

City Commission Policy 118 - Absentee Ballot Policy

DEPARTMENT: Treasurer-Clerk

DATE ADOPTED: December 18, 1991

DATE OF LAST REVISION: April 28, 2010

118.01 Authority: Section 7-7 of the City Code of Ordinances designates the City Commission as the Canvassing Board Board for municipal elections which are not held concurrent with State or Federal elections and designates the time the Board will meet as 12:00 noon on the day following the election. These procedures are an extension of this authority and are effective upon adoption by the City Commission.

118.02 Purpose: The purpose of this policy is to require procedures to be developed which will systematize and streamline the process used to review and determine the validity of absentee ballots.

118.03 Scope and Applicability: This policy applies to regular and special municipal elections held by the City of Tallahassee, including mail ballot elections, which are not held concurrent with State or Federal elections.

118.04 Policy Statement: It is the policy of the City of Tallahassee to develop procedures that assure the accuracy and integrity of the City's elections as it pertains to the canvassing of absentee ballots and standards for challenges and/or protests to the absentee ballot process.

118.05 Definitions:

Staff Review Committee: A committee composed of the City Treasurer-Clerk, the Deputy Treasurer-Clerk, and the Records Management Administrator.

Ex Officio Members: The Leon County Supervisor of Elections serves as a nonvoting advisor to the Staff Review Committee and the City Attorney serves as legal counsel to the Staff Review Committee.

118.06 Exceptions: All elections conducted in conjunction with a County, State, or Federal election wherein the election is not considered to be a City election.

118.07 Action Sections:

Preliminary Review: Pursuant to the contract with the Supervisor of Elections, he/she will be responsible for conducting City elections and presenting the City with all absentee ballots cast in the election.

Committee Meeting: The City Treasurer-Clerk will be responsible for the coordination of the committee meetings the day of the election to accept absentee ballots.

Committee Review: The committee shall review ballots for flaws/errors. The ballots will then be sorted and separated into categories based upon the error. All errors will be announced publicly along with the number of ballots with the errors.

Review of Standards: The City Attorney and the Supervisor of Elections of Leon County will be consulted each year prior to City election(s) to determine that standards included in the procedures remain in compliance with the Florida Statutes.

Review of Voter Signature: The Committee will be responsible for accepting from the Supervisor of Elections the absentee ballots and verification of voter signatures.

Opening of Ballots: The Committee will be responsible for the tabulation of the ballots and the presentation of the ballots to the Commission. The Treasurer-Clerk will present a resolution with the results of the Election for adoption by the Commission.

Procedures: See attached [Absentee Ballot Canvassing Procedures](#).

118.08 ADMINISTRATION: The City Treasurer-Clerk shall be the administering department for this policy and shall be responsible for updating this policy as state statutory requirements change.

118.09 SUNSET REVIEW: The policy will be reviewed every five years. Any modifications to the standards governing acceptance or rejection of absentee ballots shall be presented to the Commission for approval.

Revised: December 16, 1992

Sunset Review: November 26, 2002 (Revisions to attachment only)

Revised: February 12, 2003 (Revisions to attachment only)

Revised: April 28, 2010

City Commission Policy 118 - Absentee Ballot Canvassing Procedures

DEPARTMENT: Treasurer-Clerk

DATE ADOPTED: December 18, 1991

DATE OF LAST REVISION: April 28, 2010

I. Purpose: The purpose of these procedures is to systematize and streamline the process used to review and determine the validity of absentee ballots. These procedures are in response to Commissioners' concerns that the electorate and candidates understand the process used to canvass absentee ballots and to eliminate to the extent possible any perceived influence or discretion the Commission may have over the process.

II. Authority: Section 7-7 of the City Code of Ordinances designates the City Commission as the Canvassing Board and designates the time the Board will meet as 12:00 Noon on the day following the election. These procedures are an extension of this authority and are effective upon adoption by the City Commission.

III. Scope And Applicability: These procedures shall only apply to regular and special municipal elections including mail ballot elections, which are not held concurrent with State or Federal elections. A municipal election held in conjunction with a Federal, State or County election shall be governed by applicable State Statute and the Canvassing Board shall be established as provided therein.

IV. Staff Review Committee: A "Staff Review Committee" (hereinafter referred to as the "Committee") is hereby established to assist the Commission in the carrying out of its duties as the Canvassing Board in accordance with the procedures prescribed herein.

A. Committee Composition: The Committee will be composed of the City Treasurer-Clerk as Chairman, the Records Management Administrator and the Deputy Treasurer. If either the Records Management Administrator or the Deputy Treasurer Clerk is unavailable, the City Treasurer-Clerk will appoint responsible supervisory personnel to serve on the Committee.

B. Ex Officio Members: The Leon County Supervisor of Elections will serve as a nonvoting advisor to the Committee and the City Attorney will serve as legal counsel to the Committee.

C. Meeting Time: Meetings of the Committee will be scheduled for 9:00 A.M. on the day of all regular and special elections called by the City Commission.

D. Meeting Location: The location of said meeting will be determined at least two (2) days prior to the election.

E. Notice of Meeting: The location and time of said meeting will be provided in advance to the City Commission, all candidates and the press.

F. Recording of Meetings: All meetings will be recorded by a taping device.

G. Open Meetings: Pursuant to F.S. 286, all meetings will be open to the City Commission, candidates, citizens and the press.

V. Procedures:

A. Preliminary Review: The Leon County Supervisor of Elections, pursuant to the contract with the City dated November 13, 2002, is responsible for conducting City elections. As part of his duties he is responsible for presenting the City with all absentee ballots cast in the election. The Supervisor will, prior to 9:00 A.M. on the day of the election, complete a preliminary review of absentee ballots to provide an initial determination as to ballots that appear to be incomplete or contain a flaw. Included in this review will be a comparison of the voters' signatures found on the voter registration books with that on the voter's certificate. Any discrepancy between the two signatures found by the Supervisor of Elections will be brought to the Committee for resolution.

B. Committee Meeting: The City Treasurer-Clerk will convene the Committee at 9:00 A.M. on the day of the election and will accept the absentee ballots from the Supervisor of Elections.

C. Committee Review: A member of the Committee will review each ballot for flaws/inadequacies and the ballots will be sorted and separated into categories based upon the type of error. The Committee will then publicly announce each type of flaw/inadequacy and the number of ballots with this error, and based upon standards adopted by the City Commission listed in Section VII. of these procedures, determine which of said ballots were valid or invalid. Candidates or electors wishing to challenge any of the decisions being made by the Committee will be advised to do so at this time prior to the opening of the ballots. No ballots will be opened until the Committee has made a decision regarding all flaws or errors.

D. Review of Voter Signatures: The Committee will accept from the Supervisor of Elections the absentee ballots for which he has found differences in the voters' signatures and the Committee will compare the signatures on the voter's certificate to the electors signatures in the registration books, respectively, and determine the validity of the ballot. In reaching a decision on these signature discrepancies, the Committee will use the additional considerations associated with signature discrepancies listed in Section VII. C. of these procedures. Candidates or electors wishing to challenge any decision being made by the Committee will be advised to do so at this time prior to the opening of any ballot.

E. Opening of Ballots: The Committee will open and count the ballots previously determined to be valid. Any ballot that is challenged will not be opened by the Committee and will be submitted to the Canvassing Board for final disposition. Flaws found on the inner envelope or on the ballot will be announced and treated as provided in Section VII. Candidates or electors will again be advised of their right to challenge.

F. Tabulation of Returns: The absentee ballots will be tabulated by the Committee and presented to the Commission at the 12:00 Noon meeting of the Canvassing Board, along with the unopened, challenged ballots. If there are no challenged or ballots uncounted for other reasons, the City Treasurer-Clerk, as Chairman, will present a resolution with the results of the election for adoption by the Commission.

G. Committee Member Disagreement: Each member of the Committee will be allowed to question any absentee ballot. Any ballot where there is not unanimity among the Committee members regarding the validity/invalidity of the ballot will be set aside for presentation and disposition by the Commission.

VI. Challenges To Absentee Ballots:

A. Committee Level: As referenced in Section V above, the Committee, during its meeting, will receive verbal challenges to any absentee ballot, and any ballots so challenged will not be opened but will be preserved separately for canvassing by the Canvassing Board.

B. Protest to Canvassing Board: At the meeting of the Canvassing Board any elector or candidate present who believes that any absentee ballot is illegal due to any defect apparent on the Voter's Certificate may, before the ballot is removed from the envelope, file a written protest with the Canvassing Board against the canvass of such ballot, specifying the precinct, the ballot, and the reason for believing such ballot to be illegal. No challenge based upon any defect in the Voter's Certificate shall be accepted after the ballot has been removed from the mailing envelope.

C. Resolution by Canvassing Board: The Canvassing Board will review and rule on all challenges raised by qualified candidates or electors relative to absentee ballots. The Canvassing Board will also review and rule on all absentee ballots that were questioned by one or more members of the Committee.

VII. Standards To Govern Absentee Ballot:

A. Valid Ballots: The following flaws or inadequacies have been determined by the Commission or courts to not be substantive enough to invalidate the ballots, and the ballots with these errors will be considered valid.

1. The spaces for name printed at the top of the ballot's envelope had not been completed.
2. The voter signature on the ballot's envelope differs from the signature on voter registration card by including or excluding a middle name or initial.
3. The voter signed the ballot's envelope with a person's mark (X) and the voter registration card was signed with a signature marked (X).
4. The voter signed the ballot's envelope other than on the designated line.
5. The voter signed the ballot's envelope with a mark consistent with the voter registration card but also included a signature.

B. Invalid Ballots: The following flaws or inadequacies have been determined by the Commission or courts to be substantive enough to invalidate the ballots and the ballots with these errors will not be considered valid:

1. Voter identifying marks are on the outside of the secrecy sleeve containing the ballot.

2. Absentee ballot was received in the Supervisor of Elections' Office after 7:00 P.M., Election Day.
3. The ballot's envelope was not signed by the voter.
4. The ballot's envelope was signed by someone other than the voter listed on the final voters registration list as determined by a registration form (family member, power of attorney, etc.).
5. The mark on the ballot's envelope differed from the signature or mark on the voter registration book.
6. There was a voter-identifying mark on the ballot.
7. The voter has canceled status since the ballot was returned.
8. The voter voted at "polls."

C. Additional Considerations and Signature Discrepancies:

1. In reviewing and determining the authenticity of a voter's signature, the Committee will take into consideration.
 - a. The age of the voter.
 - b. The time that had elapsed between the date of the voter's signature in the voter registration books and the signing of the voter's certificate.
 - c. Written information submitted with the voter's certificate that provides a basis for a difference between the signatures.
2. The Committee will not take into consideration personal knowledge of Committee members or other information not included with the voter's certificate at the time of receipt.
3. When determining indication of voter's intent on a ballot, the Committee will follow guidance provided by Florida Division of Elections Rule 1S-2.027.

VIII. Protest Of Election Returns Or Practices: Any candidate or elector may contest the results of an election by filing a complaint with the Circuit Court as provided in F. S. 102.68.

IX. Notice To Candidates: Copies of these procedures will be sent by certified mail to each candidate at least one week prior to the election.

X. Approval Of Procedures And Effective Date: These procedures shall become effective upon adoption by the City Commission, this 28th day of April, A.D., 2010.

Approved 01/08/85

Revised 01/14/87

Revised 04/13/88

Revised 12/14/88

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