



Canvassing Board Meeting Observer Guidelines

Formally adopted by the County Canvassing Board for the August 20, 2024, Primary Election on Wednesday, July 17, 2024

The following guidelines are provided to ensure that logic and accuracy testing or the canvassing of unopened vote-by-mail ballot Voter's Certificate envelopes containing ballots and ballots reviewed for voter intent for all elections is as open and accessible to the maximum extent possible. The Canvassing Board will convene, as publicly advertised, in a room ("Canvassing Room") to accommodate members of the public who wish to observe the canvassing process. The Canvassing Board adopts the following guidelines in the Canvassing Room:

1. All observers must sign the Sign-In Log;
2. Per Section 102.141(2)(a), Florida Statutes, each political party and candidate may have ONE watcher present at each meeting;
3. The number of observers in the Canvassing Room at any given time from any one party, candidate, or group may be limited if there are others who wish to observe but have been unable to observe the canvassing process;
4. The amount of time that individuals may be in the Canvassing Room may be limited if there are others who wish to observe but have been unable to observe the canvassing process;
5. The Canvassing Board Chairperson will determine the appropriate distance observers should keep from the ballots that are being canvassed or duplicated;
6. To ensure the primary focus remains on carrying out and completing the scheduled meeting activities, the Canvassing Board will accept public comments or questions after meeting activities conclude and before adjournment. There is a three (3) minute time limit on public comments and questions. The Chair may impose a cumulative time limit for all public comments on any specific agenda item. The Board may use timing devices as practicable to ensure that time limits are observed. Upon expiration of the allotted time, the Board has no further obligation to engage the speaker;
7. Observers are not to engage Canvassing Board members in conversation once canvassing has commenced, except to comment as to any acts of the Canvassing Board or, if asked, by the Canvassing Board, if there is public comment;
8. Observers are to not engage Canvassing Board clerical staff or Supervisor of Elections staff in conversation once canvassing has commenced;
9. Observers may not interfere with the canvassing process, except to comment as to any acts of the Canvassing Board;
10. Observers may not request to ask "off-the-record" questions during meetings;
11. Concerning unopened vote-by-mail ballot Voter's Certificate envelopes containing ballots, envelopes may be viewed; however, the signature of a voter is confidential and exempt from being copied, video-taped, or photographed;
12. Concerning ballots being reviewed for voter intent and possibly subject to duplication, ballots may be viewed, however, may not be video-taped or photographed;
13. The ballot duplication process may be observed in accordance with the provisions of Section 101.5614, Florida Statutes. Observers may not interfere with the duplication process;
14. With respect to unopened vote-by-mail ballot Voter's Certificate envelopes containing ballots or ballots being reviewed for voter intent, observers may not handle ballots, ballot containers, or ballot envelopes;
15. Please maintain quiet in the Canvassing Room;
16. Cellular phones or other electronic devices that produce sound must be turned to "vibrate" or "silent" prior to entering the Canvassing Room and such devices must be on "vibrate" or "silent" while in the Canvassing Room;
17. If it is necessary to make or accept a telephone call, while in the Canvassing Room, an observer shall remove themselves from the Canvassing Room to make or accept the call;
18. Disruptive observers seeking to hinder or delay the canvassing process will be asked to leave and escorted from the meeting by security personnel or law enforcement;
19. An observer may obtain readily available materials at a Canvassing Board meeting. Any materials inaccessible at a Canvassing Board meeting must be requested from the Supervisor of Elections via a public records request and will be subject to the Supervisor of Election's records fee schedule in accordance with Chapter 119, Florida public records law.

Any individual who violates these guidelines may be required to leave the Canvassing Room. The Canvassing Board may decide on additional guidelines, if appropriate, to ensure that canvassing is performed in an efficient and orderly fashion and that as many people as possible who wish to observe the canvassing process can do so.

Florida Statutory Authority: 101.5612, 101.5614, 101.572, 102.031, 102.141(2)(a), 119.07(5), Florida Division of Elections Formal Opinion DE 08-01

FS 101.111(2) - Any elector or poll watcher filing a frivolous challenge of any person's right to vote commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes; however, electors or poll watchers shall not be subject to liability for any action taken in good faith and in furtherance of any activity or duty permitted of such electors or poll watchers by law. Each instance where any elector or poll watcher files a frivolous challenge of any person's right to vote constitutes a separate offense.

FS 101.5614(8) - Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee, or other person authorized to observe, review, or inspect ballot materials or observe canvassing who releases any information about votes cast for or against any candidate or ballot measure or any the results of any election before prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.