

Obsolete. Please consult current Florida law.

DE 78-10 - January 26, 1978

Change In Polling Place ss.101.71, 101.73 & 101.74, F.S.

To: Honorable Joyce V. Dieffenderfer, Supervisor of Elections, P.O. Box 012241, Miami, Florida 33101

Prepared by: Division of Elections

You have requested an opinion of this office in answer to the following question:

"Are permanent changes in polling place location to be made in accordance with 101.71(2), F.S., or is 101.73, F.S. the legal reference for such changes?"

The supervisor of elections is empowered to move the voting place for a precinct provided certain conditions are present, s. 101.71(2), F.S. Whenever the supervisor determines that the accommodations for holding the election at a polling place designated for any precinct in the county are "inadequate," the voting place may be moved not less than sixty (60) days prior to the election. Notice of such a move must be published in a newspaper of general circulation. Additional notices may be provided to the affected electors by mail or other advertising media.

The move of the polling place may be to another site in the same precinct, or if such is not available, to another site in a contiguous precinct. An emergency move can be made within the sixty (60) day period, but only to another site within the same precinct, s. 101.71(3), F.S.

The language of this section indicates its applicability to only one election. The notice requirements and times for making a move are referenced to "such election". No language indicating a permanent transfer is present.

By contrast, s. 101.73, F.S. entails the establishment of polling places, etc., by the county commissioners with subsequent recording in the records of the Clerk of the Circuit Court. The language of this statute indicates a more permanent establishment of precinct boundaries and polling places than that contemplated in s. 101.71, F.S. Permanent polling places are to be established pursuant to s. 101.73, F.S., subject to the contingent changes made on an ad hoc basis by the supervisor pursuant to s. 101.71(2) and (3), F.S. Emergency changes are also permitted by s. 101.74, F.S., in the event of natural disasters interfering with the conduct of the election.

SUMMARY

Permanent changes in polling places are made pursuant to s. 101.73, F.S. Temporary changes may be made pursuant to ss. 101.71 and 101.74, F.S.