

# MIAMI BEACH

**CITY OF MIAMI BEACH  
NOVEMBER 7, 2023 GENERAL ELECTION  
NOVEMBER 21, 2023 RUN-OFF ELECTION (IF NECESSARY)**

**CANVASSING BOARD MEETING  
October 9, 2023, at 11:00 a.m.  
Miami Beach City Hall**

1700 Convention Center Drive, Fourth Floor  
City Attorney's Large Conference Room  
Miami Beach, Florida 33139

**Canvassing Board members**

Raul Cuervo, County Judge	Absent
Rafael E. Granado, City Clerk	Present
Faroat Andasheva, Qualified Elector	Present

**Substitute and Alternate Canvassing Board members**

Christopher Green, Substitute County Judge	Present
Regis Barbou, Alternate Qualified Elector	Absent

**Staff to Canvassing Board**

Jean Olin, Esq., Outside Counsel	Present
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**AFTER ACTION**

1. Welcome.

- Introductions were made.
- Oaths of Office were signed and notarized.
- Identification Badges were distributed and worn.

Florida Statute 102.141(9) requires that each member, substitute member, and alternate member of the Canvassing Board and all clerical help must wear identification badges during any period in which the Canvassing Board is canvassing votes or engaging in other official duties. The identification badges must be worn in a conspicuous and unobstructed area.

Clerk's Note: The identification badges distributed included the name of the individual and their official position on the Canvassing Board.

2. Call the meeting to order.

The meeting was called to order at 11:00 a.m. by Jean Olin, Counsel to the Canvassing Board. She stated that this is the Canvassing Board Meeting for the November 7, 2023 City of Miami Beach General Election and the November 21, 2023 Run-Off Election (if necessary). Ms. Olin welcomed everyone. The purpose of today's meeting is to conduct orientation.

City Clerk Rafael E. Granado stated that Florida Statute 102.141 requires that during any meeting of the Canvassing Board, a physical notice must be placed in a conspicuous area near the public entrance to the building in which the meeting is taking place. City Clerk Granado reported that physical notices (in English and Spanish) were placed at the first-floor

main public entrance to City Hall and on the third-floor public bridge access from the City Hall Garage to City Hall. The physical notices included the names of the individuals serving on the Canvassing Board, the names of the alternate and substitute members, the time of the meeting, and a brief statement as to the anticipated activities of the Canvassing Board.

### 3. Designation of a Chairperson.

Ms. Olin explained that according to Florida Statute 102.141, in a County Canvassing Board, the County Court Judge member acts as Chair. However, since the City of Miami Beach has adopted an Ordinance regarding the composition of its Canvassing Board a Chair must be selected. Ms. Olin added that though the Miami Beach Ordinance does not state who the Chairperson must be, the State Statute regarding the composition of the Canvassing Board is incorporated into the City's Ordinance. Under Florida Statute, the County Court Judge who is a member of the City's Canvassing Board is the de facto Chairperson.

Motion made by Rafael E. Granado, City Clerk, to designate County Judge Christopher Green as the Chair of the October 9, 2023 Canvassing Board meeting; seconded by Farosha Andasheva, Qualified Elector; Vote: 3-0.

Motion made by Rafael E. Granado, City Clerk, to designate the County Judge present, whether it is Judge Cuervo or Judge Green, at any future Canvassing Board meeting, as the Chair; seconded by Farosha Andasheva, Qualified Elector; Vote: 3-0.

### 4. Orientation.

Ms. Olin explained that a General Election has been called and will be held in the City of Miami Beach, Florida on November 7, 2023, to elect a Mayor and City Commissioners in Groups IV, V, and VI. A Run-Off Election, if necessary, shall be held on November 21, 2023. Ms. Olin added that four candidates have qualified to run for Mayor; two candidates have qualified to run for Commissioner in Group Four; two candidates have qualified to run for Commissioner in Group Five; and two candidates have qualified to run for Commissioner in Group Six. As such, if a Run-Off Election is necessary, it will only be for the Mayoral race.

Ms. Olin mentioned that Regis Barbou, who is not present today, is the Qualified Elector Alternate Member. Mr. Barbou will only vote as a member of the Canvassing Board if one of the two non-judicial members is unable to participate during one of the dates the Canvassing Board meets. When not serving, the Alternate Member or the Substitute Judicial Member may observe the actions of the Canvassing Board and may communicate with the 3 members as they perform their duties, but they may not vote. Ms. Olin added that only members of the Canvassing Board or Miami-Dade Elections staff are authorized to touch the ballots.

Ms. Olin stated that 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 agree as to the action to be taken. If they are not in agreement, then a majority of the Board has not approved the action. Ms. Olin stated that most actions of the Canvassing Board require the approval of the majority of the members present. The only two instances where a unanimous vote of the Canvassing Board is required are: 1) to certify the accuracy of the Logic and Accuracy and 2) for a determination or decision to resolve a discrepancy during a recount.

## RESPONSIBILITIES OF THE CANVASSING BOARD

Ms. Olin explained the responsibilities of the Canvassing Board. The primary duties of the Canvassing Board can be summed up in three parts: Pre-Election, Election Day, and Post-Election.

- **Certifies Logic and Accuracy Testing of Voting Equipment.** The Logic and Accuracy process is a public test of the voting and audit machines used to count ballots. Not all Canvassing Board members have to attend the Logic and Accuracy Test, they may designate a representative. However, all Canvassing Board members must certify the accuracy of the test. The Logic and Accuracy Test for the November 7, 2023 Miami Beach General Election is on October 16, 2023, at 10:00 a.m. The Logic and Accuracy Test for the November 21, 2023 Miami Beach Run-Off Election (if necessary) is on November 15, 2023, at 9:00 a.m.
- **Reviews and Accepts Signatures on Vote-By-Mail Ballot Envelopes.** The Canvassing Board reviews signatures on Vote-by-Mail ballot envelopes to confirm that the signature on the envelope matches the signature in the voter registration system. The standard to reject a signature is beyond a reasonable doubt.
- **Reviews Damaged and Poorly Marked Ballots.** Sometimes ballots get damaged, or voters mark their ballots so that the voting equipment cannot determine the voter's intent. The Canvassing Board oversees re-creating these ballots.
- **Reviews Provisional Ballots.** The Provisional Ballot is a backup voting option used if a voter's eligibility to vote is uncertain. After Election Day, the Canvassing Board reviews each Provisional Ballot envelope and related documentation and decides if it should be opened and counted. Provisional Ballots allow voters who have been told they are ineligible to vote at the polls a process of preserving their vote for Canvassing Board review. (See additional information on Provisional Ballots below.)
- **Certifies Results of the Election.** The Canvassing Board releases two sets of results over the course of the Election: the Unofficial Results and the Certification of Official Results.

- General Election

The Canvassing Board will release the Unofficial Results for the General Election on Election night, November 7, 2023, and the Certification of Official Results will be released on November 9, 2023. The Canvassing Board will use the period between Election night and November 9, 2023, to conduct a recount if necessary. (See additional information on Recounts below.)

On November 7, 2023, the Canvassing Board will canvass presumed invalid Vote-by-Mail ballots as needed, duplicate ballots as needed, tabulate the results, and release the Unofficial Results. On November 9, 2023, the Canvassing Board will canvass Vote-by-Mail and Provisional Ballots as needed and certify the Official Results.

- Run-Off Election (if necessary)

The Canvassing Board will release the Unofficial Results for the Run-Off Election (if necessary) on Election night, November 21, 2023, and the Certification of Official Results will be released on November 27, 2023. The Canvassing Board will use the

period between Election night and November 28, 2023, to conduct a recount if necessary. (See additional information on Recounts below.)

On November 21, 2023, the Canvassing Board will canvass presumed invalid Vote-by-Mail ballots as needed, duplicate ballots as needed, tabulate the results, and release the Unofficial Results. On November 27, 2023, the Canvassing Board will canvass Vote-by-Mail and Provisional Ballots as needed and certify the Official Results.

- **Conducts Post-Election Audit.** After every Election, the Canvassing Board audits the results. The audit examines a sample of ballots. On November 14, 2023, the Canvassing Board will conduct the post-election audit for the November 7, 2023 General Election. On November 29, 2023, the Canvassing Board will conduct the post-election audit for the November 21, 2023 Run-Off Election if necessary.
- **Conducts Recounts.** Florida law automatically requires that the Canvassing Board hold a recount whenever the Election results are “very close.” There are two types of recounts: a machine recount and a manual recount.
  - **Machine Recount.** If the unofficial results show that a race was decided by .5% or less, the Canvassing Board oversees a recount of the ballots by machine.
  - **Manual Recount.** If the machine recount results show that a race was decided by .25% or less, the Canvassing Board moves on to a manual recount. In the manual recount, the Canvassing Board reviews all the ballots where the voting machines found either no votes (undervotes) or too many votes (overvotes) in a race.
- **Post-Election Contes.** Ms. Olin stated the certification of election may be contested in the Circuit Court by any unsuccessful candidate for such office, by any elector qualified to vote in the election related to such candidacy, or by any taxpayer. Ms. Olin added that the City of Miami Beach has not seen such a challenge in the past 20 years. Such a complaint must be filed in the Circuit Court within 10 days after the Canvassing Board officially certifies the results of the election being contested. The grounds for contesting an election include misconduct, fraud, or corruption on the part of any election official or any member of the Canvassing Board sufficient to change or place in doubt the result of the election. The Canvassing Board is an indispensable party defendant to such a complaint.

Judge Green inquired if the Canvassing Board members, in such a lawsuit, would be named as individual defendants. in the complaint.

Ms. Olin replied that the Canvassing Board is the defendant.

## STANDARD OF REVIEW

Ms. Olin recapped that the standard to reject a signature is beyond a reasonable doubt. The Canvassing Board can reject Provisional Ballots only if a preponderance of the evidence requires rejection.

## **SUNSHINE LAW**

Ms. Olin explained that Canvassing Board meetings are subject to the Florida Sunshine Law. Two or more Canvassing Board members may not engage in discussions (verbal or non-verbal) on any matter that could reasonably/potentially come before the Canvassing Board outside of a publicly noticed meeting.

## **PUBLIC RECORDS LAW**

The Public Records Law applies to all Canvassing Board members. The Public Record Law states that any documents made or received in the course of official business, as Canvassing Board members, is a public record. Unless intended to perpetuate knowledge, individual notes are not deemed a public record.

## **PROVISIONAL BALLOTS**

Provisional Ballots allow voters who are told they are ineligible to vote at polls a process of preserving their vote for Canvassing Board review. Common reasons why a Provisional Ballot is issued are no registration record, voting at the wrong precinct, or already voted. The Canvassing Board can reject Provisional Ballots only if a preponderance of the evidence requires rejection. Signature mismatches on Provisional Ballots still require proof beyond a reasonable doubt.

5. Signature matching training requirement for any person whose duties require verification of signatures.

Canvassing Boards may count Vote-by-Mail and provisional ballots only if the signature on the voter's certificate or in the cure affidavit matches the elector's signature in the registration books or precinct register. Ms. Olin explained that effective July 1, 2023, Florida Statute 97.012 (17) mandates that any person whose duties require verification of signatures must undergo the signature matching training.

Faroat Andasheva, Qualified Elector, stated that she had completed the online signature matching/verification training program. She submitted her Certificate of Completion.

Christopher Green, Substitute County Judge, commented that he too had completed the online signature/verification program. Judge Green mentioned that he had not brought his Certificate of Completion with him, but that he would provide it to Ms. Olin for inclusion in the record.

Ms. Olin added that another change in the law that became effective July 1, 2023, is that if two or more Vote-by-Mail ballots for the same election are returned in one mailing envelope, the ballots may not be counted.

Ms. Olin added that effective July 1, 2023, the signature on file at the time the Vote-by-Mail ballot is received, at the time the provisional ballot is cast, or at the time a petition is reviewed is the signature that must be used in verifying the signature on the Vote-by-Mail voter certificates, provisional ballot voter certificates, or petitions, respectively. For signatures requiring secondary or tertiary review, older signatures from previous registration updates may be used.

**Clerk's Note:**

Rafael E. Granado, City Clerk, and Regis Barbou, Alternate Qualified Elector, had previously submitted their Certificate of Completion, as proof of completing the online signature/verification program.

6. Review the Canvassing Board Schedule

The Canvassing Board schedule was reviewed.

7. Establish criteria for acceptance of Vote-by-Mail ballots and designate Canvassing Board member(s) to act on behalf of the Board, if necessary.

Motion made by Farosha Andasheva, Qualified Elector, to designate Rafael E. Granado, City Clerk, to attend and participate in the Logic and Accuracy Test that will take place on October 16, 2023, for the General Election and November 15, 2023, for the Run-Off Election (if necessary).

The Miami-Dade Elections Department will advise the Canvassing Board members of any problems with the signatures in the Vote-by-Mail or Provisional Ballots. The most common issues with Vote-by-Mail ballots encountered are a lack of signature, signature not matching what is on file at the Miami-Dade County Elections Department, and signatures not near the signature line. The Elections Department will send out a Vote-by-Mail Cure Affidavit to all voters the Canvassing Board determines have returned a Vote-by-Mail ballot certificate that does not include the voter's signature or whose signature does not match the voter's signature on file. Vote-by-Mail Cure Affidavits allow voters to cure failures to sign and bad signatures. The completed Vote-by-Mail Cure Affidavit must reach the Supervisor of Elections no later than 5:00 p.m. on the second day after the Election. The voter must complete and sign the Vote-by-Mail Cure Affidavit and make a copy of one of the following forms of identification (ID):

Tier 1 identification - Current and valid ID that includes the voter's name and photograph: Florida driver's license; Florida identification card issued by the Department of Highway Safety and Motor Vehicles; United States passport; debit or credit card; military, student, retirement center, neighborhood association, or public assistance ID; veteran health ID card issued by U.S. Department of Veterans Affairs; Florida license to carry a concealed weapon or firearm; or employee ID card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality.

If the voter does not have one of the above forms of ID, they must use one of these instead: Tier 2 identification - ID that shows the voter's name and current residence address: current utility bill; bank statement; government check; paycheck; or government document (excluding voter information card).

Ms. Olin noted that Vote-by-Mail Cure Affidavits must be reviewed by the Canvassing Board members when submitted to the Elections Department. If the ID included in the Vote-by-Mail Cure Affidavit produced is Tier 1 identification, even if the signature does not match, under the law, that vote must be accepted. (Clerk's Note: If the voter submits Tier 2 identification the voter's signature must match that on file with the Department of Elections. The standard to reject a signature is beyond a reasonable doubt.)

8. Review State Rule 1S-2.027 Standards for Determining Voter's Choice on a Ballot.

Ms. Olin directed everyone to turn to Exhibit C of the Agenda, Department of State, Division of Election Rule 1S-2.027, entitled Standards for Determining Voter's Choice on a Ballot. The standards in this rule apply to determine whether the voter has clearly indicated a definite choice for the purposes of counting a vote cast. The Canvassing Board must first look at the entire ballot for consistency.

Ms. Olin requested that the Canvassing Board members review the voter intent examples that are included with Rule 1S-2.027.

9. Open the meeting for public comment.

No member of the public was present.

10. Adjourn the meeting.

Ms. Olin notified the members of the Canvassing Board that all future Canvassing Board meetings will take place at the Office of the Supervisor of Elections (Miami-Dade County Elections Department), 2700 NW 87<sup>th</sup> Avenue, Miami, Florida 33172.

The Meeting adjourned at 11:55 a.m.