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FLORIDA RECOUNT - BROWARD COUNTY CANVASSING BOARD

November 17, 2018

OFFICE OF ELECTIONS  
1501 NW 40th Avenue  
Lauderhill, Florida 33315  
1:00P.M. - 8:00P.M.

\* \* \* \* \*

2 MR. SAMUELS: Yes, thank you. Leonard  
3 Samuels for the Democratic party. I agree with  
4 what Mr. Davis said, and in particular, 102.112,  
5 I refer to that statute, because there is no  
6 authority in the statute that requires a  
7 Canvassing Board of submitting complete or  
8 inaccurate returns.

9 We now know that the accurate returns are  
10 actually the ones from election night and the  
11 machine count is minus 2,040 votes. And again,  
12 it's been our position all along that we want all  
13 lawful votes to count and that would  
14 disenfranchise voters if, in fact, that's what  
15 was sent up.

16 JUDGE BENSON: My concern, Mr. Samuels, is  
17 if for some reason we are unable to certify, have  
18 we just disenfranchised 714,859 voters at the  
19 expense of 2000 voters. So we have many  
20 questions to ask.

21 And we are happy to take your input, but we  
22 are concerned about the ramifications of failing  
23 to complete this task. We have all been here  
24 night and day for a month trying to make sure  
25 every valid vote counts. And if it comes to it,

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1 we want to make sure as many valid votes as  
2 possible count, as opposed to none of them  
3 counting.

4 So we are cognizant of these missing votes

5 but we also are very aware of our duty and we  
6 want to carry it out as best as we can. And so  
7 I'm happy to hear your comments, but I need to  
8 defer to counsel and also to the technicians in  
9 the back to find out how best we can accomplish  
10 this task.

11 And we're not in a hurry. We are only in a  
12 hurry because the State of Florida wants us to be  
13 in a hurry, you know, we would stay here all  
14 night and -- you know and continue to our  
15 commitment to making sure this election has been  
16 thoroughly vetted and reported and as long as we  
17 need to, but we do have a deadline. Is that  
18 correct, Counsel?

19 MR. MEYERS: We do have a deadline and we  
20 also need to figure out what to do with --  
21 potentially if those ballots are located, they  
22 haven't gone through a machine recount and they  
23 are not presently separated for potential hand  
24 recount. So we just have a lot of questions.

25 And so we are happy to have additional

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1 information because it does shed some light on  
2 it. Now we need to figure out what makes sense  
3 given the deadlines and the unwillingness of this  
4 Canvassing Board to risk disenfranchising all  
5 714,000 voters.

6 MR. SAMUELS: And to be clear, that is the  
7 last thing we want as well. I think it would be

8 important to preserve the ballot images at this  
9 point in time, because they are in the machines,  
10 and that is a record of precisely what happened.  
11 So we would like to move that the Canvassing  
12 Board instruct the Supervisor of Elections'  
13 office to preserve all ballot images at this  
14 time.

15 MR. MEYERS: Your Honor, may we -- because  
16 we're -- we received some -- thank you, sir.

17 We have received some potentially different  
18 information than that, and perhaps Dr. Snipes or  
19 someone on her team could confirm, are these  
20 images -- are there ballot images that are saved  
21 on the machines.

22 DR. SNIPES: All the machines are capable of  
23 holding ballot images. Sometimes they are  
24 written over, but I would ask -- Craig is coming  
25 back to help us with clarification.

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1 MR. MEYERS: Are there -- there would be an  
2 image -- if they were being saved and they were  
3 not written over, there would be about  
4 3.5 million.

5 MR. MENDENHALL: All the images were not  
6 saved, even though we have the option to do that.  
7 We only save the write-in images, the ballots  
8 that included write-ins.

9 MR. MEYERS: Okay.

10 MR. MENDENHALL: There's a clear ballot

11 system that --

12 JUDGE BENSON: You mean any ballot where a  
13 candidate -- somebody wrote in, like we've seen  
14 Mickey Mouse written in.

15 MR. MENDENHALL: Only if they bubbled in  
16 next to the write-in.

17 JUDGE BENSON: That's what you mean by  
18 write-in?

19 MR. MENDENHALL: Correct.

20 MR. MEYERS: Okay. Thank you.

21 JUDGE CARPENTER-TOYE: Okay.

22 MR. SAMUELS: Can I ask that the hard drives  
23 be preserved then, because I think that would be  
24 important under these circumstances.

25 JUDGE BENSON: I don't know if we have -- do

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1 we have jurisdiction to direct the Supervisor of  
2 Elections to save the hard drives?

3 MR. MYERS: I'm not frankly sure what is  
4 within or outside the jurisdiction of the  
5 Canvassing Board, but certainly it would be  
6 appropriate for the Canvassing Board to request  
7 that all available --

8 JUDGE CARPENTER-TOYE: I make a motion that  
9 any and all records of any kind, whether they are  
10 hard drives, paper drives, jump drives, any kind  
11 of drives, be preserved by the Supervisor of  
12 Elections, that no document, no drives, no disk,  
13 no anything electronic that involves this

14 election whatsoever be removed from this building  
15 or from any of the machines as they are currently  
16 remain intact. That's my motion before --

17 MR. SAMUELS: Or written over or anything.

18 JUDGE CARPENTER-TOYE: Yes.

19 MR. LABRADOR: I'll second that.

20 JUDGE BENSON: All in favor?

21 THE BOARD: Aye.

22 JUDGE BENSON: So moved. We would direct  
23 the Supervisor of Elections to save any and all  
24 of the data that we have outlined pending -- save  
25 it.

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1 JUDGE CARPENTER-TOYE: Thank you.

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1 CERTIFICATE OF COURT REPORTER

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3 STATE OF FLORIDA :

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5 COUNTY OF BROWARD :

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8 I, STACIE APPEL-CLAIR, a Court Reporter in and  
9 for the State of Florida at Large, do hereby certify  
10 that I was authorized to and did report the proceedings  
11 in the above-styled cause before the CANVASSING BOARD,  
12 at the time and place set forth; that the foregoing  
13 constitute a true and complete record of my notes.

14 I further certify that I am not an attorney or  
15 counsel of any of the parties, not related to any of the  
16 parties, nor financially interested in the actions.

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18 Dated this 17th day of November, 2018.

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STACIE APPEL-CLAIR  
COURT REPORTER

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