language assistance information	Voting Rights Act, section 10303(e), section 10503
6	Notice that reads: "A person who commits or attempts to commit any fraud in connection with voting, votes a fraudulent ballot, or votes more than once in an election can be convicted of a felony of the third degree and fined up to \$5,000, and/or imprisoned for up to 5 years."	section 101.5611(2), Fla. Stat.
7	Sample ballots for inspection	section 101.20, Fla. Stat.
8	Signage identifying an accessible path of travel to the polling place if it differs from the primary route or entrance.	section 101.71(4), Fla. Stat.
9	Constitutional amendment booklets including summary of the financial information statements for initiatives, if applicable.	sections 100.371(13) and 101.71, Fla. Stat.
10	Forms in English and Spanish related to voter registration applications, affidavits, declarations, provisional ballot certificates, etc.	Voting Rights Act, section 10303(e), section 10503
11	If a polling room has security cameras which have been disabled or are non-operational, the following notice must be posted: "Camera is non-operational during voting hours."	section 102.031(5), Fla. Stat.

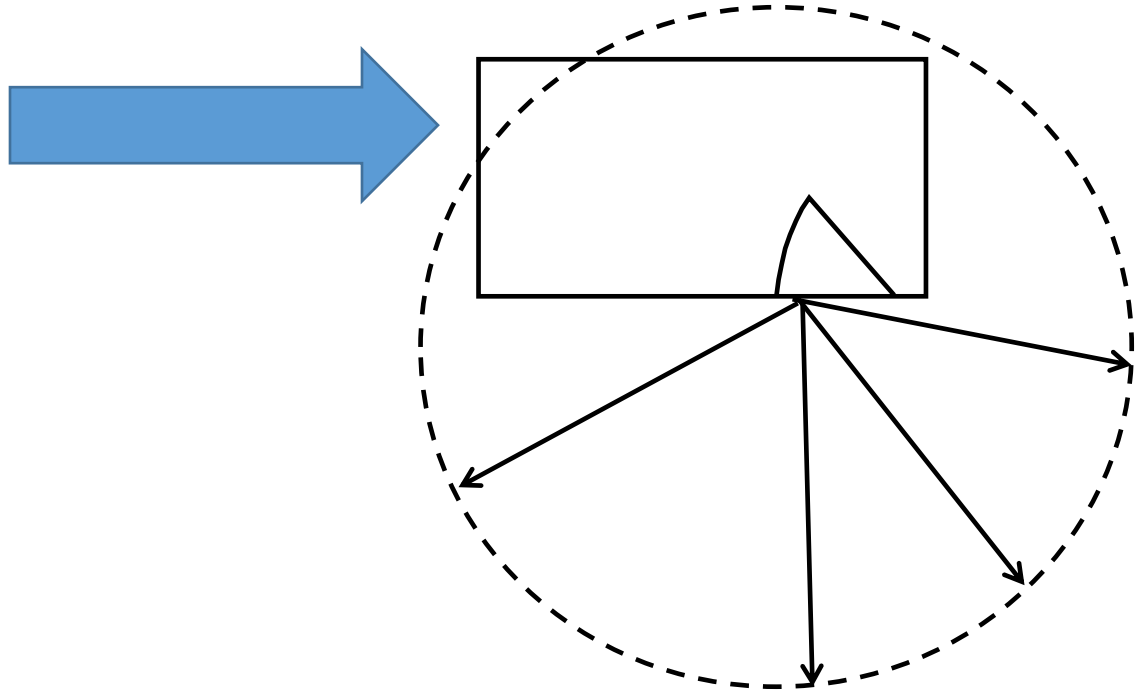
## E. No Solicitation Zone (Section 102.031, Fla. Stat.)

The clerk or supervisor of elections must designate and mark the 150-foot no-solicitation zone and mark the boundaries, **in all directions if possible** from the entrance to a polling place or an early voting site, a polling room where the polling place is also a polling room, or if applicable, multiple entrances to the polling place or early voting site. See also *Section H. Solicitation Restrictions (Chapter III)*.



**150-foot no solicitation zone should be marked in all directions if possible.**

Polling Place,  
Polling Room, or  
Early Voting Site  
(as applicable)



*NOTE: Example above shows single entrance to polling place.*

## Chapter III – In the Polling Room

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### A. Who Is Allowed in the Polling Room? (Sections 101.051, 101.58, 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, per section 101.58, Fla. Stat.



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

### B. Who Is Not Allowed in the Polling Room? (Sections 102.031, Fla. Stat.)

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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 a voter, unless permitted by the clerk or a majority of the election board

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 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. Election Team

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The election team should wear identification badges. Special badges may be assigned if you are providing language assistance. If you are providing Spanish language assistance, please See *Section C. Voter Asks for Language Assistance (Chapter VI)*. This will help to distinguish the election team from poll watchers. It will also make it easier for voters to identify and seek

information or help from a poll worker or election staff. Poll workers and staff should refrain from use of personal electronics or other distractions so they can focus their attention on the voters.

Poll workers and election staff must remain nonpartisan while on duty during the early voting period and on Election Day.

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

## D. Voters

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Voters may bring in pre-marked sample ballots or campaign literature for their personal use. They *may not* use these to campaign inside the polling place or within 150 feet of the entrance to the polling place.

Voters may wear campaign buttons, shirts, hats, or any other campaign items when they enter the polling place to vote.

After each voter leaves, a poll worker must check the voting booth for uncast ballots and campaign or other materials left behind. Poll workers must remove and discard any sample ballots or campaign material left by a voter in the polling place. Follow the procedure in *Section H. Uncast Ballot (Chapter V)*.

Voters are permitted to photograph only their own ballot per section 102.031, Fla. Stat.

## E. Poll Watchers (Sections 101.111, 101.131, 101.23, 102.031(3), Fla. Stat.)

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Each political party and each candidate may have one poll watcher in each polling room during the early voting period and on Election Day. Additionally, a political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may also have a designated poll watcher in each polling room during the early voting period and on Election Day. The supervisor of elections will provide each polling place a list of the names of poll watchers he or she has pre-approved.

Approved poll watchers may roam and 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.

While in the polling room, poll watchers:

- Must wear their badges that identifies them by name
- Are allowed to observe the conduct of the election. They *may not*, however, obstruct the orderly conduct of the election
- May observe the voter check-in process. They *may not*, however, come closer to the inspectors' table or the voting booths than is reasonably necessary to perform the poll watcher's functions
- May not speak to or otherwise interact with voters inside the polling room

- May submit written voter challenges to the precinct clerk
- Are not allowed to wear campaign buttons, shirts, hats, or other campaign items
- May bring in and use mobile electronic devices in a **non-disruptive** way, for example:
  - Devices must be set so as to produce no noise or a low volume vibration.
  - Devices may not be used to take photographs or recordings of any kind inside the polling room or early voting site. See *Section D. Voters and G. Photography Prohibited (Chapter III)*.
  - Poll watcher may not have an audible telephone conversation inside the polling room or early voting site.
- Must pose any questions regarding polling place procedures to the clerk for resolution

## F. Order at the Polls (Section 102.031, Fla. Stat.)

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The supervisor of elections or the election board may take any reasonable action to ensure order is maintained at the polling place. Law enforcement officers may be called upon to remove disruptive persons from the polling room or the no-solicitation zone.

## G. Photography Prohibited (Section 102.031, Fla. Stat.; DE AO 12-13)

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No photography is allowed in the polling room or early voting area except as indicated below. This prohibition also applies to operational security cameras within the polling room. If they remain operational, they must be covered so voters, voting, and ballots are not recorded in violation of privacy. If cameras are not operational, a notice must be posted notifying voters that the camera is not in use during voting hours.

Voters are permitted to photograph only their own ballot.

## H. Solicitation Restrictions (Sections 101.051(2), 102.031, Fla. Stat.)

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Exit polling by media or others is the **only exception** to the no-solicitation law. Exit pollsters may approach voters only *after* voters leave the polling place. Otherwise, no person or group may solicit voters:

- Within the designated no solicitation zone. See *Section E. No Solicitation Zone (Chapter II)*
- Inside the polling place

“Solicit” and “solicitation” includes:

- Asking someone for their vote
- Offering to assist someone 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. Voters may wear campaign buttons, shirts, hats or other paraphernalia
- Distributing any political or campaign material or handout
- Conducting a poll [exit polling excepted]
- Asking someone to sign a petition
- Selling any type of item

## Chapter IV – Voter Check-In

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### A. Photo Identification (Sections 101.23, 101.043, 101.045, 101.49, Fla. Stat.)

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When a voter presents to vote, ask the voter for a current and valid photo ID. Only the following forms of photo ID are acceptable by law:

- Florida driver 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, state, county, or a municipality.

If the person presents a valid photo ID and signature, compare the person in the photo to the voter and the signatures:

- If determined to be the same person, proceed to *Section B. Name (Chapter IV)*.
- If you doubt they are the same person, the voter shall be allowed to vote a provisional ballot. Follow the procedure in *Section B. Provisional Ballot (Chapter V)*.

If the voter does not present the proper photo and signature ID, he or she shall be allowed to vote a provisional ballot. Follow the procedure in *Section B. Provisional Ballot (Chapter V)*.



#### Problems with ID?

- If the photo ID presented does not contain the voter's signature, a separate ID with the voter's signature is required. For example, a student ID with a photo and a credit card or other identification such as a library card with the voter's signature.
- No voter should be turned away from voting for lack of photo identification. Allow the voter to cast a provisional ballot.

## B. Name (Sections 98.461, 101.5608(1), Fla. Stat.)

Search for the voter's name in the precinct register. If the voter's name is on the precinct register, proceed to *Section C. Address (Chapter IV)*. If the voter's name is not on the precinct register, check for name variations.

Search Tips if unable to locate name as presented:		
Name Search Type	Example	Possible Search Criteria
<b>Hyphenated names</b>	Mary Smith-Collins	<ul style="list-style-type: none"><li>▪ Smith</li><li>▪ Collins</li><li>▪ SmithCollins or CollinsSmith</li><li>▪ Collins Smith or Smith Collins</li><li>▪ Smith% (wildcard search)</li></ul>
<b>Multiple surnames</b>	Maria Morena de Arroyo	<ul style="list-style-type: none"><li>▪ deArroyo</li><li>▪ de Arroyo</li><li>▪ Arroyo</li><li>▪ Morena</li></ul>
<b>Surnames with special characters</b>	Nela Muñoz or López	<ul style="list-style-type: none"><li>▪ Munoz</li><li>▪ Lopez</li></ul>
<b>Same names</b> (Father, son, and/or grandson – may or may not be distinguished by suffix)	<ul style="list-style-type: none"><li>▪ Thomas Jones, Sr.</li><li>▪ Thomas Jones, Jr.</li><li>▪ Thomas Jones, III</li></ul>	<ul style="list-style-type: none"><li>▪ Last name and date of birth</li></ul>
<b>Similar names</b> (Twins -same birthday; siblings or close relatives -different birthdays)	<ul style="list-style-type: none"><li>▪ Terriyana - Terriana Jones</li><li>▪ Ethan - Evan Bennett</li><li>▪ Kathryn Elizabeth - Elizabeth Kathryn Sims</li></ul>	<ul style="list-style-type: none"><li>▪ First name, last name, and date of birth</li><li>▪ If available, scan driver license or state ID card available to search</li></ul>

Depending on the electronic poll book in use, **you may be able to additionally search by:**

- FVRS number;
- voter's house number and last name;
- first name and date of birth; and
- last name and date of birth.

**NOTE:** Not all electronic poll books will accept all of the example searches above. Please refer to your county's training manuals for more information about electronic poll books used in your county.

If the voter's name still cannot be found on the precinct register, the inspector shall:

- Ask the voter if the voter's name or address has changed:
  - If the voter's name has changed, first follow the procedure in *Section G. Name Change (Chapter IV)* before continuing with the voter check-in process.
  - If the voter's address has changed, first follow the procedure in *Section F. Address Change (Chapter IV)* before continuing with the voter check-in process.

- Contact the supervisor's office or, if available at the precinct, check the master list of registered voters.
  - If voter is found to be eligible to vote and, if voting on Election Day, is in the proper precinct, he or she may continue with the voter check-in process.
  - If voter is eligible to vote but assigned to another precinct (if voting on Election Day), the clerk shall direct the voter to the proper precinct. If voter's address has changed, follow the procedure for *Section F. Address Change* (Chapter IV). If voter's address has not changed but voter insists on voting in the incorrect precinct, follow the procedure in *Section B. Provisional Ballot* (Chapter V).
  - If voter is an unverified voter [i.e., someone whose Florida driver license number, Florida identification card number or last four digits of social security card has not yet been or could not be verified by the supervisor's office, follow the procedure in *Section B. Provisional Ballot* (Chapter V).
  - If voter is not registered or eligible to vote, but the voter believes he or she is, follow the procedure in *Section B. Provisional Ballot* (Chapter V).

If you cannot get in contact with the supervisor of elections' office to determine more about the voter's eligibility, follow the procedure in *Section B. Provisional Ballot* (Chapter V).



#### **Voter's Presumed Residence**

If the voter's address on the photo ID matches the voter's address in the precinct register, you may not ask them to provide further information. 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.

## C. Address (Sections 101.043(1), 101.045, Fla. Stat.)

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.

- If the voter responds *yes* to the question, follow the procedure in *Section F. Address Change* (Chapter IV).
- If the voter responds *no* to the question and the address on the photo ID presented is the same as the one on the precinct register, proceed to *Section D. Signature* (Chapter IV).
- If the voter cannot recall or is uncertain of his or her address on record is current, ask him or her to recite or show you his or her current address to compare with the one on record.

If the voter's address is address protected, follow special procedures established by the supervisor of elections to allow voter to disclose address in a confidential and discreet manner.

## D. Signature (Sections 98.461, 101.49, and 101.5608(1), Fla. Stat.)

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The voter must sign the precinct register, electronic signature pad, or the early voting certificate, whichever is applicable. The precinct register must contain space or allow for voter's signature and for witnessing clerk's or inspector's initials.

1. Compare the voter's signature to the signature on the identification. If a signature match is determined, proceed to *Section E. Eligible to Vote (Chapter IV)*.
2. If the signature signed by the voter differs from the one on the ID or they do not appear to match, instruct the voter to complete a signature affidavit. If the person completes the affidavit, proceed to *Section E. Eligible to Vote (Chapter IV)*.
3. If the person does not complete the affidavit, follow the procedure in *Section B. Provisional Ballot (Chapter V)*.

## E. Eligible to Vote (Sections 101.045, 101.5608, Fla. Stat.)

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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, allow the voter to vote a regular ballot.

1. Give the voter his or her proper ballot with a secrecy sleeve and check, if applicable, that all pages of a multi-page ballot are included.
2. If a voter requests assistance, follow the procedure for *Chapter VI – Assistance at the Polls*. Do not question the existence, nature or extent of his or her disability.

## F. Address Change (Sections 101.045(2), Fla. Stat.)

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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. **Within county.** If the voter is only making an in-county address change, instruct the voter to complete an affirmation or voter registration application.
  - If voting on Election Day and the voter's new address is in a different polling place, the clerk must direct the voter to the proper polling place corresponding to his or her new precinct. If the voter is not in the proper precinct but insists that they are, follow the procedure in *Section B. Provisional Ballot (Chapter V)*.
  - If voting on Election Day and the voter's new address is in the same polling place, continue with the voter check-in process.
  - If voting during the early voting period, the voter may vote at any polling place after making an in-county address change.
2. **From outside county.** If the voter has moved from another Florida county, follow the applicable procedures:
  - Precincts or polling places using electronic poll books. 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 (if voting on Election Day), continue with the *Voter Check-in* process and allow the voter to vote a regular ballot. Once a voter is determined to be eligible to vote in the county, they may vote at any polling place if voting during the early voting period.

- Precincts using paper precinct registers. The voter shall be allowed to vote a provisional ballot (see exception below). Follow the procedure in *Section B. Provisional Ballot (Chapter V)*. 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 is voting on Election Day and if his or her new address corresponds to a different precinct or polling place, direct the voter to that precinct or polling place to vote to ensure that the ballot will be cast and counted.
  - **Exception:** For active uniformed services members or their family members moving in from another Florida county, allow the voter to make the address change on an affirmation or a voter registration application before voting a regular ballot.
3. **Protected address.** If a voter's address is marked on the precinct register as address-protected, follow special procedures established by the supervisor of elections to allow the voter to make and disclose current address and if necessary, make address change in a confidential and discreet manner.



### Voter Goes to the Wrong Precinct?

Each precinct must be provided with information which will enable the clerks to direct voters to the proper precinct on Election Day such as:

- A county map showing precinct boundaries and polling place locations
- A street index of the county with a polling place list
- Any online source (other than through direct contact with the supervisor of elections' office) that reliably and accurately provides information indicating where a voter should vote based on his or her address

## G. Name Change (Sections 101.045(2), Fla. Stat.)

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

If the voter's former name is not on the precinct register, call the supervisor of elections' office or access a master list of registered voters to determine if the person is eligible to vote. If the person is eligible and in the proper precinct, instruct the voter to complete an affirmation or voter registration application for a name change before continuing the voter-check-in process. Otherwise proceed to Chapter V. *Voting Process*.

## H. Challenge to Voter's Right to Vote (Sections 101.111, Fla. Stat.)

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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 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 *Section B. Provisional Ballot (Chapter V)*.

**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 in *Section F. Address Change (Chapter IV)* before continuing the voter check-in process.

## Chapter V – Voting Process

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### A. Primary Election (Sections 97.055, 101.021, Fla. Stat.; Section 5, Article VI, Fla. Const.)

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Florida is a closed primary election state. This means that only voters who are registered members of political parties may vote in contests for their party's candidates or nominees for an office in a primary election including in a presidential preference primary election.

All voters, regardless of party affiliation or no party affiliation may also vote for nonpartisan offices and public measures in a primary election.

There are times when a “universal primary” contest may appear on a primary ballot. This means that all the candidates or nominees in the contest are from the same party and they will face no opposition in the general election. When that happens, all voters, regardless of whether the voter is registered with or without a party affiliation, may vote in that contest.

While a voter may submit a party change at the polls in a primary election, it will not take effect until the next election.

It is very important that the voter be given the ballot that corresponds to his or her residential address and during a primary election, the ballot that corresponds to his or her party affiliation.

### B. Provisional Ballot (52 U.S.C. Section 21082, Sections 101.048, 101.049, 101.111, Fla. Stat.)

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Voters have a right to vote a provisional ballot in certain circumstances. This is a fail-safe mechanism provided under both federal and state law.

**1. The following is a list of situations in which a voter must be allowed to vote a provisional ballot:**

- 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 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 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 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 otherwise allowed to make an out-of-county address change at the polls for purposes of voting a regular ballot (e.g., new polling location does not have electronic poll book, or person is not an active uniformed services voter or family member).

- 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 requested a vote-by-mail ballot and the poll worker is unable to verify whether the vote-by-mail ballot has been returned and received by the supervisor of elections.
  - A voter whose name is on the precinct register with an indication that he or she requested a vote-by-mail ballot and the poll worker confirms that the supervisor of elections has received the voted vote-by-mail ballot, but the voter maintains that he or she has not returned the vote-by-mail 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 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.
  - Any person for whom you are unable to get through to the supervisor of elections' office to determine if person is eligible to vote.
2. **Notice of rights/instructions.** Each person voting a provisional ballot must be given the written notice and instructions required by law including:
- Right to present further written evidence (if he or she so chooses) that supports his or 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 the provisional ballot was counted and if not, the reason why.
  - Right to cure signature if signature is missing from provisional ballot certificate or the signature on the certificate does not match with the one on record or in the precinct register.
3. **How to vote and process a provisional ballot.**

Provisional voting with ballot (marksense or voter interface device with voter verifiable paper output).



**Absolutely No Tabulation of Provisional Ballots!**

Do not put or allow a voter to put the provisional ballot through the tabulating equipment at the polls.

- Step 1: The voter must first be provided the Provisional Ballot Voter's Certificate and Affirmation form to complete. The voter must complete and sign the form in front of the poll worker.
- Step 2: The poll worker who witnesses the voter's signature must also sign the same form and indicate the:
- ✓ Election date
  - ✓ Precinct or ballot style
  - ✓ Specific reason(s) the voter is voting a provisional ballot
- Step 3: The voter is to be given the marksense or voter verifiable paper output ballot.
- Step 4: Once the voter has completed the provisional ballot, the voter must place the voted ballot (which may be a voted marksense ballot or a voter verifiable paper output that contains the voter's selections) into the secrecy envelope, then place the secrecy envelope within the provisional ballot envelope, and afterwards seal the provisional ballot envelope.
- Step 5: If the Provisional Ballot Certificate and Affirmation form is not a part of the envelope, the completed form must be attached to the envelope. The sealed provisional ballot envelope must then be placed in a ballot box or other container labeled specifically for and used only for provisional ballots.



**Keep 'Extended Hours' Separate from  
'Regularly Scheduled Hours' Provisional Ballots!**

If a court order extends polling hours past the regularly scheduled hours, keep all provisional ballots voted as a result of the polling hours being extended separate from other provisional ballots cast during regular voting hours.  
section 101.049, Fla. Stat.

4. **How to return voted provisional ballots to the office.** All provisional ballots must remain sealed in their envelopes and must be returned to the supervisor of elections after the polls close. The voter's notice of rights may be given to the voter at any point in this process, but no later than the point at which the provisional ballot envelope is placed in a secured ballot box or other container.

### C. Voter Asks for Another Ballot (Sections 101.5608, Fla. Stat.)

If a voter makes a mistake on his or her ballot or the voter-verifiable paper output, whichever is applicable, the voter may receive another ballot or be given another opportunity to make his or her selections on the voting equipment, as is applicable, unless the ballot or voter-verifiable paper output has been cast in the tabulator. The uncast ballot or voter-verifiable paper output that has a mistake on it is referred to as a "spoiled ballot." Place the voter's spoiled ballot or paper output in a spoiled ballot envelope. If the voter spoils a second ballot or paper output, allow the voter to mark another ballot or make another selection on the equipment. A voter is allowed up to three attempts to vote, including the original attempt.

## D. Voter Who Requested Vote-by-Mail Ballot Goes to Vote at Polls (Section 101.69, Fla. Stat.)

A voter who has requested a vote-by-mail ballot may go instead to vote at the polling place. A voter who has requested a vote-by-mail ballot should already be noted on the precinct register.

1. If the voter returns the vote-by-mail ballot, voted or not, to the poll worker, the poll worker must confirm that the voter has not already voted. If not able to confirm, the voter shall be allowed to vote a provisional ballot. If the vote-by-mail ballot is returned, first mark the returned vote-by-mail ballot “Canceled” on the certificate side of the ballot envelope and secure the ballot for return to the supervisor of elections after the polls close.
2. If the voter does not return the vote-by-mail ballot to the poll worker, the poll worker must confirm with the supervisor of elections’ office that the supervisor of elections has not already received the voter’s vote-by-mail ballot. A vote-by-mail ballot is deemed cast upon receipt by the supervisor of elections’ office.
  - If it is verified that the supervisor of elections has not received the vote-by-mail 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 ballot but the voter maintains that he or she did not return the vote-by-mail ballot, the voter shall be allowed to vote a provisional ballot. Follow the procedure in *Section B. Provisional Ballot (Chapter V)*.
  - If it cannot be verified or otherwise determined whether the voter’s vote-by-mail 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 in *Section B. Provisional Ballot (Chapter V)*.

## E. Secure Drop-Boxes for Voted Vote-by-Mail Ballots (Section 101.69, Fla. Stat.)

Every early voting location must provide a secure drop box for voters who do not want to vote at the location but want to physically return a voted vote-by-mail ballot to the supervisor of elections. The secure drop box must be clearly labeled, sealed and placed in an area where a designated election board member maintains custody and control of the drop box at all times.

The designated election board member should ensure that prior to the ballot being dropped off that the voter has placed and sealed their voted ballot in the certificate envelope and signed the certificate. When the polls close, the election board must perform the ballot accounting procedures in *Section D. Ballot Accounting (Chapter IX)* to account for the ballots in the drop box.

## F. Spoiled Ballot (Section 101.5608(2), Fla. Stat.)

If a voter, 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 in *Section D. Ballot Accounting (Chapter IX)* to account for the ballots issued and the number of ballots spoiled.

## G. Voter Tries to Take Ballot from Polling Room (Section 104.20, Fla. Stat.)

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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. Attempt to stop the voter from taking the ballot but if the voter does, make a notation on the Ballot Accounting Form and document the incident.

## H. Uncast Ballot

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If a voter leaves the polling room and leaves his or her ballot in the voting booth or in and around the tabulation equipment without casting the marksense ballot, the poll workers shall place the ballot in an envelope or container marked “unscanned ballot.” The envelope or container shall be transmitted to the canvassing board.

## I. Upset Voter

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Voters may become upset, irate or frustrated for a number of reasons, particularly if they are told that they cannot do something they want to do, they must go to another location to vote, or their registration or eligibility is in question.

Keep the following things in mind as you address the situation:

- Remain calm and professional. If you get upset or shout, the voter is likely to get increasingly upset.
- Keep voice levels down.
- Watch your body language.
- Listen to what the voter is saying.
- Be polite and respectful.
- Offer the voter assistance. Try to find a solution to the problem.
- If necessary, ask the clerk or deputy to assist if the voter becomes very angry or threatening.
- Document reported problems and resolutions.



For additional information see *Section F. Order at the Polls (Chapter III)*.

## Chapter VI – Assistance at the Polls

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### A. Overview

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All voters have the right to ask for and receive help in voting from any person other than their employer, employer's agent, or union representative; including but not limited to reasons of blindness, disability, inability to read or write, or limited-language proficiency.

### B. Voter Asks for Help In Casting a Ballot or Using Equipment (Sections 101.5611, 101.031(4), 101.051, 97.061, Fla. Stat.)

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If after entering the voting booth, the voter asks for more instructions on how to mark the ballot or use the equipment, two poll workers of different political parties, if present, or, if not, two poll workers of same political party, shall assist the voter. No one assisting the voter shall in any manner request, suggest, or seek to persuade or induce any elector to vote for or against any particular ticket, candidate, amendment, question, or proposition. After giving the elector instructions, the poll workers shall leave the voter to vote in secret.

For other types of specific assistance, see Section C. Voter Asks for Language Assistance within this chapter, and Chapter VII entitled Voters with Disabilities.

### C. Voter Asks for Language Assistance (52 U.S.C. 10303(f)(4) and 52 U.S.C. 10503(b)(2)(A))

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Some voters may need language assistance due to an inability to read, write, or speak English or because of limited-English language proficiency. A voter needing language assistance must be allowed to:

- Bring along a person to interpret as long as that person is not an employer, an agent of the employer, or union representative.
- Vote using a Spanish translated marksense ballot to mark their choices for subsequent tabulation or a voter interface device that provides the voter an option to view and select contest choices in Spanish and produce a voter-verifiable paper output with the voter's selections for subsequent tabulation.
- Have available for reading sample ballots, other voting and registration materials and information translated in Spanish.
- Have language assistance provided by bilingual worker, interpreter, or professional translator services by phone, other interactive or virtual service for translation, or multi-language-audio-capable voting equipment, whichever is provided in your county.

Your county supervisor of elections will provide you with the requisite materials and guidance including the U.S. Election Assistance Commission's glossary entitled "Election Phrases at a Glance – English to Spanish". If you are serving as a bilingual poll worker, wear identification at all times in the polls in the required language.



**Do not** request, suggest, or seek to persuade any voter on how to vote for any particular candidate, issue, or judicial retention.

## A. Overview

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All voters have the right to request and obtain assistance in voting. See also (*Chapter VI*).

Some voters may have a disability that is not visible or evident. Regardless of the name of the disability, the basic steps below should be followed:

- Treat every voter with the same dignity and respect you would want, expect, and deserve in words, tone, and actions.
- Be professional, courteous, and patient.
- Use “People First” language. For example:
  - “A person who uses a wheelchair” instead of “a wheelchair bound” or “a person confined to a wheelchair.”
  - “A person who is blind” instead of a “blind person.”
- Avoid outdated terms such as “handicapped” or “crippled” or contrived or potentially offensive terms such as “differently abled” or “physically challenged.”
- Avoid using vague and exclusive group terms such as “they” or “them” for voters with disabilities.
- Speak directly to the voter, even if accompanied by a companion or caregiver.
- Treat assistive devices as an extension of the voter whether it is a wheelchair, scooter, crutch, walker, cane, eye wear, hearing aid, prosthetic device, or orthotic device.
- Listen carefully to the voter to learn how to best help the voter. Explain the process and, if needed, give the voter more time to complete the task at hand.

## B. Cognition

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A voter with a cognitive disability may have difficulty with memory, attention, reading, or sight.

- Use a calm demeanor.
- Use simple words and short sentences to explain the process.
- Repeat process as needed.
- Give them time to move through the process without feeling rushed.

## C. Hearing

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A voter who is deaf, hard of hearing, or with mild or moderate hearing ability may use a hearing device or an interpreter. It may not be immediately obvious.

- Do not shout. It is disruptive to shout and may actually make you harder to understand, especially if the voter reads lips.
- Speak directly to the voter, even if accompanied by an interpreter.

## D. Mobility

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A voter with a permanent or temporary physical disability may use a cane, a crutch, a walker, or a wheelchair to move around. The degree of mobility may vary. For example, a voter using a wheelchair may still be able to use his or her hands and arms or get out of the wheelchair and walk a short distance. A person with respiratory or heart trouble may not appear to be mobility impaired, but he or she may need to sit down.

- Do not lean across a wheelchair user to talk to someone else or to shake another person's hand.
- Make eye contact with the voter. If voter is in a wheelchair, be at eye level, if possible, by either sitting in a chair or standing at a slight distance.
- Do not pull or touch a voter's wheelchair unless you have received permission to do so. The chair is part of the voter's personal space.
- Ensure 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.
- Ensure ramps are not obstructed so they can be used without difficulty.
- Ensure there is a clear path of travel into and out of the polling area for persons who may be in wheelchairs or using other assistive devices.
- Be aware of the reach limits of people in wheelchairs. 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.

## E. Sight

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A voter who is blind or has low vision may use glasses or a magnifying glass, or travel with a guide dog, a cane, or a sighted guide, or be alone. Be prepared to offer assistance in orientation and reading.

- A poll worker should identify them self with name and title as he or she makes contact with a person who is blind or has low vision.
- Do not speak loudly to a person who is blind or has low vision.

- If voter asks to be guided, offer an arm or shoulder to guide and walk slightly in front of the voter.
- Describe the setting including any partly open doors, steps, or ramps.
- If the person is using a guide dog, walk on the opposite side of where the dog is guiding the voter. Do not talk to, distract, or otherwise touch service animals including their harness or leash. The dog is “on duty.”
- 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.
- Be specific with warnings such as stop, swerve, duck, or bend. Do not shout or use non-specific warnings such as “Look out!”
- 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 or has low vision, let him or her know.
- Read informational signs that appear in print on the walls of the polling place.
- Offer magnifying sheets or lens if available or requested by the voter.
- Offer the voter who is blind or has low vision 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.

## F. Speech and Communication

---

A voter with a speech or communication disability may have difficulty with speaking, memory, or concentration. It may not be immediately obvious.

- Be patient and do not interrupt. Wait for the voter to finish speaking.
- If you do not understand or need clarification, restate what you understood.
- If needed or requested, provide the voter a pen/pencil and paper to write questions and answers.

## Chapter VIII – Voting Systems Operation (Sections 101.5601-101.5614, 101.56062, Fla. Stat.)

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### A. Overview

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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 Systems Operations Manual for each type of voting system including the accessible voting 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 vote tabulator against further voting after the polls have closed, and how to properly relay vote totals, handle the ballots and, in some cases, transport voting equipment back to the supervisor of elections' office after the polls have closed.

### B. Vote Tabulators - (Sections 101.5606, 101.5608(2), Fla. Stat.)

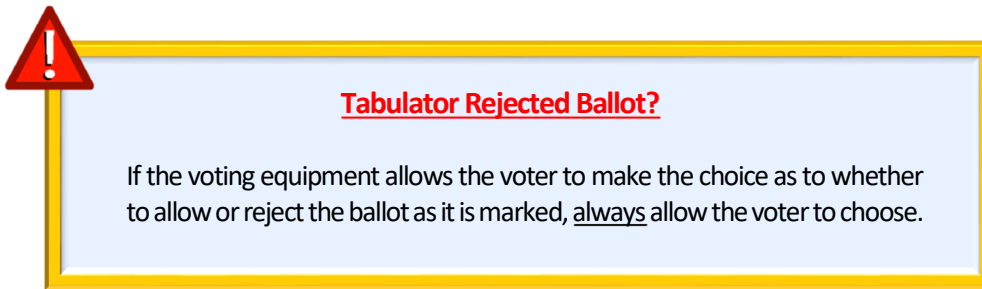
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The following applies when a voter uses an optical or digital scan voting system:

The voter is given a ballot and a secrecy sleeve which he or she takes to the voting booth. After marking the ballot, the voter places the voted ballot into the secrecy sleeve, takes it to the vote tabulator and puts the ballot in the vote 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 vote tabulator reads the ballot as completely blank, the ballot will be rejected by the tabulator.

The vote tabulator screen will display a message to the voter. If necessary, the inspector should inform the voter, without looking at the ballot, that the displayed message is the cause the ballot was rejected and that the voter should follow the instructions on the screen. The inspector should also inform the voter that he or she may get another ballot or cast the ballot 'as is'.



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 *Section C. Voter Asks For Another Ballot (Chapter V)*.

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.



**Effective January 1, 2020**

All voting must be by marksense ballot, using either a ballot marking device or a voter interface device that produces a voter-verifiable paper output. Voted marksense ballots will be cast into vote tabulators to be counted.

## C. Ballot Marking Devices

---

The following applies when voting using a ballot marking device:

- Depending on the system used in the county, the voter is given an unmarked ballot or a blank ballot card and a secrecy sleeve which he or she takes to the voting booth. If a voter asks for further assistance, the poll worker will accompany the voter to the ballot marking device, and as necessary will assist them as needed with retrieving accessible equipment. Once the display appears on the screen, the voter will be left alone to vote and cast his or her ballot.
- The voter marks his or her ballot on a screen similar to a touchscreen or computer screen either by hand, with an audio tactile interface (ATI) and headphones, or using a sip and puff device.
- Ballot marking devices 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.
- When the ballot is marked, the voter's ballot should then be cast into a vote tabulator.

## Chapter IX. Closing the Polls (Sections 100.011(1), Fla. Stat.)

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### A. Announcement

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At the scheduled closing hour for the early voting day or at 7 p.m. on Election Day, the clerk or other designated official shall announce that the polls are closed and that anyone in line will be allowed to vote. The election team must complete steps including but not limited to securing equipment and ballots as further detailed below. After all voters have finished voting and the polls are closed, the proceedings of the election board are open to the public.

### B. Voters in Line at Close of Polls

---

All eligible voters standing in line at the polling place by the early voting closing hour or 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.

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 the closing hour. Any person voting after the last person who was in line during the scheduled early voting closing hour or 7 p.m. on Election Day must vote a provisional ballot. These provisional ballots must be kept separate from all other provisional ballots cast during the regular voting hours. (section 101.049, Fla. Stat.)

### C. Securing Voting Equipment

---

Once all voters in line by close of polls 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 Systems Operations Manual for the voting system used in the county and the security procedures approved for the county.

### D. Ballot Accounting (Section 101.69(2), Fla. Stat.)

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Ballot accounting must be conducted at the end of each day during early voting and on Election Day after the polls close.

Voted vote-by-mail ballots physically returned and placed in authorized secure drop boxes at early voting locations must be kept separate and apart from canceled returned vote-by-mail ballots where the voter chose to vote in person. Voted vote-by-mail ballots in secure drop boxes must be retrieved and placed in a transfer box, case or bag with numbered seals. The transfer box, case or bag with the returned voted vote-by-mail ballots must be returned to the Supervisor of Elections' office at the end of every day of voting. The transfer box, case or bag must include audit forms documenting the number of vote-by-mail ballots received and the seal numbers used to secure the box, case or bag.



#### **Ballot Accounting Reconciliation**

- **Do not** let any unauthorized person touch or otherwise interfere with the ballot or ballot container or the process for counting ballots. No more than 3 poll watchers are allowed near the election officials reconciling ballots. See section 104.29, Fla. Stat.
- **Do not** rush through any process or be pressured for results. Accuracy is extremely important.

## i. Vote Tabulators

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After the voting devices have been locked against further voting and the polls have closed, the election board must:

1. Verify that the number of voted ballots, unused ballots, provisional ballots, unscanned ballots, and spoiled ballots corresponds with the number of marksense ballots issued by the supervisor of elections.
2. Verify that the number of voters equals the number of ballots cast as indicated by the precinct tabulator, plus the number of provisional ballots voted. The Board must take 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.
3. If there are any differences, the election board shall recount the signatures, the validated voter check-ins, or the authority slips and certificates. If there are still differences, the clerk shall report in writing such differences, with the reasons for the difference, if known, to the supervisor of elections for post-election processing in coordination with the canvassing board, as appropriate.
4. If ballots have more than one page, the election board must follow the supplemental accounting procedures prescribed by the supervisor of elections.

## ii. Ballot on Demand Systems for Early Voting and 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 must:

1. 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.
2. Determine the number of ballots printed and the number of ballots spoiled as compared to the number of persons who signed in and the number of persons who voted.
3. If there are discrepancies, the election board shall report the discrepancy to the supervisor of elections.
4. If ballots have more than one page, the election board must follow the supplemental accounting procedures prescribed by your supervisor of elections.

### A. Security

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The size of a polling place and the number of persons in a polling place can have security implications from traffic flow to voter privacy to order and vigilance in the polling place. The election team should follow written procedures for security established by the supervisor of elections which will include but not be limited to securing voting devices and ballots before, during and after the voting process.

Some basic steps that should be taken include but are not limited to:

- Monitor closely, entrances and exits to ensure that only authorized persons are within the polling room and any surrounding restricted areas at all times.
- Prevent unauthorized access, theft, or misuse of election materials and sensitive and/or confidential documents such as signed forms, voted ballots, ballot stock, provisional ballots, and equipment from time of delivery through voting and return.
- Ensure that equipment (including ancillary equipment such as cables and modems) cannot be tampered with or deliberately damaged.
- Check (e.g., audit, reconcile, inventory) periodically throughout the day to make sure there are no vulnerabilities or oversights which allow inappropriate access to election materials and equipment.
- Follow established procedures for securing, counting, and transporting ballots to and from the polling place.
- Document procedures, incidents, and troubleshooting.
- Ensure electronic transmission of results, data, and files are secure. For example, if signal is weak, exercise caution if moving equipment to window or door within public view or access.
- Review chain-of-custody procedures.
- Review and be familiar with a contingency plan to communicate and respond to a threat to public safety (e.g., bomb, electrical outage, fire, knife/shooting, flood, or other disaster) and include an evacuation plan, if necessary.
- No sheriff, deputy sheriff, police officer or other officer of the law is allowed within the polling place until the clerk or majority of the inspectors grant permission or unless he or she is there to vote. Once allowed, the deputy sheriff in an official capacity is subject to the clerk's or inspector's commands.

### B. Emergency Event

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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, be familiar with and follow the protocols established by the supervisor of elections.

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# EXHIBIT C

### **1S-2.034 Polling Place Procedures Manual.**

The Department of State, Division of Elections, is required to create a polling place procedures manual to guide election officials and poll workers in the proper implementation of election procedures and laws. Form DS-DE 11 (effective 04/2020), entitled “Polling Place Procedures Manual,” is hereby incorporated by reference and available at the following link: <http://www.flrules.org/Gateway/reference.asp?No=Ref-11592>. The form is also available from the Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division of Elections’ rules webpage at: <http://dos.myflorida.com/elections/>.

*Rulemaking Authority 20.10(3), 97.012(1), 102.014(5) FS. Law Implemented 97.055, 97.061, 98.461, 100.011, 100.061, 101.021, 101.031, 101.043, 101.045, 101.048, 101.049, 101.051, 101.111, 101.131, 101.23, 101.49, 101.5601, 101.5608, 101.5610, 101.5611, 101.5614, 101.56062, 101.56075, 101.69, 102.012, 102.014, 102.031, 104.20 FS. History—New 7-4-02, Amended 1-25-04, 3-16-06, 1-1-08, 8-13-08, 8-25-10, 1-18-12, 6-19-14, 4-23-20.*