



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission

**MEETING DATE** 11/16/2021

**SUBMITTED BY:** Lanelda Gaskins, Town Clerk

**SUBJECT:** Discussion on the Town's future Elections and Canvassing Board Members

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## **SUMMARY:**

This item is before Town Commission to discuss the Town's future Elections and Canvassing Board Members.

The Palm Beach County Supervisor of Elections (SOE) has provided the attached letters to each municipality for consideration. The SOE is extending additional services to the Town, which are optional. The SOE is willing to serve as the official Supervisor and use the County Canvassing Board for the Town's elections. The County Canvassing Board members are composed of the Supervisor of Elections, a County Court Judge who shall act as the chair, and the chair of the Board of County Commissioners.

Currently, the Town Clerk administers the Town's elections. In addition, the Commission designates the Town's Canvassing Board members by resolution, according to Section 1.06 (7) of the Town's Charter. The Town's Canvassing Board members consist of the Town Clerk or designee of the town clerk, the Palm Beach County Supervisor of Elections or designee of that office, and one Commissioner appointed by the Town Commissioners (who is not running for election).

Note: The duties and responsibilities of the Town (Town Clerk), the Supervisor of Elections, and the County Canvassing Board are in the SOE letter dated August 10, 2021.

If the Town Commission decides to modify the Town's Charter to designate the Palm Beach County Supervisor of Elections as the official Supervisor and use the County Canvassing Board for the Town's elections, it will require a referendum ballot question to change the Town's Charter.

The town staff is seeking direction from the Commission.

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## **FISCAL IMPACT:**

Estimated Cost \$18,000. The actual cost is to be determined after the 2022 March Election.

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**ATTACHMENTS:**

Palm Beach County Supervisor of Elections Letters

Sections 1.06 (6) and 1.06 (7) of the Town's Charter

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**RECOMMENDATION:**

Town Commission discretion.



**Wendy Sartory Link**  
Palm Beach County Supervisor of Elections  
[www.pbcelections.org](http://www.pbcelections.org)

Dear Municipal Clerks, Commissions, and Councils,

Congratulations to those of you who participated in a successful 2021 election cycle! The recent March Elections demonstrated the municipalities' commitment to democracy and to the voters of Palm Beach County. We were honored to work with you.

The Palm Beach County Supervisor of Elections office (SOE) is committed to facilitating secure, transparent, and accurate elections. To that end, due to updates in Florida Law in recent years, we have determined that certain changes in municipal charters and ordinances are necessary to ensure the efficient and cost-effective administration of future elections.

#### *Qualifying Dates*

To accommodate statutory vote-by-mail requirements, the SOE strongly recommends that each municipality who has not already done so amend its qualifying period so that its qualifying period ends on or before the 95<sup>th</sup> day before Election Day.

For example, qualifying for the March 8, 2022 election would end no later than Friday, December 3, 2021, allowing the SOE staff to program the necessary elections, create and proofread the ballot language, submit ballot templates to participating municipalities for approval, print vote-by-mail ballots, and prepare those ballots for mailing. We mail the military and overseas ballots 45 days before the election.

Failure to amend the qualifying period may result in the inability of the SOE to accommodate the elections of those municipalities. Our system does not allow us to "close" or move forward one city at a time, so any delay by one municipality results in our inability to move forward with the others.

#### *Runoff Elections*

While many municipalities no longer hold runoff elections, several still maintain provisions requiring a majority vote to win an election. Many municipalities have mentioned to us that the runoff elections are detrimental to their budgets because often the municipality has not budgeted for that expense. With so few holding runoff elections, the municipality does not benefit from the same degree of cost sharing as a Uniform Municipal Election that is held simultaneously with other municipalities. The county does not fund the municipal elections.

Please understand that we are happy to hold runoff elections, but are cognizant of the cost burden it places on municipalities. If you determine that you no longer wish to have runoff elections, please revise your charters or ordinances accordingly.





**Wendy Sartory Link**  
Palm Beach County Supervisor of Elections  
[www.pbcelections.org](http://www.pbcelections.org)

### *Polling Locations*

It has come to our attention that some charters include provisions requiring specific polling locations or specifying that polling locations be within city or town limits. While this may not present an issue for stand-alone elections, when municipalities wish to participate in uniform or countywide elections, this becomes logistically problematic and expensive, if not impossible. The SOE urges municipalities to remove any provisions to this effect, as it will be impossible to guarantee specific polling locations in future elections if the municipality is joining a countywide election.

### *Single Canvassing Board for Uniform Municipal Elections*

The final question presented for consideration by the municipalities is the designation of the Palm Beach County Supervisor of Elections as the official Supervisor of each Uniform Municipal Election, such that one single Canvassing Board may be empowered to canvass all of the municipal elections held simultaneously on a given day. The municipal clerks would still be qualifying officers for their municipality's candidates.

This is an optional service, and each municipality can make its own determination as to whether they want to designate the Palm Beach County Supervisor of Elections as the official Supervisor of their election. As required under the Florida election laws, at least one (1) member of the Canvassing Board is required to be present during activities such as the pre-election testing of tabulation equipment (the Logic and Accuracy test), opening, tabulation, duplication, and the canvassing of ballots. A municipality may choose to maintain its own Canvassing Board; however, if they choose to do so, the Supervisor of Elections may elect not to serve as a Canvassing Board member for that municipality.

In some municipalities, an election may be required in order to make these changes. The Secretary of State has called for a Special Primary Election on November 2, 2021, for the U.S. House of Representatives District 20 seat. While this district may not include a municipality that would be required to have an election, we will be happy to accommodate a municipality that wishes to do so. (If the municipality is within Congressional District 20, it would also result in a cost savings to that municipality.) Please let the Supervisor of Elections know by July 15, 2021, whether your municipality plans to participate in the November 2, 2021 election. We will not be able to hold an election outside of this date.





**Wendy Sartory Link**  
Palm Beach County Supervisor of Elections  
[www.pbcelections.org](http://www.pbcelections.org)

Again, congratulations on a successful election season. The Palm Beach County Supervisor of Elections looks forward to many future elections in partnership with our local governments.

Sincerely,

Wendy Sartory Link  
Supervisor of Elections Palm Beach County



August 10, 2021

Dear Municipal Clerks,

I hope this letter finds you well!

Based on the various questions the Supervisor of Elections office (SOE) received before, during, and after the Clerk workshop, we thought it would be helpful to lay out each of the municipalities' duties, as well as what the Supervisor of Elections will be responsible for, if you choose to have the Supervisor of Elections oversee your elections. Many of you will already know most of this, but for some of our newer Clerks, or those who have not had an election in a while, we hope this will serve as a helpful overview of the process.

### **Step 1: Qualifying**

The first stage of any election is Qualifying. At this stage, prospective candidates will work to qualify for placement on the ballot by either paying the required filing fee or submitting the number of petition signatures necessary to be eligible for whichever office for which they are running. The Qualifying officer is the person or office responsible for collecting those fees or signatures.

When the office or question is specific to a municipality, that municipal government (i.e. city commission, town council, etc.) is the qualifying officer, and therefore, usually the municipal clerk has the responsibility to collect filing fees and petitions. In other words, municipalities are responsible for facilitating their elections according to the municipality's rules (charters, ordinances, etc.); this includes stand-alone elections and municipal elections that piggy-back on county-wide elections.

Municipalities are and will always be responsible for:

- Collecting petitions;
- Collecting filing fees; and
- Posting notices or advertisements required by municipal charters/ordinances not already required by statute.

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The Supervisor of Elections is responsible for:

- Verifying petition signatures (once municipalities have dropped them off to our main office), certifying the total number of valid signatures, and returning the petitions to the clerk, who will determine whether the total number of valid signatures is sufficient for the candidate to qualify; and
- Posting legal notices required by Florida Law (this is a responsibility we have agreed to in the contract).

If more than one candidate qualifies for the same race, and/or if your municipality has an issue that needs to be voted on, you must notify our office that you will have an election.

As we discussed on the call, qualifying must be complete and all ballot language must be sent to the SOE 95 days before the election. Under extenuating circumstances, we have extended a “grace period” of no later than 90 days before the election. The SOE reserves the right to not administer a municipal election if the municipality does not provide all ballot information by the 90-day deadline. For the March stand-alone Municipal Elections, the 95-day deadline is December 3, 2021.

## **Step 2: Polling Locations**

Municipalities are ultimately responsible for securing their own polling location(s) for stand-alone municipal elections. If the municipality is having an election in conjunction with a county or state-wide election, the SOE will secure all polling locations. Under federal law, a polling location must comply with the Department of Justice (DOJ) standards (i.e., ADA accessibility, parking requirements, etc.). During a county or state-wide election, the SOE uses polling locations that meet DOJ standards. Upon request, our office will provide the municipality with the list of the polling locations that are currently assigned to your municipal precincts. Municipalities are encouraged to use the same polling locations for stand-alone municipal elections as the SOE does for county-wide elections, to avoid voter confusion and unnecessary expense. If a different location is used, a Department of Justice survey must be performed.

During a stand-alone municipal election the municipality is responsible for:

- Securing and contracting with polling location(s) and either confirming to the SOE that the same location(s) will be used or notifying the SOE of any change at least 60 days prior to the election;
- Coordinating with Voting Equipment Center manager (Hector Lugo) regarding delivery and security of voting equipment;

240 South Military Trail, West Palm Beach, FL 33415 | Post Office Box 22309, West Palm Beach, FL 33416

Telephone: 561.656.6200 | Fax Number: 561.656.6287



- Coordinating Monday set-up and 5:30 am access on Election Day; and
- Paying for voter information cards which are **required by law** to be sent to each voter whose polling location is affected both before the election, and after the election.

The Supervisor of Elections will:

- Schedule a site visit to any previously unused polling location to ensure DOJ compliance. All costs associated with any necessary site visits will be charged to the municipality;
- Print and mail voter information cards; and
- Deliver equipment to the designated location and pick up the equipment after the election.

### **Step 3: Ballots**

Municipal races, candidates, questions/issues must be provided to the SOE as soon as available but no later than 95 days before the election, or if arrangements have been made, no later than the 90-day grace period. Once the information is provided, the SOE will program the election. The SOE will lay out ballots, proof them, and send them to the municipalities for final approval, before sending them to the printers. In Palm Beach County, we are subject to a law that requires us to provide in Spanish everything we provide in English. That includes all legal ads and ballot language. We are also required to provide ADA accessible equipment (the ExpressVote), which also need to be programmed in English, Spanish, and Creole.

The Municipality is and will always be responsible for:

- Submitting language (names, races, question/issue wording) immediately after qualifying (but no later than the 95-day deadline);
- Proofing and approving final ballot layout and content prior to printing; and
- Paying for translations.

The Supervisor of Elections will:

- Program the Election;
- Lay out the ballot (in accordance with Florida law);
- Proofread the ballot (based on the language provided by the municipality);
- Arrange for certified translation of ballot;
- Coordinate with printer;
- Mail Vote-By-Mail ballots; and

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- Arrange for delivery of Election Day Ballots to polling locations.

#### **Step 4: Canvassing**

County Canvassing Boards, pursuant to Florida Statutes, Section 101.141(1), are “composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners.” When Municipalities hold stand-alone elections, they have the ability to determine who will act as their Canvassing Board. When they are part of a county-wide election, the Division of Elections has determined that only the County Canvassing Board can certify the election results.

Regardless of the kind of election, Florida law states that no member of the Canvassing Board may be “a candidate who has opposition in the election being canvassed, or an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed.” F.S. 101.141(1). In other words, all members of the canvassing board(s) must remain impartial at all times, whether canvassing or not. While serving on the Canvassing Board, the member must also behave in a nonpartisan manner. If a member of the canvassing board has endorsed a candidate in an election, that member may not canvass ballots for that election.

The Canvassing Board has several responsibilities, whether it is a county canvassing board or a municipal canvassing board.

- At least one member of the Canvassing Board must be present at the Logic and Accuracy Testing, though all three must certify the accuracy of the testing.
- A member of the Canvassing Board must be present at all times ballots are being processed; that is, when ballots are being opened, duplicated, and tabulated.
- A majority of the Canvassing Board must be present during Canvassing of the ballots (making determinations/voting about signature issues on vote-by-mail ballot envelopes, making determinations about voter intent, reviewing ballots which have been duplicated). If there is a tie vote, the third member of the Board must be present to break the tie.
- The Canvassing Board must be present at the Voting Equipment Center until all ballots have been collected and canvassed on Election Night.
- A majority of the Canvassing Board must certify the results of the election, though three signatures is preferable. The Supervisor and SOE staff will ascertain the results and provide them to the Canvassing Board for certification. During a stand-alone election, certification may occur after 5:00 pm on the second day after the election once all ballots have been canvassed. In conjunction with a

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county-wide election, certification may occur anywhere from the 3<sup>rd</sup> to the 12<sup>th</sup> day after the election.

- At least three members must be present for a recount, if necessary.
- A majority of the Canvassing Board must be present at all times during the post-election Audit. The SOE staff will complete the Audit process.

Should your municipality wish to take advantage of a county canvassing board in your future stand-alone elections, the SOE has drafted suggested language for an ordinance which would (1) confirm the Municipal Clerk's authority to delegate duties to the SOE as necessary (such as recruiting and assigning poll workers) without any additional authorization from the Municipal government, and (2) delegate all Canvassing responsibilities to a county canvassing board:

The [CITY/TOWN/MUNICIPAL] Clerk of [MUNICIPALITY] shall be the official representative of the municipality and the [CITY/TOWN/MUNICIPAL COMMISSION/COUNCIL] in all transactions with the Supervisor of Elections of Palm Beach County, Florida, in relation to matters pertaining to the use of the registration books and records herein mentioned for holding such municipal elections.

[MUNICIPALITY] delegates all canvassing duties as defined in applicable Florida Statute<sup>1</sup> and Florida Administrative Code<sup>2</sup> to the County Canvassing Board appointed by the Palm Beach County Commission and the Chief Judge of the Fifteenth Judicial Circuit and will be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners, or their respective alternates or substitutes. See §102.141, Florida Statutes (2020).

Alternatively, if your municipality chooses not to designate the SOE as the official Supervisor of your Municipal Election, as suggested in the June 2021 Charter Recommendation letter, you may want to consider listing the Supervisor of Elections as a substitute, not an alternate, in the event there is an emergency, and no canvassing board members or alternates can be present for some reason.

<sup>1</sup> This includes, but is not limited to, the following Sections: F.S. 102.141, F.S. 101.5612, F.S. 101.68, F.S. 101.6925, F.S. 101.048, F.S. 101.049, F.S. 102.166, F.S. 102.151, and F.S. 101.591.

<sup>2</sup> This includes, but is not limited to, the following rules: Rule 1S-027, 1S-031, 1S-2.037, and 1S-5.026.



### **Step 5: Recruitment, Training, and Payment of Poll Workers**

The Supervisor of Elections will recruit all election workers, primarily from our existing pool of successful poll workers. The SOE will also coordinate training classes and assignments. In the event the SOE is having trouble finding poll workers to staff a particular municipality, the SOE may reach out to that Municipal Clerk for assistance. There will be no additional cost for recruitment. However, processing payroll and issuing paychecks will be the responsibility of the municipality.

### **Step 6: Poll Watchers**

The Municipal Clerk will be responsible for collecting the Designation of Poll Watchers form and submitting it to the SOE for processing. The SOE will then use that form to make the required identification badges and call the Municipal Clerk to pick them up when they are ready. The municipality will be responsible for all costs associated with the preparation of the badges. The Municipal Clerk will make a master poll watcher list to be supplied to their poll workers on Election Day.

### **Step 7: Election Day**

Election Day is the day people are most familiar with. Polls open at 7:00 a.m. so it is very important that poll workers set up and test their connectivity the day before (Monday) and arrive at the polling location no later than 5:30 a.m. on Election Day. We have found that most poll workers appreciate the time to get organized and to troubleshoot if necessary.

Once polls close at the end of the day, some Municipal Clerks choose to bring ballots back the VEC warehouse themselves; however, if the Municipal Clerk prefers to be at the VEC on Election Day, they may designate the polling location clerk and another poll worker (of a different political party affiliation than the clerk) to transport ballots at the end of the night.

The Canvassing Board must stay at the warehouse **until all ballots are collected and canvassed** on Election Night. Typically, this is complete between midnight and 2:00 a.m. If the County Canvassing Board is canvassing the municipal election(s), Municipal Clerks are free to leave after all ballots have been delivered and all results have been modemed from the polling location tabulators to the SOE.

## **Step 8: Post-Election**

Voters have until 5:00 p.m. two (2) days after Election Day to cure any signature deficiencies. At that time, the Canvassing Board will vote to certify the election.

In the event there is a recount, all members of the Canvassing Board must be present throughout. The Supervisor of Elections and SOE staff will facilitate a machine recount, and a manual recount, if necessary.<sup>3</sup>

If your municipality allows for runoffs (if there is a tie, or if you have a requirement that a candidate in a 3-person race must obtain 50% of the vote to win), that will essentially be a new election and we will start the entire process over, beginning with Logic and Accuracy Testing.

Finally, some of you have asked about the laws governing Municipal Elections. Anything that is not explicitly set forth in your charters and ordinances will default to Florida Law:

### **100.3605 Conduct of municipal elections.—**

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

As such, the Supervisor of Elections will always conduct elections in accordance with Florida Law, and if you are unsure about what your obligations are, you can always refer to the Florida Election Code (Florida Statutes, Chapters 97-107) and the Florida Administrative Code.

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<sup>3</sup> A machine recount must be ordered (by the Canvassing Board) if the 1<sup>st</sup> set of unofficial returns (the results after the signature cure deadline) indicates that a candidate or issue was defeated or eliminated by .5 of 1% or less of the total votes cast for the office/question. If, after a machine recount, the candidate or issue was defeated by .25 of 1% or less, the Canvassing Board must order a manual, or hand recount.

## Conclusion

Should your municipality opt to have the Supervisor of Elections and a County Canvassing Board administer your elections, the SOE will handle most of the responsibilities it would during a normal county-wide election, as outlined in this letter.

The municipality will be responsible for all costs associated with their elections and the municipality will still be the qualifying officer, but the municipal clerk will not be responsible for administering or canvassing the election. The municipality will still be responsible for securing polling locations.

As we have discussed, we will continue to send Smartsheet forms to you to update. Completing and submitting those to us in a timely manner will help the Supervisor of Elections to efficiently coordinate your elections. You will receive updates and reminders to complete your duties at each step along the way, and if you have questions, we will always do our best to assist in any way we can.

We appreciate your partnership and look forward to many more successful elections!

Sincerely,



Wendy Sartory Link  
Supervisor of Elections Palm Beach County

WSL/adh

Enclosures

cc: [kpuhalainen@atantisfl.gov](mailto:kpuhalainen@atantisfl.gov), [dbuff@belleglade-fl.com](mailto:dbuff@belleglade-fl.com), [msiddons@myboca.us](mailto:msiddons@myboca.us), [gibsonc@bbfl.us](mailto:gibsonc@bbfl.us), [brinytownclerk@yahoo.com](mailto:brinytownclerk@yahoo.com), [townofcloudlake@msn.com](mailto:townofcloudlake@msn.com), [johnsonk@mydelraybeach.com](mailto:johnsonk@mydelraybeach.com), [glenridgetownof@bellsouth.net](mailto:glenridgetownof@bellsouth.net), [dlynn@villageofgolf.org](mailto:dlynn@villageofgolf.org), [qmoorer@greenacresfl.gov](mailto:qmoorer@greenacresfl.gov), [rtaylor@gulf-stream.org](mailto:rtaylor@gulf-stream.org), [jrutan@townofhaverhill-fl.gov](mailto:jrutan@townofhaverhill-fl.gov), [lgaskins@highlandbeach.us](mailto:lgaskins@highlandbeach.us), [dgualtieri@hypoluxo.org](mailto:dgualtieri@hypoluxo.org), [ccopeland@juno-beach.fl.us](mailto:ccopeland@juno-beach.fl.us), [laurac@jupiter.fl.us](mailto:laurac@jupiter.fl.us), [randazzo@jupiterinletcolony.org](mailto:randazzo@jupiterinletcolony.org), [mpinkerman@lakeclarke.org](mailto:mpinkerman@lakeclarke.org), [vmendez@lakeparkflorida.gov](mailto:vmendez@lakeparkflorida.gov), [mcoyne@lakeworthbeachfl.gov](mailto:mcoyne@lakeworthbeachfl.gov), [kdominguez@lantana.org](mailto:kdominguez@lantana.org), [lburch@loxahatcheegrovesfl.gov](mailto:lburch@loxahatcheegrovesfl.gov), [lpetersen@manalapan.org](mailto:lpetersen@manalapan.org), [salbury@tompfl.com](mailto:salbury@tompfl.com), [jgreen@village-npb.org](mailto:jgreen@village-npb.org), [karmstrong@oceanridgeflorida.com](mailto:karmstrong@oceanridgeflorida.com), [twarner@cityofpahokee.com](mailto:twarner@cityofpahokee.com), [gnieves@townofpalmbeach.com](mailto:gnieves@townofpalmbeach.com), [psnider@pbgfl.com](mailto:psnider@pbgfl.com), [ebrowning@pbstownhall.org](mailto:ebrowning@pbstownhall.org), [kwynn@vpsfl.org](mailto:kwynn@vpsfl.org), [crobinson@rivierabeach.org](mailto:crobinson@rivierabeach.org), [ddisanto@royalpalmbeach.com](mailto:ddisanto@royalpalmbeach.com), [sbcityclerk@southbaycity.com](mailto:sbcityclerk@southbaycity.com), [yvalvarez@southpalmbeach.com](mailto:yvalvarez@southpalmbeach.com), [lmcowilliams@tequesta.org](mailto:lmcowilliams@tequesta.org), [caddie@wellingtonfl.gov](mailto:caddie@wellingtonfl.gov), [zburgess@westlakegov.com](mailto:zburgess@westlakegov.com), [cityclerk@wpb.org](mailto:cityclerk@wpb.org)

240 South Military Trail, West Palm Beach, FL 33415 | Post Office Box 22309, West Palm Beach, FL 33416

Telephone: 561.656.6200 | Fax Number: 561.656.6287





# Polling Place Accessibility

*DE Reference Guide 0014 (eff. 3/2018)*

*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.*

## HISTORY

- **State law required a one-time polling place accessibility survey in 2003.**
  - Supervisors of Elections required to survey each polling place for accessibility by September 1, 2003 in accordance with standards under s. [101.715](#), Florida Statutes, that would take effect on July 1, 2004. See Section 17, [Ch 2002-281](#), Laws of Florida.
  - The Department of State adopted Rule 1S-2.035 which incorporated the survey instrument for use in 2003. The rule was repealed on 11/1/2015 and the 2003 survey instrument is available upon request for historical reference only. Refer to s. [101.715](#), Florida Statutes, and the U.S. Department of Justice, Civil Rights Division, Disability Rights Section's Polling Place Accessibility Checklist in Part 3 of the ADA Checklist for Polling Places through link below under Resources for ADA Accessibility Standards.

## CURRENT STATUTORY REQUIREMENT

- **Section [101.715](#), Florida Statutes, provides:**
  - All polling places must be accessible and usable by people with disabilities, as provided in this section.
  - Each polling place used for federal, state, and local elections must comply with the Florida Americans with Disabilities Accessibility Implementation Act, ss. [553.501-553.513](#), Fla. Stat., for all portions of the polling place or the structure in which it is located that voters traverse going to and from the polling place and during the voting process, regardless of the age or function of the building.
  - The selection of a polling site must ensure accessibility with respect to the following accessible elements, spaces, scope, and technical requirements: accessible route, space allowance and reach ranges, protruding objects, ground and floor surfaces, parking and passenger loading zones, curb ramps, ramps, stairs, elevators, platform lifts, doors, entrances, path of egress, controls and operating mechanisms, signage, and all other minimum requirements.
  - Standards required at each polling place, no matter the building's age or function, include:
    - For polling places that provide parking spaces for voters, one or more signed accessible parking spaces for disabled persons.
    - Signage identifying an accessible path of travel to the polling place if it differs from the primary route or entrance.
    - An unobstructed path of travel to the polling place.
    - Level, firm, stable, and slip-resistant surfaces.
    - An unobstructed area for voting.
    - Sufficient lighting along the accessible path of travel and within the polling place.

## RESOURCES FOR ADA ACCESSIBILITY STANDARDS

- The [2012 Florida Accessibility Code for Building Construction](#) (Feb 2012), adopted pursuant to s. 553.503, Fla. Stat.
- The [2010 ADA Standards for Accessible Design](#) (Sep. 2010), published by the U.S. Department of Justice.
  - This is the basis for [2012 Florida Accessibility Code for Building Construction](#), above.
- Publications by the U.S. Department of Justice, Civil Rights Division, Disability Rights Section:
  - [The ADA Checklist for Polling Places](#) (June 2016) includes Polling Place Accessibility Checklist under Part 3
  - [The Americans with Disabilities Act and Other Federal Laws Protecting the Rights of Voters with Disabilities Solutions for Five Common ADA Access Problems at Polling Places](#)



# Canvassing Board Membership and Activities

**DE Reference Guide 0020 (Updated 09-2019 ) (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

- Canvassing board.
  - The county canvassing 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.
  - Aside from attendance at training workshops, a board member's duties will begin as early as the pre-election testing of voting equipment scheduled within the 10 days before early voting, intensify as canvassing of vote-by-mail ballots begin which may start as early as 15 days before an election and continue through election night reporting, post-election voting system audits, and certification of election results.
- Substitute.
  - The law requires substitutes to be appointed whenever a member is unable to serve or is disqualified from serving.
  - The 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](#).
  - The process for appointing a substitute is set out in section [102.141](#)(1), Fla. Stat.
- Alternate.
  - Each canvassing 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 are to be appointed as close in time to when the canvassing board membership is designated.
  - If not otherwise serving as one of the three members of the canvassing board, the alternate can be present, observe and communicate with the other members of the board but cannot vote in the board's decisions or determinations. The process for appointing alternates to the canvassing board is set out in section [102.141](#)(1), Fla. Stat.
- Duties.
  - The canvassing board is charged by law with a number of activities in the conduct of elections and ascertainment of results.
  - This reference guide focuses specifically on the membership requirement for those activities.

## REQUISITE MEMBERSHIP FOR CANVASSING BOARD ACTIVITIES

- Unless otherwise specified in statute or rule, the canvassing board may act when two members of the board are present, thereby constituting a majority, as long as the two members present are in agreement as to the action to be taken. If they are not in agreement, then a majority of the board has not approved the action. See also DE Advisory Opinion [05-08](#). The chart on the following page details requisite membership attendance based on category of activity.

Activity	Number of Canvassing Board Members Required to be Present	Underlying statute(s) and/or rule for activity
Public logic & accuracy testing	<ul style="list-style-type: none"> <li>At least one member for test</li> <li>All members to certify the accuracy of test</li> </ul>	Section <a href="#">101.5612</a> (2), Fla. Stat.
Canvassing of vote-by-mail ballots	<ul style="list-style-type: none"> <li>Majority to approve and order the opening of the ballots</li> <li>At least one member to be present at all times during opening and running of the ballots through tabulation system</li> </ul>	Sections <a href="#">101.68</a> , <a href="#">101.6925</a> , and <a href="#">102.141</a> (2) & (8), Fla. Stat.
Determination to count or reject vote-by-mail ballots (e.g., signature mismatch)	<ul style="list-style-type: none"> <li>Majority to determine whether to count or reject a ballot</li> </ul>	Sections <a href="#">101.68</a> , <a href="#">101.6925</a> , and <a href="#">102.141</a> (2), Fla. Stat.
Duplication of ballot	<ul style="list-style-type: none"> <li>Majority to be present to approve ballots to be duplicated</li> <li>At least one member to be present during duplication of ballots</li> </ul>	Sections <a href="#">101.5614</a> (5), <a href="#">101.68</a> , and <a href="#">102.141</a> (8), Fla. Stat.
Canvassing of provisional ballots	<ul style="list-style-type: none"> <li>Majority to determine whether to count or reject (which latter must be by preponderance of the evidence)</li> </ul>	Sections <a href="#">101.048</a> , <a href="#">101.049</a> , <a href="#">101.6925</a> , and <a href="#">102.141</a> (2), Fla. Stat.; <a href="#">Rule 1S-2.037</a> , Fla. Admin. Code
Finding that a signature on provisional ballot or vote-by-mail ballot voter certificate or cure affidavit does not match signature on record	<ul style="list-style-type: none"> <li>Majority and beyond reasonable doubt</li> </ul>	Sections <a href="#">101.048</a> and <a href="#">101.68</a> , Fla. Stat.
Recount	<ul style="list-style-type: none"> <li>Majority at all times during recount process</li> <li>All members for determination or decision to resolve a discrepancy during a recount</li> </ul>	Sections <a href="#">102.141</a> and <a href="#">102.166</a> , Fla. Stat.; Rules <a href="#">1S-2.027</a> , and <a href="#">1S-2.031</a> , Fla. Admin. Code
Certification of election results	<ul style="list-style-type: none"> <li>Majority to certify results</li> </ul>	Section <a href="#">102.151</a> , Fla. Stat.
Post-election certification audit of voting system	<ul style="list-style-type: none"> <li>Majority at all times during audit process</li> </ul>	Section <a href="#">101.591</a> , Fla. Stat.; Rule <a href="#">1S-5.026</a> (4)(e), Fla. Admin. Code



Sec. 1.06. - Town Commission Created; Election; Terms; Town Clerk; Qualifications of Electors; General Election Law.

- (1) That the corporate authority of said Municipality shall be vested in a Commission created by this Act. Said Commission shall be composed of a Mayor-Commissioner, Vice Mayor-Commissioner and three (3) other Commissioners, all of whom are to be elected at large.
- (2) On the second Tuesday in March, 2007, and every three (3) years thereafter, the qualified electors of the Town shall elect one (1) Commissioner for a term of three (3) years. On the second Tuesday in March, 2008, and every three (3) years thereafter, the qualified electors of the Town shall elect a Mayor-Commissioner and one (1) other Commissioner for terms of three (3) years. On the second Tuesday in March 2009 and every three (3) years thereafter the qualified electors of the Town shall elect a Vice Mayor-Commissioner and one (1) other Commissioner for terms of three (3) years. However, election dates affected by any countywide or statewide election held in March will coincide with the date for the countywide or statewide election.
- (3) No person may serve more than two (2) successive elected full terms as Mayor. No person may serve more than two (2) successive elected full terms as Vice Mayor. No person may serve more than two (2) successive elected full terms as Commissioner. The aforesaid term limitations regarding the offices of Mayor, Vice Mayor and Commissioner shall not include any appointments by the governing body to fill unexpired terms. The offices of Mayor, Vice Mayor and Commission member shall be considered separate offices for the purpose of consecutive term limits set forth in this section. For transition purposes, the current Town Commission members, including the Mayor and Vice Mayor, who have not served three (3) consecutive terms as of March, 2007 shall have their current terms extended by one (1) additional year.
- (4) The Commission shall designate by resolution a qualified person to serve as Town Clerk. Once employed, the Town Clerk shall report to the Town Manager, in accordance with Section 4.01 of this Charter and the Town's Personnel Rules and Regulations.
- (5) To be eligible for election or appointment as Commissioner (including offices of Mayor and Vice-Mayor) a person must be a citizen of the United States. Additionally, a person to be eligible for election or appointment as Commissioner (including offices of Mayor and Vice-Mayor) must be both domiciled within the corporate limits of the Town of Highland Beach, State of Florida, and a qualified elector of the Town of Highland Beach, State of Florida registered in Precincts as may be established from time to time within the Town of Highland Beach, State of Florida for a period of not less than one (1) year immediately preceding the beginning of the qualification period, for candidates for Commission as set forth in section 1.06(6) of the Town Charter, or one (1) year immediately preceding the effective date of any appointment as commissioner, and shall retain such qualifications during their tenure and occupancy of said office.
- (6) Each person seeking to qualify as a candidate for the office of town commissioner as a candidate shall file with the Town Clerk such qualification papers and pay such fees as may be required by

law, no earlier than noon on the second Tuesday in November nor later than noon on the fourth Tuesday in November preceding the calendar year in which the election is to be held.

- (7) The town clerk or designee of the clerk along with the supervisor of elections or the designee of that office shall canvass and certify returns of all town elections in the manner provided for in sec. 100.3605, Fla. Stat., as amended from time to time. Additionally, the town commission shall appoint one commission member, which may include the mayor, whose seat is not scheduled to be voted upon, who shall serve as the third member of the canvassing board. If any member of the canvassing board is unwilling or unable to serve, the town commission shall appoint another commission member as a replacement. Two members of the canvassing board shall constitute a quorum.
- (8) Commissioners shall take office upon certification of the election results by the canvassing board and their swearing in by the town clerk or designee and shall remain in office until the election and certification of their successors.
- (9) Any person who has qualified and is an elector of the State of Florida and who registers in the procedural manner prescribed by general law, and who has resided within the territorial limits of the Town of Highland Beach for a period of thirty (30) days preceding an election shall be a qualified elector of the municipality and shall be entitled to vote in any municipal election of said Town.
- (10) The provisions of F.S. ch. 101, and any amendments thereto, providing for the casting of absentee ballots shall apply to any general, special or primary election, or referendum in which any qualified elector may vote.
- (11) In case of vacancy in the Commission, the remaining Commissioners within thirty (30) days after the beginning of such vacancy, shall by resolution fill such vacancy or vacancies by appointment until the next regular general election.

(Ord. No. 719, § 1, 8-9-06; Ord. No. 12-004, § 2, 9-4-12; Ord. No. 12-003, § 3, 9-4-12; Ord. No. 14-001, § 2, 3-4-14; Ord. No. 15-006, § 2, 6-2-15; Ord. No. 17-003, § 2, 10-3-17; Ord. No. 19-001, § 2, 7-2-19; Ord. No. 2021-010, § 2, 9-21-21)