



Florida Department of State

UPDATE ON RULES

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What's the Status of These Rules?

- **Rule 1S-2.015** (Minimum Security Procedures)
- **Rule 1S-2.031** (Recount)
- **Rule 1S-2.032** (Uniform Ballot)
- **Rule 1S-2.043** (Electronic File Reporting of AB, EV, Election Results, Voting History) – to be split and new **Rule 1S-2.053** created



RULE 1S-2.015

Minimum Security Procedures



Rule 1S-2.015 (Minimum Security Procedures for Voting Systems) - **Status?**

- 2nd Notice of Change Filed on November 20, 2015; published on November 24th.
- **Effective date to be April 1, 2016.**
 - In the meantime, you may revise your present security procedures to comply with the new rule since any adaptation to your procedures based on the new rule will comply with the current rule.

Rule 1S-2.015 (Minimum Security Procedures for Voting Systems) - **What has changed?**

- *Within 45 days of rule's effective date*, SOE must certify the date of the *current* version of the county's minimum security procedures on file with DOE or submit revised, current version.
- Upon submission of any revised security procedures (except if during odd-numbered year review), DOE will review and notify SOE within 30 days of receipt.
 - If issues are noted, SOE will have 30 days from notice to remedy
 - DOE will issue notice of compliance or continued noncompliance within 10 days of receipt

Rule 1S-2.015 (Minimum Security Procedures for Voting Systems) - **What has changed?**

- **Odd-numbered year review:**
 - During 1st quarter, DOE will notify SOE that it will begin its review of last procedure on file
 - NLT 15 days of the notification, SOE shall recertify the version on file as the most current version or submit revised procedures.
 - DOE will complete its review within 90 days.
 - If anything amiss, DOE will notify SOE
 - SOE has 30 days to bring procedures into compliance.
 - If SOE unable to do so within 30 days, SOE must provide a plan and timeline for completion.
 - Within 10 days of receipt of remedied submission, DOE will notify SOE of compliance or noncompliance.

Rule 1S-2.015 (Minimum Security Procedures for Voting Systems) - **What has changed?**

- Upon DOE's approval of security procedures, the SOE must submit a redacted copy of the approved version and the statutory citations for each redaction. This is to be done within 15 days of notification by DOE that the procedures were approved.

Public Record Exemptions?

Three potential exemptions for portions of security procedures:

1. Information relating to security systems and plans (refer to sections 119.071(3) and 281.301, Fla. Stat.).
2. Policies, procedures or information that if disclosed could facilitate the unauthorized modification, disclosure or destruction of data or information technology resources (refer to section 282.318, Fla. Stat.). (#3 continued)

Public Record Exemptions?

Three potential categories of exemptions for portions of security procedures (continued):

3. Data processing software which is obtained under a licensing agreement and which is a trade secret or agency-produced data processing software that is sensitive (refer to sections 119.071(1)(f) & 812.081, Fla. Stat.),

Rule 1S-2.015 (Minimum Security Procedures for Voting Systems) - **What has changed?**

- Provides more detailed **contents** for security procedures to enhance security of the voting system and ballots: (* = new or substantial revision)
 - Staffing and facility security*
 - Election schedule template (re: tasks to conduct election)
 - Ballot preparation
 - Filing of election information* (if coding of election done by non-SOE employee, must file DS-DE 132)
 - Preparation and configuration of tabulation system
 - L&A test*
 - Pre-election steps for voting system* (continued on next slide)

Rule 1S-2.015 (Minimum Security Procedures for Voting Systems) - **What has changed?**

- Provides more detailed contents -- continued:
 - Ballot distribution
 - Distribution of precinct equipment
 - Election Board duties
 - Transport of ballots & election materials*
 - Receiving and preparing voted ballots
 - Tabulation of vote
 - Electronic access to vote tabulation system*
 - Absentee ballot handling*
 - Ballot security
 - Voting system maintenance and storage*
 - Post-election audit*



RULE 1S-2.031

Recount Procedures



Rule 1S-2.031 (Recount Procedures): Status ?

- **Second Notice of Change**
Published on November 23, 2015.
- **Must wait 21 days before can file for adoption** (earliest = Dec 14th).
- **Effective date** = 20 days after filing for adoption.

Rule 1S-2.031 (Recount Procedures): What has changed?

1. Applies to municipal elections when county voting system is used.
2. Specifies who orders a recount – either SOS or canvassing board depending on contest.
3. Candidates/entities must provide advance notice of who the representatives at recount will be.
4. Provide procedures when recount exists in race where votes may be given to more than one candidate and when more than one contest is involved in recount.
5. Requires 3 canvassing board members present for any decision; otherwise, 2 need to be present during conduct of recount.

Rule 1S-2.031 (Recount Procedures):

****Machine Recount****

- **Optical scan ballots – 3 procedural possibilities:**
 - When only one race is recounted
 - When more than one race is being recounted and voting system *can* outstack overvotes and undervotes in more than one race at same time
 - When more than one race is being recounted and voting system *cannot* outstack overvotes and undervotes in more than one race at a time
- **Touchscreen ballots:**
 - SOE reports votes directly from each machine to canvassing board
 - Add # from touchscreens to # from optical scan ballots; then compare to total # of voters as recorded at each precinct & EV site.
- **Hybrid system paper output:** handle like optical scan

Rule 1S-2.031 (Recount Procedures): ****Manual Recount of Overvotes & Undervotes****

- **Optical scan ballots – 2 procedural possibilities:**
 - When ballots were outstacked for one race during machine recount
 - When ballots were outstacked for more than one race during machine recount
- **Touchscreen ballots:**
 - For overvotes, accept machine recount that no overvotes were cast on touchscreen
 - For undervotes, refer to manufacturer's specifications (see rule) for what constitutes a clear indication of an undervote.
- **Hybrid system paper output:** handle like optical scan

Rule 1S-2.031 (Recount Procedures): ****Manual Recount of Overvotes & Undervotes****

- Counting team reviews ballots to determine if clear indication that voter made a definite choice – 3 stacks for optical scan ballots:
 1. Determined choice made
 2. Determined that choice was not made
 3. Ballots set aside for canvassing board's determination due to inability of counting team to determine whether choice made or because representative objected
 - If #3, ballot(s) must be placed in a container
 - If in container due to objection, container or separate paper for affected ballot must include basis for objection and name of person & representative capacity of person objecting

Rule 1S-2.031 (Recount Procedures):

Recommendation: Be ready – be able to explain procedures to Canvassing Board and recount representatives!

➤ SOE staff should walk through the rule and actually perform the complete process of a machine and manual recount using a L&A test deck (ensure you have over & undervotes to be used for the manual recount).

Rule 1S-2.031 (Recount Procedures):

TIP: See **DE Reference Guide 0010**,
Recount Summary Procedure, on
Division's SOE website.

**Good overview for SOE, canvassing board,
the public, and media regarding recounts
and the statutory timelines**



RULE 1S-2.032

Uniform Design for Election Ballots



Rule 1S-2.032 (Uniform Ballot) – Status

- **Notice of Change** expected to be published the week of December 7th (21 days later, can file for adoption).
- **Effective date per the changed rule notice:**
Subsections (1), (2)(f), (12), & (15)(a)9. -- all dealing with a hybrid voting system and its visual display and paper output -- are effective 20 days following adoption. All remaining provisions are effective on January 1, 2017.

Rule 1S-2.032 (Uniform Ballot) – What has changed?

1. Substantial rewrite to update, reorganize and clarify the rule's content and ballot samples.
2. Conform to statutory changes (elimination of contest headings).
3. Add more specificity regarding ballot layout.
4. Provide more flexibility for possible future certifications of voting systems.
5. Provide reasons for SOE to deviate from the rule – no longer need to request permission, but must fit within stated reasons in the rule.

Rule 1S-2.032 (Uniform Ballot) – Overview of Some Provisions

- ❑ Font – all to be within same sans-serif font family
- ❑ Alignment: Unless specified otherwise, all type to be left of column or page
 - ❑ Ballot title shall be flush left or centered on page or column (no less than 2 lines, no more than 4 lines per language)
 - ❑ Ballot instructions may be centered or left-aligned on page or column
- ❑ Columns
 - ❑ No more than 4 for paper ballot; 2 for visual display
 - ❑ Choices of Yes/No cannot be split between columns or pages
 - ❑ All candidates for same race must appear in same column on paper or on one screen for visual display ballot

Rule 1S-2.032 (Uniform Ballot) – Overview of Some Provisions

□ Listing of Election Contests:

□ Items of interest:

- Party committee positions: Are to appear under last partisan office on ballot.
- Nonpartisan office: If county elects its constitutional officers listed in s. 101.151, F.S. on a nonpartisan basis, the order on the ballot shall be in the same order as listed in 101.151 but in the nonpartisan portion of the ballot. They are to be listed before other nonpartisan offices.
- Names of candidates: Example: John I. M. Davis Jr -- note: No comma after last name, no period after Jr; periods exist after initials. This applies regardless of what Candidate Oath provides.
- Party affiliation on Primary Election ballot: Only appear on all partisan races when there is a Universal Primary Contest on one or more ballot styles in the county.

Rule 1S-2.032 (Uniform Ballot) – Overview of Some Provisions

□ Paper Ballots:

- Color must be white, but can have color markings on the white paper.
- Ballot instructions are specified, but can be “substantially similar” to those listed.
 - Absentee ballot instructions removed from rule
- If two-sided sheet: Footer must state “Vote Both Sides of Page”
- If multiple ballot sheets: Page numbers may be inserted; if used, both the current page # and total page count must exist (e.g., Page 1 of 4; Page 3/4, etc.)

- New provision: Hybrid voting system - requirements for its visual display and paper outputs created.

Rule 1S-2.032 (Uniform Ballot) – Overview of Some Provisions

- Deviations – SOE may make reasonable deviations for any of the following reasons:
 1. There are more candidates for a contest than will fit in one column or screen.
 2. The candidate's name is longer than will allow the party abbreviation to fit to the right of the candidate's name.
 3. A candidate's name is too long to fit on one line in the minimum font size.
 4. The party abbreviation cannot be printed in the minimum font size without going onto a second line.
 5. Printing the (Vote for 1) or (Vote for up to [enter number to be elected]) designations in the minimum font size will require an additional ballot card.
 6. The voting system will not permit the suppression of party abbreviations on ballots when a universal primary contest exists.
 7. Any other extraordinary circumstances which cannot reasonably be accommodated except by deviation from the requirements of the rule that dictate deviation.

Rule 1S-2.032 (Uniform Ballot) – Overview of Some Provisions

- Graphic depiction of ballots
 - ✓ The incorporated forms merely represent illustrations of ballots that conform to the requirements of the rule
 - ✓ SOEs can adapt the illustrations to their voting systems; the exact format of the illustrations need not be followed, but the format of the ballots must follow the rule requirements or come within the ability of the SOE to deviate under the rule's requirements for deviation.



RULE 1S-2.043

Electronic File Reporting Relating to Absentee Ballot Request Information and Early Voting Activity



Rule 1S-2.043 (Electronic File Reporting Relating to Absentee Ballot Request Information and Early Voting Activity) – Status:

- Filed for Adoption on Nov 23, 2015.
- **Will be effective on Dec 13, 2015.**
- Removed from 1S-2.043 and inserted in 1S-2.053: Election Results, Precinct-level election results, and voting history.

Rule 1S-2.043 (Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results) – What has changed?

1. Respond to statutory changes regarding AB and EV requirements.
2. Better define the codes for absentee ballot status reporting.
3. Eliminate the submission of EV summary file; only require EV list file of voters.
4. Specify the upload deadline is the time zone of SOE office.

Rule 1S-2.043 – What has changed?

➤ Absentee Ballot Request Information:

- Format is now an incorporated form: DS-DE 145
- Form lists all the codes to be used. The code for each voter is to be updated daily so that each voter only has one code associated with the voter's record. For example, once a voter who has a standing request ("S" code) is determined to be eligible to vote by absentee in the election, that voter's code should be changed to absentee ballot requested ("R" code). Later that code could be changed to another code, e.g., P for provided, V for voted.

➤ Access to Absentee Ballot Request Information

- Person or entity obtains access by online request (Form DS-SE 146) on Division's website, except a voter desiring access to his or her information obtains the access from SOE.

Rule 1S-2.043 – What has changed?

➤ Early Voting History files:

- By law, SOE must make available an early voting summary file (total # of voters casting ballot at each EV site during the previous day). This no longer is to be reported to DOE.
- Early voting list file: For PPP, primary, general, and special elections (held per s. 100.101), SOEs must submit daily an electronic file in format required by Form DS-DE 147.
- Information protected from public disclosure not to be included in the file; instead, an * shall be placed in any field where the protected information would normally appear.
- DOE posts the files *as received* on its website.



RULE 1S-2.053

Election Results, Precinct-Level Election Results, Voting History, and Reconciliation Reporting



Rule 1S-2.053: Status

- Filed for Adoption on Nov 23, 2015.
- **Effective date to be July 1, 2017.**
- Voting system vendor, if necessary, is to submit application for review and approval by Oct 1, 2016, to allow voting system to meet the requirements of the rule on July 1, 2017.

Rule 1S-2.053: What has changed?

- New rule, created from current 1S-2.043 and inserted in 1S-2.053: Election Results, Precinct-level election results, and voting history reporting. Also, added reconciliation reporting.
- Creates uniform format for submission of the above reports.

Rule 1S-2.053: Procedures

➤ Election results reporting

- SOE to use voting system's supplemental export utility to create summary election results in XML format. (If utility has not been created for county's voting system, SOE can use the voting system's export function to create the report.)
- SOE (on behalf of canvassing board) to upload the results file to Division's secure website.
- Specifications are in Form DS-DE 137-S; the XML report format in is Form DS-DE 138-S.

Rule 1S-2.053: Procedures

- Election results database export file
 - SOE to use the file export function in the county's voting system to create a file that has the results from the county voting system's database.
 - SOE to upload results export file to Division's secure website at same time the official results are certified.

Rule 1S-2.053: Procedures

- **Precinct-Level Election Results**
 - If able, SOE must provide in XML format; if unable, DOE will supply the SOE with additional information needed to create the file in the desired format.
 - Transmit to DOE's secure website NLT 30 days after Elections Canvassing Commission certification.
 - Specifications are in Form DS-DE 137-P; XML report format is in Form DS-DE 138-P

Rule 1S-2.053: Procedures

- **Voting History Activity Report**
 - Required for every qualified voter who cast a ballot in a PPP, special, primary, and general election.
 - Transmit to DOE's secure website NLT 30 days after Elections Canvassing Commission certification.
 - Specifications for submission found in rule.

Rule 1S-2.053: Procedures

➤ Reconciliation Report

- Added to rule so that uniform format could be created. (Form DS-DE 141)
- Report reconciles the total of all ballots cast in each precinct as reported in precinct-level election results to the aggregate number of voters with voter history for the precinct.
- Upload to DOE's secure website at same time as precinct-level election results are submitted.



**Any
Questions**

... The End ...

