



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

### MEMORANDUM

**To:** Chief Judges of the Judicial Circuits  
Chairs, Boards of County Commissioners

**From:** Maria Matthews, Esq., Director, Division of Elections

**Cc:** Supervisors of Elections

**Date:** 31 October 2014

**Subject:** Canvassing Board Designation of Alternates for General Election 2014

We are well into the final week before the General Election on November 4, 2014. We wanted to remind you that if you have not already done so, it is not too late for you to appoint alternates to serve on the county canvassing boards in each of the respective counties.

The Legislature added this provision into law in 2013 to provide relief for county canvassing board members who serve long hours and handle everything from the canvassing of absentee ballots through election night reporting to the voting system audits. The designation of alternates and their availability can be critical particularly on election night when the canvassing board must continuously canvass ballots and report updated election results every 45 minutes throughout the night until all that can be reported has been reported.<sup>1</sup>

The Legislature directed the Chief Judge of each Judicial Circuit and each Chair of the Board of County Commissioners to designate alternates<sup>2</sup> as follows:

- If you are the Chief Judge of the Judicial Circuit, you are required, in addition to appointing a county judge to serve as one of the three statutorily designated county canvassing board members in each respective county, to designate an alternate from one of the other county court judges in each of the respective counties that falls within the judicial circuit. If each county

<sup>1</sup> See § 102.141(4), Fla. Stat.

<sup>2</sup> The designation of an alternate is distinct from the statutory process for appointing a substitute. The substitute process is used if a statutorily designated member of the canvassing board is unable to serve, or is disqualified from serving as a result of being a candidate facing opposition or being an active participant in the campaign process. The law sets out who is responsible for appointing a substitute member and when the chief judge must get involved if no substitute member can serve or a vacancy is created. See § 102.141(1)(a-c), Fla. Stat.



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judge is able to serve or is disqualified, then you must appoint an alternate member who is otherwise qualified to serve as a substitute.<sup>3</sup>

- If you are the Chair of the Board of County Commissioners for your respective county, you may already be serving as one of the three statutorily designated county canvassing board members.<sup>4</sup> However, you are still required to appoint an alternate from any of the board of county commissioners to serve.<sup>5</sup> **If such member cannot serve or is disqualified from serving at any point, then the Chief Judge of the judicial circuit for your county must be notified.**

**The Chief Judge of the judicial circuit must then appoint an alternate from one of the qualified electors of the county (not including a candidate facing opposition in the election being canvassed or not an active participant in such campaign or candidate).<sup>6</sup>**

An alternate may be present, observe, and communicate with the existing three-member canvassing board at any of its meetings, but cannot participate in any decisions unless and until he or she is serving as a canvassing board member.<sup>7</sup>

We appreciate your service. Please let me know if you have any questions or comments. You can contact me at 850.245.6520 or 850.443.7730; maria.matthews@dos.myflorida.com.

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<sup>3</sup> See § 102.141(1)(e)1., Fla. Stat.

<sup>4</sup> Obviously, if you are the Chair and you were unable to serve or were disqualified from serving as a result of being a candidate facing opposition or an active participant in the campaign process, a substitute would have already been designated.

<sup>5</sup> See § 102.141(1)(e)2., Fla. Stat.

<sup>6</sup> See § 102.141(1)(d), Fla. Stat.

<sup>7</sup> See § 102.141(1)(e)4., Fla. Stat.