



Canvassing Board Membership and Activities

DE Reference Guide 0020 (Updated 08-2023)(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.

Membership¹

- The 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.

Alternate

- The 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 should be appointed when the canvassing board membership is designated.
- If not otherwise serving as one of the three canvassing board members, the alternate can be present, observe and communicate with the other board members but cannot vote in the board's decisions or determinations. The process for appointing alternates is set out in section [102.141](#)(1), Fla. Stat.

Substitute

- Substitutes must be appointed whenever a member is disqualified or unable to serve in accordance with section [102.141](#)(1), Fla. Stat.
- A 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](#).

Duties

- Duties include, but are not, limited to:
 - ✓ Undergoing mandatory signature matching training
 - ✓ Canvassing of vote-by-mail ballots which can start as soon after the pre-election (public logic and accuracy) testing of voting equipment is completed which can be scheduled within the 25 days before early voting starts in the respective county² (conceivably as soon as 40 days before election day).
 - ✓ Canvassing and counting of provisional ballots in consideration of evidence available.
 - ✓ Election night reporting, 1st unofficial, 2nd unofficial (if recount), and official certification of results
 - ✓ Conducting recounts if triggered and post-election certification voting system audit which must be completed no later than the 7th day following the board's certification of the election.
 - ✓ Submitting conduct of election reports, no later than 20 business days after the Election Canvassing Commission certifies the election.

This reference guide focuses specifically on the membership requirement for those activities.

¹ Disqualification and/or removal of members.

- Authority to remove a canvassing board member. See Division of Elections' Advisory Opinion DE [15-03](#)
- 'Active participation' by a canvassing board member. See Division of Elections' Advisory Opinion DE [08-10](#).

² § 101.657, Fla. Stat. – The minimum mandatory EV period is 8 days beginning 10 days before election day with no less than 8 hours and no more than 12 hours per day. Counties can offer additional days of EV up to the 15th day before Election Day and/or the 2nd day before Election Day.

Requisite membership for canvassing board activities

- Unless otherwise specified in law or rule, the canvassing board may act when two members are present, thereby constituting a majority. The majority must agree on action to take. See also DE Advisory Opinion [05-08](#). The chart below details required membership for each category of activity.

| Activity | Number of Board Members to be Present | Citation: law(s) and/or rule(s) |
|--|--|---|
| Public logic & accuracy testing | <ul style="list-style-type: none"> At least one member present for test All members to certify the accuracy of test | Section 101.5612 (2), Fla. Stat. |
| Duplication of ballot | <ul style="list-style-type: none"> Majority to approve ballots to be duplicated At least one member to be present during duplication of ballots | Sections 101.5614 (5), 101.68 , and 102.141 (8), Fla. Stat. |
| Canvassing vote-by-mail ballots | <ul style="list-style-type: none"> Majority to approve and order the opening of the ballots At least one member must be present at all times during opening and running of the ballots through tabulation system | Sections 101.68 , 101.6925 , and 102.141 (2) & (8), Fla. Stat. |
| Determination to count or reject vote-by-mail ballots | <ul style="list-style-type: none"> Majority present to determine whether to count or reject a ballot | Sections 101.68 , 101.6925 , and 102.141 (2), Fla. Stat. |
| Signature matching - provisional ballot certificates, vote-by-mail ballot certificates, cure affidavits | <ul style="list-style-type: none"> Majority to determine whether signature matches Determination beyond reasonable doubt | Sections 101.048 and 101.68 , Fla. Stat. |
| Canvassing of provisional ballots | <ul style="list-style-type: none"> Majority to determine whether to count or reject Determination by preponderance of the evidence | Sections 101.048 , 101.049 , 101.657 , 101.6925 , and 102.141 (2), Fla. Stat.; Rule 1S-2.037 , Fla. Admin. Code |
| Recount | <ul style="list-style-type: none"> Majority present at all times during recount process All members for determination or decision to resolve a discrepancy during a recount At least one board member present at all times during tabulation if a paper-based or digital-based automatic independent recount tabulation system is used during the recount and ballots are being tabulated on the system prior to the order of a recount³ | Sections 102.141 and 102.166 , Fla. Stat.; Rules 1S-2.027 , and 1S-2.031 , Fla. Admin. Code, DS-DE 405 |
| Certification of election results | <ul style="list-style-type: none"> Majority to certify results | Section 102.141 , Fla. Stat. |
| Post-election certification audit of voting system | <ul style="list-style-type: none"> Majority at all times during audit process except that at least one board member need only be present during the processing of ballots into the automated independent audit system | Section 101.591 , Fla. Stat.; Rule 1S-5.026 , Fla. Admin. Code; DS-DE 410 |

³Currently no such system is tested or certified for use in the state.