

By Representative Morroni

1 A bill to be entitled
2 An act relating to polling places; amending s.
3 102.031, F.S.; revising provisions relating to
4 the solicitation of voters near polling places;
5 providing for the removal of certain persons
6 from polling rooms and polling places and their
7 vicinity; providing an effective date.

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

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

13 102.031 Maintenance of good order at polls;
14 authorities; persons allowed in polling rooms; unlawful
15 solicitation of voters.--

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

19 a.1. Official poll watchers;

20 b.2. Inspectors;

21 c.3. Election clerks;

22 d.4. The supervisor of elections or his or her deputy;

23 e.5. Persons there to vote, persons in the care of a
24 voter, or persons caring for such voter;

25 f.6. Law enforcement officers or emergency service
26 personnel there with permission of the clerk or a majority of
27 the inspectors; or

28 g.7. A person, whether or not a registered voter, who
29 is assisting with or participating in a simulated election for
30 minors, as approved by the supervisor of elections.

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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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SENATE SUMMARY

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