

DE 78-04 - January 12, 1978

**Training Of Deputy Sheriffs For Election Duty;
ss. 102.012 and 102.081, F.S.**

To: Ms. Audrey Tolle, City Clerk, 4300 N.W. 36 Street, Lauderdale Lakes, Florida 33319

Prepared by: Division of Elections

This is in response to your letter of January 4, 1978 in which an opinion of this office was requested in response to the following question:

"Does the provision of Section 102.012(8) apply to Deputy Sheriffs to the extent that the deputy shall have to take time off from their regular duties to be instructed in the duties which they shall perform on the day of the election?"

Your question is answered in the affirmative.

The City of Lauderdale Lakes utilizes regular deputies provided in accordance with a contract by the Broward County Sheriff to serve as deputy sheriffs in each polling place during municipal elections. These officers are full-time employees of the sheriff's department and are not appointed as special deputies solely for the election.

The law requires there be a deputy sheriff for each precinct "who shall be present during the time the polls are open and until the election is completed. . . ." s. 102.081, F.S. The supervisor of elections is mandated to conduct training classes for various poll workers, including deputy sheriffs, prior to each election for the purpose of "instructing such persons in their duties and responsibilities as election officials." s. 102.012(8), F.S. A certificate is issued upon completion of the instruction. No one can serve as a poll worker, including a deputy sheriff, unless such a certificate has first been issued to that person.

Two exceptions to the pre-election training certificate are provided by law: 1) a person may be appointed to fill a vacancy on election day who has attended previous training classes within 2 years of the election; and 2) if a person with prior training experience is not available, the supervisor may fill a vacancy by appointment on election day. These exceptions are intended for utilization only in emergency situations in which it is impossible to comply with the pre-election training requirement. The election day appointment exceptions are not to be utilized as a method for avoiding the instructional program.

The law requires the training of election officials to better insure a well-run election. In addition to those basic requirements of s. 102.012(2), F.S., the receipt of a certificate from the supervisor is a required qualification in order to serve as an election official.

Your letter did not discuss the details of the contractual arrangement between the city and the sheriff's department. Any deputy sheriff to be provided to the city for election precinct duty must have completed the training program and been issued the appropriate certificate. The method of accomplishing this prerequisite is a matter to be resolved by the city and the sheriff's office.

SUMMARY

Any person serving as a deputy sheriff on election day at the polling place must have completed a pre-election instructional program conducted by the supervisor of elections in order to qualify for such position.