



## FLORIDA DEPARTMENT OF STATE

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### Division of Elections

DATE: February 3, 2011

TO: Supervisors of Elections

FROM: Maria I. Matthews, Assistant General Counsel

SUBJECT: Guidelines for Notice of Candidate Withdrawal/Disqualification or Removal of Issue From Ballot (updated)

We offer the following guidelines on how to provide notice to the voter when a candidate has withdrawn or been disqualified, or a public measure has been removed from the ballot but it is too late to change the format and content of the ballot. We also provide guidelines for the tabulation of voters and elections results under those circumstances.

**NOTICE:** 1) Post in EACH polling place and in EACH voting booth the notice of candidate withdrawal or disqualification, or issue removal from the ballot. 2) For all absentee ballots that you have not yet sent (whether by mail, pick-up, e-mail or fax, whichever is applicable), include the notice in the those absentee ballots starting the day after the withdrawal or disqualification of the candidate, or the day after the court ordered the removal of a ballot issue. 3) Use the following notice templates as may be applicable:

*For use when a candidate withdraws or is disqualified*

#### NOTICE TO THE VOTER

A candidate in the race for the office of \_\_\_\_\_ has [withdrawn or has been disqualified, whichever is applicable] such that:

*A vote cast for Candidate A (name) will count.*

*A vote cast for Candidate B (name) will not count.*

*A vote cast for Candidate C (name) will count.*

*For use when a candidate withdraws or is disqualified and the law permits a replacement candidate:*

#### NOTICE TO THE VOTER

A candidate in the race for the office of \_\_\_\_\_ has [withdrawn or has been disqualified, whichever is applicable] resulting in a replacement candidate as permitted by law. Please be advised that:

*A vote cast for Candidate A (name) will count for Candidate A (name)*

*A vote cast for Candidate B (name) will not count for the replacement candidate (name).*

*A vote cast for Candidate C (name) will count for Candidate C (name).*

***For use when a candidate withdraws or is disqualified resulting in an unopposed race.***

#### NOTICE TO THE VOTER

A candidate in the race for the office of \_\_\_\_\_ has [withdrawn or has been disqualified, whichever is applicable] resulting in an unopposed candidate race.

*A vote cast in this race will not change the outcome as the remaining candidate is deemed by Law to be [insert "nominated" or "elected" as applicable] for that race.*

***For use when a public measure is ordered removed from the ballot.***

#### NOTICE TO THE VOTER

The public measure [insert name of public measure—For example No. 1. Constitutional Amendment, Article \_\_\_\_\_, Section \_\_\_\_\_, Conserving Florida's Future] has been ordered removed from the ballot.

*Any vote cast for this public measure will not count for approval or rejection of the public measure.*

***For use when the only write-in candidate withdraws or is disqualified.***

#### NOTICE TO THE VOTER

The write-in candidate in the race for the office of \_\_\_\_\_, has [withdrawn or has been disqualified, whichever is applicable].

*Any vote cast for the write-in candidate in this race will not count.*

***For use when one write-in candidate withdraws or is disqualified but other write-in candidates remain.***

#### NOTICE TO THE VOTER

[Insert name], a write-in candidate in the race for the office of \_\_\_\_\_ has [withdrawn or has been disqualified, whichever is applicable].

*Any vote cast for this withdrawn [or disqualified, whichever is applicable] write-in candidate will not count.*

**TABULATION OF VOTES/RESULTS:** It may be that your voting system will still record the votes that may be cast for the withdrawn or disqualified candidate or the removed public measure on the ballot. These votes cast should not be reported or published except to the extent that they are to count for a replacement candidate. These votes are otherwise invalid and are not part of the unofficial or official election results. Moreover, these votes should not be counted for purposes of determining whether a recount or a run-off is triggered.

**RESULTS TAPE:** Post the results tape (as you are required) in the polling place after polls are closed.

- **Do not** redact or otherwise black out the withdrawn or disqualified name or results on the results tape (it is recorded and public). You may post an explanatory note on the fact that the candidate withdrew or was disqualified or the issue was removed from the ballot.
- **Do not** publish those results anywhere else as there is no need.
- **Do not** include or submit the withdrawn/disqualified candidate or removed ballot issue results in any unofficial or official results to the Division.

**PUBLIC RECORDS:** Although the tabulated votes are not made a part of the unofficial or official election results submitted to the Department of State, if they are recorded, they are still public record. Therefore, if someone wants to see what was recorded, they will have to be provided upon request.