

By Senator Artiles

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1                   A bill to be entitled  
2           An act relating to the Florida Election Code; amending  
3           s. 101.051, F.S.; specifying the manner in which a  
4           person providing assistance to an elector in casting a  
5           ballot must read the ballot's contents; increasing  
6           penalties for unlawfully providing assistance to an  
7           elector, or soliciting to provide assistance to an  
8           elector; providing a penalty for giving anything of  
9           value in an effort to provide assistance to an  
10          elector; amending s. 101.131, F.S.; specifying  
11          requirements with respect to the layout of a polling  
12          room or early voting area; prohibiting an election  
13          official from obstructing a poll watcher under certain  
14          circumstances; adding elected officials to the list of  
15          persons prohibited from being designated as poll  
16          watchers; amending s. 102.031, F.S.; revising the  
17          circumstances under which the no-solicitation zone  
18          surrounding a polling place, early voting site, or  
19          supervisor of election's office exists; providing a  
20          penalty for unlawfully soliciting a voter; deleting an  
21          obsolete term; providing a penalty for unlawfully  
22          photographing in a polling room or early voting area;  
23          providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

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27           Section 1. Subsections (1) and (2) of section 101.051,  
28 Florida Statutes, are amended to read:

29           101.051 Electors seeking assistance in casting ballots;  
30 oath to be executed; forms to be furnished.—

31           (1) Any elector applying to vote in any election who  
32 requires assistance to vote by reason of blindness, disability,

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33 or inability to read or write may request the assistance of two  
34 election officials or some other person of the elector's own  
35 choice, other than the elector's employer, an agent of the  
36 employer, or an officer or agent of his or her union, to assist  
37 the elector in casting his or her vote. Any such elector, before  
38 retiring to the voting booth, may have one of such persons read  
39 over to him or her, without suggestion or interference, the  
40 titles of the offices to be filled and the candidates therefor  
41 and the issues on the ballot fully and in their entirety. After  
42 the elector requests the aid of the two election officials or  
43 the person of the elector's choice, they shall retire to the  
44 voting booth for the purpose of casting the elector's vote  
45 according to the elector's choice.

46 (2) It is unlawful for any person to be in the voting booth  
47 with any elector except as provided in subsection (1). A person  
48 at a polling place or early voting site, or within 100 feet of  
49 the entrance of a polling place or early voting site, may not  
50 solicit any elector in an effort to provide assistance to vote  
51 pursuant to subsection (1). A person may not give anything of  
52 value that is redeemable in cash to any elector in an effort to  
53 provide assistance to vote pursuant to subsection (1). Any  
54 person who violates this subsection commits a felony ~~misdemeanor~~  
55 of the third ~~first~~ degree, punishable as provided in s. 775.082,  
56 ~~or~~ s. 775.083, or s. 775.084.

57 Section 2. Subsections (1) and (3) of section 101.131,  
58 Florida Statutes, are amended to read:

59 101.131 Watchers at polls.—

60 (1) Each political party and each candidate may have one  
61 watcher in each polling room or early voting area at any one

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62 time during the election. A political committee formed for the  
63 specific purpose of expressly advocating the passage or defeat  
64 of an issue on the ballot may have one watcher for each polling  
65 room or early voting area at any one time during the election.  
66 No watcher shall be permitted to come closer to the officials'  
67 table or the voting booths than is reasonably necessary to  
68 properly perform his or her functions, but each shall be allowed  
69 within the polling room or early voting area to watch and  
70 observe the conduct of electors and officials. The polling room  
71 or early voting area shall be laid out in a manner so as to not  
72 impede a poll watcher from the ability to observe the operations  
73 of the polling place. An official may not obstruct a poll  
74 watcher's good faith performance of his or her functions so long  
75 as the poll watcher is not disrupting the operations of the  
76 polling place. The poll watchers shall furnish their own  
77 materials and necessities and may ~~shall~~ not obstruct the orderly  
78 conduct of any election. The poll watchers shall pose any  
79 questions regarding polling place procedures directly to the  
80 clerk for resolution. They may not interact with voters. Each  
81 poll watcher shall be a qualified and registered elector of the  
82 county in which he or she serves.

83 (3) An elected official, ~~No candidate,~~ ~~or~~ sheriff, deputy  
84 sheriff, police officer, or other law enforcement officer may  
85 not be designated as a poll watcher.

86 Section 3. Subsections (4) and (5) of section 102.031,  
87 Florida Statutes, are amended to read:

88 102.031 Maintenance of good order at polls; authorities;  
89 persons allowed in polling rooms and early voting areas;  
90 unlawful solicitation of voters.-

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91 (4) (a) No person, political committee, or other group or  
92 organization may solicit voters inside the polling place or  
93 within 100 feet of the entrance to any polling place, a polling  
94 room where the polling place is also a polling room, an early  
95 voting site, or an office of the supervisor of elections where  
96 vote-by-mail ballots are requested and printed on demand for the  
97 convenience of electors who appear in person to request them,  
98 during the hours of operation of such sites. The no-solicitation  
99 zone also applies if voters are assembled in line at the time of  
100 the official closing of the polls waiting to enter the polling  
101 place, early voting site, or office. Before the opening of the  
102 polling place or early voting site, the clerk or supervisor  
103 shall designate the no-solicitation zone and mark the  
104 boundaries. Any person who violates this paragraph commits a  
105 misdemeanor of the first degree, punishable as provided in s.  
106 775.082 or s. 775.083.

107 (b) For the purpose of this subsection, the terms "solicit"  
108 or "solicitation" shall include, but not be limited to, seeking  
109 or attempting to seek any vote, fact, opinion, or contribution;  
110 distributing or attempting to distribute any political or  
111 campaign material, leaflet, or handout; conducting a poll except  
112 as specified in this paragraph; seeking or attempting to seek a  
113 signature on any petition; and selling or attempting to sell any  
114 item. The terms "solicit" or "solicitation" may not be construed  
115 to prohibit exit polling.

116 (c) Each supervisor of elections shall inform the clerk of  
117 the area within which soliciting is unlawful, based on the  
118 particular characteristics of that polling place. The supervisor  
119 or the clerk may take any reasonable action necessary to ensure

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120 order at the polling places, including, but not limited to,  
121 having disruptive and unruly persons removed by law enforcement  
122 officers from the polling room or place or from the 100-foot  
123 zone surrounding the polling place.

124 (d) Except as provided in paragraph (a), the supervisor may  
125 not designate a no-solicitation zone or otherwise restrict  
126 access to any person, political committee, ~~committee of~~  
127 ~~continuous existence~~, candidate, or other group or organization  
128 for the purposes of soliciting voters. This paragraph applies to  
129 any public or private property used as a polling place or early  
130 voting site.

131 (5) ~~No~~ Photography is prohibited ~~permitted~~ in the polling  
132 room or early voting area. Any person who violates this  
133 subsection commits a misdemeanor of the first degree, punishable  
134 as provided in s. 775.082 or s. 775.083.

135 Section 4. This act shall take effect October 1, 2017.