

Canvassing Board Overview & Guidance

The Canvassing Board (CB) in each county in Florida is typically made up of the Supervisor of Elections (SOE), a County Judge, and a County Commissioner. In some cases other individuals may serve because of conflicts (See Membership of the CB). The CB carries out many statutory activities in meetings that are open to the public. This document provides an overview of those activities and recommendations to Voter Protection CB Observers.

The activities that the CB oversees include:

- Logic and Accuracy testing (testing of election equipment)
- Canvassing of Vote-by-Mail (VBM) ballots (canvassing consists of inspecting, validating, and counting ballots)
- Canvassing of provisional ballots
- Recounts
- Post-election audit of voting systems

It is important that the County Voter Protection Team obtains the CB meeting dates and times from the SOE as early as possible so that Observers can be assigned to each meeting. The County Team should check the SOE website regularly for any changes. Public notice requirements are described below (normally 48 hours is required). The County Lead should provide their contact information to all Observers and inform them about how to report issues and results.

Membership of the CB §102.141

No CB member may be a candidate on the ballot who has an opponent, or is an active participant in the campaign or candidacy of any candidate who has an opponent, in the election being canvassed. The SOE must post on the SOE website the names of the CB members. Be aware that there are also two alternate CB members who may substitute for any CB member as needed.

Recommendation:

- The County Team should check whether any CB member and alternate is disqualified when the names are initially posted and throughout the election process.

Logic and Accuracy Test(s) §101.5612(2)

The Logic and Accuracy test is conducted before any ballots are canvassed to make sure that the election equipment is working properly. The SOE must post on the SOE website the time and place of this test at least 48 hours in advance.

Recommendations:

- Observe the testing, noting how many machines and ballots are tested and the results.
- Ensure that at least 5% of the machines, but not fewer than 10 machines, are tested. We recommend that at least 15 ballots be run through each machine tested.
- Obtain the expected results and compare them to the actual results. Tests must include a sample for each candidate, office, and ballot measure. There must also be a test for overvotes.
- Acquire any documentation of tests done to Americans with Disabilities Act (ADA) machines.
- Ensure that machines are randomly selected. (Some counties use ping pong balls to choose them.)
- Ensure that any errors are fully explained and that, if necessary and deemed to be machine-related, additional machines are tested to ensure that all devices are performing correctly.
- Observe the certification by the CB, which is required before the canvassing of VBM ballots.

Canvassing of Vote-by-Mail Ballots §101.68, §102.141(2) & (8)

Signature Matching

As sealed VBM ballot envelopes are delivered to the SOE's office, the staff separates the VBM envelopes into different categories: those with signatures that match the signature on file, those which the staff believes do not match the signature on file, and those with no signature. The staff may use equipment and specialized software to accomplish this task. The CB may perform this function itself.

- Sealed envelopes without a signature or suspected of not matching will be sent to the CB for evaluation.
- The SOE must attempt to notify voters whose ballots have not been removed from the envelope due to a signature mismatch or a missing signature so that voters have a chance to cure the defect. Voters may submit an affidavit to cure the ballot no later than 5 p.m. on the second day after the election.
- Signatures may only be rejected if there is deemed to be a mismatch beyond a reasonable doubt as determined by a majority of the members of the CB.
- Ballots should not be removed from their sealed envelope unless and until a signature match is made by the SOE or the CB. SOE staff or the CB should have no knowledge of the voter's party affiliation.
- CB members are required to have undergone training as prescribed by the Secretary of State.

Recommendations:

- Make sure that you can clearly observe the CB's process as the members review VBMs.
- Ascertain the CB's criteria for determining whether signatures match. If such criteria are not available, determine the standards the CB is using (e.g., impact of missing, angled, or extra letters).

- Ascertain whether the CB members have completed the Secretary of State training for signature matching.
- Advocate for the use of all signatures on file (signatures on any document submitted to the SOE) for comparison, not just the original registration signature or the latest signature submitted.
- Remember that rejections require that a majority of CB members believe the signature is a mismatch beyond a reasonable doubt; advocate for leniency and consistency.
- Be alert to whether a voter's party affiliation is referenced during the signature matching process.
- If any part of the process seems inappropriate, please notify your County Lead and the Canvassing Board boiler room.

Challenges During Signature Match 101.64

A challenge to a defect on a voter's certification on a VBM ballot must be made by a Florida voter from that county before the ballot itself is removed from the envelope. Once the ballot is removed from the outer envelope, no one can challenge the ballot's legality. The protest must be specific to the ballot being challenged, the precinct, and the reason they believe the ballot to be illegal. § 101.68(2)(c)4. Make sure all protests fit these requirements and are not frivolously slowing down the process.

Duplicating Physically Damaged VBM Ballots §§101.5614, 101.68, 102.141(8)

Physically damaged ballots should be counted. If the VBM ballot cannot be counted by a tabulating machine, a duplicate copy must be made in the presence of at least one CB member, and upon request, a candidate, political party official, a political committee official, or an authorized designee (who we will refer to as Privileged Parties). The copied ballot should be marked "duplicate" and marked with a serial number. If a Privileged Party makes a reasonable objection to a duplicate ballot, the CB will make a determination as to the validity of the duplicate ballot.

Recommendations:

- Observe the duplication process to ensure that duplicated ballots properly reflect the voter's intent as indicated on the ballot. This requires a close study of any marks on the ballot and may necessitate a discussion with CB members.
- Protest any objections that are unreasonable and are frivolously slowing the process.

Overvoted and Undervoted Ballots §101.5614(4)(a)

An overvoted ballot is a ballot on which a voter has marked more than one selection per race or ballot measure. An undervoted ballot is a ballot on which the voter did not properly indicate their choice for a race or ballot measure, but there is an indication on the ballot that the voter made a definite choice in the undervoted race or ballot measure.

- Overvoted and undervoted ballots must be duplicated and preserved in the same manner as physically damaged ballots. The duplication shall reflect the determination by the CB of whether the voter has made a definite choice for a race or ballot measure.

- If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure, the voter's ballot shall not be counted only for that particular race or ballot measure.

Canvassing of Provisional Ballots §101.048

Provisional Ballots are used when a voter at a polling place is denied a regular ballot due to a question about their eligibility. Some examples include when a voter is unable to provide acceptable identification, if there is a challenge against that voter, or if they are at the wrong polling location. Voters will be provided a Certificate and Affirmation along with the Provisional Ballot. If relevant, the voter can provide a [Cure Affidavit](#) (a Division of Elections form designed to validate the voter's eligibility).

- The CB shall examine any evidence submitted by the voter and any evidence provided by the SOE to determine the voter's eligibility. The voter may present such evidence until 5 p.m. on the second day after the election.
- The validity of the signature on the certificate of affirmation or cure affidavit must also be examined to ensure a match to the signature(s) of record or of the supplemental identification provided. Signature rejections must be by majority of the members of the CB and be beyond a reasonable doubt.
- Public notice is required at least 48 hours in advance of Provisional Ballot canvassing.

Recommendations:

- Ensure that all evidence of eligibility provided by a person or the SOE's office is evaluated and that the reason(s) for ineligibility are clearly stated.
- Ensure that a mismatched signature is decided by majority vote and beyond a reasonable doubt.

Recounts §102.141(7) & §102.166

If the unofficial returns (the results submitted four days after the general election) reflect that a race or ballot measure was determined by 0.5% or less, an automated (machine) recount shall be ordered requiring that all ballots be re-fed through the machines. If the automated recount reflects that any candidate or ballot measure was determined by 0.25% or less, a manual recount of the overvotes and undervotes shall be conducted.

- Duplicate ballots shall be made if originals are damaged.
- Ballots with overvotes and undervotes will be set aside for review if and when a manual recount is ordered.
- Manual recounts are not required if the candidate files a written request to that effect or if the number of overvotes and undervotes will not change the outcome of the election.
- The Secretary of State is responsible for ordering recounts for federal, state and multicounty races. The CB is responsible for ordering recounts for all other races.
- Public notice is required as soon as possible after the determination that a recount is required.

Recommendations:

- In the event of a recount, please consult the FDP Recount Manual.

Post-Election Audits §101.591, DOS-DE Reference Guide 0011, Rule 1S-5.026

The CB must perform a post-election audit after certification of the election results. The audit must be completed and the results must be publicly available no later than the end of the 7th day following the certification of the election by the CB. The audit may be either a manual audit or an automated audit. Note that automated audits are not widely used as they require an independent system approved in advance by the Division of Elections; such requirements are not included here but are described in the noted statute and Reference Guide. The points below pertain to manual audits.

- A manual audit consists of a manual tally of one randomly selected race in at least 1% but no more than 2% of the precincts in the county (if 1% of the precincts is less than one, the audit shall nonetheless be conducted in one precinct).
- The CB must make random selections in a manner that assures that all races and precincts are included (e.g. drawing lots, computerized random selection). The race must be selected before the precinct.
- Public notice is required at least 24 hours in advance of the audit.
- The audit is conducted by teams who are selected in advance by the SOE.
- Ballots may only be handled by the CB, an SOE employee or audit team member.
- The SOE prints a report from the voting system for the selected precincts which provides the number of ballots by Election Day, early voting, VBM and provisional ballots (unless provisional ballots are included in other ballot totals). The report is not shown to the audit team.
- The audit team counts the ballots for the selected precinct by ballot type including overvoted and under voted ballots with clear voter intent and ballots with unclear voter intent are to be placed into separate stacks, if applicable. Counts of all ballots are noted on the Manual Audit Worksheet (DS-DE105B)
- The CB compares the counts on the report to the counts of the audit team.
- If the report and audit team counts match, the Precinct Summary for Manual Audit is prepared (DS-DE 106). If there is a discrepancy of more than 0.5%, the CB must reconcile or the audit team conducts a manual re-tally. If the discrepancy is not resolved, the CB records the discrepancy on the Precinct Summary for Manual Audit (DS-DE 106).
- A post-election audit is not required if there has been a manual recount as described above.

Recommendations:

- All CB observers for the post election audit should study statute 101.591 and DS-DE 0011 prior to attending the audit.
- Observe that the required selections are made in a random fashion.
- Ensure that the audit results agree with the original counts noted on the report printed from the voting system.
- If the counts do not match, document any unresolved problems or discrepancies as well as the mitigating recommendations and report immediately to the County Lead.

General Recommendations

- File a nightly report after each CB meeting; further instructions will come from your County Lead
- Make sure all CB Observers have the contact information for their County Lead in the event that something urgent arises (e.g., Republicans are challenging ballots or slowing down SOE or CB operations.)