

**MINUTES OF MEETING
ST. JOHNS COUNTY CANVASSING BOARD
WEDNESDAY, AUGUST 26, 2026
9:00 AM**

Proceedings of Certifying Official Election Results and Public Post-Election Audit by the Canvassing Board of St. Johns County, Florida, held in the Supervisor of Elections Office, 4455 Avenue A, Suite 101, St. Augustine, Florida.

Present: Honorable Alexander R. Christine, Jr., County Judge, Chair
 Honorable Clay Murphy, County Commissioner
 Honorable Vicky Oakes, Supervisor of Elections

Also present: Eddie Creamer, Property Appraiser/Qualified Elector/Alternate; Wayne Fusco, Assistant SOE; Chris Leddy, Chief Deputy; Jennifer Reis, Election Services Specialist; Chase Ellis, IT Coordinator; and Kelly English, Bailiff.

Public Attendance: Michelle Spoonhour

(08/26/26 – 9:00 AM)

CALL TO ORDER

Judge Christine called the meeting to order.

ROLL CALL

The clerk called the roll: Judge Christine, Commissioner Murphy, and Supervisor Oakes were present.

ADDITIONS/DELETIONS TO THE AGENDA

None

APPROVAL OF THE AGENDA

Motion to approve by Murphy, seconded by Oakes, carried unanimously to approve the agenda as amended.

PUBLIC COMMENT

None

1. CERTIFY OFFICIAL ELECTION RESULTS

The Canvassing Board opened the meeting by signing the Official Certification Results for the August 18, 2026, Primary Election for filing with the Division of Elections.

2. SUMMARY STATEMENT BY CHRIS LEDDY, SOE STAFF, IN SUPPORT OF CANVASSING BOARD ACTION

(08/26/26 – 9:02 AM)

Supervisor Oakes introduced Chris Leddy, Chief Deputy, to provide a Summary Statement in support of Canvassing Board action – in response to the objection of three duplicated ballots during prior Canvassing Board sessions. The statement held three points of reference in support of the Canvassing Board’s decisions: the sample matrix in the Canvassing Board Manual which says to accept a voted sample ballot, the consistency of St. Johns County processes and the inability of a voter to cure a ballot once it has been accepted, and therefore, deemed “cast”, and thirdly, the law and application of what is stated in Florida Statutes and case law. The St. Johns County Canvassing Board treated the cast sample ballots as defective ballots that could not be read through the scanner, and made consistent, unanimous decisions with no knowledge of potential impact on election results. The duplication process and completion of duplication logs were compliant under Florida law, and the Canvassing Board decisions and actions were made with appropriate consideration. ***See Summary Statement in Support of Canvassing Board Action attached.***

3. CONDUCT PUBLIC AUDIT FOR THE AUGUST 18, 2026, PRIMARY ELECTION

(08/26/26 – 9:16 AM)

Supervisor Oakes turned the floor over to Chase Ellis, IT Coordinator. Chase presented the Canvassing Board with the Clear Ballot audit report, which assesses the accuracy of each contest and the overall election accuracy. The post-election audit showed the August 18, 2026, Primary Election was 99.99% accurate. Chase explained that the likelihood of 100% is low, showing the vote visualization and explaining the difference between how ES&S tabulators recognize voter marks and the Clear Ballot Clear Audit system recognizes voter marks. All three Canvassing Board members signed the Results Accuracy Report to file with the Division of Elections.

(08/26/26 – 9:28 AM)

Judge Christine announced the next meeting for Wednesday, October 14, at 9:00 AM. With there being no further business to come before the Board, the Chair asked for a motion to adjourn.

Motion by Oakes, seconded by Christine, carried unanimously to adjourn the meeting.



MEMORANDUM IN SUPPORT OF CANVASSING BOARD ACTION

TO: St. Johns County Canvassing Board

FROM: Chris Leddy, Esq., Chief Deputy, St. Johns County Supervisor of Elections

DATE: August 26, 2026

RE: Canvass of Returns - Duplication of Defective Ballot (Signature Accepted)

Issues

Whether the St. Johns County Canvassing Board may duplicate a sample ballot that was timely submitted to the Canvassing Board in a signed Voter Certificate envelope where the signature on the Voter Certificate matches the signature(s) in the voter record.

Brief Answer

Yes, the St. Johns County Canvassing Board ("Board") may duplicate a sample ballot that was timely submitted to the Canvassing Board in a signed Voter Certificate envelope where the signature on the Voter Certificate matches the signature(s) in the voter record, absent a change in law, a Court Order, directive from the Division of Elections, or an advisory opinion from the Division of Elections to the contrary.

Facts

A representative on behalf of the Republican Executive Committee appeared at the August 12, 2026, Canvassing Board meeting and submitted an untimely Ballot Protest to the County Canvassing Board ("Exhibit A"). The substantive issue with this Ballot Protest is that a sample ballot was received in a Voter Certificate Envelope. This Ballot Protest was untimely as it was submitted to the Board *after* the Board reviewed the sample ballot, voted unanimously to duplicate the sample ballot to a marksense ballot, reviewed the duplicated ballot, and the duplicated ballot was processed through the voting tabulation equipment consistent with procedures set forth under F.S. § 101.5614(4)(a). The Ballot Protest was acknowledged by the Board as soon as it was submitted and the Board conferred on the issue.

The same representative on behalf of the Republican Executive Committee appeared at the August 17, 2026 Canvassing Board meeting and submitted two (2) timely Objections to Duplicated Ballot (“Exhibit B”). The substantive issues as a basis for objections were identical in each objection and the basis for objection was that a sample ballot was received in a Voter Certificate Envelope and the sample ballot is not an official ballot and not a marksense ballot. In both instances, the Board immediately acknowledged the objections upon submission, reviewed the sample ballots, voted unanimously to duplicate the sample ballots to marksense ballots, reviewed the duplicated ballots, and the duplicated ballots were processed through the voting tabulation equipment consistent with procedures set forth under F.S. § 101.5614(4)(a).

During the August 18, 2026 Canvassing Board meeting, the aforementioned representative on behalf of the Republican Executive Committee submitted to the Board a timely Request to Be Heard along with her summary of concerns (“Exhibit C”) and spoke during public comment about her concerns regarding the Board’s decision to unanimously accept the sample ballots and duplicate the ballots on marksense ballots so that the ballots could be tabulated.

The underlying facts of all three (3) challenges were identical in nature: a voter returned to the Office of the Supervisor of Elections a signed Voter Certificate, the signature on the Voter Certificate was compared to signature(s) contained in the voters’ record, and due to the signature match, the ballots were accepted for processing. Upon the opening and sorting of accepted vote by mail ballots, each of the three (3) Voter Certificates contained a voted sample ballot.

Discussion

“I will always err on the side of the voter. We are in the business of counting lawful votes.” – Honorable Vicky Oakes, St. Johns County Supervisor of Elections.

Sample Ballots

In St. Johns County, a sample ballot is an identical form of the official ballot a voter receives inasmuch as the sample ballot identically identifies the: 1) type of election, whether Presidential Preference Primary (with political party affiliation), Primary Election (with political party affiliation), or General Election; 2) the date of the election; 3) the county in which the ballot is for; 4) the precinct of the voter; 5) the instructions for completing the ballot; 6) the races on the ballot; and 7) the candidates in each race. The sample ballots are specifically tailored to the voter’s address and political party affiliation to match what the voter will see on an official ballot. In St. Johns

County, the Supervisor of Elections sends sample ballots to each registered voter by electronic delivery, upon request of the voter, and by mail to every voter who has not requested a vote-by-mail ballot, in compliance with F.S. § 101.20(2)(b). It is very common for a voter to receive a sample ballot and thereafter request a vote-by-mail ballot. It is not possible for a sample ballot to be read through the electromechanical vote tabulation voting system, and the position that has been consistently and unanimously taken by this Canvassing Board, which is the same position that has been consistently and unanimously taken by every St. Johns County Canvassing Board since 2012, is to treat a sample ballot that is returned in an accepted Voter Certificate as a defective ballot that requires duplication.

Canvassing Board Manual

Each member of the St. Johns County Canvassing Board was provided with an opportunity to complete a Canvassing Board Workshop, in conjunction with completing the required Signature Verification Training. The resources provided to each member of this Canvassing Board include a document entitled 2024 FSE Canvassing Board Manual (“Manual”). The Manual remains unchanged from 2024 to 2026 and portions from the Manual, specifically pages 37-39 are attached hereto as “Exhibit D.” Exhibit D provides a matrix for Example Canvassing Board Criteria and on Page 39, under “Special Instances” the exact scenario before this Board is referenced and reads as follows: “Voter submitted a voted sample ballot with clear voter intent, inside of their Certificate Envelope that has a valid signature. Duplicated Ballot Created.” Pursuant to the Manual, in this example, the recommended course of action is to **Accept** the duplicated ballot. It may be prudent for this Board to adopt this Criteria Chart, or one similar, for future elections, however this Board has remained consistent in its decision-making.

Statutory Authority and Brief Legislative History

There is no statutory authority that directly addresses this issue. Further, there is no statutory authority that *prohibits* the Canvassing Board from accepting a voted sample ballot that was presented as a vote-by-mail ballot insomuch as it is returned in a duly accepted Voter Certificate envelope. As such, various counties in Florida address this exact issue differently. It is noteworthy that a number of counties surrounding St. Johns County handle these issues in exactly the same manner and will, on a case-by-case basis, accept and duplicate a voted sample ballot returned in a duly signed and accepted Voter Certificate envelope. The justification is generally the same: to rule in favor of the voter.

F.S. § 101.5614(4)(a) reads in full as follows:

“If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system’s automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in an open and accessible room in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A duplicate may be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter’s intent in such race or on such measure is not clear. Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots upon signing an affidavit affirming his or her acknowledgment that disclosure of election results discerned from observing the ballot duplication process while the election is ongoing is a felony, as provided under subsection (8). The observer must be allowed to observe the duplication of ballots in such a way that the observer is able to see the markings on each ballot and the duplication taking place. All duplicate ballots must be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. The duplication of ballots must happen in the presence of at least one canvassing board member. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct. If any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. The canvassing board must document the serial number of the ballot in the canvassing board’s minutes. The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected and a proper duplicate ballot must be made and counted in lieu of the original.”

There are important descriptions of ballots that may be duplicated in a plain reading of this statute: 1) ballots which are “physically damaged;” 2) ballots which cannot properly be counted by the voting system’s automatic tabulating equipment; 3) a ballot containing an overvoted race if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure; and 4) ballots which are “defective.” Further, *“The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted.”* F.S. § 101.5614(4)(a).

“It is well settled that legislative intent is the polestar that guides a court’s statutory construction analysis. In determining that intent, we [the courts] have explained that we [the courts] look first to the statute’s plain meaning.” *Mathews v. Branch Banking & Trust Co.*, 139 So.3d 498, 500 (Fla. 2d DCA 2014) (quoting *Gulf Atl. Office Prop., Inc. v. Dep’t of Revenue*, 133 So.3d 537, 539 (Fla. 2d DCA 2014)). It is unquestioned that election laws in the state of Florida have been routinely updated over the past 30 years. Changes in technology, cybersecurity, population, and a constant effort by the State Legislature to ensure transparent and secure elections have brought forth a number of changes to election law. As such, F.S. § 101.5614 has been changed a number of times by the State Legislature for these reasons. The relevant portion of statute from 1997 reads as follows:

“If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board... No vote shall be declared invalid or void if there is a clear indication of the intent of the voter as determined by the canvassing board.” F.S. § 101.5614(5)(1997).

Again, the words “damaged” or “defective” “so that it cannot be counted properly by the automatic tabulating equipment” have generally remained in statute since 1997. I point to the distinction between the words “damaged” or “defective” because that terminology remains in statute today, and the words are distinct.

There is no definition of what constitutes a “defective ballot” under Florida law, but limiting the scope of this definition to a ballot that is simply “physically damaged” is counterintuitive and very likely counter to legislative intent. Doing so provides a mechanism to disenfranchise a voter.



Reasoning Supporting Ruling in Favor of Voter

To expand on this point, it is important to provide context as to how exactly a voter would be disenfranchised.

As I have explained, in all three instances, a voter returned to the Office of the Supervisor of Elections a signed Voter Certificate, the signature on the Voter Certificate was compared to signatures contained in the voters' record, and due to the signature match, the ballots were accepted for processing.

In instances where a vote-by-mail ballot is **not** accepted for processing, but rather, referred to the Canvassing Board for issues such as the signature on the Voter Certificate not matching the signature in the voter record or the voter simply did not sign the Voter Certificate, the voter is unable to vote early or on Election Day because the electronic pollbook and voter record classify a ballot which is referred to the Canvassing Board as a cast ballot with voter error. The voter is however, allotted until 5:00 PM on the second day after the election to cure a signature deficiency. There is a statutory mechanism providing the voter an opportunity to ensure the ballot is counted.

What happened with these three (3) ballots is that the ballots were accepted for processing. The practical impact is that the voter is unable to vote early or on Election Day because the electronic pollbook and voter record classify a ballot which is accepted for processing as a cast ballot. In these instances, there is no statutory mechanism to cure the ballot, as there is no deficiency in the signature on the Voter Certificate. There is no remedy under Florida law to allow that voter to cast another ballot in the same election. In fact, this is expressly unlawful pursuant to F.S. § 104.18 and had the Canvassing Board not consistently and unanimously duplicated the defective ballot, the voters' vote would not count. The voter could not legally correct the defective ballot.

Discussion on Florida Case Law

"There must be a relatively swift procedure for certifying the results of an election, and the Supervisor and Board followed the law in carrying out that responsibility." *Kinney v Putnam County Canvassing Board by and through Harris*, 253 So.3d 1254, 1259 (2018)

Florida case law is well-settled, and the trial courts provide a great deal of deference to a County Canvassing Board when litigation ensues concerning the results of an Election. "...although the trial court does not review a Canvassing Board's actions under an abuse of discretion standard, the

Canvassing Board's actions may constitute evidence that a ballot does or does not qualify as a legal vote." (*Braxton v. Holmes County Election Canvassing Bd.*, 870 So.2d 958, 960 (2004), citing *Bush v. Gore*, 531 U.S. 98, 121 S.Ct.525, 148 L.Ed.2d. 388 (2000)).

The Florida Supreme Court addressed a challenge to election results and issued an opinion in 1998 in the case of *Beckstrom v. Volusia County Canvassing Bd.* In such case, an "[u]nsuccessful sheriff candidate challenged election results, alleging fraud and substantial failure on the part of county election officials in complying with requirements of election laws pertaining to absentee ballots." *Beckstrom v. Volusia County Canvassing Bd.*, 707 So.2d. 720 (1998). The candidate argued irregularities in at least 7500 absentee ballots (now called vote-by-mail ballots) that were duplicated, or at the time referred to as "re-marked." In that case, the trial court determined that the "re-marking procedure was not in substantial compliance with section 101.5614(5), Florida Statutes (1995), because the procedure provided no reasonable substitute means of verification of the results of the election." *Id.* at 723. "The trial court found that this noncompliance created an opportunity for fraud. However, the trial court found that, although there was an opportunity for fraud, no fraud was proven" and further concluded that "there was a 'full and fair expression of the will of the people.'" *Id.* On appeal, the Florida Supreme Court re-affirmed the longstanding controlling authority of *Boardman v. Esteva*, 323 So.2d 259 (1975).

The Supreme Court of Florida ultimately held in *Boardman v. Esteva* that "the real parties in interest here, not in the legal sense but in realistic terms, are the voters. They are possessed of the ultimate interest and it is they whom we must give primary consideration... Ours is a government of, by and for the people. Our federal and state constitutions guarantee the right of the people to take an active part in the process of that government, which for most of our citizens means participation via the election process. The right to vote is the right to participate; it is also the right to speak, but more importantly the right to be heard. We must tread carefully on that right or we risk the unnecessary and unjustified muting of the public voice." *Boardman v Esteva*, 323 So.2d 259, 263 (1975).

In the instant matter before this Board the three (3) sample ballots, that were enclosed in signed Voter Certificate envelopes, where the duly executed signature on the Voter Certificate was compared to signatures contained in the voters' record, matched the signature(s) in the voter record, were duplicated and accepted for processing by this Board, and then read through the electromechanical vote tabulation voting system. Fortunately, no justiciable issue would arise as

these three (3) ballots would not change the results of this 2026 Primary Election, although that was impossible to determine when the decisions were made.

Conclusion

The action taken by the Canvassing Board has been consistent and by unanimous decision to duplicate a defective ballot because it could not be counted by the voting tabulation equipment. The relevant portion of F.S. § 101.5614(4)(a) reads “All duplicate ballots must be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. The duplication of ballots must happen in the presence of at least one canvassing board member. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.” This process was followed compliant with Florida law.

“The underlying concern of the election officials in making the initial determination as to the validity of the absentee ballots is whether they were cast by qualified, registered voters, who were entitled to vote absentee and who did so in a proper manner.” *Boardman v Esteva*, 323 So.2d 259, 269 (1975).

Absent a change in Florida election law, a Court Order, a directive from the Division of Elections, or an advisory opinion from the Division of Elections to the contrary, the Board’s decision is consistent, has been unanimous, and is viewed in a light favorable to the voter.



Exhibits & References

Exhibits

Exhibit A - Ballot Protest to the County Canvassing Board

Exhibit B – Objections to Duplicated Ballot

Exhibit C – Request to Be Heard with attachments

Exhibit D – Pages 37-39 of the Canvassing Board Manual

Statutory References & Division of Elections Rules

F.S. § 101.151

F.S. § 101.20

F.S. § 101.5614

F.S. § 101.62

F.S. § 101.64

F.S. § 101.68

F.S. § 104.18

Rule 1S-2.027

F.S. § 101.5614 (1997)

Relevant Case Law Pertaining to Elections

Beckstrom v Volusia County Canvassing Bd., 707 So.2d 720 (1998)

Boardman v Esteve, 323 So.2d 259 (1975)

Braxton v Holmes County Election Canvassing Bd., 870 So.2d 958 (2004)

Kinney v Putnam County Canvassing Board by and through Harris, 253 So.3d 1254 (2018)