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Keeping the Faith: Why Florida Voters Should Have Confidence in Their Local Election Officials

Written by Hannah Murphy

Trust in elections across the United States is in sharp decline. With the rise of misinformation, particularly in the last decade, many Americans have become increasingly skeptical of the integrity of election results. According to a Pew survey from 2022, voters expressed lower levels of trust in the accuracy of national election results compared to their own local elections. Local election officials, often the most visible face of the electoral process, play a critical role in restoring and maintaining voter confidence at the grassroots level.

In Florida, where elections have a storied history, the state and local authorities have implemented a structured and transparent election system to ensure voters' voices are heard. This article takes a look at Florida's election processes, focusing on the safeguards in place to protect election integrity.

Poll Workers and Polling Stations

The cornerstone of Florida's election integrity lies with the dedicated poll workers who manage the voting process. These are the people who check you in to vote, hand you your ballot, and make sure everything runs smoothly in the precinct. Governed by Florida Statutes, Section 102.012, poll workers, also known as election inspectors and clerks, are responsible for overseeing the election at the precinct level. Poll workers are county employees hired by the Supervisor of Elections who must be registered electors of the county and take an oath to uphold the law, ensuring no fraud or abuse occurs in the election process. Fla. Stat. § 102.012 (2024).

Poll workers undergo rigorous training before Election Day. The Florida Department of State creates a uniform polling place procedures manual, which addresses common occurrences

at polling stations, from technical issues with voting machines to how to handle irate voters. The manual also includes specific procedures for handling provisional ballots, spoiled ballots, and emergency situations. This level of training ensures that poll workers are prepared to tackle the unexpected challenges that may arise on Election Day. Fla. Stat. § 102.014 (2024).

Poll workers are required to make decisions collectively. If a question arises during voting, the team resolves the issue by majority vote, following the guidance in their training manual. Fla. Stat. § 102.012(1)(a). This collaborative approach, combined with their oath of performance, fosters confidence in their ability to run elections transparently.

Maintaining Political Neutrality

To further protect the integrity of elections, Florida law prohibits any form of political activity within 150 feet of a polling station. Campaigning, solicitation, and the display of campaign materials are strictly forbidden in this zone, ensuring voters are free from undue influence when casting their ballots. Even acts as seemingly innocent as distributing food or water to voters are restricted within this perimeter, as outlined in Fla. Stat. § 102.031.

In addition, poll watchers—people who volunteer on behalf of campaigns or political parties to monitor the voting process—are subject to strict rules. They must register with the local elections office 14 days before voting begins and wear an official badge identifying themselves as poll *watchers*, so that voters do not confuse them with poll *workers*. Poll watchers are prohibited from interacting with voters or election staff in any way that could potentially influence the outcome, ensuring that they remain neutral observers. Fla. Stat. §101.131 (2024).

The Tabulation Process

Florida provides multiple ways for citizens to cast their vote: early voting, in-person voting on Election Day, and voting by mail. While many voters prefer to vote in person, voting by mail has become an increasingly popular option, particularly during the COVID-19 pandemic. However, one common misconception is that all votes will be counted and results announced by election night. This expectation overlooks the complexities of reconciling various voting modes across multiple counties, which can extend the tabulation process beyond election night. The tabulation process is broken down below:

1. Early Votes and Vote-By-Mail Ballots: By law, the Supervisor of Elections must report all early voting and vote-by-mail ballots that have been confirmed and counted by the end of the early voting period by 7 p.m., the day before Election Day. Fla. Stat. § 102.141(4)(a) (2024). Then, beginning at 7 p.m. on Election Day, vote-by-mail ballots are reported by the Supervisor once each hour, including a posting of the number of vote-by-mail ballots received and the remaining amount uncounted until all are counted, ensuring transparency in the process. Fla. Stat. § 102.072 (2024). These hourly updates provide voters with a clear picture of how the count is progressing, helping to build confidence in the accuracy of the final result.

2. Precinct-Level Reporting: After the close of the polls on Election Day, each precinct tallies the votes cast and submits a certificate, signed by the election inspectors and clerk, to the Supervisor of Elections, along with all ballot materials. Fla. Stat. § 102.071 (2024).

3. County Canvassing: Then, the county canvassing board, consisting of the Supervisor of Elections, a county judge, and the Chair of the Board of County Commissioners, meets to publicly canvass the ballots. Canvassing the ballots means the votes are scrutinized to ensure their validity, and the board also reviews provisional ballots for legitimacy. The canvassing board must report all early-voting and vote-by-mail results to the Department of State no later than thirty minutes after the polls close. The board then must update precinct election results to the Department of State at least every 45 minutes until all results are completely reported. Fla. Stat. § 102.141 (2024).

4. State Certification: Once the county canvassing board has finalized its count, the results are sent to the Elections Canvassing Commission, which includes the Governor and

two cabinet members. The Commission certifies the returns 14 days after the election, as provided by Fla. Stat. 102.111. This final step ensures that the results of the election are accurate and complete. While many voters expect results on election night, it is essential to understand that the counting process extends beyond that. Early votes, in-person votes, and vote-by-mail ballots, and provisional ballots all follow different timelines, and reconciling them takes time.

Recounts: A Necessary Safeguard

In some cases, the outcome of an election may be so close that it triggers a recount. Florida law mandates that a recount occurs if the margin between candidates is within one-half of one percent. Fla. Stat. § 102.141(7) (2024). If the second set of returns indicates that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for that office, a manual recount may be ordered. Fla. Stat. § 102.166 (2024). While recounts may evoke memories of the infamous 2000 election between Bush and Gore, Florida has learned a lot since then. Though recounts can delay the final result, they are an essential safeguard that ensures the accuracy and legitimacy of election outcomes.

Restoring and Preserving Voter Confidence

As the foundation of democracy, elections rely on the trust of the electorate. In Florida, election officials at the local level have taken comprehensive steps to ensure the accuracy, transparency, and fairness of the process. From the detailed training and responsibilities of poll workers to the strict laws governing campaign activity and vote-by-mail protocols, Florida's election system provides multiple layers of oversight designed to prevent fraud and abuse. Voters in Florida can take comfort in the knowledge that their local officials are working hard to protect the integrity of their vote. By understanding the processes in place and the safeguards that protect them, voters can regain and maintain their faith in the electoral process.

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ALL of the Tallahassee Office women lawyers at Stearns Weaver Miller are recognized as valued members of TWL and are an integral part of our organization.

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TWL Participates in Tallahassee Bar Association's 27th Annual Chili Cookoff



TWL members joined the Tallahassee Bar Association in their 27th Annual Chili Cook-Off on October 23rd, benefitting the Legal Aid Foundation of Tallahassee! The event includes competitions for best chili and/or margaritas! Our theme this year was Paris "Ooh La La." The team consisted of: Kristen Dobson, Saray Ravelo, Felicia Kitzmiller, Jennifer Perkins, Carly Schrader, Magie Ozarowski, Jasmine Mattear, and Janaye Pieczynski. TWL won the prize for "most unusual" chili. Merci to Jessica Poarch and Kandace Rudd for the recipe!