

**MIAMI-DADE COUNTY ELECTIONS
CANVASSING BOARD MEETING MINUTES**

DATE: 10.21.20

TIME: 10:00 am

ELECTION NAME: General Election

ELECTION DATE: 11.03.20

OTHER MUNICIPAL ELECTIONS: Aventura General, Bal Harbour Village Special, Biscayne Park General Municipal, Cutler Bay General, Doral General and Special, Key Biscayne Municipal and Special, Medley General and Special, Miami Beach Special, Miami Gardens Run-Off, Miami Lakes General, North Miami Beach General, Opa-locka General, Palmetto Bay General and Special, Pinecrest General, South Miami Special, Sunny Isles Beach General, Surfside Special.

COUNTY COURT JUDGE:

CANVASSING BOARD MEMBERS

Honorable Victoria Ferrer, County Judge - Chairperson

Honorable Miesha Darrough, County Judge - Alternate Member

CHAIR, BOARD OF COUNTY COMMISSIONERS: N/A (Refer to BCC Chairwomen Edmonds Memo)

COUNTY SUPERVISOR OF ELECTIONS (SOE): Christina White, Supervisor of Elections

COUNTY ATTORNEY'S OFFICE (CAO): Oren Rosenthal, Assistant County Attorney
Michael Valdes, Assistant County Attorney (Online)

OTHERS PRESENT: Suzy Trutie, Deputy Supervisor of GOV; Roberto Rodriguez, Assistant Deputy Supervisor of GOV; Elizabeth Prieto, Ingrid Miranda, Nelfa Rabagh-Garcia, Teo Noboa, and IT Staff

PURPOSE OF MEETING: Canvassing of Presumed Invalid Vote-by-Mail (VBM) Ballots - 11.03.20 General Election

- 10:14 am, Judge Victoria Ferrer (VF) calls Canvassing Board (CB) meeting to order, introduces CB Members, and proceeds to read aloud Vote-by-Mail (VBM) ballot Canvassing Report Batch #3 as follows: Signature Does Not Match 215, No VBM request on file 1, Unknown Voter 3, Already Voted 26, Two (2) same pages inside envelope-during VBM Opening 1; for a total of 246 Presumed Invalid Ballots.
- 10:15 am, Elizabeth Prieto (EP) proceeds to present first category of Signature Does Not Match, 215.
- 10:30 am, Supervisor of Elections (SOE) Christina White (CW) requests additional research on ballot envelope FVRS# 118103474. Ballot is a soft reject.
- 10:36 am, Observer #1 asks CB if voters can view their signatures. SOE advises that voters can come into the Elections Department and view their signatures.
- 10:43 am, Observer #1 asks CB if the Cure Affidavit (CA) could be returned via mail or if it needs to be returned in person to the Elections Department in the event a VBM is a soft reject due to a signature mismatch. County Attorney (CA) Oren Rosenthal (OR) advises it could be mailed pursuant to Florida Statute (FS) 101.69.
- 11:15 am, Observer #1 asks CB the status on the 9 overseas ballots from first CB meeting which were retained for additional research. SOE responds that those ballots were accepted and duplicated for tabulation process.
- 11:23 am, EP proceeds to present second category of No VBM request on file, 1. VF motions to hard reject the ballot, Judge Miesha Darrough (MD) seconds the motion, SOE carries the motion. Motion carries unanimously.
- 11:23 am, EP proceeds to present third category of Unknown Voter, 3. There are no identifiable markings on the ballots to determine voter identity and status in Voter Focus database. VF moves to reject all 3 ballots, MD seconds the motion, SOE carries the motion. Motion carries unanimously.
- 11:24 am, EP presents fourth category of Already Voted, 26. After reviewing ballots, VF enters motion to hard reject all 26 ballots as you can only vote once in the State of Florida. MD seconds the motion, SOE carries motion. Motion carries unanimously.
- 11:26 am, Observer #2 asks if first received voted VBM ballot could be withdrawn. OR responded "No". OR explained that the first vote received by the Elections Department is the one that must be accepted.
- 11:28 am, Observer #1 addresses CB to inquire what the process of the CA is and if a CA could be cured. SOE explains the process of a CA and clarifies that a CA itself cannot be cured.
- 11:29 am, EP presents fifth category of Two (2) same pages inside envelope-during VBM Opening, 1. OR makes it clear that there are two (2) #2 pages of the same ballot style and specifies there is no accompanying #1 page and that no one has determined what the votes are on either page. VF reiterates that you are only allowed to vote once, each page of your specific ballot style and the Elections Department is not allowed to determine if they are identical or not. OR explains that the issue with opening the ballot and looking as to whether they are identical or not is in fact the constitutional guarantee of the secrecy of the vote. OR clarifies that the voter's VBM ballot is in fact in the possession of the CB. Voter has been identified as FVRS# 125060819. OR advised that if the Elections Department was to conduct an investigation as to why the voter voted in the manner they did, then Elections Department would be "destroying the constitutional right of that voter to have a secret ballot." Thus, this prevents the CB from opening that ballot. If CB observed the vote and noted there were two (2) votes, a blank and a bubbled one, this would not yield information as to how that voter intended to vote. OR reiterated the information stated is meant to supplement VF's initial explanation. EP further clarifies that the term "identical" is referencing the same two page #2 and not vote pattern. VF moves to hard reject ballots and preserve the "constitutionality of the vote." MD seconds the motion, SOE carries the motion. Motion carries unanimously.
- 11:31 am, Observer #3 asks, "How did you determine that there were two pages #2?" EP explains the VBM opening process. Observer #3 references that if such ballots were to be tabulated, there would be no issues as it remains anonymous of voter's intent, however, if both pages had identical votes, then it would be easy for the CB to determine voter intent. Observer #3 then asked, "Is there any way something like that could be performed so that if there is clear intent, the vote could be honored?" VF indicates she's not aware of anything that can be performed. She is only aware that if the ballot is opened before the CB, the secrecy of the vote would not live on. This would in turn violate the voter's right. VR moves to reject the ballot. OR advises Observer #2 to refer to Division of Election Opinion 1404. CB unanimously votes to reject ballot.
- 11:34 am, EP presents CB with a ballot that was previously presented for Signature Does Not Match on first CB meeting and accepted at that time. Ballot was subsequently submitted to the Voter Services Division for processing. It was then noted that the voter's status had been updated to "deceased" by the State of Florida. OR makes reference to FS 101.68 (2) which states that "the ballot of an elector who casts a vote-by-mail ballot shall be counted even if the elector dies on or before election day, as long as, before the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by a common carrier, or already in the possession of the supervisor." OR further advises that for it to be counted, death had to have been after postmark or when we have it but before Election Day. In this case, death was documented as October 1, 2020 and postmark documented as October 9, 2020. CB unanimously moves to reject ballot, FVRS #110147369.
- 11:40 am, EP finalized CB Batch #3 report with a total of 185 out of 215 ballots accepted and 61 out of 178 ballots rejected (soft and/or hard).
- 11:41 am, CB recessed.
- 11:55 am, CB reconvened.
- 11:56 am, Ramon Castellanos (RC) Duplication Manager, presents CB with 328 voter intent ballots.
- 12:04 pm, SOE offers observers the opportunity to view ballots being canvassed for voter intent. Three (3) observers advised they would like to see the presidential race.
- 12:15 pm, Observer #1 asked what the outcome of the black inked faxed ballot #N014-2-4601 was. VF responded CB determined it to be an undervote.
- 12:17 pm, Observer #3 asked about the way the ballots were being accepted and rejected. OR clarified that those ballots

Encs. Ballot Canvassing Report – Batch # 3
In-Person Observers Sign-in Sheet 10.21.20
Canvassing Board Meeting Zoom Attendee Log 10.21.20