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November 2, 2016

Dr. Brenda C. Snipes
Supervisor of Elections
115 South Andrews Avenue, Room 102
Fort Lauderdale, Florida 33301

Dear Supervisor Snipes:

I write in response to reports that your office is engaged in ongoing violations of Florida law governing the canvassing of vote-by-mail ballots. Specifically, I have been advised that tens of thousands of vote-by-mail ballots in Broward County are being opened by your staff: (1) before they have been canvassed by the county canvassing board; and (2) without providing the public the opportunity to review or file a protest against the canvass of a ballot believed to be legally deficient. These illegal actions must stop immediately.

Florida law requires each supervisor of elections to keep every vote-by-mail ballot “unopened in his or her office until the county canvassing board canvasses the vote.” Fla. Stat. § 101.68(1). The county canvassing boards in nearly all of Florida’s large counties convened beginning on October 24—the first day authorized by law—to begin canvassing vote-by-mail ballots. According to the Public Notice posted on your website, the Broward County Canvassing Board has not met since October 19’s Logic and Accuracy Testing and will not meet again until Monday, November 7. Given that the canvassing board has apparently not canvassed *any* vote-by-mail ballots, your office has no legal authority to open these ballots. You and your staff must immediately cease opening vote-by-mail ballots until the Broward County Canvassing Board has been properly convened to begin the canvass in compliance with the law.

Florida law also allows any registered voter who believes a vote-by-mail ballot is illegal due to a defect on the voter’s certificate or the vote-by-mail affidavit to file with the canvassing board a protest against the canvass of the ballot. Fla. Stat. § 101.68(2)(c)2. Yet you have prevented voters from exercising their right to have allegedly deficient ballots reviewed by the canvassing board by excluding the public from the process by which the vote-by-mail ballots are reviewed. The artificial “public inspection” period of only 30 minutes per day provided by your office is plainly insufficient and contravenes the purpose of this law. Moreover, because a challenge based on a defect in the voter’s certificate “may not be accepted after the ballot has been removed from the mailing envelope,” your decision to open vote-by-mail ballots prior to canvassing may have permanently deprived voters of their legal right to lodge a protest against illegal ballots.

The illegal conduct outlined above threatens irreparable harm to the Republican Party of Florida and its voters. Your actions are also contrary to the public’s interest in a fair, open, and transparent process that ensures every person entitled to vote has the opportunity to cast a ballot and have that ballot counted properly. Given the media reports of your office’s many failures this election cycle, including your omission of a congressional race and proposed constitutional amendment from some ballots, printing ballots with the word “no” on the “yes” line, and distribution of inaccurate voter identification cards, the Republican Party of Florida is prepared to take all necessary legal actions to ensure that Broward County conducts its election in compliance with the law.

Please respond to my office by 4 p.m. today to confirm the immediate actions that you are taking to correct these issues prospectively and to correct any errors or illegality that have occurred to this point.

Sincerely,

Blaise Ingoglia
Chairman

cc: Broward County Canvassing Board members