



Notice of Candidate Withdrawal or Disqualification or Removal of Ballot Issue

DE Reference Guide 0007 (Updated 09/2018)

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.

GENERAL OVERVIEW

- We offer the following guidelines to provide notice to the voter when a candidate has withdrawn, been disqualified, or passed away, or a public measure has been removed from the ballot but it is too late to change the format and content of the ballot.
- The notice should clearly state to whom it applies if the race is not applicable to all voters in county. Examples: “*Notice to Primary Election Ballot Voters Only, Notice to Voters in Congressional District 1 Only, Notice to Voters in County Commission, District 1 Only, etc.*”
- We also include guidelines for the tabulation of voters and elections results under such circumstances.

HOW TO USE THESE GUIDELINES

- Use the following notice templates *as may be applicable*.
- Post in EACH polling place and in EACH voting booth the notice of withdrawal, disqualification, passing, or removal (as applicable) from the ballot.
- Provide notice to all vote-by-mail ballot voters to whom the notice is applicable and for whom you have not already prepared to send ballots (regardless of delivery method) starting the day after the candidate has withdrawn, been disqualified or passed away, or the day after the court ordered the ballot issue removed.
- Provide notice on county websites.
- The Division will also post notice for federal, state, multi-county and district races.

TEMPLATE #1: FOR USE WHEN A CANDIDATE WITHDRAWS, IS DISQUALIFIED, OR PASSES AWAY AND IT DOES NOT RESULT IN AN UNOPPOSED CANDIDATE -

NOTICE TO THE VOTER

A candidate in the race for the office of _____ has [insert *withdrawn, been disqualified, or passed away*, whichever is applicable] such that:

A vote cast for [insert name of candidate A] will count.

A vote cast for [insert name of candidate B] will not count.

A vote cast for [insert name of candidate C] will count.

TEMPLATE #2: FOR USE WHEN A CANDIDATE WITHDRAWS, IS DISQUALIFIED, OR PASSES AWAY AND THE LAW PERMITS A REPLACEMENT CANDIDATE -

NOTICE TO THE VOTER

A candidate in the race for the office of _____ has [insert *withdrawn, been disqualified, or passed away*, whichever is applicable] resulting in a replacement candidate as permitted by law. Please be advised that:

A vote cast for [insert name of candidate A] will count for [insert name of candidate A].

A vote cast for [insert name of candidate B] will count for [insert name of the replacement candidate].

A vote cast for [insert name of candidate C] will count for [insert name of candidate C].

TEMPLATE #3: FOR USE WHEN A CANDIDATE WITHDRAWS, IS DISQUALIFIED, OR PASSES AWAY AND IT RESULTS IN AN UNOPPOSED RACE - IF THIS SCENARIO OCCURS IN A CLOSED PRIMARY RACE, THEN THE NOTICE BELOW SHOULD BE PRECEDED BY "FOR [INSERT PARTY NAME] VOTERS ONLY" -

NOTICE TO THE VOTER

A candidate in the race for the office of _____ has [insert *withdrawn, been disqualified, or passed away*, whichever is applicable] resulting in an unopposed candidate race.

A vote cast in this race will not change the outcome as the remaining candidate is deemed by law to be [insert "nominated" or "elected" as applicable] for that race.

TEMPLATE #4: FOR USE WHEN A PUBLIC MEASURE IS ORDERED REMOVED FROM THE BALLOT -

NOTICE TO THE VOTER

The public measure [insert name of public measure—For example No. 1. Constitutional Amendment, Article __, Section __, Conserving Florida's Future] has been ordered removed from the ballot.

Any vote cast for this public measure will not count for approval or rejection of the public measure.

TEMPLATE #5: FOR USE WHEN THE ONLY WRITE-IN CANDIDATE WITHDRAWS, IS DISQUALIFIED, OR PASSES AWAY -

NOTICE TO THE VOTER

The write-in candidate in the race for the office of _____, has [insert *withdrawn, been disqualified, or passed away*, whichever is applicable].

Any vote cast for the write-in candidate in this race will not count.

TEMPLATE #6: FOR USE WHEN ONE WRITE-IN CANDIDATE WITHDRAWS, IS DISQUALIFIED, OR PASSES AWAY BUT OTHER WRITE-IN CANDIDATES REMAIN -

NOTICE TO THE VOTER

[Insert name of write-in candidate who *withdrew, was disqualified, or passed away*, whichever is applicable], a write-in candidate in the race for the office of _____ [insert *withdrawn, been disqualified or passed away*, whichever is applicable].

Any vote cast for this write-in candidate who has withdrawn, been disqualified or passed away, will not count.

TEMPLATE #7: FOR USE WHEN A CANDIDATE WHOSE CANDIDACY CLOSED A PRIMARY RACE WITHDRAWS, IS DISQUALIFIED OR PASSES AWAY SO THAT THE RACE HAS NOW BECOME AN OPEN OR UNIVERSAL PRIMARY RACE AND IT IS TOO LATE TO CHANGE THE RACE TO A UNIVERSAL PRIMARY CONTEST ON THE PRIMARY ELECTION BALLOT -

NOTICE TO THE VOTER

[Insert name of candidate who *withdrew, was disqualified or passed away*, whichever is applicable], a [write-in, if applicable] candidate in the race for the office of _____ has [insert *withdrawn, been disqualified or passed away*, whichever is applicable]. Without this candidate, the election for this office has now become a universal primary contest open to all voters, regardless of party affiliation. To ensure that all voters have the opportunity to vote for this office, the election for this office will now appear on the general election ballot.

Any vote cast for any candidate in this race on the primary election ballot will not count.

TABULATION OF VOTES/RESULTS

- It may be that your voting system will still record the votes that may be cast for the withdrawn or disqualified candidate or the removed public measure on the ballot.
- These votes cast should not be reported or published except to the extent that they are to count for a replacement candidate.
- These votes are otherwise invalid and are not part of the unofficial or official election results. Moreover, these votes should not be counted for purposes of determining whether a recount or a run-off is triggered.

RESULTS TAPE

- Post the results tape (as you are required) in the polling place after polls are closed.
- **Do not** redact or otherwise black out the withdrawn or disqualified name or results on the results tape (it is recorded and public). You may post an explanatory note on the fact that the candidate withdrew or was disqualified or the issue was removed from the ballot.
- **Do not** publish those results anywhere else as there is no need.
- **Do not** include or submit the withdrawn/disqualified candidate or removed ballot issue results in any unofficial or official results to the Division.

PUBLIC RECORDS

- Although the tabulated votes are not made a part of the unofficial or official election results submitted to the Department of State, if they are recorded, they are still public record.
- Therefore, if someone wants to see what was recorded, they will have to be provided upon request.