

By Senators Latvala, McKay, Williams, Brown-Waite, Myers, Sullivan, Lee, Grant, Childers, Bronson, Crist, Harris, Clary, Horne, Kirkpatrick and Burt

19-684-98

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A bill to be entitled  
An act relating to polling places; amending s.  
102.031, F.S.; revising provisions relating to  
the solicitation of voters near polling places;  
providing for the removal of certain persons  
from polling rooms and polling places and their  
vicinity; providing an effective date.

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

Section 1. Subsection (3) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls;  
authorities; persons allowed in polling rooms; unlawful  
solicitation of voters.--

(3)(a)1. ~~A~~ ~~no~~ person may not enter any polling room or  
polling place where the polling place is also a polling room,  
during voting hours except the following:

- ~~a.1.~~ Official poll watchers;
- ~~b.2.~~ Inspectors;
- ~~c.3.~~ Election clerks;
- ~~d.4.~~ The supervisor of elections or his or her deputy;
- ~~e.5.~~ Persons there to vote, persons in the care of a voter, or persons caring for such voter;
- ~~f.6.~~ Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or
- ~~g.7.~~ A person, whether or not a registered voter, who is assisting with or participating in a simulated election for minors, as approved by the supervisor of elections.

1           2.~~(b)~~ The restriction in this paragraph ~~subsection~~  
2 does not apply where the polling room is in an area commonly  
3 traversed by the public in order to gain access to businesses  
4 or homes or in an area traditionally used ~~utilized~~ as a public  
5 area for discussion.

6           (b)~~(c)~~ No person, political committee, committee of  
7 continuous existence, or other group or organization may  
8 solicit voters within 100 ~~50~~ feet of the entrance to any  
9 polling place, or polling room where the polling place is also  
10 a polling room, on the day of any election.

11           ~~1. Solicitation shall not be restricted if:~~

12           ~~a. Conducted from a separately marked area within the~~  
13 ~~50-foot zone so as not to disturb, hinder, impede, obstruct,~~  
14 ~~or interfere with voter access to the polling place or polling~~  
15 ~~room entrance; and~~

16           ~~b. The solicitation activities and subject matter are~~  
17 ~~clearly and easily identifiable by the voters as an activity~~  
18 ~~in which they may voluntarily participate; or~~

19           ~~c. Conducted on property within the 50-foot zone which~~  
20 ~~is a residence, established business, private property,~~  
21 ~~sidewalk, park, or property traditionally utilized as a public~~  
22 ~~area for discussion.~~

23           ~~2. Solicitation shall not be permitted within the~~  
24 ~~50-foot zone on a public sidewalk or other similar means of~~  
25 ~~access to the polling room if it is clearly identifiable to~~  
26 ~~the poll workers that the solicitation is impeding,~~  
27 ~~obstructing, or interfering with voter access to the polling~~  
28 ~~room or polling place.~~

29           (c)~~(d)~~ For the purpose of this subsection, the term  
30 "solicit" includes ~~shall include~~, but is not ~~be~~ limited to,  
31 seeking or attempting to seek any vote, fact, opinion, or

1 contribution; distributing or attempting to distribute any  
2 political or campaign material, leaflet, or handout;  
3 conducting a poll; seeking or attempting to seek a signature  
4 on any petition; and selling or attempting to sell any item.

5 ~~(d)(e) The election board may have~~ Each supervisor of  
6 ~~elections shall inform the clerk of each precinct of the area~~  
7 ~~within which soliciting is unlawful, based on the particular~~  
8 ~~characteristics of that polling place. The supervisor or the~~  
9 ~~clerk may take any reasonable action necessary to ensure order~~  
10 ~~at the polling places which shall include:~~

11 1. ~~Designating a specific area for soliciting pursuant~~  
12 ~~to paragraph (c) of this subsection, or~~

13 2. ~~Having disruptive and unruly persons and persons~~  
14 who unlawfully solicit removed by law enforcement officers  
15 from the polling room or polling place or from the 100-foot  
16 ~~50-foot~~ zone surrounding the polling place.

17 Section 2. This act shall take effect July 1, 1998.

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20 SENATE SUMMARY

21 Revises provisions related to solicitation near polling  
22 places. Deletes certain exceptions to solicitation within  
23 50 feet of a polling place and extends the prohibited  
24 zone from 50 to 100 feet. Authorizes election boards to  
25 have certain persons removed from the vicinity of polling  
26 places.  
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