



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 21, 2022

The Honorable Heath Driggers
Supervisor of Elections, Madison County
239 SW Pinckney Street
Madison, Florida 32340

Re: DE 22-03 Polling Places Within a
Precinct – §§ 101.001(1); 101.71(1), Florida
Statutes

Dear Supervisor Driggers:

This letter responds to your request for an advisory opinion asking how many polling places may be located within a single precinct. Because you are a supervisor of elections proposing to take action related to Florida's election laws, the Division of Elections is authorized to issue an opinion to you pursuant to section 106.23(2), Florida Statutes (2021).

FACTS

Your request for an advisory opinion asks how many polling places are permitted within a single voting precinct. You provide a resolution adopted by Madison County in 2019 that restructures your county into a single voting precinct and ask if you can provide more than a single polling place despite having one precinct.

ANALYSIS

The short answer to your question is no, the Division interprets the Florida Election Code as only allowing one polling place for each precinct.

Division of Elections
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The Florida Election Code mandates that each voting precinct provide one polling place for voters on election day:

There shall be in each precinct in each county one polling place which shall be accessible to the public on election day and is managed by a board of inspectors and clerk of election. Only one elector shall be allowed to enter any voting booth at a time; no one except inspectors shall be allowed to speak to the elector while casting his or her vote; and no inspector shall speak to or interfere with the elector concerning his or her voting, except to perform the duties as such inspector. Notwithstanding any other provision of this chapter, this section shall be applicable where the computer method of voting is in use, and adequate provision shall be made for the privacy of the elector while casting his or her vote.

§ 101.71(1), Fla. Stat. (2010). (emphasis added). At first glance, the statute can be read two ways: (1) each precinct may have only one polling place, and that one polling place must satisfy additional statutory requirements; or (2) there is no limit to the number of polling places a precinct may contain, but only *one* of those polling places must abide by the additional statutory requirements. See Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 140-43 (2012) (discussing various ambiguities arising from using the word *which* without a comma).

However, when read in the context of the entirety of the Florida Election Code, the proper interpretation is clearly the former. Section 101.71(2), Florida Statutes, for instance, provides for moving “*the voting place*” to another site and the requirements a supervisor must fulfill when changing “*the polling place*.” The Florida Election Code is replete with similar references to a single polling place within a precinct. § 102.12(3)-(4), Fla. Stat. (establishing certain duties of supervisors for *the polling place* within each precinct); § 101.24, Fla. Stat. (requiring supervisors to prepare one ballot box for each polling place large enough to contain all the ballots of the precinct); § 101.5608(1)(c), Fla. Stat. (same).

Additionally, section 101.001(1), Florida Statutes (2012), states, in pertinent part that “The supervisor shall designate *a* polling place at a suitable location within *each* precinct.” (emphases added). The legislature’s meaning, again, indicates that each precinct shall have a single polling location. See Scalia & Garner *Reading Law* at 107 (2012) (“The doctrine [of Negative-Implication] only applies when the [thing specified] can reasonably be thought to be an expression of *all* that shares in the grant or prohibition involved.”). (emphasis in original). Since the Florida Election Code references a single polling place for each precinct numerous times and does not explicitly authorize the creation of multiple polling places within a precinct, the Division interprets section 101.71(1) as permitting only a single polling place for each precinct.

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SUMMARY

A County may not place more than one polling place in each voting precinct under the Division's interpretation of the applicable statutory provisions.

Respectfully,



Maria I. Matthews, Esq.
Director, Division of Elections