



Public Viewing Process – City of Orlando
Vote-By-Mail Ballots

- Pursuant to Florida Statutes 101.6104 and 101.68(2)(c)4., if any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter's certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate may not be accepted after the ballot has been removed from the mailing envelope
- The Canvassing Board will use the following procedure for the public viewing and canvassing of vote-by-mail ballots:
 - Sealed vote-by-mail ballots will be available for public viewing at the office of the Orange County Supervisor of Elections at times that will be scheduled as part of the Canvassing Board's meeting schedule.
 - The public viewing period will end promptly at the scheduled time and anyone seeking to inspect the ballots should plan accordingly.
 - All vote-by-mail ballots that have been received by the SOE office prior to the scheduled viewing period, and that were not included in a previous public viewing, will be made available for public viewing.
 - Prior to the start of the public viewing period, the vote-by-mail ballots will be set out by the SOE staff so that any elector (registered and qualified voter) or candidate who is present during the public viewing time will have the opportunity to view the ballots.
 - **No persons other than the supervisor of elections or his or her employees or the Canvassing Board shall handle any official ballot or ballot card.** SOE will have staff members available to assist members of the public during the viewing time.
 - If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure affidavit, he or she may request that SOE staff mark the envelope with a sticky note and he or she shall fill out and sign the "OATH OF PERSON ENTERING VOTE-BY-MAIL CHALLENGE" form, specifying the precinct, the ballot, and the alleged defect on the voter's certificate or the cure affidavit.
 - No challenge based upon a defect in the voter's certificate or cure affidavit shall be accepted after the ballot has been removed from the mailing envelope.
 - Immediately after the close of the public viewing period, SOE staff will set apart those ballots challenged, if any, from the other ballots, along with the appropriate completed OATH OF PERSON ENTERING VOTE-BY-MAIL CHALLENGE forms. Those ballots will not be opened until reviewed by the Canvassing Board.
 - Those vote-by-mail ballots that were included in the public viewing period, were not challenged, and meet the Canvassing Board's adopted criteria, shall be set apart from the challenged ballots and will not be opened until the Canvassing Board approves and orders the opening of the ballots.
 - At least one member of the Canvassing Board is to be present at all times during the opening and running of the ballots through the tabulation system.

References

Florida Statutes:

F.S. 101.6104 Challenge of votes.—If any elector present for the canvass of votes believes that any ballot is illegal due to any defect apparent on the voter's certificate, the elector may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of such ballot, specifying the reason he or she believes the ballot to be illegal. No challenge based upon any defect on the voter's certificate shall be accepted after the ballot has been removed from the return mailing envelope.

F.S. 101.68(2)(c)4 [Canvassing of vote-by-mail ballot]—If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter's certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate or cure affidavit may not be accepted after the ballot has been removed from the mailing envelope.

F.S. 101.572 Public inspection of ballots.—The official ballots and ballot cards received from election boards and removed from vote-by-mail ballot mailing envelopes and voter certificates on such mailing envelopes shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card. If the ballots are being examined prior to the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

F.S. 101.68(2)(a) The county canvassing board may begin the canvassing of vote-by-mail ballots upon completion of the public testing of automatic tabulating equipment pursuant to s. 101.5612(2), but must begin such canvassing by no later than noon on the day following the election. However, notwithstanding any such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor, deputy supervisor, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of vote-by-mail ballots 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](#).