

# FLORIDA LAW ENFORCEMENT QUICK REFERENCE GUIDE

This pocket reference guide contains key penal provisions found within the Florida Election Law (§102.031 through §104.30 and other relevant sections).

- Intimidating or threatening voters, whether directly or indirectly, is a felony.
- Threatening an elected official with death or serious bodily harm is a misdemeanor.
- Solicitation of voters within 150 feet of a polling place, voting site, or secure ballot intake station is prohibited.

## VOTING HOURS

**Election Day**  
7 a.m. to 7 p.m.

## 2023 ELECTION DATES

**No Statewide or federal elections in 2023** (as of 1/26/23)  
Municipal races on varying dates throughout the year.

## REPORT SUSPICIOUS BEHAVIOR TO

**Florida Department of State**  
1-866-308-6739 or 850-245-6684  
**Your County Supervisor of Elections**  
<https://dos.elections.myflorida.com/supervisors/>

**For more information**  
<https://dos.myflorida.com/elections/contacts/frequently-asked-questions/>



## **Voter intimidation or suppression prohibited; criminal penalties.**

Fla. Stat. §104.0615

- (2) A person may not directly or indirectly use or threaten to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to:
  - (a) Vote or refrain from voting;
  - (b) Vote or refrain from voting for any particular individual or ballot measure;
  - (c) Refrain from registering to vote; or
  - (d) Refrain from acting as a legally authorized election official or poll watcher.
- 3) A person may not knowingly use false information to:
  - (a) Challenge an individual's right to vote;
  - (b) Induce or attempt to induce an individual to refrain from voting or registering to vote; or
  - (c) Induce or attempt to induce an individual to refrain from acting as a legally authorized election official or poll watcher.
- (4) A person may not knowingly destroy, mutilate, or deface a voter registration form or election ballot or obstruct or delay the delivery of a voter registration form or election ballot.
- (5) A person who violates any subsection above commits a felony of the third degree.

## **Corruptly influencing voting.**

Fla. Stat. §104.061

- (1) Whoever by bribery, menace, threat, or other corruption whatsoever, either directly or indirectly, attempts to influence, deceive, or deter any elector in voting or interferes with him or her in the free exercise of the elector's right to vote at any election commits a felony of the third degree for the first conviction and a felony of the second degree for any subsequent conviction.
- (2) No person shall directly or indirectly give or promise anything of value to another intending thereby to buy

that person's or another's vote or to corruptly influence that person or another in casting his or her vote. Any person who violates this subsection is guilty of a felony of the third degree. However, this subsection shall not apply to the serving of food to be consumed at a political rally or meeting or to any item of nominal value which is used as a political advertisement, including a campaign message designed to be worn by a person.

### **Threats, extortion prohibited.**

Fla. Stat. §836.05

Whoever, either verbally or by a written or printed communication, maliciously threatens to accuse another of any crime or offense, or by such communication maliciously threatens an injury to the person, property or reputation of another, or maliciously threatens to expose another to disgrace, or to expose any secret affecting another, or to impute any deformity or lack of chastity to another, with intent thereby to extort money or any pecuniary advantage whatsoever, or with intent to compel the person so threatened, or any other person, to do any act or refrain from doing any act against his or her will, shall be guilty of a felony of the second degree.

### **Threats.**

Fla. Stat. §836.12(2)

Any person who threatens a law enforcement officer, a state attorney, an assistant state attorney, a firefighter, a judge, or an elected official, or a family member of such persons, with death or serious bodily harm commits a misdemeanor of the first degree.

### **Changing electors' ballots.**

Fla. Stat. §104.21

Whoever fraudulently changes or attempts to change the vote or ballot of any elector, by which actions such elector is prevented from voting such ballot or from voting such ballot as the elector intended, is guilty of a felony of the third degree.

## **Intermingling ballots.**

Fla. Stat. §104.13

Whoever willfully places any ballot in the ballot box except as properly voted by electors, or willfully intermingles any other ballots which have not been duly received during the election with the ballots which are voted by the electors, is guilty of a felony of the third degree.

## **Voting fraudulent ballot.**

Fla. Stat. §104.16

Any elector who knowingly votes or attempts to vote a fraudulent ballot, or any person who knowingly solicits, or attempts, to vote a fraudulent ballot, is guilty of a felony of the third degree.

## **Unqualified electors willfully voting.**

Fla. Stat. §104.15

Whoever, knowing he or she is not a qualified elector, willfully votes at any election is guilty of a felony of the third degree.

## **Casting more than one ballot at any election.**

Fla. Stat. §104.18

Except as provided in s. 101.6952, whoever willfully votes more than one ballot at any election commits a felony of the third degree.

## **Fraud in connection with casting vote.**

Fla. Stat. §104.041

Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony of the third degree.

## Vote selling.

Fla. Stat. §104.045

Any person who:

- (1) Corruptly offers to vote for or against, or to refrain from voting for or against, any candidate in any election in return for pecuniary or other benefit; or
- (2) Accepts a pecuniary or other benefit in exchange for a promise to vote for or against, or to refrain from voting for or against, any candidate in any election, is guilty of a felony of the third degree.

## Maintenance of good order at polls; persons allowed; unlawful solicitation of voters.

Fla. Stat. §102.031

- (1) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.
- (2) The sheriff shall deputize a deputy sheriff for each polling place and each early voting site who shall be present during the time the polls or early voting sites are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him or her when necessary to maintain peace and order at the polls or early voting sites.(3)
  - (a) No person may enter any polling room or polling place where the polling place is also a polling room, or any early voting area during voting hours except the following:
    1. Official poll watchers;
    2. Inspectors;
    3. Election clerks;
    4. The supervisor of elections or his or her deputy;

5. Persons there to vote, persons in the care of a voter, or persons caring for such voter;
6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors; or
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.

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

(4)

(a) No person, political committee, or other group or organization may solicit voters inside the polling place or within 150 feet of a secure ballot intake station or the entrance to any polling place, a polling room where the polling place is also a polling room, an early voting site, or an office of the supervisor where vote-by-mail ballots are requested and printed on demand for the convenience of electors who appear in person to request them. Before the opening of a secure ballot intake station location, a polling place, or an early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.

(b) For the purpose of this subsection, the terms "solicit" or "solicitation" shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified in this paragraph; seeking or attempting to seek a signature on any petition; selling or

attempting to sell any item; and engaging in any activity with the intent to influence or effect of influencing a voter. The terms "solicit" or "solicitation" may not be construed to prohibit an employee of, or a volunteer with, the supervisor from providing nonpartisan assistance to voters within the no-solicitation zone such as, but not limited to, giving items to voters, or to prohibit exit polling. . . .

- (5) No photography is permitted in the polling room or early voting area, except an elector may photograph his or her own ballot.

### **Violations not otherwise provided for.**

Fla. Stat. §104.41

Any violation of this code not otherwise provided for is a misdemeanor of the first degree.

### **Sheriff and other officers not allowed in polling place.**

Fla. Stat. §102.101

A sheriff, a deputy sheriff, a police officer, a special officer appointed pursuant to s. 102.091, or any other officer of the law is not allowed within a polling place without permission from the clerk or a majority of the inspectors, except to cast his or her ballot. Upon the failure of any such officer to comply with this section, the clerk or the inspectors must make an affidavit against the officer for his or her arrest.

### **Neglect of duty by sheriff or other officer.**

Fla. Stat. §104.11

Any sheriff, deputy sheriff, or other officer who willfully neglects or willfully refuses to perform his or her duties relating to elections is guilty of a misdemeanor of the first degree.

## **Inspectors refusing to allow watchers while ballots are counted.**

Fla. Stat. §104.29

The inspectors or other election officials at the polling place shall, after the polls close, allow as many as three persons near to them to see whether the ballots are being reconciled correctly. Any official who denies this privilege or interferes therewith commits a misdemeanor of the first degree.

## **Penalty for destroying ballot or booth, etc.**

Fla. Stat. §104.26

Any person who wrongfully, during or before an election, removes, tears down, destroys, or defaces any ballot, booth, compartment, or other convenience provided for the purpose of enabling the elector to prepare his or her ballot, or any card for the instruction of the voter, is guilty of a misdemeanor of the first degree.

## **Voting system; unlawful possession; tampering.**

Fla. Stat. §104.30

- (1) Any unauthorized person who unlawfully has possession of any voting system, components, or key thereof is guilty of a misdemeanor of the first degree.
- (2) Any person who tampers or attempts to tamper with or destroy any voting system or equipment with the intention of interfering with the election process or the results thereof is guilty of a felony of the third degree.

## **Violations; neglect of duty; corrupt practices.**

Fla. Stat. §104.051

- (1) Any official who willfully violates any of the provisions of this election code shall be excluded from the polls. Any election official who is excluded shall be replaced as provided in this code.

- (2) Any official who willfully refuses or willfully neglects to perform his or her duties as prescribed by this election code is guilty of a misdemeanor of the first degree.
- (3) Any official who performs his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree.
- (4) Any supervisor, deputy supervisor, or election employee who attempts to influence or interfere with any elector voting a ballot commits a felony of the third degree.
- (5) Any supervisor who willfully violates any provision of the Florida Election Code is, upon a finding of such violation by a court of competent jurisdiction, prohibited from receiving the special qualification salary pursuant to §145.09(3) for a period of 24 months, dating from the time of the violation.

### **Aiding, abetting, advising, or conspiring in violation of the code .**

Fla. Stat. §104.091

- (1) Any person who knowingly aids, abets, or advises the violation of this code shall be punished in like manner as the principal offender.
- (2) Any person who agrees, conspires, combines, or confederates with another person to commit a violation of this code shall be punished as if he or she had committed the violation.
- (3) Any person who knows of a felony violation of this code and gives any aid to the offender who has violated this code, with intent that the offender avoid or escape detection, arrest, trial, or punishment, shall be punished as if he or she had committed the violation. This subsection does not prohibit a member of The Florida Bar from giving legal advice to a client.



Committee for  
**SAFE AND SECURE  
ELECTIONS**

