



POLL CLOSING OBSERVATION PROJECT

THE WHY'S, HOW'S AND WHAT'S

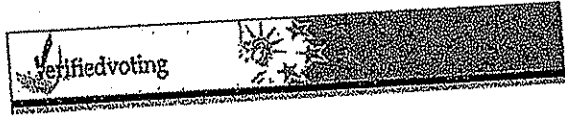
-Why do we need your help?

1. Fair Elections start at the polling place – this is where the votes are first **TABULATED!**
2. Tabulation is not just about knowing how many votes go to each candidate. Perhaps the most important part about tabulation is knowing that the total number of recorded votes actually matches the total number of **PEOPLE WHO SHOWED UP TO VOTE**. If you have more votes than voters, you might have ballot stuffing. More voters than votes? You might have vote suppression or the canceling of votes.
3. How do you figure out whether the numbers match? Easy. During the tabulation that is part of every poll closing, the clerks and poll workers are asked to keep track of the following sets of numbers: **THE NUMBER OF PEOPLE WHO SIGNED IN TO VOTE**. This can be done in several ways: by counting up the number of signatures in the precinct register, by counting authorization slips signed by each voter; or any other method used to know how many people actually sign in to vote. **THE NUMBER OF VOTES CAST**. Here, we are asking you to track the clerks as they tally up the total number of votes from the number recorded on the Voting Machines at the closing of the polls. This is called the **TOTAL PUBLIC COUNT**.
4. If the various numbers do not appear to match, or you observe that the clerks make them match (forced matches) we want to know about this so please record this.

-How does an Observer go about observing?

1. As you will see from the copies of statutes that we are providing to you, **OBSERVING A POLL CLOSING IS THE RIGHT OF ALL MEMBERS OF THE PUBLIC**. This is not just the privilege of political interests. Therefore, no need to rely on candidate or party credentials. Because **WE** are non-partisan, we ask that you not wear any buttons, hats or t-shirts with political or candidate logos.
2. **BE AT THE POLLING PLACE A FEW MINUTES BEFORE 7:00 P.M. AND ADVISE THE PERSON AT THE DOOR THAT YOU WANT TO GO IN TO WATCH THE TABULATION**. You should be allowed to enter the polling place after the last voter has voted after 7 pm. Watch out! The clerks might try to close the door on you if you are not in front of their face at exactly 7:00 p.m.
3. Be polite. Introduce yourself to the clerk. Tell them you are a citizen who has come to watch the closing of the polls. See Florida Statutes attached. **TAKE THE STATUTES WITH YOU** in case you need them.
4. Do not interfere with the process of closing the polls. **BUT KNOW YOUR RIGHTS!!!** You are allowed to witness the counting process. However, you are not allowed to touch the ballots or interfere with the process in any way. See the attached Letter from Lester Sola to Sandy Wayland for more details. In fact, **TAKE THE LETTER WITH YOU** just in case.
5. You have a right to record totals. If they do not let you near the machines, they should be calling the totals from the machine out loud. See Letter from Sola to Wayland. Remember: You are a witness!

-What is the Observer looking for?



COUNTING OF THE VOTERS AND THE BALLOTS

Each voter does 3 things at the polls that will be counted at the end of the day. WE ASK THAT YOU KEEP TRACK OF THE TOTALS FOR ALL THREE THINGS.

1. Sign the Precinct Register
2. Sign an Authorization Slip
3. Vote
 - a. On an Electronic Voting machine
 - b. On a Provisional Ballot, which may be on an electronic voting machine

COUNTING THE PROVISIONAL BALLOTS

Voters who arrive at the polling place without identification, voters whose eligibility cannot be verified and voters who are challenged, are all required to vote a PROVISIONAL BALLOT. While provisional ballots may be cast either electronically or on paper (or both), the information relating to the fact that a certain voter was given a provisional ballot, is all done on paper. Therefore, WE NEED YOU TO TRACK THE NUMBER OF PROVISIONAL BALLOTS GIVEN TO VOTERS. If at all possible, we also need you to track the reason(s) that voters were given provisional ballots.

COUNTING OF THE CHALLENGES

Changes in Florida Statutes Section 101.111 make challenges easier to carry out. What does the change in the challenge law do?

1. It allows challenges to be interposed up to THIRTY (30) DAYS prior to the election.
2. Challenged voters will lose the ability to present evidence at the precinct to prove they are eligible and requires them to present WRITTEN EVIDENCE of their eligibility.
3. ALL challenged voters will be forced, merely because they are challenged, TO VOTE A PROVISIONAL BALLOT.

Who can Challenge? Any elector (meaning any voter); Any poll watcher (meaning party or issue affiliated poll watchers, including poll watchers working with single issue PACs). This also includes poll workers hired by the county to work the election. LIKE PROVISIONAL BALLOTS, CHALLENGES ARE DOCUMENTED ON PAPER. THEREFORE, PLEASE KEEP TRACK OF THE NUMBER OF CHALLENGES

-How do we record our observations?

1. Each observer is given a form to record the data. IF YOU ARE OBSERVING WITH A BUDDY, YOU CAN SPLIT OBSERVING DUTIES. IF YOU SPLIT DUTIES, ONE OF YOU CAN KEEP TRACK OF FILLING OUT THE FORM. Otherwise, the two of you should fill in separate forms, BUT please be sure that you AGREE on the totals on the VOTER AUTHORIZATION SLIPS AND SIGNATURE COUNTS.
2. This form should be turned in to: **Bonnie Daniels, telephone: 305-255-6455, fax: 305-255-3540; email: lawrdans@bellsouth.net**

- How do I know where to go and observe? Call or e-mail Bonnie Daniels.
3. What if there is a PROBLEM (such as a BIG difference in the count), or if you are DENIED ACCESS? Call the Election Day Trouble Shooters:

Bonnie Daniels, telephone: 305-255-6455
Sandy Wayland, telephone: 305-297-9921
Lida Rodriguez-Taseff, telephone: 305-582-1255

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2006 Florida Statutes

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Chapter 101

VOTING METHODS AND PROCEDURE

Title IX

ELECTORS AND ELECTIONS

101.5614 Canvass of returns.--

(1) As soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter, in the presence of members of the public desiring to witness the proceedings, verify the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person, except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(2) The Department of State shall, in accordance with s. 101.015, adopt rules that provide safeguards for the counting of votes at a precinct and at a central or regional location.

(3) The results of ballots tabulated at precinct locations may be transmitted to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns shall conform to rules adopted by the Department of State pursuant to s. 101.015.

(4) If ballot cards are used, and separate write-in ballots or envelopes for casting write-in votes are used, write-in ballots or the envelopes on which write-in ballots have been cast shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. This process may be completed at either the precinct by the election board or at the central counting location. For each ballot or ballot and ballot envelope on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot card; if the total number of votes for any office exceeds the number allowed by law, a notation to that effect, specifying the office involved, shall be entered on the back of the ballot card or in a margin if voting areas are printed on both sides of the ballot card. Such votes shall not be counted. All valid votes shall be tallied by the canvassing board.

(5) If any absentee ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of an absentee ballot containing an overvoted race or a marked absentee ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

(6) If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot

measure, the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.



(7) Absentee ballots may be counted by automatic tabulating equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(8) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(9) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 14, ch. 73-156; s. 1, ch. 77-174; s. 21, ch. 77-175; s. 14, ch. 84-105; s. 17, ch. 84-302; s. 1, ch. 85-17; s. 5, ch. 86-200; s. 17, ch. 90-315; s. 1, ch. 94-208; ss. 22, 37, ch. 2001-40; ss. 14, 15, ch. 2002-17; s. 38, ch. 2005-277.

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The 2006 Florida Statutes

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ELECTORS AND ELECTIONS

ELECTION CODE: VIOLATIONS; PENALTIES

104.29 Inspectors refusing to allow watchers while ballots are counted. The inspectors or other election officials shall, at all times while the ballots are being counted, allow as many as three persons near to them to see whether the ballots are being correctly read and called and the votes correctly tallied, and any official who denies this privilege or interferes therewith is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History: --s. 8, ch. 26870, 1951; s. 51, ch. 71-136; s. 35, ch. 77-175; s. 53, ch. 79-400.

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August 7, 2006

lections
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la 33172
99-8547
99-8480
tade.gov

- ADA Coordination
- Agenda Coordination
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- Building Code Compliance
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- Citizens' Independent Transportation Trust
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- Empowerment Trust
- Enterprise/Technology Services
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- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Services
- Medical Examiner
- Metro-Miami Action Plan
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraisal
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metro
- Transit
- Task force on Urban Economic Revitalization
- Vizcaya Museum And Gardens
- Water & Sewer

Sandy Wayland, President
Miami-Dade Election Reform Coalition
3301 NE 5 Avenue #1103
Miami, FL 33137

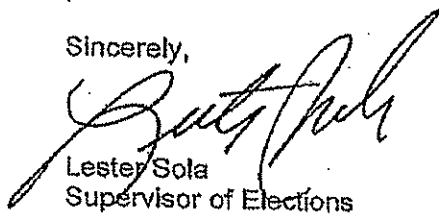
Dear Ms. Wayland:

I am in receipt of your letter dated August 1, 2006 regarding Miami-Dade County's Poll Closing Procedures. I appreciate your concerns and I assure you that under my administration, staff members have been instructed to maintain an "open process" at every voting location during Early Voting and on Election Day. Directives have been communicated during poll worker training that all interested members of the public are able to observe and record any and all elections processes. To that end, the Miami-Dade Election Reform Coalition is welcome to observe and record the serial numbers from each iVotronic; individual iVotronic vote counts; inquire as to the number of authorization slips, certificates, and voter signatures; and total counts of any forms that are utilized during poll closing, so long as it is not disruptive and/or intimidating to our poll workers.

Please be advised that while poll workers have been made completely aware of your right to observe the opening and closing of the polls, they have also been instructed not to stop the voting process or end-of-day reconciliation activities in order to provide information to your members or the public. We would appreciate if you would submit request for copies of public records for any of the activities that you observe to my office rather than to the Precinct or Early Voting Clerks.

It is my pleasure to work with the Miami-Dade Election Reform Coalition as I believe we have a shared goal in making the residents of Miami-Dade County feel secure that every vote is cast and accurately counted. It is simply a matter of striking a balance between having your members present while we work through our procedures and ensuring that there is no disruption or interference with the responsibilities of our poll workers. As long as all those involved in this activity understand the importance of this, I welcome their involvement in the electoral process.

Sincerely,



Lester Sola
Supervisor of Elections

c: George M. Burgess, County Manager
Alina T. Hudak, Assistant County Manager