

DE 79-03 - October 3, 1979

**Pollwatcher Designations;
s. 101.131(2), F.S.**

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

Prepared by: Division of Elections

Your letter of August 24 has been received wherein you state that Section 101.131(2), F.S., requires that pollwatcher designations are due prior to noon on the 10th day preceding an election. Since this day normally falls on a Saturday, which is not a regular business day, you inquire if it would be permissible to accept pollwatcher forms until noon on the next business day, which is Monday.

In his Opinion Number 074-13, the Attorney General cited Rule 1.090(a) of the Florida Rules of Civil Procedure in computation of time. These rules provide in part that —

".. .The last day of the period so computed shall be included unless it is Saturday, Sunday, or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Court decisions have upheld this construction and therefore, when it is impossible to perform an act on the last day on which it must be performed because that day is a Saturday, Sunday, or legal holiday, the act may be performed on the next day which is not a Saturday, Sunday or legal holiday, unless otherwise specified by the Legislature.

Since Section 101.131(2), F.S., provides a specific time of the day for filing such forms, namely prior to noon, that time frame should be used on such subsequent date for filings.

SUMMARY

When the 10th day preceding an election falls on a Saturday, pollwatcher forms should be accepted until noon of the following Monday.