

Kaiti Lenhart

From: Matthews, Maria I. [Maria.Matthews@DOS.MyFlorida.com]
Sent: Tuesday, October 25, 2016 4:58 PM
To: Lenhart, Kaiti
Cc: Hastings, Linda M.
Subject: Flagler County/Ballot-Mosquito District Race

Supervisor Lenhart:

As discussed, after further discussion with Chief Hastings and review of the circumstances, I recommend the following steps in lieu of the "paper ballot-one race" solution with the understanding that you have a version now of the corrected ballot (i.e., replacement ballot):

1. Provide the correct ballot for all future vote-by-mail ballot voters and on election day in those 3 precincts.
2. Provide a replacement ballot for all vote-by-mail ballot voters who returned the voted ballot with the missing district race. Since the canvassing board has not yet started canvassing and you sort by precinct, it should be easy to segregate those ballots out and hold them until the deadline for ballots to be received has passed (domestic 7 pm, November 8, overseas voters-November 18). By waiting for those deadlines, it provides you the opportunity to send those voters the opportunity for them to get and return the replacement ballot. Once the deadlines pass, then the board canvasses the ballot last received.

- If the only returned ballot you have is the incorrect one, the board canvasses that one.
- If the replacement ballot is returned, the board canvasses that one and rejects as illegal the incorrect one.

As to the voters in those precincts who voted early yesterday, there is nothing that can be done at this juncture because the ballot has been cast. Therefore, the election needs to proceed as is and results reported accordingly. It is the outcome of the contest that will dictate what happens next, if anything, and what action, if any, a candidate or voter may choose to take regarding that outcome. If taken to court, the matter would be resolved there.

As you indicated you would do, you plan to reach out to the candidates in the race as well as the district governing board to let them know of the circumstances.

As always, be sure you check in with your county attorney to be sure you are covered.

I hope this helps.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

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