

Hillsborough County Canvassing Board Meeting

February 17, 2023

11:00 AM

1. **Welcome and Introductions**
 - a. Administrative Order A-2023-008
 - b. Recap of Feb 1, 2023 BOCC Regular Meeting
2. **Meeting Guidelines**
 - a. Review and ADOPT
3. **Meeting and Activities Schedule**
 - a. Review *DE Reference Guide 0020: Canvassing Board Membership and Activities*
 - b. ADOPT meeting schedule and public notice
4. **Testing of Voting Systems**
 - a. Review *DE Reference Guide 0019: Guidelines for Logic and Accuracy (L&A) Testing*
 - b. ADOPT public L&A Testing equipment allocation
 - c. CONDUCT public L&A Testing
5. **Canvassing of Vote By Mail (VBM) Ballots**
 - a. VBM Ballot Types and Timelines
 - b. Review *DE Reference Guide 002: Federal Write-in and State Write-in Vote By Mail Ballots*
 - c. Review Guidelines for Vote By Mail for First Time Mail-in Registrant Voters
 - d. Review and ADOPT signature verification training and certification requirement
 - e. Review and ADOPT Canvassing Board VBM Ballot Criteria Chart
6. **Canvassing Provisional Ballots**
 - a. Review and ADOPT Canvassing Board Provisional Ballot Criteria Chart
 - b. Review *DE Reference Guidelines 0009: Voter Challenges*
7. **Signature Cure Affidavits for VBM and Provisional Ballots**
 - a. Review and ADOPT Guidelines for Accepting or Rejecting Signature Cure Affidavits
8. **Inspection, Examination, Review and Observation Guidelines and Protocols**
 - a. Review and ADOPT polices pertaining to:
 - i. Public inspection or examination of ballots and certificates, FS 101.572(1)
 - ii. Review or inspection of certain materials by authorized persons, FS 101.572(2)
 - iii. Observation of tabulation, FS 101.5612(2)
 - iv. Observation of duplication, FS 101.5614(4)(a)
 - v. Observation of opening
 - vi. Filing a Protest to a VBM Ballot, FS101.68(2)(c)(4)
9. **Voter Intent**
 - a. Review rule 1S-2.027 and ADOPT criteria
10. **Duplication**
 - a. Review and ADOPT Duplication Policy and Guidelines
11. **Recount**
 - a. Review *DE Reference Guidelines 0010: Recount Procedure Summary*
12. **Post-election audit**
 - a. Review *DE Reference Guidelines 0011: Post-Election Voting System Audit Procedures Summary*
 - b. AUTHORIZE use of Automated Independent Audit system
13. **Adjourn**

**IN THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA**

**ADMINISTRATIVE ORDER A-2023-008
(Supersedes Administrative Order A-2022-004)**

**HILLSBOROUGH COUNTY JUDICIAL CANVASSING BOARD
APPOINTMENTS FOR THE 2023 CITY OF TAMPA ELECTIONS**

Section 100.3605(1), Florida Statutes, provides that the Florida Election Code shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. While the City of Tampa designates the supervisor of elections of Hillsborough County, Florida as the city's election officer (section 10.01 of the Tampa Code of Ordinances), there is no provision for the canvassing of ballots in the city's elections. Section 102.141, Florida Statutes – part of the Florida Election Code – provides for the appointment and duties of the county canvassing board. It is therefore appropriate for the Hillsborough County Canvassing Board to canvass the ballots of City of Tampa elections.

The chief judge is empowered under the Florida Election Code to appoint a county judge to serve on the canvassing board and to appoint substitute and alternate members of the canvassing board. It is necessary to update the judicial appointments to the Hillsborough Canvassing Board in preparation for the 2023 City of Tampa elections. By the power vested in the chief judge under article V, section 2(d), Florida Constitution; sections 43.26 and 102.141, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2), it is ORDERED:

1. County Court Judge Appointment

Hillsborough County Court Judge Daryl M. Manning is appointed to serve as the county court judge member of the Hillsborough County Canvassing Board under section 102.141(1), Florida Statutes.

2. Alternate Appointment

Hillsborough County Court Judge Frances M. Perrone is appointed to serve as an alternate judicial member of the Hillsborough County Canvassing Board under section 102.141(1)(e)1., Florida Statutes.

3. Substitute Appointment

If at any time either of the above-appointed judges are unable to continue serving as the county court judge member or as an alternate member of the Hillsborough County Canvassing Board, then Hillsborough County Court Judge J. Logan Murphy is appointed to serve as either the county court judge member or as an alternate member, whichever capacity may be needed.

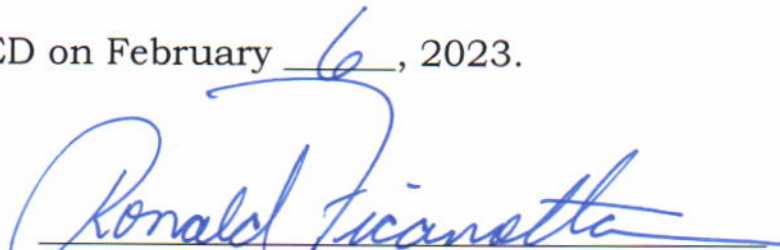
4. Previous Administrative Order Superseded

This administrative order supersedes Administrative Order A-2022-004 (*Hillsborough County Canvassing Board Appointments*).

5. Effective Date

This administrative order is effective immediately.

ENTERED on February 6, 2023.


Ronald N. Ficarrotta, Chief Judge

Original: Cindy Stuart, Clerk of the Circuit Court

Copy: The Honorable Daryl M. Manning
The Honorable Frances M. Perrone
The Honorable J. Logan Murphy
Craig Latimer, Hillsborough County Supervisor of Elections
Ken Hagan, Chair, Hillsborough County Board of County Commissioners
Joseph Citro, Chair Pro Tem, Tampa City Council
Colleen O'Brien, General Counsel, Hillsborough County Supervisor of Elections
Christine Beck, County Attorney
Andrea E. Zelman, City Attorney, City of Tampa



COUNTY ADMINISTRATOR

Bonnie M. Wise

PO Box 1110, Tampa, FL 33601-1110

(813) 276-2843 | Fax: (813) 272-5248

**BOARD OF COUNTY
COMMISSIONERS**

Donna Cameron Cepeda

Harry Cohen

Ken Hagan

Pat Kemp

Gwendolyn "Gwen" Myers

Michael Owen

Joshua Wostal

COUNTY ADMINISTRATOR

Bonnie M. Wise

COUNTY ATTORNEY

Christine M. Beck

COUNTY INTERNAL AUDITOR

Peggy Caskey

MEMORANDUM

DATE: February 3, 2023

TO: Board of County Commissioners

FROM: Bonnie M. Wise, County Administrator *Bonnie M. Wise*

SUBJECT: Recap of the February 1, 2023 BOCC Regular Meeting

This Recap lists all Public Comments and items that are approved and do not need any further action. Items that require further action are included on the Issues for Future BOCC Consideration list.

A. CONSENT SECTION

Items A-1 through A-49 were approved as recommended by staff.

PUBLIC COMMENT

Four individuals spoke during the Public Comment portion of the meeting, as follows:

- Dr. Betsy Coville spoke in regard to Item D-1, conduct a Public Hearing on February 1, 2023, at 10:00 a.m. to consider an amendment to Hillsborough County Code of Ordinances, Part A, Chapter 6, Article II (Ordinance 00-26, as amended), pertaining to Animal Control, banning the retail sale of rabbits from commercial establishments and certain public places and providing for certain agricultural and other exemptions, and penalties.
- Joseph W. J. Robinson spoke regarding his request for an audit of the NAACP Hillsborough County Branch.
- S. C. Paizes spoke in regard to law enforcement body cameras.
- Liz Gutierrez spoke regarding implementation of the Wimauma Neighborhood Plan.

B. REGULAR SECTION

B-1 The Board appointed Commissioners Hagan, Owen, and Wostal to a Rules of Order Review Committee pursuant to Board Policy 01.01.00.00 to review the Board's current Rules of Order and recommend changes, if necessary. There is no financial impact associated with this action.

Myers/Cohen – 7-0

- B-2 The Board adopted a resolution establishing civil penalties, not to exceed \$500 per Florida Law, for violations of the County's Ordinance prohibiting the retail sale of rabbits from commercial establishments and certain public places and providing for agricultural and other exemptions, and penalties (Codified in Part A, Chapter 6, Article II, as pertaining to Animal Control). There is no significant financial impact to the County, and any directly related expenses can be absorbed within departments' currently approved operating budgets. *(Related to Item D-1)*

Cohen/Kemp – 7-0

- B-3 The Board selected, awarded, and executed two (2) year agreements with the four (4) highest-ranked and best qualified firms: KCI Technologies, Inc.; Rummel Klepper & Kahl, LLP; AECOM Technical Services, Inc.; and Kisinger Campo & Associates, Corp., in the amount of \$3,000,000.00 each, for ongoing and as-needed professional construction engineering and inspection services, material testing, and contract administration for capital improvement and work order transportation projects throughout the County (23247) for the Capital Programs Department at a total cost of \$12,000,000.00. Proposals were submitted by 10 firms, and the tending evaluation committee determined the recommended firms to be the highest-ranked and best qualified. This procurement was conducted in accordance with Section 287.055, Fla. Stat. (Consultants' Competitive Negotiations Act). In this case, the opportunity for proposers to receive five (5) bonus points by subcontracting a minimum of 10% of the ultimate fees to Certified Disadvantaged Minority/Disadvantaged Women Business Enterprises (DM/DWBE) was available, and all of the proposers requested such points, including the recommended firms. Funding will be determined as Capital Projects are identified, and purchase orders will only be issued against approved budgets.

Kemp/Myers – 7-0

- B-4 The Board awarded and executed two (2) year job order contracts (agreements) with all three (3) responding bidders for ongoing and as-needed minor construction services throughout the County (23296) for the Facilities Management & Real Estate Services Department at a total cost of \$10,500,000.00. Specifically, awards are recommended to: George G. Solar & Company, Inc., in the amount of \$4,500,000.00 (0.438 multiplier); Caladesi Construction Co., in the amount of \$2,500,000.00 (0.555 multiplier); and Bandes Construction Company, Inc., in the amount of \$3,500,000.00 (0.44 multiplier). The respective award amounts include allowances of \$100,000.00 for unspecified services, parts, and materials, which may be required to complete the work but cannot be reasonably defined at this time due to the nature of the work. The subject services will be used to support the County's Repair, Replacement, Renovation & Maintenance (R3M) Asset Preservation Program. Bids were received from three (3) different firms, all of which are deemed to be qualified. In accordance with Hillsborough County Ordinance No. 21-17 (Construction Apprenticeship Program), this award requires at least 12% of the total work hours be performed by apprentices employed by the prime contractors or subcontractors, and the recommended vendors have committed to meeting this requirement. A Disadvantaged Minority/Disadvantaged Women Business Enterprise (DM/DWBE) Program Participation Goal of 12% was also established for this work, and the recommended vendors have committed to achieving this goal. The recommended firm, George G. Solar & Company, Inc., is a Hillsborough County Certified DM/DWBE and Registered SBE firm. Funding for this procurement is available in the requesting department's R3M program funds, and purchase orders will only be issued against approved budgets.

Kemp/Wostal – 7-0

C. COUNTY ADMINISTRATOR BRIEFINGS

None.

D. PUBLIC HEARINGS

D-1 The Board conducted a public hearing (15 individuals spoke) and approved an amendment to Hillsborough County Code of Ordinances, Part A, Chapter 6, Article II (Ordinance 00-26, as amended), pertaining to Animal Control, banning the retail sale of rabbits from commercial establishments and certain public places and providing for certain agricultural and other exemptions, and penalties. There is no significant financial impact to the County, and any directly related expenses can be absorbed within departments' currently approved operating budgets. *(Related to Item B-2) Chief Assistant County Attorney DeBora Cromartie-Mincey noted that the term "festivals" had been deleted from the list of public places as reflected in Section 2A, Subsection 2, Line 11 on Page 3 of the ordinance.*

Kemp/Cohen – 6-1 (Wostal voted no.)

The Board amended the motion to remove the word "festivals" from the list of Public Places where the prohibition will apply, outlined in Section A.2., and instead, place into Section B.4., which provides for a list of exemptions to the ban for agricultural uses and purposes.

Owen/Wostal – 7-0

E. SCHEDULED APPEARANCES

None.

F. COMMISSIONERS SECTION

F-1 Commissioner Hagan led a discussion on an item to elect two Commissioners to serve as a Canvassing Board member for the 2023 City of Tampa elections (1 Member & 1 Alternate).

The Board approved Commissioner Cameron Cepeda to serve as the Canvassing Board member and Commissioner Owen to serve as the alternate.

Cohen/Wostal – 7-0

G. STAFF REPORTS

None.

H. FUTURE DISCUSSION ITEMS (Reflected on the Issues for Future BOCC Consideration)

Commissioner Cohen requested staff bring back a report to the March 1, 2023 meeting regarding the provision of advanced life support and basic life support services in the County.

Commissioner Myers requested staff look into a float for all Commissioners, County administration, and employees to participate in the Gasparilla parade.

Recap of the February 1, 2023

BOCC Regular Meeting

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Commissioner Myers requested Juneteenth be held annually by raising the flag at County Center from June 14 through June 30, 2023.

Commissioner Wostal requested staff bring back a report of all unallocated/budgeted funds within the County's operating budget and CIP budget and, within that report or excluded in a second report, include a report that shows the dollar amount of all vacant staffing positions that exceed 12 months or greater within the County's budget that have been budgeted for.

2023 Hillsborough County Canvassing Board

Meeting Guidelines

1. Members will be identified with name tags and their names will be posted on the website and in legal notices.
2. Attendees will sign in upon arrival and may sign up for public comment up until the time the meeting is scheduled to begin.
3. At the start of each meeting, the Canvassing Board will allow for a total of 5 minutes for public comment for Canvassing Board meetings. Public comment is limited to matters or issues within the authority of the Canvassing Board.
4. Images of ballots and signatures will be projected for the public to see when reviewing voter intent and signature matches.
5. No photos or videos may be taken.
6. Agendas will be posted on the Supervisor of Elections website by 6 PM the day before the meeting.
7. Minutes will be posted on the Supervisor of Elections website immediately following the next meeting at which they are adopted.



Canvassing Board Membership and Activities

DE Reference Guide 0020 (Updated 03-2022)(supersedes all prior versions)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

OVERVIEW

- Membership.
 - The Board is composed of three members: the supervisor of elections a county court judge who acts as the chair, and the chair of the board of county commissioners.
- Substitute.
 - Substitutes must be appointed whenever a member is disqualified or unable to serve in accordance with section [102.141](#)(1), Fla. Stat.
 - A substitute cannot be a candidate with opposition in the election being canvassed and cannot be an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. For what constitutes active participation in the campaign or candidacy of a candidate, see Division of Elections Advisory Opinion [DE 09-07](#).
- Alternate.
 - The board must have two alternates designated. *The long-term service on a canvassing board can place an undue burden on a volunteer member's other professional and personal obligations. Therefore, an alternate serves as a back-up in the event a member is unable to participate in a meeting of the board.*
 - The alternates should be appointed when the canvassing board membership is designated.
 - If not otherwise serving as one of the three canvassing board members, the alternate can be present, observe and communicate with the other board members but cannot vote in the board's decisions or determinations. The process for appointing alternates is set out in section [102.141](#)(1), Fla. Stat.
- Duties.
 - Board members are required to undergo training including signature verification training. The canvassing board is responsible for a number of activities in the conduct of elections and results processing and reporting.
 - Duties begin as early as the pre-election (public logic and accuracy) testing of voting equipment is scheduled which must be within the 25 days before early voting starts in the respective county¹. Duties include but are not limited to canvassing of vote-by-mail ballots which can start as soon after the L&A testing. Duties continue through election night reporting and certification of elections results, and end with the post-election voting system audit, which must be completed no later than the 7th day following the board's certification of the election.
 - This reference guide focuses specifically on the membership requirement for those activities.
- Disqualification and/or removal of members.
 - Authority to remove a canvassing board member. See Division of Elections' Advisory Opinion DE [15-03](#)
 - 'Active participation' by a canvassing board member. See Division of Elections' Advisory Opinion DE [08-10](#).

¹ § 101.657, Fla. Stat. – The minimum mandatory EV period is 8 days beginning 10 days before election day with no less than 8 hours and no more than 12 hours per day. Counties can offer additional days of EV up to the 15th day before Election Day and/or the 2nd day before Election day.

REQUISITE MEMBERSHIP FOR CANVASSING BOARD ACTIVITIES

- Unless otherwise specified in law or rule, the canvassing board may act when two members are present, thereby constituting a majority. The majority must agree in order to take action. See also DE Advisory Opinion [05-08](#). The chart below details required membership for each category of activity.

| Activity | Number of Board Members to be Present | Citation: law(s) and/or rule(s) |
|---|--|---|
| Public logic & accuracy testing | <ul style="list-style-type: none"> At least one member for test All members to certify the accuracy of test | Section 101.5612 (2), Fla. Stat. |
| Duplication of ballot | <ul style="list-style-type: none"> Majority to be present to approve ballots to be duplicated At least one member to be present during duplication of ballots | Sections 101.5614 (5), 101.68 , and 102.141 (8), Fla. Stat. |
| Canvassing vote-by-mail ballots | <ul style="list-style-type: none"> Majority to approve and order the opening of the ballots At least one member to be present at all times during opening and running of the ballots through tabulation system | Sections 101.68 , 101.6925 , and 102.141 (2) & (8), Fla. Stat. |
| Determination to count or reject vote-by-mail ballots | <ul style="list-style-type: none"> Majority to determine whether to count or reject a ballot | Sections 101.68 , 101.6925 , and 102.141 (2), Fla. Stat. |
| Finding signatures on provisional ballot or vote-by-mail ballot certificate/cure affidavit and voter record do not match signature | <ul style="list-style-type: none"> Majority and beyond reasonable doubt | Sections 101.048 and 101.68 , Fla. Stat. |
| Canvassing of provisional ballots | <ul style="list-style-type: none"> Majority to determine whether to count or reject (which latter must be by preponderance of the evidence) | Sections 101.048 , 101.049 , 101.6925 , and 102.141 (2), Fla. Stat.; Rule 1S-2.037 , Fla. Admin. Code |
| Recount | <ul style="list-style-type: none"> Majority at all times during recount process All members for determination or decision to resolve a discrepancy during a recount | Sections 102.141 and 102.166 , Fla. Stat.; Rules 1S-2.027 , and 1S-2.031 , Fla. Admin. Code |
| Certification of election results and conduct of elections report | <ul style="list-style-type: none"> Majority to certify results | Section 102.141 , Fla. Stat. |
| Post-election certification audit of voting system | <ul style="list-style-type: none"> Majority at all times during audit process | Section 101.591 , Fla. Stat.; Rule 1S-5.026 (4)(e), Fla. Admin. Code |

City of Tampa Municipal Election (March 7, 2023)

| Day | Date | Time | Length | Activity |
|-------|-----------|----------|------------|---|
| Fri | 2/17/2023 | 11:00 AM | 3 hours | Canvassing Board Meeting; Pre-Election Logic and Accuracy Testing. Includes testing of the voting equipment used to tabulate Vote-by-Mail, Early Voting, and Election Day ballots, and recount/audit system |
| Mon | 2/27/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Mon | 2/27/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Mon | 2/27/2023 | 1:30 PM | Until done | Duplication, if needed |
| Mon | 2/27/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Tues | 2/28/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Tues | 2/28/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Tues | 2/28/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Tues | 2/28/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Tues | 2/28/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Wed | 3/1/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Wed | 3/1/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Wed | 3/1/2023 | 1:30 PM | Until done | Duplication, if needed |
| Wed | 3/1/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Wed | 3/1/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Wed | 3/1/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Thurs | 3/2/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Thurs | 3/2/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Thurs | 3/2/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Thurs | 3/2/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Thurs | 3/2/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Fri | 3/3/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Fri | 3/3/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Fri | 3/3/2023 | 1:30 PM | Until done | Duplication, if needed |
| Fri | 3/3/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Fri | 3/3/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Fri | 3/3/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Fri | 3/3/2023 | 11:00 AM | 1 hour | Board Meeting, if held; Canvass VBM (if needed) |
| Sat | 3/4/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Sun | 3/5/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Mon | 3/6/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Mon | 3/6/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Mon | 3/6/2023 | 1:30 PM | Until done | Duplication, if needed |
| Mon | 3/6/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Mon | 3/6/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Tues | 3/7/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Tues | 3/7/2023 | 9:00 AM | Until done | VBM Ballot Opening, Tabulation, Scanning and Duplication, if needed |
| Tues | 3/7/2023 | 4:00 PM | 1 hour | Board Meeting; Canvass VBM (if needed) |
| Tues | 3/7/2023 | 7:00 PM | | Board Meeting; Report Election Results |
| Wed | 3/8/2023 | 8:00 AM | Until done | ED Ballots Audit Scan |
| Thurs | 3/9/2023 | 8:00 AM | Until done | ED Ballots Audit Scan |
| Thurs | 3/9/2023 | 5:00 PM | 2 hours | Board Meeting; Canvass Affidavits and Provisional Ballots; 1st Unofficial Results |
| Fri | 3/10/2023 | 8:00 AM | 5.5 hours | Board Meeting; Recount (if needed); 2nd Unofficial Results |
| Fri | 3/10/2023 | 2:00 PM | 1 hour | Board Meeting; Certify Official Results |
| Wed | 3/15/2023 | 11:00 AM | 1 hour | Board Meeting; Conduct Audit |

City of Tampa Runoff Election (April 25, 2023) (If needed)

| Day | Date | Time | Length | Activity |
|-------|-----------|----------|------------|---|
| Fri | 4/7/2023 | 11:00 AM | 3 hours | Canvassing Board Meeting; Pre-Election Logic and Accuracy Testing. Includes testing of the voting equipment used to tabulate Vote-by-Mail, Early Voting, and Election Day ballots, and recount/audit system |
| Mon | 4/17/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Mon | 4/17/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Mon | 4/17/2023 | 1:30 PM | Until done | Duplication, if needed |
| Mon | 4/17/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Tues | 4/18/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Tues | 4/18/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Tues | 4/18/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Tues | 4/18/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Tues | 4/18/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Wed | 4/19/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Wed | 4/19/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Wed | 4/19/2023 | 1:30 PM | Until done | Duplication, if needed |
| Wed | 4/19/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Wed | 4/19/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Wed | 4/19/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Thurs | 4/20/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Thurs | 4/20/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Thurs | 4/20/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Thurs | 4/20/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Thurs | 4/20/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Fri | 4/21/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Fri | 4/21/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Fri | 4/21/2023 | 1:30 PM | Until done | Duplication, if needed |
| Fri | 4/21/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Fri | 4/21/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Fri | 4/21/2023 | 8:00 AM | 8:45 AM | Review or Inspect Ballot Materials by Authorized Individuals, by appt. |
| Fri | 4/21/2023 | 11:00 AM | 1 hour | Board Meeting, if held; Canvass VBM (if needed) |
| Sat | 4/22/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Sun | 4/23/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Mon | 4/24/2023 | 9:00 AM | Until done | VBM Ballot Opening, if needed |
| Mon | 4/24/2023 | 9:00 AM | Until done | VBM Tabulation, if needed; Audit Scanning |
| Mon | 4/24/2023 | 1:30 PM | Until done | Duplication, if needed |
| Mon | 4/24/2023 | 9:00 AM | Until done | EV Ballots Audit Scan |
| Mon | 4/24/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Tues | 4/25/2023 | 8:00 AM | 8:30 AM | Public Inspection of Ballots and Certificates |
| Tues | 4/25/2023 | 9:00 AM | Until done | VBM Ballot Opening, Tabulation, Scanning and Duplication, if needed |
| Tues | 4/25/2023 | 4:00 PM | 1 hour | Board Meeting; Canvass VBM (if needed) |
| Tues | 4/25/2023 | 7:00 PM | | Board Meeting; Report Election Results |
| Wed | 4/26/2023 | 8:00 AM | Until done | ED Ballots Audit Scan |
| Thurs | 4/27/2023 | 8:00 AM | Until done | ED Ballots Audit Scan |
| Thurs | 4/27/2023 | 5:00 PM | 2 hours | Board Meeting; Canvass Affidavits and Provisional Ballots; 1st Unofficial Results |
| Fri | 4/28/2023 | 8:00 AM | 5.5 hours | Board Meeting; Recount (if needed); 2nd Unofficial Results |
| Fri | 4/28/2023 | 2:00 PM | 1 hour | Board Meeting; Certify Official Results |
| Tues | 5/2/2023 | 11:00 AM | 1 hour | Board Meeting; Conduct Audit |

February 13, 2023 - February 19, 2023

February 2023

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March 2023

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Monday, February 13

Tuesday, February 14

Wednesday, February 15

Thursday, February 16

Friday, February 17

11:00am - 2:00pm Canvassing Board (L & A Test) (COT)

Saturday, February 18

Sunday, February 19

February 20, 2023 - February 26, 2023

February 2023

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March 2023

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Monday, February 20

Tuesday, February 21

Wednesday, February 22

Thursday, February 23

Friday, February 24

Saturday, February 25

Sunday, February 26

February 27, 2023 - March 5, 2023

February 2023

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March 2023

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Monday, February 27

- 8:00am - 8:45am Review or Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (If needed) ↻
- 9:00am - 5:00pm VBM Opening (If needed) ↻
- 1:30pm - 5:00pm Duplication (If needed) ↻

Tuesday, February 28

- 8:00am - 8:30am Public Inspection of Ballots and Certificates ↻
- 8:00am - 8:45am Review or Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (If needed) ↻
- 9:00am - 5:00pm VBM Opening (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan ↻

Wednesday, March 1

- 8:00am - 8:30am Public Inspection of Ballots and Certificates ↻
- 8:00am - 8:45am Review or Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (If needed) ↻
- 9:00am - 5:00pm VBM Opening (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan ↻
- 1:30pm - 5:00pm Duplication (If needed) ↻

Thursday, March 2

- 8:00am - 8:30am Public Inspection of Ballots and Certificates ↻
- 8:00am - 8:45am Review or Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (If needed) ↻
- 9:00am - 5:00pm VBM Opening (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan ↻

Friday, March 3

- 8:00am - 8:30am Public Inspection of Ballots and Certificates ↻
- 8:00am - 8:45am Review or Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (If needed) ↻
- 9:00am - 5:00pm VBM Opening (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan ↻
- 11:00am - 12:00pm Canvassing Board (Canvass VBM) (COT)
- 1:30pm - 5:00pm Duplication (If needed) ↻

Saturday, March 4

- 9:00am - 12:00pm EV Ballots Audit Scan ↻

Sunday, March 5

- 9:00am - 12:00pm EV Ballots Audit Scan ↻

March 6, 2023 - March 12, 2023

| March 2023 | | | | | | | April 2023 | | | | | | |
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| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
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Monday, March 6

- 8:00am - 8:30am Public Inspection of Ballots and Certificates ↻
- 9:00am - 5:00pm Tabulation and Scanning (If needed) ↻
- 9:00am - 5:00pm VBM Opening (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan ↻
- 1:30pm - 5:00pm Duplication (If needed) ↻

Tuesday, March 7

- City of Tampa Election Day (Municipal)**
- 8:00am - 8:30am Public Inspection of Ballots and Certificates ↻
- 9:00am - 7:00pm VBM Opening, Tabulation, Scanning and Duplication (If needed)
- 4:00pm - 5:00pm Canvassing Board (Canvass VBM) (COT)**
- 7:00pm - 10:00pm Canvassing Board (Election Results) (COT)**

Wednesday, March 8

- 8:00am - 5:00pm ED Ballots Audit Scan ↻

Thursday, March 9

- 8:00am - 5:00pm ED Ballots Audit Scan ↻
- 5:00pm - 7:00pm Canvassing Board (Cures, 1st Unofficial) (COT)**

Friday, March 10

- 8:00am - 1:30pm Canvassing Board (Recount if needed, 2nd Unofficial) (COT)**
- 2:00pm - 3:00pm Canvassing Board (Official Results) (COT)**

Saturday, March 11

Sunday, March 12

March 13, 2023 - March 19, 2023

March 2023

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April 2023

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Monday, March 13

Tuesday, March 14

Wednesday, March 15

11:00am - 12:00pm Canvassing Board (Audit) (COT)

Thursday, March 16

Friday, March 17

Saturday, March 18

Sunday, March 19

March 20, 2023 - March 26, 2023

March 2023

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April 2023

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Monday, March 20

Tuesday, March 21

Wednesday, March 22

Thursday, March 23

Friday, March 24

Saturday, March 25

Sunday, March 26

March 27, 2023 - April 2, 2023

March 2023

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April 2023

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Monday, March 27

Tuesday, March 28

Wednesday, March 29

Thursday, March 30

Friday, March 31

Saturday, April 1

Sunday, April 2

April 3, 2023 - April 9, 2023

April 2023

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May 2023

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Monday, April 3

Tuesday, April 4

Wednesday, April 5

Thursday, April 6

Friday, April 7

11:00am - 12:00pm L and A Test (COT RO)

Saturday, April 8

Sunday, April 9

April 10, 2023 - April 16, 2023

April 2023

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May 2023

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Monday, April 10

Tuesday, April 11

Wednesday, April 12

Thursday, April 13

Friday, April 14

Saturday, April 15

Sunday, April 16

April 17, 2023 - April 23, 2023

| April 2023 | | | | | | | May 2023 | | | | | | |
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Monday, April 17

- 8:00am - 8:45am Review of Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (COT RO) (If needed) ↻
- 9:00am - 5:00pm VBM Opening (COT RO) (If needed) ↻
- 1:30pm - 5:00pm Duplication (COT RO) (If needed) ↻

Tuesday, April 18

- 8:00am - 8:30am Public Inspection of Ballots and Certificates (COT RO) ↻
- 8:00am - 8:45am Review of Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (COT RO) (If needed) ↻
- 9:00am - 5:00pm VBM Opening (COT RO) (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻

Wednesday, April 19

- 8:00am - 8:30am Public Inspection of Ballots and Certificates (COT RO) ↻
- 8:00am - 8:45am Review of Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (COT RO) (If needed) ↻
- 9:00am - 5:00pm VBM Opening (COT RO) (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻
- 1:30pm - 5:00pm Duplication (COT RO) (If needed) ↻

Thursday, April 20

- 8:00am - 8:30am Public Inspection of Ballots and Certificates (COT RO) ↻
- 8:00am - 8:45am Review of Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (COT RO) (If needed) ↻
- 9:00am - 5:00pm VBM Opening (COT RO) (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻

Friday, April 21

- 8:00am - 8:30am Public Inspection of Ballots and Certificates (COT RO) ↻
- 8:00am - 8:45am Review of Inspect Ballot Materials by Authorized Individuals, by appt. (101.572(2)) ↻
- 9:00am - 5:00pm Tabulation and Scanning (COT RO) (If needed) ↻
- 9:00am - 5:00pm VBM Opening (COT RO) (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻
- 11:00am - 12:00pm Canvassing Board (Canvass VBM) (COT RO)
- 1:30pm - 5:00pm Duplication (COT RO) (If needed) ↻

Saturday, April 22

- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻

Sunday, April 23

- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻

April 24, 2023 - April 30, 2023

| April 2023 | | | | | | | May 2023 | | | | | | |
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Monday, April 24

- 8:00am - 8:30am Public Inspection of Ballots and Certificates (COT RO) ↻
- 9:00am - 5:00pm Tabulation and Scanning (COT RO) (If needed) ↻
- 9:00am - 5:00pm VBM Opening (COT RO) (If needed) ↻
- 9:00am - 12:00pm EV Ballots Audit Scan (COT RO) ↻
- 1:30pm - 5:00pm Duplication (COT RO) (If needed) ↻

Tuesday, April 25

- City of Tampa Election Day (Runoff)
- 8:00am - 8:30am Public Inspection of Ballots and Certificates (COT RO) ↻
- 9:00am - 7:00pm VBM Opening, Tabulation, Duplication and Scanning (COT RO) (If Needed)
- 4:00pm - 5:00pm Canvassing Board (Canvass VBM) (COT RO)
- 7:00pm - 10:00pm Canvassing Board (Election Results) (COT RO)

Wednesday, April 26

- 8:00am - 5:00pm ED Ballot Audit Scan

Thursday, April 27

- 8:00am - 5:00pm ED Ballot Audit Scan
- 5:00pm - 6:00pm Canvassing Board (Cures, 1st Unofficial) (COT RO)

Friday, April 28

- 8:00am - 1:30pm Canvassing Board (Recount if needed, 2nd Unofficial) (COT RO)
- 2:00pm - 3:00pm Canvassing Board (Official Results) (COT RO)

Saturday, April 29

Sunday, April 30

May 1, 2023 - May 7, 2023

May 2023

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June 2023

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Monday, May 1

Tuesday, May 2

11:00am - 12:00pm Canvassing Board (Audit) (COT RO)

Wednesday, May 3

Thursday, May 4

Friday, May 5

Saturday, May 6

Sunday, May 7



Guidelines for Logic and Accuracy (L&A) Testing

DE Reference Guide 0019 (Updated 08/2020)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

OVERVIEW

- **100% Logic and Accuracy (L&A) Testing.** After completing maintenance and programming of voting equipment, the law requires a logic and accuracy (L&A) testing to be conducted on all of the voting equipment to be used in an election (100% L&A). This test:
 - Is done to ensure that the system is properly programmed, the election is accurately defined on the voting system, and the input, output, and communication devices are working correctly.¹
 - May be conducted before or after the public L&A test (details below). Best practice is before public L&A.
 - Involves testing:
 - ✓ All programmed precinct voting devices
 - ✓ All programmed voter interface devices
 - ✓ All tabulators that will be used for vote-by-mail ballots
- **Public L&A Testing.** A sample of the automatic tabulation equipment² to be used in an election must be publicly tested to ensure equipment will correctly count the votes cast for all candidates, in all offices, and on all measures.
 - Publish public notice at least 48 hours in advance of the event.³ See more details in the “NOTICE REQUIREMENTS” section.
 - Complete on any day within the 25-day period⁴ before early voting (EV)⁵ is scheduled to begin in the county.
 - Requires canvassing board to convene for public L&A testing, certify to the accuracy of the test, and witness resetting and sealing of each device that passed to a pre-election state of readiness in such a manner as to secure its state of readiness until the opening of the polls (Canvassing board may designate one member to be http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=101.657&URL=0100-0199/0101/Sections/0101.657.html its representative).
 - Test within presence of attending political party representatives and candidates or their representatives.

NOTICE REQUIREMENTS

- The public L&A date, time, and place must be posted at least 48-hours in advance on the supervisor of elections website and once in the newspaper. If no newspaper is available, then notice may be posted in four conspicuous locations in the county.
- The applicable qualifying officer (supervisor of elections or the municipal elections official) may, at the time of qualifying, give written notice of the public L&A test’s date, time, and location to each candidate and obtain a signed receipt that the notice has been given.
- At least 30 days before early voting is scheduled to begin in the county, the applicable qualifying officer must send via certified mail written notice of the test date, time, and location to the county party chair of each political party

¹ § [101.5612](#)(1), Fla. Stat.

² “Automatic tabulation equipment” is defined as the apparatus necessary to automatically examine, count, and record votes.

³ § [101.5612](#)(2), Fla. Stat.

⁴ See s.2 of chapter [2020-109](#), Laws of Florida, which amends subsection 101.5612(2), Fla. Stat.

⁵ § 101.657, Fla. Stat. – The minimum mandatory EV period is 8 days beginning 10 days before election day with no less than 8 hours and no more than 12 hours per day. Counties can offer additional days of EV up to the 15th day before Election Day and/or the 2nd day before Election day.

and to all candidates other than those for statewide office whose names appear on the ballot in the county and who did not receive written notification from the applicable qualifying officer at the time of qualifying.⁶

TESTING REQUIREMENTS

- Public L&A testing may include all or a sample of the tabulation equipment. If the county chooses to publicly test only a sample, the requirements⁷ are:
 - A random selection of at least 5% or 10 precinct optical scan devices, whichever is greater
 - Ballot marking devices, the overall number of which is at the discretion of the supervisor, to ensure that they satisfy accessibility requirements as described in subsections [101.56062\(1\)\(n\)](#) and (2), Fla. Stat.
 - Early voting device(s), the overall number of which is at the discretion of the supervisor
 - All central count (vote-by-mail) tabulators
- Testing requires producing/processing a set of pre-determined valid votes for each candidate and for each measure, as well as one or more overvoted ballots for each contest. This is commonly called a test deck. See additional test deck details in the “**TEST DECK REQUIREMENTS AND RECOMMENDATIONS**” section.
- After the test deck has been processed through the tabulation equipment, a comparison is made between the pre-determined test deck results and a printout of tabulator results to ensure that the “expected” vote counts matched the actual vote counts.
- If a tested tabulation device is found to have an error in tabulation, it is deemed unsatisfactory and the canvassing board must take, at least, the following steps⁸:
 - Determine the cause of the error
 - Identify and test other devices that could reasonably be assumed to have the same error
 - Test a sufficient number of devices to determine that all other devices are satisfactory
- If the canvassing board deems any device to be unsatisfactory, it may require all devices to be tested or may declare that all devices are unsatisfactory.
- If an error is found in the operation or output of a particular device, such as with spelling or the order of candidates on a report, the canvassing board must determine whether this is cause to deem a device to be unsatisfactory.⁹
- Mandatory additional step for public testing of equipment used to tabulate vote-by-mail ballots - If any error is detected on electronic or electromechanical voting systems configured to tabulate vote-by-mail ballots at a central or regional site, the statutes call for the error to be corrected, and for testing to be repeated until an errorless count is achieved immediately before the start of the official count of the ballots and again after the completion of the official count.¹⁰
- When the public L&A testing has been satisfactorily completed, the canvassing board or its representative, the representatives of the political parties, and the candidates or their representatives who attended the test shall be allowed to witness the resetting to a pre-election state of readiness of each device that passed and the sealing of each device that passed to secure its state until the opening of the polls.¹¹
- The canvassing board or its representative shall execute a written statement identifying the tabulation devices that were tested, the results of the testing, the device’s protective counter numbers (if applicable) the number of the

⁶ See s. 2 of chapter [2020 – 109](#), Laws of Florida, which amends subsection [101.5612\(2\)](#), Fla. Stat.

⁷ § [101.5612\(4\)\(a\)1.](#), Fla. Stat.

⁸ § [101.5612\(4\)\(a\)2.](#), Fla. Stat.

⁹ § [101.5612\(4\)\(a\)3.](#), Fla. Stat.

¹⁰ § [101.5612\(3\)](#), Fla. Stat.

¹¹ § [101.5612\(4\)\(b\)](#), Fla. Stat.

seal securing each tabulation device at the conclusion of testing, any problems reported to the board as a result of the testing, and whether each device tested was deemed to be satisfactory or unsatisfactory.¹²

- If any tabulating device is deemed to be unsatisfactory, it must be recoded, repaired, or replaced and must then be made available for retesting. **Such device must be determined by the canvassing board or its representative to be satisfactory before it may be used in any election.** The canvassing board or its representative shall announce at the close of the first testing the date, place, and time that any unsatisfactory device will be retested or may, at the option of the board, notify by telephone each person who was present at the first testing as to the date, place, and time that the retesting will occur.¹³
- Records must be kept of all pre-election testing of electronic or electromechanical tabulation devices used in any election. These records must be available for inspection and/or reference during public L&A testing. Records must include the name of the person who tested each device, along with the date, place, time, and results of each test.¹⁴
- Test records must be retained as part of the official records of the election.¹⁵
- Once the logic and accuracy test is completed, canvassing boards may begin to canvass returned vote-by-mail ballots pursuant to [Executive Order 20-149](#) for the 2020 Election cycle only.

TEST DECK REQUIREMENTS AND RECOMMENDATIONS

- A test deck is a set of ballots with pre-audited results, meaning that they have a pre-determined number of valid votes for each candidate on each measure, with at least one or more overvoted ballots for each contest (to ensure that voting device will alert voter that overvoted races will not be counted)¹⁶.
- Pre-audited results are used to verify the accuracy of the public L&A test by comparing the pre-audited results to the public test results. The pre-audited results may be manually determined, electronically generated (i.e. using a spreadsheet), or produced during pre-public L&A testing.
- L&A tests must include actual ballots that will be used in the election; and if the county uses ballot-on-demand, these ballots, using the same paper stock as will be used for the election, must be included.¹⁷
- The test deck should include at least one blank ballot (to ensure that voting device will accept a blank ballot), hand marked ballots, and ballot marking device ballots. The test deck may also include electronically marked ballots.
- The creation of an “enhanced” test desk with non-traditional vote patterns and/or the addition of more test ballots to make up a unique number of votes for each candidate is strongly recommended. While a county may have used a 1-2-3 test deck pattern, it is not the most precise way to verify that votes are being tabulated correctly.

[Checklist for Public Logic and Accuracy Testing on next page]

¹² § [101.5612\(4\)\(c\)](#), Fla. Stat.

¹³ § [101.5612\(4\)\(d\)](#), Fla. Stat.

¹⁴ § [101.5612\(4\)\(e\)](#), Fla. Stat.

¹⁵ § [101.5612\(4\)\(e\)](#), Fla. Stat.

¹⁶ § [101.5612\(3\)](#), Fla. Stat.

¹⁷ § [101.5612\(5\)](#), Fla. Stat.

CHECKLIST FOR PUBLIC LOGIC AND ACCURACY TESTING

The L&A test ideally serves as a dress rehearsal for the actual election and should include the following key elements:

- A sample of available voting devices or 100%
- One or more early voting devices
- All vote-by-mail tabulators
- Examination of ballot marking devices, along with the audio ballot and ADA accessories that are paired with the device (e.g. tactile device, visual display ballot, display contrast, ballot magnification)
- A pre-audited group of ballots, with a predetermined number of valid votes for each candidate, on each measure, to include one or more ballots with an overvote
- The test deck should include as many ballots as needed to accommodate a unique number of marks for each of the candidates and yes/no votes to ensure that the correct number of votes are counted for each candidate and each issue. The supervisor of elections has discretion whether or not to examine every ballot style.
- Upload of the results into the election management system
- Modem upload, if applicable
- Creation of the election night reporting in the XML file format¹⁸
- Submission of the election night reporting in the XML file format to the Division, if a test file has not been previously submitted
- Submission (via certified mail) of a copy of the election database (preferably with uploaded L&A results) to BVSC within 24 hours¹⁹

¹⁸ § [102.141\(4\)](#), Fla. Stat.; [Rule 1S-2.053, Fla. Admin. Code](#)

¹⁹ §[101.5607\(1\)\(b\)](#), Fla. Stat.

Public L&A Test

Friday, February 17, 2023

11:00AM

Tabulation System

123 Precincts—7 Precincts (5% by statute); 8 DS200s

7 Early Voting Locations – 2 DS200 (at discretion of Canvassing Board)

Vote By Mail – 7 DS850 (100% by statute)

ExpressVote – 1 Demonstration and audio verification (at discretion of Canvassing Board)

Clear Audit/Recount System

7 Scanners (100%)

VBM BALLOT TYPES AND TIMELINES

- A returned official VBM ballot always takes precedence over the voter’s returned state write-in ballot (SWAB) or federal write-in ballot (FWAB).
- UOCAVA (Uniformed Overseas and Civilian Absentee Voting Act) Voter: Any member of a uniformed service on active duty who, by reason of such duty, is absent stateside or overseas from the place of residence where otherwise qualified to vote; any member of the merchant marine, who by reason of such service is absent stateside or overseas from the place of residence where otherwise qualified to vote; and any spouse or dependent of uniformed service member of merchant marine.
- Overseas means outside of the 50 states, District of Columbia, Commonwealth of Puerto Rico, Guam, the US Virgin Islands, and American Samoa

| VBM Ballot Type | Return Method | Deadline for Receipt | Authority |
|---|------------------|---|---------------------------------------|
| Regular Official VBM (upon request of voter) | | | |
| Any voter | Mail or Drop Off | 7 PM Election Day | 101.62 101.67 |
| Any absent stateside uniformed service member or merchant marine member, or spouse or dependent | | 7PM Election Day | 101.62 Rule 1S-2.030 |
| Any overseas voter (uniformed service member or merchant marine member, or spouse or dependent; or US civilian citizen) | Faxed | 7 PM Election Day | 101.62 Rule 1S-2.030 |
| | If mailed | Up to 10 days after PPP or General Election. Must be postmarked or dated no later than Election Day | 101.62, Rule 1S-2.030 |
| State Write-In Ballot [SWAB] (upon request of voter between 180 and 90 before the General Election) | | | |
| Any overseas voter (due to military or other contingency that will preclude the normal delivery of a regular VBM ballot, and to vote all offices –federal, state and local – to which the voter is entitled to vote) | Mailed Faxed | 7 PM Election Day | 101.6951 101.6952 Rule 1S-2.028 |
| | If mailed | Up to 10 days after PPP or General Election. Must be postmarked or dated no later than Election Day | 101.6951 101.6952 Rule 1S-2.028 |
| Federal Write-In Absentee Ballot [FWAB] (Emergency/back up ballot if regular VBM ballot requested but not yet received by UOCAVA voter for use in any federal, state or local election) | | | |
| Any absent stateside uniformed services member or merchant marine member, or spouse or dependent | Mailed | 7 PM Election Day (If postmarked by Election Day, the date on envelope will be deemed return date) | UOCAVA 52 U.S.C. 20303 101.6952 |
| Any overseas voter (uniformed services member or merchant marine member, or spouse or dependent, or US civilian) | Mailed Faxed | 7 PM Election Day | 101.62 Rule 1S-2.030 |
| | If mailed | Up to 10 days after PPP or General Election. Must be postmarked or dated no later than Election Day | 101.6951 101.6952 |
| <ul style="list-style-type: none"> • FWAB is not canvassed until 7 PM Election Day. If regular VBM ballot not received by 7 PM Election Day, the FWAB is canvassed. • If FWAB received from overseas voter for the PPP or General, it is not canvassed until 10 days after Election Day to allow for receipt of the regular VBM ballot. If regular VBM ballot is not received by the 10 day deadline, the FWAB is canvassed. • Date signed is presumed to be the date mailed regardless of postmark date or absence of postmark. | | | |



FEDERAL WRITE-IN ABSENTEE AND STATE WRITE-IN VOTE-BY-MAIL BALLOTS

DE Reference Guide 0002 (Updated 07/2018)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB)

(UOCAVA, 52 U.S.C 20303; sections 101.6952 and 101.697, F.S.; Rules 1S-2.030 and 1S-2.051, F.A.C.)

- **Used ONLY by UOCAVA voters:**
 - Absentee military members and their family members (*i.e.*, uniformed services members on active duty away from place of residence – includes ‘absent stateside’ and overseas)
 - Overseas voters (*i.e.*, all other U.S. citizens residing outside the U.S.)
- **Delivery method:**
 - Mail, fax, e-mail, online (if an online ballot delivery system is approved for use in the voter’s county of residence), or personal delivery (family member or voter may pick up ballot)
- **Return method:**
 - If overseas voter, by fax, mail, or by personal delivery (by or on behalf of voter)
 - If absentee *stateside* military (& spouse or dependent child thereof) by mail and personal delivery only
- **Count FWAB ONLY:**
 - Previous absentee ballot request on record. (Voter must swear or affirm on FWAB that he or she has not yet received state’s regular vote-by-mail ballot. Closer to election day, a voter could request a regular vote-by-mail ballot and submit a FWAB at the same time)
 - For votes cast in federal, state, and local elections received before 7 p.m. on Election Day. See **Special Note** below regarding 10-day extension for overseas voters.
 - If the FWAB is returned postmarked by Election Day (The statutory presumption is that the return date on a returned overseas vote-by-mail ballot is the date stated on the outside of the return envelope regardless of an absent postmark or a postmark later than Election Day.) (section 101.6952, F.S.)

STATE WRITE-IN VOTE-BY-MAIL BALLOT (sections 101.6951 and 101.6952, F.S.; Rule 1S-2.028, F.A.C.)

- Available to any overseas voter (not to absent stateside military)
- Must be requested between 90 and 180 days before a *general* election.
- Must be based on military or other contingency that precludes normal mail delivery of regular vote-by-mail ballot - if voter’s circumstances change, voter should be sent regular vote-by-mail ballot.
- Includes all offices (federal, state, or local) for which voter otherwise entitled to vote.
- Send to voter by mail, fax or e-mail (Rule 1S-2.030, F.A.C.)
- Count if regular vote-by-mail ballot not received by 7 p.m. deadline on Election Day (by mail or fax only) (Rule 1S-2.030, F.A.C.) See **Special Note** below about 10-day extension for overseas voters (section 101.6952(5), F.S.)

SPECIAL NOTE: A 10-day extension applies to overseas vote-by-mail ballots (regular, FWAB or State write-in) only in Presidential Preference Primary Elections, general elections, and special elections:

- If received after 7 p.m. on Election Day but no later than 10 days thereafter, count all races and ballot measures on ballot, provided the ballot is postmarked or dated by Election Day, and the voter is otherwise eligible.

CANVASS ORDER OF ABSENTEE/VOTE-BY-MAIL BALLOT. A returned regular voted vote-by-mail ballot always counts over a returned voted write-in absentee/vote-by-mail ballot if received by 7 p.m., Election Day. If a write-in vote-by-mail ballot (FWAB or state write-in) is returned first, the write-in ballot cannot be canvassed before 7 p.m., to wait for return of the regular vote-by-mail ballot. However, for elections in which the 10-day extension applies, if the write-in ballot from an *overseas* voter is received by 7 p.m. on Election Day, the write-in ballot must be set aside and shall not be canvassed until 10 days after Election Day. If the voter’s regular vote-by-mail ballot is received within the 10-day period and is otherwise proper, that ballot shall be canvassed, and the write-in ballot shall not be counted. If the voter’s official Florida vote-by-mail ballot is not properly received within the 10-day period, the write-in ballot shall then be canvassed.

Guidelines for Vote By Mail 1st Time Mail-in Registrant Voters (MRG) [FS 97.0535, FS 101.6923, FS 101.6925]

- A mail-in registrant (MRG) is someone who:
 - Registered by mail for the 1st time and will be voting for the 1st time.
 - **Has never been issued a Florida driver license, Florida state identification card or social security number, and affirmatively states this on the application and the state is unable to find an existing number.**
 - Must provide before voting (unless exempt under certain circumstances) one of the following required IDs at the polls or with a VBM ballot: United States passport; debit or credit card; military ID; student ID; retirement center, neighborhood association or public assistance ID; veteran health ID card issued by the U.S. Department of Veterans Affairs; a license to carry a concealed weapon or firearm issued pursuant to FS 790.06; employee ID card issued by any branch, department, agency or entity of the federal government, the state, a county or a municipality. OR one of the following documents if they contain the name and current residence address of the applicant: utility bill; bank statement; government check; paycheck; or government document (excluding a voter information card).
 - Is exempt from ID requirement upon execution of special ballot certificate affirming that person is absent stateside or overseas uniformed services member or civilian spouse or dependent thereof (see Uniformed and Overseas Citizens Voting Act – UOCAVA – 52 USC 20301-2031), is 65 years of age or older (based on Voting Accessibility for the Elderly and Handicapped Act – VAEHA – 52 USC 20101-20107) or has a permanent or temporary disability (VAEHA)
- Canvass MRG VBM ballots after the 5 PM deadline on the 2nd day after the election has passed to allow the voter to submit a signature cure affidavit if the VBM ballot is missing a signature or the canvassing board finds that the signature on the voter certificate does not match the signature on record (FS 101.68)

| Research/ Canvassing Board Determination | Accept | Reject |
|---|----------|----------|
| Voter did not provide a copy of the required ID with returned VBM or did not affirm he or she was otherwise exempt from the ID requirement | | X |
| Voter provided a copy of the ID with returned VBM ballot or affirmed that he or she was exempt from the ID requirements but: <ul style="list-style-type: none"> • Signatures on certificate and in the record do not match and no cure affidavit was provided; or • Signatures on certificate and in the record do not match and cure affidavit was rejected. | | X |
| Voter provided a copy of the ID with returned VBM ballot or affirmed that he or she was exempt from the ID requirements, and signatures on certificate and in the record match. | X | |

From: [Matthews, Maria I.](#)
To: [SOEList](#); [SOEStaffContacts](#); [Bill.Keen](#); [charles.overturf](#); [David Stafford](#); [Vicky Oakes](#); [Turner, Ron](#); [Vicki Davis](#); [lscott@votebrevard.gov](#); [Labasky, Ron - FSASE Legal Counsel](#)
Cc: [Kennedy, Jennifer L.](#); [Marconnet, Amber](#); [McVay, Brad R.](#); [O'Brien, Colleen E.](#); [Dena Hurst](#); [Davis, Ashley E.](#); [Chappell, David](#)
Subject: Notice: DOS Online Signature Matching/Verification Training Program
Date: Friday, May 6, 2022 8:00:58 AM

EXTERNAL EMAIL: Exercise Caution with links or attachments.

Dear Supervisors of Elections and staff,

The Florida Department of State is pleased to make available, pursuant to the requirements of section 97.012(17), Florida Statutes, an online signature matching/verification training program. This program was developed in conjunction with the Florida Institute of Government (FIOG) and based on materials prepared by Thomas Vastrick, a forensic document examiner. The purpose of this program is to provide a valuable foundation to performing the duties that entail signature matching/verification under the Florida Election Code in whatever capacity.

Key Features

As announced at the 2022 County Canvassing Board Workshop, this program:

- Covers solely standards for examining signatures to determine whether they match
 - *Reminder: You must still adhere to the standards in law, as may be applicable, for validating or invalidating, or accepting or rejecting, a ballot (e.g., vote-by-mail or provisional), a cure affidavit, a petition, or other signed document.*
- Consists of modules, practice sessions and test questions
 - *We recommend that you take notes as you proceed through the course to assist you with recall during the practice sessions and the tests*
 - *A link to Mr. Vastrick's powerpoint is available within the online program as a supplemental resource*
- Is available at no cost
- Is available 24/7
- Can be paused (progress is saved) and retaken as many times as you would like
- Includes technical support
 - *Individuals taking the course can email elarning@iog.fsu.edu. You can expect a response within 24 business hours. If they are not able to resolve the issue, tech support will submit a help ticket through their LMS vendor and follow up with the individual once the issue is resolved.*
- Is approved for 2 hours of credit
- Provides a certificate of completion for the online program
 - *If an individual forgets to print out the certificate, the course lives on in the system and the participant will be able to log back on at any time and view/print their*

certificate of completion.

Getting Started

The link below will take you to a log in page, where you can create a user account. Once you have set up your username and password, you will then be taken to a dashboard displaying the course. Click the course tile to begin.

https://elearning.iog.fsu.edu/enroll/1864620?th__ug=84502989

Once you have an individual account, you can still use this link to get to the log in page, but then you will use “Sign In” in the upper right corner.

Final Steps

While access to this program is not limited, at a minimum, you and all canvassing board members including substitutes and alternates should take this training as soon as possible for this election cycle.

Please retain copies of the certificates of completion for you and the canvassing board as part of the canvassing board records. Also retain in your records copies of certificates for anyone your office who may take the training as part of their role in signature matching/verification process.

Supervisors of Elections are asked to share this email to their canvassing board members, staff, and others, as appropriate, so they make take the course..

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520
Maria.matthews@dos.myflorida.com

Important notices:

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided. (Esta respuesta se proporciona solo como referencia y no constituye consejo ni representación legal. Las personas interesadas deben consultar los Estatutos de la Florida y la jurisprudencia aplicable, y / o consultar a un abogado privado para saber como el ley se aplique a sus hechos or circunstancias particulares antes de sacar conclusiones legales o confiar en la información proporcionada.)

Written communications including email addresses to governmental agencies constitute public records and are available to the public including media upon request unless the information is subject to a specific statutory exemption. See e.g., F.S. 668.6076 (Las comunicaciones escritas, incluso las direcciones de correo electrónico, a agencias de gobierno, constituyen registros públicos y están disponibles, a pedido, para el público, incluso la prensa, a menos que la información esté sujeta a una exención legal específica. Véase por ejemplo, F.S. 668.6076)

Hillsborough County Canvassing Board VBM Ballot Criteria Chart

| Statute/ Rule | Vote By Mail | Accept | Reject | Case by Case |
|--|---|--------|--------|--------------|
| 101.68(2)(c)1 | No signature, if left uncured | | *X | |
| 101.68(4)(b) | No signature, with cure affidavit | X | | |
| 101.68(2)(c)1, 98.077(4)(a), 101.65 | Signature does not match**, if left uncured or incomplete cure | | *X | |
| 101.68(2)(c)1 | Signature does not match, received completed cure affidavit | X | | |
| 101.68(2)(c)1, 98.077(4)(a), 101.65 | Signature printed and does not match the signature on file, if left uncured or incomplete cure | | *X | |
| 101.68(4)(b) | Signature printed does not match, with completed cure affidavit | X | | |
| | Voter signed envelope for someone else and both voters had a request on file | X | | |
| | Certificate envelope has two signatures and both voters requested ballots and both received the same ballot | X | | |
| 101.64(2) | Voter sends ballot in blank envelope that does not have the oath | | X | |
| 101.045 | Voted wrong ballot (voter has moved/party change) | | | X |
| 101.68(2)(c)2 | Voter deceased after ballot was postmarked or voter removed after ballot returned | X | | |
| 101.67(2) | Late return of VBM ballot (except UOCAVA voters) | | X | |
| 101.69 | Voted early or at the polls | | X | |
| Statute/ Rule | Vote By Mail Cure Affidavit | Accept | Reject | Case by Case |
| 101.68(3)(a) | Cure Affidavit received with Tier 1 identification | X | | |
| 101.68(3)(b) | Cure Affidavit received with Tier 2 identification and the cure signature matches a signature on record | X | | |
| | Cure Affidavit received with Tier 2 identification and the signature on the cure does not match** a signature on record | | *X | |
| | Cure not received prior to 5 PM on the 2nd day after the election | | X | |
| Statute/ Rule | First Time Voters Who Registered by Mail -- Special VBM | Accept | Reject | Case by Case |
| 101.6923 | Voter provides proper identification or indicates exemption | X | | |
| 101.6923 | Voter does not provide proper identification or indicate an exemption by 7 PM | | X | |

| Statute/ Rule | Absent from Overseas Voters (10 Days After the Election) | Accept | Reject | Case by Case |
|--------------------|--|--------|--------|--------------|
| 101.6952, 1S-2.030 | No postmark or date | | X | |
| 101.6952, 1S-2.030 | Date of postmark on or before election day | X | | |
| | Dated on or before election day but postmarked later or no postmark | X | | |
| | Dated and postmarked after election day or dated after election day with no postmark | | X | |
| Statute/ Rule | State Write-In Ballot | Accept | Reject | Case by Case |
| 101.6951 | State write-in ballot will be considered on a case by case basis | | | X |
| Statute/ Rule | Special Instances | Accept | Reject | Case by Case |
| | Voter submitted a voted sample ballot with clear voter intent, inside their Certificate Envelope that has a valid signature | X | | |
| | Voter changed address, sent two ballots; both ballots received, first correct ballot accepted | X | | |
| | [PPP or Primary] Voter changed political affiliation, sent two ballots; both ballots received, first correct ballot accepted | X | | |
| Statute/ Rule | Federal Write-In Absentee Ballot | Accept | Reject | Case by Case |
| | Not a registered voter in the county | | X | |
| | Signed the FWAB and the signature verified, no other issues | X | | |
| | No date and no postmark -- received after election day | | X | |
| | Dated or postmarked on election day or earlier | X | | |
| | No request received but dated on or before election day and oath is signed | X | | |
| | Challenge of overseas voter based on not meeting definition of 97.021(24) | | | X |
| | Not registered by deadline | | X | |

***Opportunity to Cure:** Per FS 101.68(4) until 5 PM on the 2nd day after the election, the supervisor shall allow an elector who has returned a VBM ballot that does not include the elector's signature or whose signature does not match to submit an affidavit with a copy of identification to cure.

****Beyond reasonable doubt:** Per FS 101.68(2)(c), a finding by the Canvassing Board that an elector's signature does not match must be by majority vote and beyond a reasonable doubt.

10 Day Extension for Overseas Voters: A federal write-in absentee ballot may not be canvassed until 7 PM on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10 day period specified in subsection (5). Each federal write-in absentee ballot received by 7 PM on the day of the election shall be canvassed pursuant to 101.5614(5) and 101.68, unless the elector's official absentee ballot is received by 7 PM on election day 101.6952(2)(a). An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, state or local election.

Hillsborough County Canvassing Board Provisional Ballot Criteria Chart

| Statute/ Rule | Provisional Ballots | Accept | Reject | Case by Case |
|---------------|--|--------|--------|--------------|
| 101.048 | Voter is eligible, signature matches, correct precinct | X | | |
| 101.048 | Voter is eligible but did not have proper ID -- Signature matches that on file | X | | |
| 101.048 | Voter given the provisional in error -- should have voted a regular ballot | X | | |
| 101.048 | Voter application was not verified by the state, voter furnished additional information prior to 5 PM of the 2nd day. Voter deemed eligible. | X | | |
| 101.048 | Ballot cast in wrong precinct | | X | |
| 101.048 | Voter name not found -- not registered to vote | | X | |
| 101.045 | Voter moved into county -- Eligible, signature matches, correct precinct | X | | |
| 101.048 | Voter moved out of county | | X | |
| 101.048 | Voter was cancelled as felon or for other reasons | | X | |
| 101.048 | Voter registered after the books closed | | X | |
| 101.048 | Voter's application was not verified by the state, voter did not furnish additional identification by 5 PM of the 2nd day. | | X | |
| 101.048 | Voters application was incomplete so not eligible to vote | | X | |
| 101.048 | Voter's signature did not match** and voter did not sign "Signature Differs" Affidavit, but signature on provisional matches that on file with SOE | X | | |
| 101.048 | Voter's signature did not match** and voter did not sign "Signature Differs" Affidavit, but voter completes the cure affidavit | X | | |
| 101.048 | Voter's signature did not match, voter did not sign "Signature Differs" Affidavit, and left uncured or incomplete | | X | |
| 101.048 | Voter had been sent a VBM ballot, did not surrender it, but VBM ballot not received by the SOE | X | | |
| 101.048 | Voter's right to vote has been challenged | | | X |
| 101.048 | [PPP or Primary] Voter has disputed party affiliation; provisional ballot is the wrong party according to SOE research | | X | |
| 101.048 | Voter has already voted by mail or at an early vote center | | X | |
| 101.049 | Voting hours extended -- voter is eligible and in the correct precinct | X | | |
| 101.049 | Voting hours extended -- voter is eligible and NOT in the correct precinct | | X | |
| | Not registered by deadline | | X | |

***Opportunity to Cure:** Per FS 101.68(4) until 5 PM on the 2nd day after the election, the supervisor shall allow an elector who has returned a VBM ballot that does not include the elector's signature or whose signature does not match to submit an affidavit with a copy of identification to cure.

****Beyond reasonable doubt:** Per FS 101.68(2)(c), a finding by the Canvassing Board that an elector's signature does not match must be by majority vote and beyond a reasonable doubt.

10 Day Extension for Overseas Voters: A federal write-in absentee ballot may not be canvassed until 7 PM on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10 day period specified in subsection (5). Each federal write-in absentee ballot received by 7 PM on the day of the election shall be canvassed pursuant to 101.5614(5) and 101.68, unless the elector's official absentee ballot is received by 7 PM on election day 101.6952(2)(a). An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, state or local election.



Voter Challenges

DE Reference Guidelines 0009 (Updated 03/2020)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

In the event of a voter challenge, the law (Section 101.111, Florida Statutes) should be applied as follows:

CHALLENGER

- The challenger can only challenge a voter in the challenger's own county.
- The challenger must sign a statutory oath.
- Each challenge must be separately completed.
- A challenger commits a 1st degree misdemeanor if challenge is frivolous.
- A challenge provided in advance to the Supervisor of Elections or made at the polls is to be given to the election board of the challenged voter's precinct.

CHALLENGES CAN BE FILED IN ADVANCE

- A challenge can be filed up to 30-days in advance.
- A challenge is election specific, i.e., it can only apply to the election in which it is filed.

CHALLENGED VOTER

- Voter must be provided a copy of the challenge before voting.
- Voter can only vote a provisional ballot with a few exceptions:
 - If a challenge is based on the voter's residential address, the challenged voter may still be able to vote a regular ballot if the: (1) voter is only making an in-county address change, (2) the precinct to which the voter has moved his or her legal residence is within a county that uses an electronic database as a precinct register at the polling place, or (3) the voter is an active uniformed services member or family member. The voter must first execute an address change affidavit.
 - If the challenge is based on the voter's signature, the challenged voter must first execute a signature affidavit before voting a regular ballot.
- Voter voting provisionally must be given written instructions and notice of rights including opportunity to provide proof of eligibility until 5 pm. local time two days after Election Day. (section 101.048, Fla. Stat.)

Counting Provisional

- The statutory presumption is for the canvassing board to count a provisional ballot UNLESS a preponderance of the evidence shows that the person is otherwise not entitled to vote (i.e., not registered, not eligible (felon, adjudicated mentally incompetent, etc.), voted in the wrong precinct, already voted, or evidence of fraud, signature does not match even after opportunity to cure).
- The decision is based on review of the challenged person's provisional ballot certificate and affirmation, the challenger's written oath, and any other evidence provided either by the challenged person, the challenger and/or the supervisor of elections.

THE VOTER CHALLENGE LAW DOES NOT ADDRESS CHALLENGES TO VOTE-BY-MAIL BALLOT VOTERS.

- Any attempt to apply a challenge filed under Section 101.111, Florida Statutes, to vote-by-mail ballot voters should ensure that the voters are accorded the same due process as challenged voters at the polls whether election day or during early voting (i.e., timely notice of the challenge, copy of the written challenge, and written of right to present additional evidence to the supervisor).
- Section 101.68(1) and (2), Florida Statutes, allows an elector or candidate present at a canvassing meeting to file a protest or challenge with the canvassing board about a vote-by-mail ballot. The challenge must be based on a defect of the vote-by-mail ballot certificate and must occur before the vote-by-mail ballot has been removed from the envelope.

THE VOTER CHALLENGE PROCESS SHOULD NOT INTERFERE WITH THE VOTING PROCESS FOR OTHER VOTERS AND THE ORDERLY OPERATION OF THE POLLING PLACE.

Guidelines for Accepting or Rejecting Signature Cure Affidavit for Missing or Mismatched Signature on a Provisional Ballot or VBM Ballot Certificate [FS 101.68(4) and FS 101.048]

- SOE is required to notify a voter as soon as practicable if a signature is missing from the certificate or the signature on the certificate does not match the signature in the record. This applies to provisional ballots and VBM ballots.
- A voter has until 5 PM on the 2nd day after Election Day to submit by mail, email, fax or in person a signature cure affidavit. The voter must submit DS-DE 210 for a provisional ballot or DS-DE 139 for a VBM ballot, AND a copy of:
 - A **Tier 1 Identification** (ID) that is current and valid with voter’s name and photo – Florida driver license, FL ID card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military ID; student ID; retirement center, neighborhood association or public assistance ID; veteran health ID card issued by the U.S. Department of Veterans Affairs; Florida license to carry a concealed weapon or firearm; or employee ID card issued by any branch, department, agency or entity of the federal government, the state, a county or a municipality.

Or (only if voter does not have Tier 1 ID)

- A **Tier 2 Identification** that shows the voter’s name and current residence address: current utility bill; bank statement; government check; paycheck; or government document (excluding a voter information card).
- The Canvassing Board’s finding that a signature on a voter certificate and/or cure affidavit does not match must be by majority vote and beyond a reasonable doubt.

| Canvassing Board Determination on Signature Cure Affidavit | Accept | Reject |
|--|--------|--------|
| Voter provided Tier 1 or Tier 2 ID but no signature cure affidavit | | X |
| Voter provided Tier 1 and Tier 2 ID and an unsigned cure affidavit | | X |
| Voter provided signed cure affidavit but no Tier 1 or Tier 2 ID | | X |
| Voter provided signed cure affidavit and unacceptable ID | | X |
| Voter provided signed cure affidavit and although signatures on affidavit and in the record do not match, the voter provided current and valid Tier 1 ID | X | |
| Voter provided signed cure affidavit and Tier 2 ID but signatures on affidavit and in the record do not match | | X |
| Voter provided signed cure affidavit and Tier 1 or Tier 2 ID and signatures on affidavit and in the record match | X | |

PUBLIC INSPECTION OF BALLOTS AND CERTIFICATES
PURSUANT TO 101.572(1)

The official ballots and ballot cards received from election boards and removed from vote-by-mail ballot mailing envelopes and voter certificates on such mailing envelopes shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card. If the ballots are being examined prior to the end of the contest period in s.102.168, the supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

The Canvassing Board directs staff to accommodate public inspection of ballots and certificates as per the above statute, and paragraphs 1-10 below.

1. Dates during which public inspection of ballots and certificates may occur will be contained in a legal notice published in a newspaper of general circulation. This notice will also be available on the Supervisor of Elections website.
2. When arriving to observe, the member of the public will check in at the front desk of the ESC by 8:00 AM and will receive a name tag which must be worn at all times. The observer will be escorted to the inspection area.
3. Voter certificates on mailing envelopes processed the previous day will be available for inspection.
4. Ballots processed the previous day will be available for inspection.
5. Use of personal computers and devices, including cell phones, is prohibited in the review/inspection room.
6. Eating or drinking is prohibited in the review/inspection room.
7. At no time can the observer touch any ballots or materials.
8. No recordings or photos are allowed.
9. No bags or briefcases are permitted in the review/inspection room.
10. The session will end promptly at 8:30 AM.

**REVIEW OR INSPECTION OF CERTAIN MATERIALS BY AUTHORIZED PERSONS
PURSUANT TO 101.572(2)**

A candidate, a political party official, or a political committee official, or an authorized designee thereof, shall be granted reasonable access upon request to review or inspect ballot materials before canvassing or tabulation, including voter certificates on vote-by-mail envelopes, cure affidavits, corresponding comparison signatures, duplicate ballots, and corresponding originals. Before the supervisor begins comparing signatures on vote-by-mail voter certificates, the supervisor must publish notice of the access to be provided under this section, which may be access to the documents or images thereof, and the method of requesting such access. During such review, no person granted access for review may make any copy of a signature.

The Canvassing Board directs staff to accommodate review or inspection of certain materials by authorized persons as per the above statute, and paragraphs 1-9 below.

1. Dates and times during which review or inspection of certain materials by authorized person may occur will be contained in a legal notice published in a newspaper of general circulation. This notice will also be available on the Supervisor of Elections website.
2. Each candidate, political party official, political committee official, or authorized designee thereof seeking to review or inspect certain materials shall complete an on-line form requesting access and submit the form to the Supervisor of Elections Office through the Supervisor of Elections website. Appointments are limited and will be assigned on a first-come, first-served basis.
3. When arriving to observe, the designee will check in at the front desk of the ESC and will receive a name tag which must be worn at all times.
4. A staff member will escort the designee to the review/inspection area. A staff member will present the designee the materials requested for review or inspection.
5. Use of personal computers and devices, including cell phones, is prohibited in the review/inspection room.
6. No bags or briefcases are permitted in the review/inspection room.
7. Eating or drinking is prohibited in the review/inspection room.
8. At no time can the observer touch any ballots or materials.
9. The appointment will end promptly at 8:45 AM.

OBSERVATION OF TABULATION
PURSUANT TO 101.5612(2)

Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

The Canvassing Board directs staff to accommodate observation of tabulation as per the above statute, and paragraphs 1-8 below.

1. Dates and times during which tabulation and testing may occur will be contained in a legal notice published in a newspaper of general circulation. This notice will also be available on the website.
2. The Supervisor of Elections Office reserves the right to not tabulate during the authorized times, based on agency needs.
3. Each party choosing to designate a representative for observation of tabulation shall submit the name to the Supervisor of Elections Office. One person per party will be allowed in the tabulation room at a time.
4. When arriving to observe, the designee must check in at the front desk of the ESC and will receive a name tag which must be worn at all times.
5. The observer shall be restricted to a suitable area within the tabulation room from which he or she can hear and see the tabulation stations.
6. Use of personal computers and devices, including cell phones, is prohibited in the tabulation room.
7. Eating or drinking is prohibited in the tabulation room.
8. At no time can the observer touch any ballots or materials, or otherwise interfere with the activities underway in the tabulation room. This includes directly communicating with staff performing tabulation.

OBSERVATION OF DUPLICATION
PURSUANT TO 101.5614(4)(A)

Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. The observer must be allowed to observe the duplication of ballots in such a way that the observer is able to see the markings on each ballot and the duplication taking place.

If any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate.

The Canvassing Board directs staff to accommodate observation of duplication as per the above statute, and paragraphs 1-11 below.

1. Dates and times during which duplication is authorized to occur will be contained in a legal notice published in a newspaper of general circulation. This notice will also be available on the website.
2. The Supervisor of Elections office reserves the right to not duplicate during the authorized times, based on agency needs.
3. Each candidate, political party official, political committee official, or authorized designee thereof seeking to observe duplication shall submit the name of the designated observer to the Supervisor of Elections office. One person per candidate, political party, or political committee will be allowed in the duplication room at a time.
4. When arriving to observe, the designee must check in at the front desk of the ESC and will receive a name tag which must be worn at all times.
5. The observer must sign an affidavit affirming acknowledgment that disclosure of election results discerned from observing the ballot duplication process while the election is ongoing is a felony. See § 101.5614(4)(a), Fla. Stat.
6. Observers shall be restricted to a suitable area within the duplication room from which they can hear and see the duplication stations.
7. Use of personal computers and devices, including cell phones, is prohibited in the duplication room.
8. Eating or drinking is prohibited in the duplication room.
9. No bags or briefcases are permitted in the duplication room.
10. At no time can the observer touch any ballots or materials, or otherwise interfere with the activities underway in the duplication room. This includes directly communicating with staff performing duplication.
11. If an observer wishes to make a reasonable objection to a duplicate of a ballot, he or she will so indicate by raising his or her hand, at which time a staff member will provide the observer a form to complete and sign stating the basis for the objection. Staff will secure the complaint, the original ballot and the duplicate ballot for presentation to the Canvassing Board.

OBSERVATION OF VBM OPENING
PURSUANT TO CANVASSING BOARD POLICY AND BASED ON 101.5612(2)

Each political party may designate one person who shall be allowed in the Vote By Mail opening room when VBM ballots are being opened and ballots processed for tabulation.

The Canvassing Board directs staff to accommodate observation of VBM opening as per the above Canvassing Board policy, and paragraphs 1-9 below.

1. Dates and times during which VBM opening may occur will be contained in a legal notice published in a newspaper of general circulation. This notice will also be available on the website.
2. The Supervisor of Elections office reserves the right to not open VBM ballots during the authorized times, based on agency needs.
3. Each party choosing to designate a representative for observation of VBM opening shall submit the name to the Supervisor of Elections office. One person per party will be allowed in the opening room at a time.
4. When arriving to observe, the designee must check in at the front desk of the ESC and will receive a name tag which must be worn at all times.
5. The observer shall be restricted to a suitable area within the VBM opening room from which he or she can hear and see the opening stations.
6. Use of personal computers and devices, including cell phones, is prohibited in the opening room.
7. Eating or drinking is prohibited in the opening room.
8. No bags or briefcases are permitted in the opening room.
9. At no time can the observer touch any ballots or materials, or otherwise interfere with the activities underway in the VBM opening room. This includes directly communicating with staff performing VBM opening.

FILING A PROTEST TO A VBM BALLOT
PURSUANT TO 101.68(2)(c)(4)

If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter's certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate or cure affidavit may not be accepted after the ballot has been removed from the mailing envelope.

The Canvassing Board directs staff to accommodate filing a protest to a VBM ballot as per the above statute, and paragraphs 1-4 below.

1. Any elector or candidate may protest against the canvass of a ballot that the elector or candidate believes is illegal due to a defect apparent on the voter's certificate or cure affidavit.
2. The protest must be filed before the ballot is removed from the envelope.
3. During the review or inspection period, the person making the objection will indicate to staff the voter certificate or cure affidavit against which the objection is to be made and will then complete a form to lodge the protest. The protest must be specific as to the ballot being challenged, the precinct, and the reason for such protest.
4. Staff will secure the voter certificate or cure affidavit against which the objection has been made, and the completed and signed protest form for presentation to the Canvassing Board.

1S-2.027 Standards for Determining Voter's Choice on a Ballot.

(1) **Application.** The standards in this rule apply to determine whether the voter has clearly indicated a definite choice for purposes of counting a vote cast on a ballot in a manual recount as provided specifically by section 102.166, F.S.

(2) **Direct recording electronic voting system.**

(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot electronically as specified in the ballot instructions.

(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter types on the touch screen the name of a write-in candidate in accordance with the ballot instructions.

(3) **Optical scan voting system.**

(a) A vote cast on this voting system is valid for a particular candidate, issue choice, or judicial retention choice when the voter marks the ballot as specified in the ballot instructions.

(b) A vote cast on this voting system is valid for a particular write-in candidate when the voter writes in the name of a candidate in the designated write-in space and fills in the oval or arrow next to the write-in candidate's name.

(4) **Manual review and tabulation.**

(a) The standards under this subsection apply in all instances where a contest is not marked as specified in the ballot instructions under subsection (2) or (3), and a manual review of the voter's markings on a ballot is required to determine whether there is a clear indication that the voter has made a definite choice in a contest.

(b) The canvassing board must first look at the entire ballot for consistency. Then the provisions of paragraph (c) apply to determine whether the voter has made a definite choice in a contest, provided the voter has not marked any other contest on the ballot, or if the voter has marked other contests, he or she has marked them in the same manner, subject to the exceptions in subparagraphs 7., 10., and 15. The following are examples of valid votes after review for consistency:

For Attorney General

(Vote for one)

- Lucille Ball
- Jack Benny
- Desi Arnaz
- Lenny Bruce

**For Commissioner of
Agriculture**

(Vote for one)

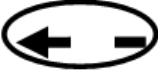











- Jack Ritter
- Audra Lindley
- Francis Bavier
- Jack Dodson

For State Representative

(Vote for one)

- Don Nichols
- Michael Ross
- Bernie West
- Norman Fell

Ballot Situation 1: Recount in race of State Representative. The two ovals in the first two races are filled in properly, but the voter has circled the candidate's name in the state representative race. Since the voter did not mark the state representative race in the same manner as in the other races, it cannot be determined whether the voter has clearly indicated a definite choice for Don Nichols.

| | |
|--|---|
| For Attorney General (Vote for one) | |
| Lucille Ball |  |
| Jack Benny |  |
| Desi Arnaz |  |
| Lenny Bruce |  |
| For Commissioner of Agriculture (Vote for one) | |
| Jack Ritter |  |
| Audra Lindley |  |
| Francis Bavier |  |
| Jack Dodson |  |
| For State Representative (Vote for one) | |
| Don Nichols |  |
| Michael Ross |  |
| Bernie West |  |
| Norman Fell |  |

Ballot Situation 2: Recount in race of State Representative. All races on this ballot are marked in the same manner. Since the ballot is consistently marked as in paragraph (c), the vote cast for Michael Ross in the state representative race is a valid vote.

| | | |
|--|---|---|
| For Attorney General (Vote for one) | | |
| Lucille Ball | ← | — |
| Jack Benny | ← | — |
| Desi Arnaz | ← | — |
| Lenny Bruce | ← | — |
| For Commissioner of Agriculture (Vote for one) | | |
| Jack Ritter | ← | — |
| Audra Lindley | ← | — |
| Francis Bavier | ← | — |
| Jack Dodson | ← | — |
| For State Representative (Vote for one) | | |
| Don Nichols | ← | — |
| Michael Ross | ← | — |
| Bernie West | ← | — |
| Norman Fell | ← | — |


Ballot Situation 3: Recount in State Representative race. Each race is marked differently so that no consistency in marking exists. It cannot be determined which marking, if any, is clearly indicative of the voter's choice. Therefore, the vote cast for Bernie West is not valid.


(c) Subject to the provisions of paragraph (4)(b), the following marks constitute a valid vote as indicated for a particular candidate, issue choice, or judicial retention choice:


1. The voter circles or underlines either the oval or arrow next to a candidate's name, issue choice, or judicial retention choice.


Valid Vote for Ball

For Attorney General
(Vote for one)

 Lucille Ball


 Jack Benny


 Desi Arnaz


 Lenny Bruce


Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball 


Jack Benny 


Desi Arnaz 


Lenny Bruce 


Valid Vote for Ball

For Attorney General
(Vote for one)

 Lucille Ball


 Jack Benny


 Desi Arnaz


 Lenny Bruce


Valid Vote for Ball

For Attorney General
(Vote for one)

Lucille Ball 

Jack Benny 


Desi Arnaz 


Lenny Bruce 


2. The voter circles or underlines the name of a candidate, issue choice, or judicial retention choice.


Valid Vote for Arnaz

For Attorney General
(Vote for one)

 Lucille Ball


 Jack Benny


 Desi Arnaz

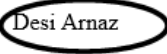

 Lenny Bruce


Valid Vote for Arnaz

For Attorney General
(Vote for one)

Lucille Ball 

Jack Benny 

 Desi Arnaz 

Lenny Bruce 

3. The voter circles or underlines the party abbreviation associated with a candidate's name.

Valid Vote for Benny
For Attorney General
(Vote for one)

| | | |
|-----------------------|--------------|------------|
| <input type="radio"/> | Lucille Ball | DEM |
| <input type="radio"/> | Jack Benny | REP |
| <input type="radio"/> | Desi Arnaz | GRN |
| <input type="radio"/> | Lenny Bruce | LBT |

Valid Vote for Benny
For Attorney General
(Vote for one)

| | | | |
|--------------|------------|---|---|
| Lucille Ball | DEM | ← | — |
| Jack Benny | REP | ← | — |
| Desi Arnaz | GRN | ← | — |
| Lenny Bruce | LIB | ← | — |

4. The voter marks an "X," a check mark, a cross, a plus sign, an asterisk or a star, any portion of which is contained in a single oval or within the blank space between the head and tail of a single arrow. The marking must not enter into another oval or the space between the head and tail of another arrow.

Valid Vote for Ball
For Attorney General
(Vote for one)

| | |
|----------------------------------|--------------|
| <input checked="" type="radio"/> | Lucille Ball |
| <input type="radio"/> | Jack Benny |
| <input type="radio"/> | Desi Arnaz |
| <input type="radio"/> | Lenny Bruce |

Valid Vote for Ball
For Attorney General
(Vote for one)

| | | | |
|--------------|---|---|---|
| Lucille Ball | ← | X | — |
| Jack Benny | ← | | — |
| Desi Arnaz | ← | | — |
| Lenny Bruce | ← | | — |

Invalid Vote
For Attorney General
(Vote for one)


| | |
|----------------------------------|--------------|
| <input checked="" type="radio"/> | Lucille Ball |
| <input checked="" type="radio"/> | Jack Benny |
| <input type="radio"/> | Desi Arnaz |
| <input type="radio"/> | Lenny Bruce |


Invalid Vote
For Attorney General
(Vote for one)


| | | | |
|--------------|---|---|---|
| Lucille Ball | ← | X | — |
| Jack Benny | ← | X | — |
| Desi Arnaz | ← | | — |
| Lenny Bruce | ← | | — |


5. The voter draws a diagonal, horizontal, or vertical line, any portion of which intersects two points on the oval and which does not intersect another oval at any two points. If it is a horizontal line, the line must not strike through the name of the candidate.

Valid Vote for Ball
For Attorney General
(Vote for one)


 Lucille Ball


 Jack Benny


 Desi Arnaz


 Lenny Bruce

Valid Vote for Ball
For Attorney General
(Vote for one)


 Lucille Ball


 Jack Benny


 Desi Arnaz


 Lenny Bruce

Invalid Vote
For Attorney General
(Vote for one)


 Lucille Ball


 Jack Benny


 Desi Arnaz


 Lenny Bruce

Invalid Vote
For Attorney General
(Vote for one)

 Lucille Ball


 Jack Benny


 Desi Arnaz


 Lenny Bruce


6. The voter draws a diagonal or vertical line that intersects an imaginary line extending from the center of the head of a single arrow to the center of the tail of the same arrow, provided the diagonal or vertical line does not intersect the imaginary line joining the head and tail of another arrow.

Valid Vote for Ball
For Treasurer
(Vote for one)


Lucille Ball 


Jack Benny 


Desi Arnaz 


Lenny Bruce 

Invalid Vote
For Treasurer
(Vote for one)

Lucille Ball 

Jack Benny 

Desi Arnaz 

Lenny Bruce 

7. The voter marks all the choices for a race but further clarifies a choice for a particular candidate, issue choice or judicial retention choice by placing an additional mark or marks showing support solely for that particular candidate, issue or judicial retention choice.

| | |
|---|---|
| Valid Vote for Arnaz For Commissioner of Education (Vote for one) <input type="radio"/> Lucille Ball <input type="radio"/> Jack Benny <input checked="" type="radio"/> Desi Arnaz <input type="radio"/> Lenny Bruce | Valid Vote for Ball For Commissioner of Education (Vote for one) Lucille Ball ← Jack Benny ← Desi Arnaz ← Lenny Bruce ← |
|---|---|

Valid Vote to Keep Justice in Office

Judicial Retention
State Supreme Court
(Vote yes or no)

Shall Justice Tom Poston be retained as Chief Justice of the State Supreme Court

Yes _____
 No _____

8. The voter strikes through all the choices for candidates, issue, or judicial retention except for one and also leaves the write-in candidate space blank.

Valid Vote for Bruce

For Commissioner of Agriculture
(Vote for one)

~~Lucille Ball~~
~~Jack Benny~~
~~Desi Arnaz~~
Lenny Bruce
Write-In

9. The voter writes words such as “Vote for [candidate’s name],” “Count this vote” or “Vote no on amendment or referendum,” or “I want this one,” provided there are no other markings in the race that would constitute a valid vote for a different candidate, issue choice, or judicial retention choice pursuant to rule.

Valid Vote for Arnaz

For State Senator
(Vote for one)

Lucille Ball

Jack Benny

Desi Arnaz *This one*

Lenny Bruce

Invalid Vote

For State Senator
(Vote for one)

Lucille Ball ← —

Jack Benny ← —

Desi Arnaz ← —

Lenny Bruce ← —

↑ This one

Valid “No” vote

Proposed Constitutional Amendment No. 1
Article __, section __
(Popular Name)

An amendment to limit the increase in the assessed value of a taxpayer’s real property after a countywide reappraisal and to require a property tax credit.

YES *I vote no* Proposed Constitutional Amendment No. 1

NO Proposed Constitutional Amendment No. 1

10. The voter fills in the majority of an oval, or the majority of the distance between the head and the tail of an arrow designating a particular candidate, issue choice, or judicial retention choice, regardless of how other races on the ballot are marked.

Valid Vote for Arnaz
For School Board Member
 (Vote for one)

○ Lucille Ball

○ Jack Benny

◐ Desi Arnaz

○ Lenny Bruce

Valid Vote for Arnaz
For School Board Member
 (Vote for one)

Lucille Ball ← —

Jack Benny ← —

Desi Arnaz ← —

Lenny Bruce ← —

11. If a voter marks fewer candidates than there are positions to be elected for those offices, then the votes for all of those marked candidates shall count. For example, if the voter is allowed to vote for 5 candidates in a special district election (“Vote for 5”) and the voter marks 2 candidates, the votes for those two marked candidates shall count.

Valid Votes for Arnaz and Bruce
For County Commissioner
 (Vote for three)

○ Lucille Ball

○ Jack Benny

● Desi Arnaz

● Lenny Bruce

Valid Vote for Benny
For School Board Member
 (Vote for two)

Lucille Ball ← —

Jack Benny ← —

Desi Arnaz ← —

Lenny Bruce ← —

12. The voter draws an arrow from the arrow head to a particular candidate, issue choice or judicial retention choice or draws an arrow head on the tail end of the arrow in lieu of filling in the void between the arrow head and the tail for the particular candidate, issue choice or judicial retention choice.

| Valid Vote for Arnaz | | Valid Vote for Bruce | |
|---|------|---|-----|
| For U.S. Senator (Vote for one) | | For U.S. Senator (Vote for one) | |
| Lucille Ball | ← - | Lucille Ball | ← - |
| Jack Benny | ← - | Jack Benny | ← - |
| Desi Arnaz | ←→ - | Desi Arnaz | ← - |
| Lenny Bruce | ← - | Lenny Bruce | ← → |

13. The voter darkens or bolds the arrow head and the arrow tail but does not fill in the void between the arrow head and the tail.

Valid Vote for Ball

| For Attorney General (Vote for one) | |
|---|------|
| Lucille Ball | ←← - |
| Jack Benny | ← - |
| Desi Arnaz | ← - |
| Lenny Bruce | ← - |

14. The voter punches the oval or the void between the arrow head and tail.

Valid Vote for Ball
For Attorney General
(Vote for one)

| | |
|----------------------------------|--------------|
| <input checked="" type="radio"/> | Lucille Ball |
| <input type="radio"/> | Jack Benny |
| <input type="radio"/> | Desi Arnaz |
| <input type="radio"/> | Lenny Bruce |

Valid Vote for Benny
For Attorney General
(Vote for one)

| | | |
|--------------|---|---|
| Lucille Ball | ← | — |
| Jack Benny | ← | — |
| Desi Arnaz | ← | — |
| Lenny Bruce | ← | — |

15. The voter marks two or more choices similarly in one of the ways indicated in paragraphs 1.-14. and additionally writes in comments such as “not this,” “ignore this,” “don’t want,” or “wrong,” or “Vote for [candidate’s name]” such that voter’s definite choice is clearly indicated.

Valid Vote for Ball
For Clerk of Court
(Vote for one)

| | |
|-----------------------|-------------------------|
| <input type="radio"/> | Lucille Ball |
| <input type="radio"/> | Jack Benny <i>wrong</i> |
| <input type="radio"/> | Desi Arnaz |
| <input type="radio"/> | Lenny Bruce |

Valid Vote for Arnaz
For Clerk of Court
(Vote for one)

| | | |
|--------------|---|---|
| Lucille Ball | ← | — |
| Jack Benny | ← | — |
| Desi Arnaz | ← | — |
| Lenny Bruce | ← | — |

(5) Write-in Voting.

(a) A voter is determined to have made a definite choice for a write-in vote for the joint office of President/Vice-President if the voter writes in either the last name of the candidate for President or the last name of the candidate for Vice-President. This standard similarly applies to constitute a valid write-in vote for the joint office of Governor/Lieutenant Governor if the voter writes in either the last name of the candidate for Governor or the last name of the candidate for Lieutenant Governor.

Valid Vote for Joint Qualified Write-in President and Vice President Candidates, Lenny Bruce and Sally Marr

| | |
|---|-------------------------------|
| For President/Vice President (Vote for one) | |
| <input type="radio"/> | Lucille Ball Buster Keaton |
| <input type="radio"/> | Jack Benny Don Wilson |
| <input type="radio"/> | Desi Arnaz Xavier Cugat |
| <input type="radio"/> | Lenny Bruce Sally Marr |
| <input type="radio"/> | <u>Marr</u> Write-In |

(b) A voter is determined to have made a definite choice for a named candidate if the voter indicates a vote for a candidate named on the ballot and also writes-in the name of that same candidate in the blank space for 'write-in candidate'.

Valid Vote for Benny

| | |
|---|--------------------------|
| For Attorney General (Vote for one) | |
| <input type="radio"/> | Lucille Ball |
| <input checked="" type="radio"/> | Jack Benny |
| <input type="radio"/> | Desi Arnaz |
| <input type="radio"/> | Lenny Bruce |
| <input checked="" type="radio"/> | <u>Benny</u> Write-In |

(c) A voter is determined to have made a definite choice for a particular candidate if the voter either writes in the name of a qualified write-in candidate or the name of a candidate who is named on the ballot in that race, whether or not the oval or arrow designating the selection of a write-in candidate has been marked.

**Valid Vote for Smith, if Smith
is a qualified write-in candidate**

For Public Defender
(Vote for one)

Lucille Ball

Jack Benny

Desi Arnaz

Lenny Bruce

Smith
Write-In

Valid Vote for Bruce

For Public Defender
(Vote for one)

Lucille Ball ← —

Jack Benny ← —

Desi Arnaz ← —

Lenny Bruce ← —

Bruce ← —
Write-In

(d) If a voter abbreviates, misspells or varies the form of the name of a candidate in the write-in candidate space, it shall not affect the determination of whether the voter has made a definite choice.

(e) If a voter indicates a vote for a candidate named on the ballot and also writes in a name of a different person in the write-in candidate space, it shall be considered an overvote and none of the votes are valid for that race.

Invalid Vote

For Sheriff
(Vote for one)

Lucille Ball

Jack Benny

Desi Arnaz

Lenny Bruce

GOOFY
Write-In

Invalid Vote

For Sheriff
(Vote for one)

Lucille Ball ← —

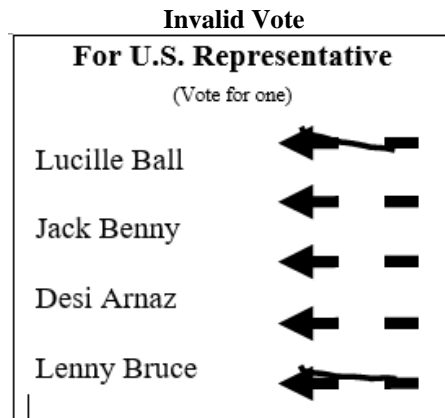
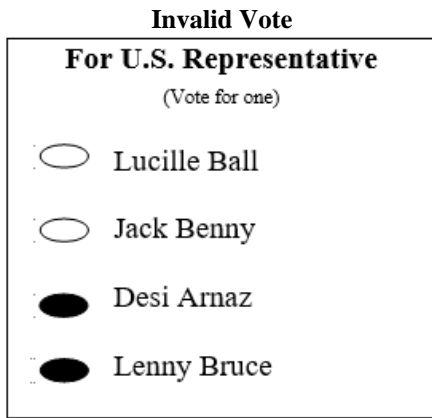
Jack Benny ← —

Desi Arnaz ← —

Lenny Bruce ← —

Chester ← —
Write-In

(6) **Overvotes.** Except as otherwise provided in subsections (4) and (5), if the voter marks more choices than there are positions or choices for that office or issue, it shall be considered an overvote and none of the votes are valid for that race.



(7) **Valid Vote.**

(a) A vote shall not count for any particular candidate, issue choice, or judicial retention choice at issue unless determined to be a valid vote pursuant to this rule.

(b) If a voter does not mark a candidate, judicial retention choice, or issue choice in a contest, the valid votes for other candidates or issues on the same ballot shall still be counted.

Rulemaking Authority 20.10(3), 97.021, 102.166(4) FS. Law Implemented 101.5614(5), 102.166(4), FS. History—New 6-6-02, Amended 10-6-08.

DUPLICATION POLICY AND GUIDELINES
PURSUANT TO 101.5614(4)(A)

If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in an open and accessible room in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A duplicate may be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter's intent in such race or on such measure is not clear.

All duplicate ballots must be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. The duplication of ballots must happen in the presence of at least one canvassing board member. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

The Canvassing Board directs staff to duplicate ballots as per the above statute and the voter intent rule 2.027, and paragraphs 1 – 5 below.

1. Duplicate ballots shall be made of ballots that cannot be read by the automatic tabulating system, including damaged ballots, faxed ballots, and VBM ballots marked using the Democracy Live accessibility program.
2. As per the voter intent rule, ballots with overvoted races in which the voter has not made a definite choice in the overvoted race or ballot measure do not require duplication and shall be tabulated as marked.
3. As per the voter intent rule, ballots with undervoted races in which the voter has not made a definite choice in the undervoted race or ballot measure do not require duplication and shall be tabulated as marked.
4. All markings for which voter intent cannot be readily determined as per the Voter Intent Rule shall be presented to the Canvassing Board to be adjudicated.
5. All original ballots shall be marked using a highlighter to indicate which ballot positions are to be marked on the duplicated ballot for tabulation. Each original and corresponding duplicate ballot shall be marked with the same serial number in order to re-pair the original with the duplicate if necessary.



Recount Procedure Summary

DE Reference Guidelines 0010 (Updated 08/2020)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

APPLICABLE LAW

- Sections [102.141](#)(7) and [102.166](#), Florida Statutes, and [Rules 1S-2.027](#), [1S-2.031](#), and [1S-2.051](#) Fla. Admin. Code, govern recounts.¹
- This summary only represents a general overview. Please consult law and rule for specifics as they govern.

ORDERING OF A RECOUNT

- **Who orders the recount?**
 - The Secretary of State orders any recount for federal, state, or multicounty races involving candidates for office, candidates for judicial retention, and measures appearing on the ballot.
 - For all other races, the board certifying the results orders the recount.
- A recount may not begin until it has been ordered to occur by the proper authority.
- A candidate or political committee has no authority to request a recount.
- A recount at a minimum consists of a machine recount; it may also include a manual recount.

RACES NOT SUBJECT TO A RECOUNT (based upon the races not having “candidates” for office)

- Presidential Preference Primary.
- Political party executive committee (*i.e.*, state, district, and precinct committeemen and committeewomen).

PUBLIC NOTICE

- **Public notice** must be provided as soon as possible given the circumstances and the limited time schedule.
- Machine and manual recounts are **open to the public**.

MACHINE RECOUNT (s. 102.141(7), F.S.)

STATUTORY DEADLINE TO REPORT 1ST SET OF UNOFFICIAL RETURNS (s. 102.141(5), F.S.)

- **After a Primary Election:** No later than noon on the 3rd day after the Primary Election.
 - **After a General Election:** No later than noon on the 4th day after the General Election.
 - **After a Special Primary or Special Election:** No later than noon on 4th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.)
- **A machine recount must be ordered if** the 1st set of unofficial returns indicates that a candidate was defeated or eliminated by $\frac{1}{2}$ of 1% or less of the total votes cast for an office or if an issue was approved or rejected by $\frac{1}{2}$ of 1% or less of the total votes cast on the issue.
 - **Exception to a machine recount:**
 - If a candidate or candidates who is defeated or eliminated from contention for the office by $\frac{1}{2}$ of 1% or less requests in writing that a machine recount not be conducted.
 - The canvassing board must follow the procedures in [Rule 1S-2.031](#), Fla. Admin. Code.
 - The machine recount constitutes a retabulation of all ballots.
 - Before the machine recount occurs, a **new election definition** must be created for the race(s) to be recounted. Parameters must be set to reject all overvotes and undervotes.
 - Before the start of the recount, a **public test of the tabulating equipment** must occur.

¹ Sections 4 and 5 of [chapter 2020 -109, Laws of Florida](#), will take effect in January 2021 and may change the process herein.

- **Optical scan ballots and hybrid voting system paper outputs:** The canvassing board must run each ballot with the affected race(s) through tabulator. All overvotes (optical scan ballots only) and undervotes (optical scan/hybrid voting system paper outputs) are outstacked to be used in the manual recount if one becomes necessary.
- **Results:** The results of the machine recount are included in the 2nd set of unofficial returns.

| STATUTORY DEADLINE TO REPORT 2ND SET OF UNOFFICIAL RETURNS (s. 102.141(7)(c), F.S.) |
|---|
| <ul style="list-style-type: none"> • After a Primary Election: No later than 3 p.m. on the 5th day after the Primary Election. • After a General Election: No later than 3 p.m. on the 9th day after the General Election. • After a Special Primary or Special Election: No later than 3 p. m. on the 9th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.) |

MANUAL RECOUNT (s. 102.166, F.S.)

- A manual recount must be ordered if the 2nd set of unofficial returns indicates that a candidate was eliminated or defeated by $\frac{1}{4}$ of 1% or less of the votes cast for the office or an issue was approved or rejected by $\frac{1}{4}$ of 1% or less.
- **Exceptions to a manual recount:**
 - If the candidate or candidates defeated or eliminated from contention for the office by $\frac{1}{4}$ of 1% or less request in writing that it not be conducted; or
 - If the number of overvotes and undervotes is fewer than the number of votes needed to change the outcome of the election.
- The manual recount is only a **recount of overvotes and undervotes** as outstacked from the machine recount.
- The canvassing board must use the procedures in [Rule 1S-2.031](#), Fla. Admin. Code.
- A vote for a candidate or issue must be counted if there is a clear indication on the ballot that a voter made a definite choice. See [Rules 1S-2.027](#) and [1S-2.051](#), Fla. Admin. Code.
- **Optical scan ballots and hybrid voting system paper outputs:**
 - The canvassing board assigns **counting teams** to review the overvotes and undervotes (optical scan/hybrid voting system paper outputs). Authorized representatives are permitted to be present and object to any decision of the counting team, but they may not otherwise disturb or interfere with the recount.
 - Each counting team sorts the ballots into 3 stacks for the recounted race: 1) ballots determined to contain a valid vote; 2) ballots determined to contain no clear indication of choice; and 3) ballots set aside for canvassing board determination.
- **Results:** The results from the manual recount are contained in the certification of the official returns.

| STATUTORY DEADLINE TO REPORT OFFICIAL RETURNS (s. 102.112(2), F.S.) |
|--|
| <ul style="list-style-type: none"> • After a Primary Election: No later than 5 p.m. on the 7th day after the Primary Election. • After a General Election: No later than Noon on the 12th day after the General Election. • After a Special Primary or Special Election: No later than Noon on 12th day after the election. (Laws governing general elections are applicable to special primary and special elections – s. 100.191, F.S.) • If the results are not received by the time specified, such returns are ignored and the results on file at the specified time shall be certified by the Department of State. |

NO

TE: Although the Presidential Preference Primary (PPP) is not subject to recount procedures, the deadlines for submission of the 1st set of unofficial returns and the official returns for the PPP are the same as for the General Election.

EXAMPLES OF RECOUNT CALCULATIONS

RACE WITH 2 CANDIDATES (PRIMARY OR GENERAL ELECTION BALLOT)

- **Candidate A:** 9,755 votes – 49.77%
- **Candidate B:** 9,845 votes – 50.23%
- **Total:** 19,600 votes – 100%
- **Calculation:** $50.23\% - 49.77\% = .45\%$; therefore, Candidate A was defeated by .45% of votes cast.
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.45\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 - If this scenario was based upon the 2nd set of unofficial returns, a manual recount is not required because $.45\% \geq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

NONPARTISAN SCHOOL BOARD RACE WITH 3 CANDIDATES WHERE ONE CANDIDATE HAS RECEIVED A MAJORITY OF THE VOTES CAST (PRIMARY BALLOT, ONLY)

- **Candidate A:** 3,260 votes – 35.58%
- **Candidate B:** 4,583 votes – 50.02%
- **Candidate C:** 1,319 votes – 14.40%
- **Total:** 9,162 votes – 100%
- Per s. [105.051](#)(1)(b), F.S., **if two or more candidates, neither of whom is a write-in candidate, qualify for such office in the primary election, then the name of the candidate who receives the majority of the votes cast shall not appear on the general election ballot unless there is a write-in candidate.** If no candidate receives a majority of the votes cast, the names of the two candidates receiving the highest number of votes for the office will be placed on the general election ballot.
- **Calculation:** In the above race, both Candidate A and Candidate C are eliminated as candidates for the general election because Candidate B received more than 50% of the votes cast. Candidate A and Candidate C's combined vote total equals 49.98%; $35.58\% + 14.40\% = 49.98\%$. Candidate B beat both Candidate A and Candidate C by .02% of the votes cast; $50.02\% - 49.98\% = .02\%$.
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.02\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 - If this scenario was based upon the 2nd set of unofficial returns, a manual recount is required because $.02\% \leq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

NONPARTISAN SCHOOL BOARD RACE WITH 3 CANDIDATES WITH NO CANDIDATE RECEIVING A MAJORITY OF THE VOTES CAST (PRIMARY ELECTION) OR ANY RACE INVOLVING "VOTE FOR NO MORE THAN 2" CANDIDATES (GENERAL ELECTION)

- **Candidate A:** 4,010 votes – 26.04%
- **Candidate B:** 7,315 votes – 47.50%
- **Candidate C:** 4,075 votes – 26.46%
- **Total:** 15,400 votes – 100%
- **Calculation:** In the above race, Candidate A was eliminated as a candidate behind Candidate C by .42% ($26.46\% - 26.04\% = .42\%$).
 - If this scenario was based upon the 1st set of unofficial returns, a machine recount is required because $.42\% \leq .5\%$. (Note: $\leq .5\%$ is the threshold for a machine recount.)
 If this scenario was based upon the 2nd set of unofficial returns, a manual recount is not required because $.42\% \geq .25\%$. (Note: $\leq .25\%$ is the threshold for a manual recount.)

Recount Procedures



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Section 1. General applicability

(1) **General applicability.** This manual, incorporated by reference into rule 1S-2.031, F.A.C., contains procedures for machine and manual recounts in any federal, statewide, multi-county, county, and municipal elections conducted using any county voting system or independent recount tabulation system, not including Presidential Preference Primary elections or precinct committee people races in primary elections. The rule also contains requirements for certification and use of an independent recount tabulation system for conducting recounts.

Section 2. Definitions

As used in this rule, the term:

- (a) “Ballot card” means the single physical piece of paper or electronic representation of the front and back of that piece of paper.
- (b) “Ballot page” means either the front or back side of a physical ballot card or the electronic representation thereof.
- (c) “Canvassing board” means the county canvassing board or the local board responsible for certifying the election results for the race undergoing a recount.
- (d) “Counting team” is defined in section 102.166, F.S., as at least two electors who manually recount the ballots in a manual recount. The counting team may be comprised of the county canvassing board, supervisor’s staff, or county electors.

(e) “Hybrid ballot” means the output of a Voter Interface Device (VID) that contains the races titles and the voter’s choices, and may also contain, but is not limited to, a barcode or other machine-readable optical identifier containing the voter’s choices.

(f) “Hybrid voting system” means a voting system which has a Voter Interface Device (VID) that produces a hybrid ballot. The hybrid voting system tabulator is designed to read a traditional marksense ballot and a hybrid ballot produced by the VID. When reading the hybrid ballot the tabulator may read the vote targets or selections from the human readable text, or from the machine-readable identifier on the paper output.

(g) “Independent recount tabulation system” means the certified automatic tabulating equipment which is completely independent from the voting system, for use in conducting recounts. The system cannot contain any proprietary election-related hardware or software in common with any voting system certified for use in the State of Florida. Any commercially available software or hardware shared between the two systems must not be modified. However, information used to decode ballot artwork and any barcoding schemes on ballots may be shared from the primary vote tabulation system to the independent recount tabulation system.

(h) “Multi-card ballot” means a ballot that is comprised of two or more ballot cards.

(i) “Outstack” refers to the act of identifying, segregating, sorting, or setting aside ballots either manually, digitally by a high-speed tabulator, or by other means.

(j) “Overvote” means that the elector marks or designates more names than there are persons to be elected to an office or designates more than one answer to a ballot question and the tabulator records no vote for the office or ballot question.

(k) "Overvote ballot" means a ballot card with a recount race that has an overvote.

(l) "Paper ballot image" means an electronic record of the content of a marksense ballot cast by a voter and recorded by the independent recount tabulation system. The paper ballot image shall contain the image of the front and back of a ballot card either in a single file or multiple associated files. Each paper ballot image file name must have a unique identifier.

(m) "Race" means any contest for office, judicial retention, or issue (e.g., constitutional amendment, initiative, referendum, ballot question, or other public measure) on the ballot.

(n) "Representative" refers to a person designated pursuant to paragraph (j) of Section 3.

(o) "Undervote" means that the elector does not properly designate any choice for an office or ballot question, and the tabulator records no vote for the office or question, or that the elector designated fewer than the maximum allowed number of choices for the office and the tabulator records fewer than the maximum allowed number of choices for the office.

(p) "Undervote ballot" means a ballot card with a recount race that has one or more undervotes.

(q) "Voting system tabulator" is a tabulator that is certified by the state of Florida as part of a voting system.

(r) "Voter interface device" (VID) means any device that communicates voting instructions and ballot information to a voter and allows the voter to select candidates and issues. The VID produces a paper ballot containing the voter's selections. That paper ballot is then processed into a tabulator. A VID may be combined with a voting system tabulator.

Section 3. General provisions

The following provisions apply to both machine and manual recounts:

(a) Presence of canvassing board

1. All three members of the canvassing board shall be present for the determination or decision to resolve a discrepancy during a recount; otherwise, at least two members of the canvassing board shall be present during all times a recount is being conducted.

2. If a paper-based or digital-based automatic independent recount tabulation system is used during the recount and ballots are being tabulated on the system prior to the order of a recount, at least one member of the canvassing board shall be present at all times during the tabulation.

3. Any canvassing board determination or decision must be by majority vote.

4. The Canvassing Board may not interpret questionable voter intent on any ballots unable to be processed by the automated independent recount system until after a recount has been ordered. Ballots which cannot be interpreted by the system due to problems with the physical integrity of the ballot such as folds, tears, or other imperfections, may not be interpreted until after a recount has been ordered.

(b) Security of ballots

1. The supervisor shall ensure the security of the ballots at all times during a recount including recess and adjournment of the canvassing board.

2. The supervisor may employ law enforcement to provide security for the ballots and to maintain order during the recount.

(c) Timeliness

All recounts conducted pursuant to this rule must be completed in such a manner as to provide the canvassing board sufficient time to comply with the provisions of section 102.112, F.S. After the completion of a recount, the results from the machine recount and manual recount shall be used to certify the second set of unofficial returns and official returns, respectively.

(d) Testing of tabulating equipment

The voting system’s tabulating equipment or independent recount tabulation equipment being used in the recount must be tested pursuant to the provisions of section 101.5612, F.S., and each time the election parameters are changed during a recount. No further testing is required if the independent automatic tabulation equipment was tested pursuant to the provisions of section 101.5612, F.S. and the election parameters do not require a change to conduct the recount. The same test deck used for the election may be used for the recount. The canvassing board may, but is not required to, use the same tabulating equipment on which ballots were originally tabulated. If the test shows no error, the canvassing board shall proceed with the recount. If the test indicates an error, the canvassing board shall first correct the error, retest the equipment pursuant to section 101.5612, F.S., and then proceed with the recount.

(e) Open to public

All procedures relating to recounts shall be open to the public.

(f) Location

Reasonable efforts shall be made to ensure that recounts are conducted in a room large enough to accommodate, as applicable, the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee who sponsored a constitutional initiative in the election being recounted which are entitled to have representatives. Members of the public, including the media, shall be allowed to observe the recount from an area designated by the canvassing board. The area may be outside of the actual recount area but must still allow observers to view the activities.

(g) Recording and minutes

The canvassing board’s activities in determining voter intent shall be recorded. In addition, the minutes of a manual recount shall be made. All recordings and minutes are public record.

(h) Recount order

1. Except as provided in Section 5.(a), a recount shall not begin until after the recount is ordered and notice has been provided as set forth in this Section.

2. If the Secretary of State orders a machine or manual recount, the Division of Elections shall notify the following individuals, informing them to contact the supervisor of elections in each county involved in the recount to find out the date, time, and location of the recount in that county:

- a. The supervisor of elections within each county where the recount will occur.
- b. The candidates in the race that is the subject of the recount.

c. The chairperson of the state executive committee of a political party if the party has a candidate who is entitled to one or more representatives pursuant to paragraph (j) of this Section.

d. The chairperson of the political committee in support of or in opposition to the ballot issue or judicial retention issue that is the subject of the recount.

3. If the canvassing board orders a machine or manual recount, the supervisor of elections or responsible officer of the municipality, as applicable, shall notify the following individuals, informing them to contact the supervisor of elections in each county involved in the recount to find out the date, time, and location of the recount in that county:

a. Each municipality that has a race subject to the recount.

b. The candidates in the race that is the subject of the recount.

c. The chairperson of the county executive committee of a political party if the party has a candidate who is entitled to one or more representatives pursuant to sub-subparagraph (j)1.b.

d. The chairperson of the political committee in support of or in opposition to the ballot issue or judicial retention issue that is the subject of the recount.

(i) Public notices

1. The canvassing board shall publish advance public notice of any recount immediately after the recount is ordered.

Alternatively, the notice may be published before a recount is ordered as a conditional notice stating that, if a recount is ordered, the recount will occur on a certain date, time, and location:

a. The canvassing board shall give public notice, or conditional notice as described in this paragraph, at least 48 hours prior to the recount.

b. The canvassing board shall give public notice, or conditional notice as described in this paragraph, at least 48 hours prior to ballots being processed through the recount tabulation equipment prior to a recount being ordered. A single public notice shall be acceptable if ballots will be processed through the independent recount tabulation equipment on a recurring basis before a recount is ordered.

c. The canvassing board shall give public notice, or conditional notice as described in this paragraph, at least 48 hours prior to ballots being pre-sorted prior to a recount being ordered.

2. The notice shall be posted directly on the homepage of the county supervisor of elections' website, or through a link to the notice on the supervisor's homepage.

3. The notice shall also be published in a newspaper of general circulation in the county, or displayed in at least four conspicuous locations in the county including on the door of the public entrance to the building where the office of the supervisor of elections is housed.

4. If the recount involves only a municipal election, the notice also shall be posted on the municipal clerk's website or through a

link to the notice on the clerk's homepage, at the public entrance to the building where the city clerk's office is located, and in at least three other conspicuous locations in the municipality such as at a community center, public library, city park, and city hall.

5. If the Canvassing Board plans to conduct potential recounts using digital images of ballots, then at least a 48-hour notice must be provided to candidates, political parties, or persons interested in observing the scanning of ballots into the independent recount system prior to any ballots being scanned into the system.

(j) Representatives

1. The following persons or entities are entitled to have representatives present during a recount:

a. In a recount race, each candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the recount is entitled to have:

(I) One representative for the county canvassing board.

(II) One additional representative per counting team during a manual recount.

b. In a partisan race that is the subject of a recount, each political party with a candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the recount is entitled to have:

(I) One representative for the canvassing board.

(II) One additional representative per counting team during a manual recount.

c. In a recount race involving an issue or a judicial retention, any political committee that registered before an election in specific support of or opposition to the issue or a judicial retention is entitled to have:

(I) One representative for the county canvassing board.

(II) One additional representative per counting team during a manual recount; however, if more than one registered committee supports or opposes an issue, only one representative per counting team is allowed for each side of a ballot issue, regardless of the number of committees in support of or in opposition to the ballot issue.

2. The persons or entities entitled to have representatives present during a recount must provide the names of their designated representatives in writing as soon as is practicable under the circumstances to the supervisor of elections or the municipal clerk, whichever is applicable, before the recount begins. Failure to provide the names of their representatives shall negate the opportunity of the persons or entity to have the representative present during the recount, except on the same conditions as a member of the public.

(k) Review of law and procedures

The canvassing board, the members of the counting teams, and the representatives entitled to be present shall jointly review the rules and statutes governing recount procedures. Before a manual recount begins, the review shall also include the rules and statutes as to what constitutes a clear indication that the voter has made a definite choice.

(l) Public order

Representatives and observers must not interfere with or disturb the recount in any way, except a representative may make reasonable objections to a counting team's decision during a manual recount as provided in this rule. The canvassing board may, by majority vote, have any person or persons removed from the premises during the recount if such person or persons interfere or disturb the recount process and the situation cannot be corrected.

Section 4. Machine recount – voting system tabulator

(a) Initial requirements.

1. Each canvassing board responsible for conducting a recount shall put each optical scan ballot through automatic tabulating equipment and determine whether the returns correctly reflect the votes cast.

a. If any optical scan ballot has become physically damaged so that it cannot be properly counted in the recount by the automatic tabulating equipment, a true duplicate of the damaged ballot shall be made pursuant to sections 101.5614(4) and 102.141(7), F.S.

2. The following procedures shall apply to machine recounts:

a. Prior to the order of a recount, a county may pre-sort ballots that could be subject to a recount (e.g., specific card of a multi-card ballot, precinct, specific district race, etc.).

b. At least one member of the canvassing board must be present during any pre-sorting of ballots.

(b) Optical scan ballots for recount when only one race is to be recounted

1. As detailed in Section 3(d), the tabulating equipment being used in the recount must be tested pursuant to the provisions of section 101.5612, F.S., and the election parameters changed so that all ballots for the recounted race can be tabulated and all ballots containing overvotes and undervotes in the recounted race can be outstacked from the other ballots and counted.

2. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. Once outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All outstacked ballots must remain segregated in case a manual recount becomes necessary, and in a way that counted valid votes on outstacked undervoted ballots are not again counted in the manual recount vote tally.

3. The canvassing board or its representatives shall then put each ballot through the tabulating equipment and determine the votes in the recounted race. For purposes of tabulating, the ballot is the card on which the race to be recounted appears. During this process, the ballot cards with the overvotes and undervotes in the recounted race must be outstacked.

4. The outstacked ballots shall be placed in a sealed container(s) until it is determined whether a manual recount will need to be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

5. If the percentage threshold for a manual recount in section 102.166, F.S. is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected

race.

(c) Optical scan ballots for recount when more than one race is to be recounted and the voting system can outstack the overvotes and undervotes in more than one race at the same time

1. For purposes of tabulating, the ballot is the card on which the race or races to be recounted appears.

2. The tabulating equipment being used in the recount must be tested pursuant to the provisions of section 101.5612, F.S., and the election parameters changed so that all the ballots for the recounted races can be tabulated and all the ballot cards containing overvotes and undervotes in the recounted races can be outstacked from the other ballot cards and counted. All outstacked ballots must remain segregated in case a manual recount becomes necessary.

3. If capable, the tabulator shall count all valid votes in the recounted races, and outstack undervoted and overvoted ballots in a single pass.

4. If the tabulator is not capable of both counting all valid votes and outstacking undervoted and overvoted ballots in a single pass, then a two-pass process shall be used. The first pass shall outstack ballots with undervotes and overvotes in the recounted races, while counting all votes in the recounted races on all the other ballots. The second pass shall count all the valid votes on the ballots that were outstacked in the first pass.

5. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. Once outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All outstacked ballots must remain segregated in the event that a manual recount becomes necessary, and in a way that counted valid votes on outstacked undervoted ballots are not again counted in the manual recount vote tally.

6. The outstacked ballots shall be placed in a sealed container(s) until it is determined whether a manual recount will need to be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

7. If the percentage threshold for a manual recount in section 102.166, F.S. is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(d) Machine recount of hybrid voting system's paper outputs

The procedures for a machine recount of the paper output from a hybrid voting system are identical to those as specified in paragraphs (b) and (c) of this subsection above, as applicable.

Section 5. Machine recount – digitally based independent recount tabulation system

If the independent recount tabulation system is being used to physically sort overvoted and undervoted ballot cards containing the races to be recounted, then the procedures for a machine recount are the same as recounts conducted using the voting system

pursuant to Section 4. If the independent recount tabulation system is being used to digitally sort overvoted and undervoted ballots, the following procedures shall apply:

(a) Initial requirements

If the ballots have already been processed through an independent recount tabulation system to be used in this recount, the canvassing board is not required to put each ballot through any automatic tabulating equipment again. If any optical scan ballot has become physically damaged so that it cannot be properly counted in the recount by the independent recount tabulation equipment, a true duplicate of the damaged ballot shall be made pursuant to sections 101.5614(4) and 102.141(7), F.S. The duplicate ballot shall then be tabulated in place of the original unreadable ballot.

(b) Optical scan ballots when only one race is to be recounted

1. The supervisor of elections shall change the parameters if necessary so that all the ballots for the recounted race can be tabulated and all the ballots containing overvotes and undervotes in the recounted race can be outstacked from the other ballots and counted.

2. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. If the independent recount tabulation system is unable to record valid votes on such a ballot, once the outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All ballots must remain outstacked in case a manual recount becomes necessary, and in a way that counted valid votes on outstacked undervoted ballots are not again counted in the manual recount vote tally.

3. The canvassing board or its representatives shall then scan each ballot into the independent recount tabulation system equipment and determine the votes in the recounted race. Per Section 3(a)2. Of these procedures, this scanning process may take place prior to the order of the recount. For purposes of tabulating, the ballot is the card on which the race to be recounted appears. During this process, the ballot card(s) with the overvotes and undervotes in the recounted race must be outstacked, indexed, notated, or sorted in such a way that each such ballot card can be located and viewed. Once the scanning process is completed, the canvassing board shall validate that the votes in the recounted race are in agreement with the voting system results.

4. If the percentage threshold for a manual recount in section 102.166, F.S., is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(c) Optical scan ballots for recount when more than one race is to be recounted and the voting system can outstack the overvotes and undervotes in more than one race at the same time

1. If necessary, the supervisor of elections shall change the parameters so that all the ballots for the recounted races can be tabulated and all the ballots containing overvotes and undervotes in the recounted races can be outstacked from the other ballots and counted.

2. In the case of a race to be recounted in which a voter may properly vote for more than one candidate, overvotes and undervotes must be outstacked. If the independent recount tabulation system is unable to record valid votes on such a ballot, once

outstacking is complete, the ballots outstacked for undervotes must then be tabulated by overriding the rejection such that valid votes can be included in the tabulation. All outstacked ballots must remain segregated in case a manual recount becomes necessary, and in a way that counted valid votes on outstacked undervoted ballots are not again counted in the manual recount vote tally.

3. The canvassing board or its representatives shall then scan each ballot into the tabulating equipment and determine the votes in the recounted race or races. Per Section 3(a)2. of these procedures, this scanning process may take place prior to the order of the recount. For purposes of tabulating, the ballot is the card on which the race or races to be recounted appears. During this process, the ballot card(s) with the overvotes and undervotes in the recounted race or races must be outstacked, indexed, notated, or sorted in such a way that each such ballot card can be located and viewed. Once the scanning process is completed, the canvassing board shall validate that the votes in the recounted race are in agreement with the voting system results.

4. If the percentage threshold for a manual recount in section 102.166, F.S. is met, the canvassing board shall determine the total combined number of overvote and undervote ballots. If the race is a statewide or multicounty race, each canvassing board shall notify the Secretary of State of the total combined number of overvote and undervote ballots in the county for the affected race.

(d) Machine recounts of hybrid voting system's paper outputs

The procedures for a machine recount of the paper output from a hybrid voting system are identical to those as specified in paragraph (b) and (c) above, as applicable.

Section 6. Manual recount- Physical ballots.

A manual recount consists of a recount of marksense ballots by a person. In addition to the requirements in Section 3., the following procedures apply to a manual recount:

(a) Ballot review

Only the overvotes and undervotes from the machine recount shall be reviewed. Per section 102.166(5)(b), F.S., each outstacked ballot which is a duplicate of an original ballot shall be compared with the original ballot to ensure the correctness of the prior duplication process. This comparison may be conducted prior to or in line with the manual review of each overvoted and undervoted ballot.

(b) Outstacking of overvotes and undervotes

All overvoted and undervoted ballots outstacked for a recounted race or races during the machine recount shall be transported to the location of the manual recount by two members of the canvassing board or two employees of the election office designated by the canvassing board and, if a county chooses, a sworn law enforcement officer.

(c) Optical scan ballot manual recount when the ballots were outstacked for only one race during the machine recount.

1. The seal numbers on the containers shall be announced as they are broken and shall be compared to the numbers previously recorded.

2. Each counting team as designated by section 102.166(5), F.S., shall review the outstacked ballots to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law or adopted by rule as mandated in sections 102.166(4) and 101.6952(2), F.S.

3. Each counting team shall sort the ballots into the following stacks:

a. Votes for which the team determines the voter made a definite choice for each candidate or issue.

b. Ballots for which the counting team determines there is no clear indication that the voter made a definite choice for an office or issue.

c. Ballots to be set aside for the canvassing board's determination because the team is unable to make such determination or because a representative made a reasonable objection to the team's determination.

(I) If a ballot is set aside because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be placed in one or more containers (e.g., envelopes, folders, tubs, bins, baskets, etc.) designated for indeterminate ballots or ballots for which there is an objection.

(II). The designated container may each contain one or more ballots at the canvassing board's discretion; however, if not already located on the ballot itself, the container or a separate paper for each ballot therein must include the precinct number. In addition, if the ballot is placed in the container because there was an objection to the counting team's determination, the container or separate paper for each such ballot therein must include the basis for the objection and the name and representative capacity of the person objecting.

4. The canvassing board shall review each ballot set aside by a counting team and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule.

5. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

(d) Optical scan ballot manual recount for when the ballots for more than one race were outstacked during the machine recount.

1. The election parameters shall be changed so that only the overvoted and the undervoted ballots for one recounted race will be outstacked.

2. The seal numbers on the containers of all ballots previously outstacked pursuant to Section 4.(c), shall be announced as they are broken and shall be compared to the numbers previously recorded.

3. The tabulating equipment being used for the recount shall be tested as stated in Section 3.(d).

4. All ballots previously outstacked pursuant to Section 4.(c) or not outstacked pursuant to Section 4.(d), shall be put back

through the tabulating equipment to outstack the ballots for the first manually recounted race.

5. Each counting team shall review the outstacked ballots to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule.

6. Each counting team shall sort the ballots into the following stacks:

a. Votes for which the team determines the voter made a definite choice for each candidate or ballot issue.

b. Ballots which the counting team determines there is no clear indication that the voter made a definite choice for an office or ballot issue.

c. Ballots to be set aside for the canvassing board's determination because the team is unable to make such determination or because a representative made a reasonable objection to the team's determination.

(I) If a ballot is set aside because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be placed in one or more containers (e.g., envelopes, folders, tubs, bins, baskets, etc.) designated for indeterminate ballots or ballots for which there is an objection.

(II) The designated container may each contain one or more ballots at the canvassing board's discretion; however, if not already located on the ballot itself, the container or a separate paper for each ballot therein must include the precinct number. In addition, if the ballot is placed in the container because there was an objection to the counting team's determination, the container or separate paper for each such ballot therein must include the basis for the objection and the name and representative capacity of the person objecting.

7. The canvassing board shall review each ballot set aside by a counting team and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule.

8. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

9. If there is another race to be manually recounted, following the first manual recount:

a. The canvassing board or its representatives shall ensure that each ballot from the first manual recount can be manually recounted for additional races, as necessary.

b. The outstacked ballots from the first manually recounted race will be combined with the other outstacked ballots.

c. The election parameters shall be changed to outstack the overvoted and the undervoted ballots for the next manually recounted race.

d. All previously outstacked ballots shall be put back through the tabulating equipment to sort the ballots for the next manually recounted race.

e. The procedures set forth in this Section, subparagraphs (d)4.-9., above, shall be repeated for each subsequent race subject to a manual recount.

(e) Manual recount of hybrid voting system's paper outputs.

The procedures for a manual recount of the paper output from a hybrid voting system are identical to those specified in this Section, paragraphs (b), (c) and (d), above, as applicable. If the hybrid voting system's paper output is identical to the optical scan ballot mentioned in this paragraph, the paper output may be treated as an optical scan ballot for the recount. An electronic or electromechanical reading device may not be used to review a hybrid voting system ballot, unless the printed text is illegible as mandated in section 102.166(4)(b), F.S.

Section 7. Manual recount – Paper Ballot Images

A manual recount consists of a recount of digital images by a person. In addition to the requirements in Section 4, the following procedures apply to a manual recount of digital images:

(a) Ballot review

Only the overvotes and undervotes from the machine recount shall be reviewed.

1. For any paper ballot images subject to a manual recount, the supervisor of elections must be able to retrieve the corresponding physical ballot during the manual recount. The physical ballot must be made available to the canvassing board and counting team, if requested by the canvassing board.

2. In situations when voter intent is unclear, the counting team or canvassing board shall review as much of the paper ballot image of the entire ballot as is possible, but no less than, the entire ballot card on which the overvote or undervote occurs.

3. The counting teams and canvassing board shall be provided with a clear view of the paper ballot images during the manual recount.

4. Per section 102.166(5)(b), F.S., each outstacked ballot which is a duplicate of an original ballot shall be compared with the original ballot to ensure the correctness of the prior duplication process. This comparison may be conducted prior to or in line with the manual review of each overvoted and undervoted ballot.

(b) Outstacking of overvotes and undervotes

1. All paper ballot images of overvoted and undervoted ballots outstacked for a recounted race or races during the machine recount shall be made available to the counting teams and canvassing board.

2. All physical ballots requested by the canvassing board shall be transported to the location of the manual recount by two members of the canvassing board or two employees of the election office designated by the canvassing board and, if the board chooses, a sworn law enforcement officer.

(c) Optical scan ballot manual recount when the ballots were outstacked for only one race during the machine recount

1. If a physical ballot is required by the counting team or canvassing board, the seal numbers on the containers shall be announced as they are broken and shall be compared to the numbers previously recorded.

2. Each counting team as designated by section 102.166(5), F.S., shall review the paper ballot images to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule.

3. Each counting team shall digitally segregate the paper ballot images into the following categories:

a. Votes for which the team determines the voter made a definite choice for each candidate or issue.

b. Ballots which the counting team determines there is no clear indication that the voter made a definite choice for an office or ballot question.

c. Ballots to be segregated for the canvassing board's determination because the team is unable to make such determination or a representative made a reasonable objection to the team's determination.

(I) If a ballot is segregated because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be designated as indeterminate or a ballot for which there is an objection, whichever is applicable.

(II) If not already located on the ballot itself, each paper ballot image must include a reference to the precinct number. In addition, if a ballot is to be sent to the canvassing board because there was an objection to the counting team's determination, the referral must include the basis for the objection, the file name or identifier, and the name and representative capacity of the person objecting.

4. The counting team shall count and record the votes from each candidate or issue.

5. If the independent recount tabulation system is unable to automatically keep a record of the determination for each ballot, then the counting team shall create a digital log entry or notation corresponding to the categories below which contains each paper ballot image's unique identifier and the counting team's determination.

6. The canvassing board shall review each paper ballot image referred by a counting team and those which received a reasonable objection and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule.

7. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

(d) Optical scan ballot manual recount for when the ballots for more than one race were outstacked during the machine recount

1. Only the overvoted and undervoted ballots for one recounted race will be reviewed at a time.

2. If a physical ballot is required by the counting team or canvassing board, the seal numbers on the containers shall be announced as they are broken and shall be compared to the numbers previously recorded.

3. All paper ballot images previously outstacked pursuant to Section 5.(c) shall be prepared for the first manually recounted race.

4. Each counting team shall review the paper ballot images to determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule.

5. Each counting team shall digitally segregate the paper ballot images into the following categories:

a. Votes for which the team determines the voter made a definite choice for each candidate or issue.

b. Ballots which the counting team determines there is no clear indication that the voter made a definite choice for an office or issue.

c. Ballots to be segregated for the canvassing board's determination because the team is unable to make such determination or a representative made a reasonable objection to the team's determination.

(I) If a ballot is segregated because the team is unable to determine that there is a clear indication that the voter has made a definite choice or because a representative objected to the counting team's decision, the ballot must be designated as indeterminate or a ballot for which there is an objection, whichever is applicable.

(II) If not already located on the ballot itself, each ballot image must include a reference to the precinct number. In addition, if the ballot is to be sent to the canvassing board because there was an objection to the counting team's determination, each such ballot must include the basis for the objection, the file name or identifier, and the name and representative capacity of the person objecting.

6. If the independent recount tabulation system is unable to automatically keep a record of the decision for each ballot, then the counting team shall create a digital log entry or notation corresponding to the categories corresponding to the stacks above which contains each paper ballot image's unique identifier and the counting team's determination.

7. The counting team shall then count and record the votes from each candidate or issue.

8. The canvassing board shall review each paper ballot image referred by a counting team or which received a reasonable objection and shall determine if there is a clear indication that the voter has made a definite choice, according to standards set forth in law as mandated in sections 102.166(4), and 101.6952(2), F.S., or adopted by rule.

9. The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice.

10. If there is another race to be manually recounted, following the first manual recount:

a. The canvassing board or its representatives shall ensure that each ballot from the first manual recount can be manually recounted for additional races, as necessary.

b. The outstacked ballots from the first manually recounted race will be combined with the other outstacked ballots.

c. The paper ballot images of the outstacked overvoted and undervoted ballots for the next manually recounted race shall be prepared.

d. The procedures set forth in this Section, subparagraphs (d)4.-9., above, shall be repeated for each subsequent race subject to a manual recount.

(e) Manual recount of hybrid voting system's paper outputs

The procedures for a manual recount of the paper output from a hybrid voting system are identical to those specified in paragraphs (b), (c) and (d), above, as applicable. If the hybrid voting system's paper output is identical to the optical scan ballot mentioned in this paragraph, the paper output may be treated as an optical scan ballot for the recount. If the digital image of a hybrid voting system ballot captured by the independent recount tabulation system is unclear and the physical ballot must be viewed, an electronic or electromechanical reading device may not be used to review a hybrid voting system ballot, unless the printed text is illegible as mandated in section 102.166(4)(b), F.S.

Section 8. Recount results

Results and reports for machine and manual recounts must only contain or display information for those races being recounted. The canvassing board shall review the outstacked ballots for which a determination of a voter's choice could not be made. Based on that review, the board shall notify the Division of Elections to determine if the standards for determining a voter's choice as set forth in law as mandated in sections 102.166(4) and 101.6952(2), F.S., or adopted by rule, should be revised to better determine the voter's choice on those outstacked ballots. The notification shall occur at the same time the canvassing board files the report on the conduct of the election pursuant to section 102.141(10), F.S.

Section 9. Unexpected circumstances

If issues or circumstances arise involving a recount or its procedures which neither this rule nor any other law or rule covers, the canvassing board will decide the issue by a majority vote.



Post-Election Audit Procedure Summary

DE Reference Guidelines 0011 (Updated 08/2020)

These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.

APPLICABLE LAW

- Section [101.591](#), Florida Statutes (2013), and Rule [1S-5.026](#), Fla. Admin. Code, govern the post-election audit process.
- This summary only represents a general overview. Please consult law and rule for specifics as they govern.

WHEN IS A POST-ELECTION AUDIT CONDUCTED?

- Immediately following the certification of any election, to include municipal or special district elections.
- The audit must be completed and the results made public no later than 11:59 p.m. on the 7th day following certification of the election by “the county canvassing board or the local board responsible for certifying the election” [hereinafter “Board”].

WHAT TYPES OF AUDITS ARE ALLOWED?

- **Two types** are permissible:
 - **Manual audit**
 - Consists of a manual tally in **one randomly selected race** that appears on the ballot in **at least 1% but no more than 2% of the precincts** chosen at random by the Board at a publicly noticed Board meeting.
 - If 2% or less of the precincts equals less than a whole number, the number of precincts shall be rounded up the next whole number.
 - **Automated, independent audit**
 - Consists of a public automated tally of the votes cast across **all races in at least 20% of the precincts** chosen at random by the Board at a publicly noticed Board meeting.
 - If 20% of the precincts equals less than a whole number, the number of precincts shall be rounded up the next whole number.
 - Before an automated, independent audit system is used, the Division of Elections must approve the system.

PRE-AUDIT PREPARATION

- **Prior to the audit**, the Supervisor of Elections, working with the Board should:
 - Secure a site for the audit. The room for the audit must be large enough to at least accommodate the Board, necessary audit teams, and a maximum of 2 observers per audit team.
 - For a manual audit, arrange for sufficient audit teams to conduct an audit of a state or county-wide race (if the race selected is less than a state or county-wide race, even though all of the teams may not have to participate, it will be easier to be prepared with more teams than needed than to arrange others to participate on short notice).
 - Ensure that all ballots are sorted by precinct (this can be done at any time – the sorting does not need to wait until the election is certified). The sorted ballots should be kept separate – for example, place all election day ballots from precinct 1 in a separate stack, all vote-by-mail ballots from precinct 1 in a separate stack, and all early voting ballots from precinct 1 in a separate stack. (Provisional ballots may be grouped separately or in one of the above 3 categories, as applicable.) Repeat this process for each precinct. Once the precinct is chosen for the audit, it will be easier to gather all ballots from that precinct. The audit results will be broken down according to Election Day, vote-by-mail, and early voting ballots. Overseas vote-by-mail ballots are to be grouped with other vote-by-mail ballots.

- **Public notice**

- Ensure public notice (time, date, and place) is provided at least 24 hours in advance of the meeting to conduct the audit, to include the random selection of the race(s) and precincts.
- The notice may be published before the certification of the official election results, but neither the random selection nor the audit can occur until after the certification.
- Notice shall be posted in four conspicuous places in the county and on the home page of the Supervisor of Elections' website. (A hyperlink to the notice on the website will satisfy the home page requirement.)

- **Board Preliminary Duties:**

- Note: A majority of the Board must be present at all times during the audit process.
- Reviews rules and statutes governing audit procedures.
- Reviews Supervisor of Elections' security procedures for audits.
- Ensures minutes of the audit are taken, recorded, and maintained.
- Appoints as many audit teams as necessary.
- May adopt rules and policies to ensure public does not interfere with audit. If room is not large enough to accommodate all public observers present, the Board must provide for the random selection of observers.
- Verifies an accurate ballot count exists between the number of ballots cast in the applicable precincts and races and the number of ballots to be audited.
 - If the difference is $\frac{1}{2}$ of 1% or more, the Board must investigate to determine if the discrepancy can be resolved.
 - If discrepancy cannot be resolved, the Board must provide an explanation on the Voting System Post-Election Audit Report, Form [DS-DE 107](#).
- Determine the method of random selection of the race and precincts to be audited in a manner that the public is assured that all races and precincts are included in the selection method. Examples of a selection method: drawing lots, ten-sided dice, and computerized random selection.
 - If multiple municipal or other elections are held on the same day in the county and the Board certifies the elections, only one audit is required but all elections are to be included in the random selection of race(s) and precincts.
- Selection of the race occurs before selection of the precinct(s) in a manual audit. (In an automated, independent audit, all races are included.)
- To the extent possible, the certified results from the selected race(s) and precinct(s) to be audited must not be disclosed in advance to the audit teams.

- **Handling of ballots:** No person, except a member of the Board, an employee of the Supervisor of Elections, or an audit team member may handle any ballot or ballot container.

MANUAL AUDIT PROCEDURES

- Board makes random selection of race(s) and precinct(s).
- Once begun, a manual audit continues until it is completed. A recess may occur, but security procedures established by the Supervisor of Elections, must account for the security of the ballots and tally results during the recess.
- **Optical scan ballots:**
 - Election Day, early voted, and vote-by-mail ballots shall be audited separately (provisional ballots shall be audited separately if tabulated separately).
 - Audit team examines ballots and if in agreement places them into one of the following 4 stacks: 1) overvoted, 2) undervoted, 3) Clear voter intent), and 4) unclear voter intent (i.e. ambiguous marks).
 - Audit team sorts the ballots in the "should have been tabulated stack" according to the voter's choice in the audited race (e.g., all votes for Candidate A are placed in one stack, all votes for Candidate B in another stack).
 - Audit team tallies the votes from each stack and records the tally on Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).
 - **For races with "Vote for no more than ___",** the audit team:

- Sorts undervoted ballots with no selection made and records the count.
- Sorts the remaining undervoted ballots into two stacks: A stack containing Candidate A and a stack containing the remaining candidates. The audit team records the votes for Candidate A on Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).
- Re-sorts the ballots again into two stacks: A stack containing Candidate B and a stack containing the remaining candidates. The audit team records the votes for Candidate B on the Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).
- Repeats the above two steps for each subsequent candidate until all candidates' votes are recorded on the [DS-DE 105B](#).
- Tallies the votes for each stack and records the tally on Manual Audit Team Worksheet for Marksense Ballots, [DS-DE 105B](#).

• **Results Compilation:**

- The Supervisor of Elections prints a report from the voting system for the precincts selected which provides the group detail of the number of ballots for Election Day, early voting, vote-by-mail and provisional (unless the provisional ballots are included in one of the other ballot numbers). This report is not to be shown to the audit team members.
- The Board compares the numbers listed on the report from voting system with those from the manual audit
 - If the manual tally and official totals match, the result is listed on the Precinct Summary for Manual Audit, [DS-DE 106](#).
 - If there is a discrepancy of more than ½ of 1%, the Board shall determine if it can be reconciled by further review of the official results with the audit teams' stacks.
 - If discrepancy is still more than ½ of 1%, a different audit team conducts a manual re-tally. If the totals do not match, the Board will record such on the Precinct Summary for Manual Audit, [DS-DE 106](#).
- Within 15 days after completion of the audit, the Board must provide a report of the audit results to the Department of State.

AUTOMATED INDEPENDENT AUDIT (AIA) PROCEDURES

- **Scanner test:** Each day before the Supervisor of Elections scans ballots in preparation for the AIA, the supervisor must test each scanner as prescribed by the AIA vendor to ensure the scanner is operating properly.
- **AIA software test:** Before scanning ballots in any election, the Supervisor of Elections must test the tabulation accuracy of the AIA software by performing a logic and accuracy test on at least one of the scanners that is used for scanning ballots.
- **AIA system test:** Before beginning an AIA, the Board shall test the AIA system to ascertain that the system will correctly count the votes cast.
- **Board makes random selection of precinct(s):** All races in the precinct(s) chosen will be tallied.
- **Official paper ballots:** The AIA system shall produce and print the tally for all races from the selected precincts of ballots cast by ballot type (i.e. at the lowest level of aggregation).
- **Results Compilation:**
 - After the AIA system has finalized its tally, the Board or AIA system shall compile and compare the results to the official vote totals for all races in the selected precincts.
 - The results of the AIA shall be produced as a summary report listing the number of ballot and vote discrepancies computed at the lowest level of aggregation reported in the election.
 - If there is a discrepancy of less than ½ of 1%, the Board shall record the result on the Voting System Post-Election Audit Report, [DS-DE 107](#).
 - If the discrepancy is ½ of 1% or more, the Board:
 - Must investigate by reviewing the ballot images or extracts therefrom to ascertain if the vote was marked in a race that likely was not read by the voting system tabulator or AIA system.
 - Must prepare a Discrepancy Report for Automated Independent Audit, [DS-DE 106A](#), or the AIA system may print a report with the same required information.
 - Must explain the discrepancy on the Voting System Post-Election Audit Report, [DS-DE 107](#).

- Within 15 days after completion of the audit, the Board must provide a report of the audit results to the Department of State.

AUDIT REPORT

- **Due** to Division of Elections 15 days after completion of the audit.
- **Content:** The audit report (Voting System Post-Election Audit Report, [DS-DE 107](#)) shall include a description of:
 - Overall accuracy of the audit.
 - Problems/discrepancies encountered, if any.
 - The likely cause of any problems/discrepancies encountered, if any.
 - Recommended corrective or remedial actions for any problems/discrepancies encountered for future elections
- For **manual audit**, the report must be accompanied by the Precinct Summary for Manual Audit, [DS-DE 106](#) for each precinct audited.
- For an **automated independent audit**, the report must be accompanied by the summary report as specified in Rule [1S-5.026](#), Fla. Admin. Code, or a Discrepancy Report for Automated Independent Audit, [DS-DE 106A](#).