

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1049 Poll Workers
SPONSOR(S): Government Accountability Committee; Sullivan
TIED BILLS: **IDEN./SIM. BILLS:** SB 1484

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Accountability Committee	18 Y, 0 N, As CS	Toliver	Williamson
2) Public Integrity & Ethics Committee			

SUMMARY ANALYSIS

Poll workers are individuals who serve as the administrators of polling places. The Florida Election Code recognizes three types of poll workers: clerks, inspectors, and deputy sheriffs. Poll workers are paid for their services by the supervisor of elections (supervisor).

Each supervisor must appoint an election board consisting solely of clerks and inspectors for each precinct in the county. The election board conducts the voting, maintains order at the polls, and performs a variety of administrative tasks before, during, and after an election.

To ensure the recruitment of skilled inspectors and clerks, each supervisor is required to work with the business and local community to develop public-private programs.

The bill prohibits an organization that works with supervisors, pursuant to a public-private program, to recruit skilled inspectors and clerks from placing signage or other paraphernalia bearing the organization's name or logo or any message inside or within 100 feet of the entrance to the polling place or early voting site. The bill prohibits supervisors from paying an entity or an individual on behalf of any entity for services provided by a poll worker. The bill further provides that during election day or during the early voting period a poll worker who was recruited pursuant to a public-private recruitment program may not wear a shirt, hat, or any other item that bears the name or logo of the organization with which the poll worker is affiliated inside or within 100 feet of the entrance of the polling place.

The bill is unlikely to have a fiscal impact on state or local government expenditures.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Poll Workers

Poll workers are individuals who serve as the administrators of polling places.¹ The Florida Election Code recognizes three types of poll workers: clerks, inspectors,² and deputy sheriffs.³ Poll workers are paid for their services by the supervisor of elections (supervisor).⁴ Inspectors and clerks must take and subscribe to an oath or affirmation that they will perform their duties according to law and will endeavor to prevent all fraud, deceit, or abuse in conducting the election.⁵

The Division of Elections within the Department of State must develop a statewide uniform training curriculum for inspectors, clerks, and deputy sheriffs and each supervisor must use such curriculum to train those individuals.⁶ The training is mandatory.⁷ Each clerk must have a minimum of three hours of training prior to each election and each inspector must have a minimum of two hours of training.⁸ In addition, a clerk must demonstrate that he or she has a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills before being allowed to work at the polls.⁹

Election Boards

Each supervisor must appoint an election board, consisting solely of clerks¹⁰ and inspectors, for each precinct in the county.¹¹ The election board conducts the voting and maintains order at the polls.¹² Each member of the election board must be able to read and write the English language and must be a registered qualified elector of the county in which the member is appointed.¹³ An election board may not be composed solely of members of one political party.¹⁴ Any person whose name appears as an opposed candidate for any office is not eligible to serve on an election board.¹⁵ The election board of each precinct must be at its polling place by 6 a.m. of the day of the election to arrange the furniture, stationery, and voting equipment.¹⁶ As soon as the polls close,¹⁷ the election board secures the voting devices and, in the presence of any members of the public desiring to attend, verifies the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to determine whether the number arrived at matches the number of ballots issued.¹⁸ In addition to their duties as members of the election

¹ Sections 102.012 – 102.071, F.S.

² Section 102.012, F.S. The Division of Elections recognizes further categories of poll workers: Equipment Managers, Ballot Managers, and Assistants. Polling Place Procedures Manual, DIVISION OF ELECTIONS, pg. 2, available at <http://dos.myflorida.com/media/695052/dsde11.pdf> (last visited February 20, 2018).

³ Polling Place Procedures Manual, DIVISION OF ELECTIONS, pg. 2, available at <http://dos.myflorida.com/media/695052/dsde11.pdf> (last visited February 20, 2018).

⁴ Section 102.021(1), F.S.

⁵ Section 102.012(1)(a), F.S.

⁶ Section 102.014(1), F.S.

⁷ *Id.*

⁸ Section 102.014(4), F.S.

⁹ Section 102.014(1), F.S.

¹⁰ Clerks are in charge of and responsible for seeing that the election board carries out its duties and responsibilities. Section 102.012(1)(a), F.S.

¹¹ Section 102.012(1)(a), F.S.

¹² Sections 102.012(4) and 102.031(1), F.S.

¹³ Section 102.012(2), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 102.012(6), F.S.

¹⁷ Polls are open from 7:00 a.m. to 7:00 p.m. Section 100.011(1), F.S.

¹⁸ Section 101.5614(1), F.S.

board for the precinct, clerks and inspectors must also verify the identity of an elector prior to admitting an elector to vote.¹⁹

Public-Private Poll Worker Recruitment Programs

Each supervisor is required to work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors or clerks.²⁰ Several supervisors have entered into public-private programs called “Adopt-a-Precinct” programs. An “Adopt-a-Precinct” program allows a non-profit organization, club, or community service organization to provide inspectors or clerks for election day.²¹ Typically, the inspector or clerk donates the salary received for his or her service as a poll worker to the organization. At least 20 counties participate in an “Adopt-a-Precinct” program.²²

Effect of the Bill

The bill prohibits an organization that works with supervisors to recruit skilled inspectors and clerks from placing signage or other paraphernalia bearing the organization’s name or logo or any message inside or within 100 feet of the entrance to the polling place or early voting site. The bill prohibits supervisors from paying an entity or an individual on behalf of any entity for services provided by a poll worker. The bill further provides that during election day or during the early voting period a poll worker who was recruited pursuant to a public-private recruitment program may not wear a shirt, hat, or any other item that bears the name or logo of the organization with which the poll worker is affiliated inside or within 100 feet of the entrance of the polling place.

B. SECTION DIRECTORY:

Section 1 amends s. 102.014, F.S., relating to poll worker recruitment and training.

Section 2 amends s. 102.021, F.S., relating to the compensation of inspectors, clerks, and deputy sheriffs.

Section 3 amends s. 102.031, F.S., relating to maintenance of good order at polls.

Section 4 provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹⁹ See s. 101.043(1), F.S.

²⁰ Section 102.014(6), F.S.

²¹ Adopt-a-Precinct, PUTNAM COUNTY SUPERVISOR OF ELECTIONS, <https://soe.putnam-fl.com/Election-Workers/Adopt-A-Precinct> (last visited February 20, 2018).

²² The participating counties are: Alachua, Brevard, Charlotte, Clay, Collier, Flagler, Hernando, Hillsborough, Lake, Lee, Leon, Madison, Martin, Monroe, Orange, Osceola, Pasco, Putnam, St. Lucie, and Sumter. The foregoing list is based on research by staff and may not be exhaustive.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Art. VII, s. 18 of the Florida Constitution because it is a law concerning elections.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 22, 2018, the Government Accountability Committee adopted an amendment and passed the bill favorably as a committee substitute. The amendment removed the provision repealing the ability of supervisors to develop public-private programs to recruit inspectors and clerks. That amendment prohibits organizations that participate in public-private recruitment programs from placing signage or other paraphernalia bearing the organization's name or logo or any message inside or within 100 feet of a polling place. The amendment prohibited a supervisor from paying an entity or individual on behalf of an entity for services provided by a poll worker. Lastly, the amendment prohibited a poll worker, recruited pursuant to a public-private program, from wearing an item that bears the name or logo of the organization the poll worker is affiliated with inside or within 100 feet of the polling place.

The analysis is drafted to committee substitute as adopted by the Government Accountability Committee.