



Notice of Candidate Withdrawal or Disqualification or Removal of Ballot Issue

DE Reference Guide 0007 (Updated 07/2014)

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- We offer the following guidelines to provide notice to the voter when a candidate has withdrawn or been disqualified, or a public measure has been removed from the ballot but it is too late to change the format and content of the ballot.
- 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, or removal (as applicable) from the ballot
- Provide notice to all absentee ballot voters for whom you have not already sent ballots (regardless of delivery method) starting the day after the candidate withdrawal or disqualification, or the day after the court ordered the ballot issue removed.

TEMPLATE #1: FOR USE WHEN A CANDIDATE WITHDRAWS OR IS DISQUALIFIED

NOTICE TO THE VOTER

A candidate in the race for the office of _____ has [withdrawn or has been disqualified, whichever is applicable] such that: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 OR IS DISQUALIFIED AND THE LAW PERMITS A REPLACEMENT CANDIDATE:

NOTICE TO THE VOTER

A candidate in the race for the office of _____ has [withdrawn or has been disqualified, whichever is applicable] resulting in a replacement candidate as permitted by law.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 OR IS DISQUALIFIED RESULTING IN AN UNOPPOSED RACE.

NOTICE TO THE VOTER

A candidate in the race for the office of _____ has [withdrawn or has been disqualified, *whichever is applicable*] resulting in an unopposed candidate race.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

NOTICE TO THE VOTER

The write-in candidate in the race for the office of _____, has [withdrawn or has been disqualified, *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 OR IS DISQUALIFIED BUT OTHER WRITE-IN CANDIDATES REMAIN.

NOTICE TO THE VOTER

[Insert name of withdrawn or disqualified write-in candidate], a write-in candidate in the race for the office of _____ has [withdrawn or has been disqualified, *whichever is applicable*].

Any vote cast for this [withdrawn or disqualified, whichever is applicable] write-in candidate 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.