

DE 90-04 - January 17, 1990

**Opening and Closing of Polls
Section 100.011(1), (2), F.S.**

*To: Mr. James P. Wilson, Town Attorney, Town of Orchid, Post Office Box 1389, Vero Beach, Florida
32961-1389*

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion. You are Town Attorney for the Town of Orchid and request an opinion regarding the opening of polling locations for an upcoming city election.

The Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue an advisory opinion to you relating to the Florida Election Code, Chapters 97-106, Florida Statutes.

Your questions are substantially as follows:

1. Should the polls remain open in Orchid until 7:00 p.m., as mandated by law, or may they close after the last registered voter has cast his or her vote?
2. If all registered voters plan to be out of the county on March 13, 1990, the date of the next upcoming election, and cast absentee ballots prior to that date, should the polls be opened?

You indicate in your letter that the total population of the Town of Orchid is seven persons, all of whom are registered voters. Recently, the town council adopted a new town charter, which must be passed by referendum to become law. You have requested the Indian River County Supervisor of Elections, Ann Robinson, to hold a special election on March 13, 1990 for that purpose. The referendum will be the only issue on the ballot as town elections are presently held biannually in odd-numbered years.

Section 100.011, Florida Statutes, provides in pertinent part:

- (1) The polls shall be open at the voting places at 7:00 a.m., on the day of the election, and shall be kept open until 7:00 p.m., of the same day....
- (2) The time of opening and closing of the polls shall be observed in all elections held in this state, including municipal and school elections.

As this section specifically applies to municipal elections, the polls must remain open in Orchid from 7:00 a.m. to 7:00 p.m. as mandated.

In addition, the polls must be open regardless of whether or not all registered voters have cast absentee

ballots prior to the date of the election.

SUMMARY

The polls in a municipality must remain open pursuant to Section 100.011, Florida Statutes, from 7:00 a.m. to 7:00 p.m. regardless of whether or not all registered voters have cast their votes. The polling locations must be open in a municipality even if all the registered voters have cast absentee ballots prior to the date of the election.