

DE 81-02 - May 11, 1981

Poll Watchers And Recall Committees

To: Honorable David C. Leahy, Acting Supervisor of Elections, Dade County, 1400 Biscayne Boulevard, Miami, Florida 33132

Prepared by: Division of Elections

Your letter of March 9, 1981 has been received wherein you posed the following questions:

Does Section 101.131, Florida Statutes, permit a committee for municipal recall and the office holder being recalled, pursuant to Section 100.361, Florida Statutes, to appoint watchers to the polls of the recall election?

Does Section 101.131, Florida Statutes, permit political committees that have reported their scope of interest to include a specific issue or candidate election to appoint watchers to the polls of said election?

It is my opinion that even though Section 101.131, Florida Statutes, appears to be clear on its face when it states: Each political party and each candidate may have one watcher in each polling place at any one time during the election, (emphasis added) There is room for interpretation in light of the Attorney General's position concerning Section 101.35, Florida Statutes, and his effort to further the spirit of the law, by suggesting that civic organizations may have poll watchers representing their interest on public measures if they follow the same procedures required by candidates or political party organizations. Assistant Attorney General, Wilson W. Wright, in his talk on December 6, 1963, to the Supervisor of Registration, stated the following: You will note in particular that Section 101.35, Florida Statutes, requires the Supervisor of Registration to mail a written notice to chairman of county committees as well as the chairman of at least two organizations representing opposite sides if the election be a municipal, bond or referendum election, stating the time and place where the voting machines will be prepared. Accordingly, it is our position that if representatives of civic organizations advocating and opposing public measures are to be permitted to watch the preparation of the machines (Section 101.35, Florida Statutes), then they likewise would be afforded the opportunity to have poll watchers. They must, however, meet the same standards established for watchers of candidates and political parties and be officially designated by the President, Vice President or Secretary of the organization prior to noon of the tenth day preceding the election, (emphasis added)

Therefore, considering the purpose and concept for having poll watchers, i.e., to *see* that elections are conducted properly and in fairness for each candidate and issue on the ballot, it is my opinion that poll watchers are authorized at a municipal recall election if they comply with the standards established for poll watchers of candidates and political parties and are officially designated by the appropriate authority within the prescribed time prior to the election.