



Elections - Reflecting Back and Looking Forward

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December 8, 2014



Secretary of State Ken Detzner

Whew! Glad that part is over!

Conduct of Elections Reports

Ongoing obligation to notify the Division of any post-report discovery of new or additional information and file report within 10 days thereafter

The Division must determine what problems likely occurred and disseminate that information to you with possible solutions

- Must be filed at same time as the official results
- Must describe:
 - ✓ All equipment or software malfunctions at the precinct level, at a counting location, or within computer and telecommunications networks supporting a county location, and the steps that were taken to address the malfunctions;
 - ✓ All election definition errors that were discovered after the logic and accuracy test, and the steps that were taken to address the errors;
 - ✓ All ballot printing errors or ballot supply problems, and the steps that were taken to address the errors or problems;

(cont'd)

- ✓ All ballot printing errors or ballot supply problems, and the steps that were taken to address the errors or problems;
- ✓ All staffing shortages or procedural violations by employees or precinct workers which were addressed by the supervisor of elections or the county canvassing board during the conduct of the election, and the steps that were taken to correct such issues;
- ✓ All instances where needs for staffing or equipment were insufficient to meet the needs of the voters; and
- ✓ Any other material information.

- Division categorizes issues into the following categories:
 - ✓ **Machine** (tabulators, poll books, ballot on demand, ADA device, modem)
 - ✓ **Man** (election board, election staff, voters, vendor)
 - ✓ **Material** (media, ballot, facility)
 - ✓ **Method** (election definition, election board, organization)

- Preliminary analysis shows No. 1 issue for 2014 Primary and General Elections:

MAN: Poll workers committing procedural errors such as handing out the wrong ballot, failing to provide the proper directions, thinking they remember or already know the process.

- BVSC noticed this during EV/ ED observations

Constitutional Amendments

Three amendments on 2014 General Election Ballot

- ▶ 2 citizen initiatives
 - ▶ Water and Land Conservation (PASSED)
 - ▶ Use of Medical Marijuana (FAILED)
- ▶ Legislative joint resolution
 - ▶ Prospective Appointment/Judicial Vacancies (FAILED)

Citizen Initiative Petitions for Failed “Use of Medical Marijuana”

- ▶ Cannot be re-used
- ▶ While a political committee can continue for years, signature on a petition is only good for two years from the date signed.
- ▶ Committee has to start over and gather new signatures to try again
- ▶ Petition signature records for balloted issue retain for 1 anniversary year following the election in which the issue appeared on the ballot.

Opinions 2014

▶ DE 14-01 Early Voting - Facilities, Locations - § 101.657, Florida Statutes

“A student union on the University of Florida campus did not constitute a “government-owned community center” or “convention center” for purposes of early voting because it was a structure designed for and affiliated with a specific educational institute.”

▶ DE 14-02 Canvassing Board Disqualification of Members; City Canvassing Board, §§ 100.3605, 102.141, Florida Statutes:

“ 1. Section 102.141, governing canvassing board duties, is not a law that expressly applies to municipalities, and

2. The Village of Wellington has adopted a charter that contains a provision that applies specifically to the composition of the canvassing board.

By operation of the exception in section 100.3605, F.S., which otherwise subjects municipalities to the Florida Election Code, the charter provision for the Village of Wellington governs the composition of the canvassing board and when a member is ineligible to serve.”

► DE 14-03 Campaign Financing; Political Committees; Contributions; Expenditures - political club activity; § 106.011, Florida Statutes

“If a political club meets the threshold criteria in section 106.011(16), Florida Statutes, for becoming a political committee (e.g., in an aggregate amount in excess of \$500 during a calendar year accepts “contributions” for the purpose of making contributions to a political committee or makes “expenditures” to expressly advocate the election or defeat of a candidate or the passage or defeat of an issue), the club must register and report as a political committee. Whether donations received by a political club and payments by the club are made “for the purpose of influencing” a Florida election will often be a question of fact that depends on the specific circumstances under which the donations and payments are being accepted and made.”

► DE 14-04 Provisional ballots - Poll Worker Failure or Improper Completion of Provisional Ballot Certificate, § 101.048, Florida Statutes:

“Each supervisor of elections should implement procedures to ensure that the canvassing board will be able to determine the precinct and ballot style of each provisional ballot cast, even where the poll worker fails to record in his or her role as a witness the information on the certificate on the outside of the provisional ballot envelope.

The canvassing board should consider all permissible evidence to make a decision about the eligibility of the voter.

If the canvassing board is unable to determine where the provisional ballot was cast and which ballot style was used, the canvassing board should adhere to the statutory requirement that the provisional ballot is to be counted unless the canvassing board determines by a preponderance of the evidence that the voter was not entitled to vote.”

► DE 14-05 Absentee ballots - Canvassing of Federal Write-in Absentee Ballot, § 101.6952(5), Florida Statutes

In elections to which the 10-day provision in section 101.6952(5) applies, when an overseas voter who has previously requested an absentee ballot submits a federal write-in absentee ballot ("FWAB") that is received by 7 p.m. on election day, the FWAB should be set aside and should not be canvassed until 10 days after election day.

If the voter's official Florida absentee ballot is received within the 10-day period and is otherwise proper, that ballot should be canvassed, and the FWAB should not be counted.

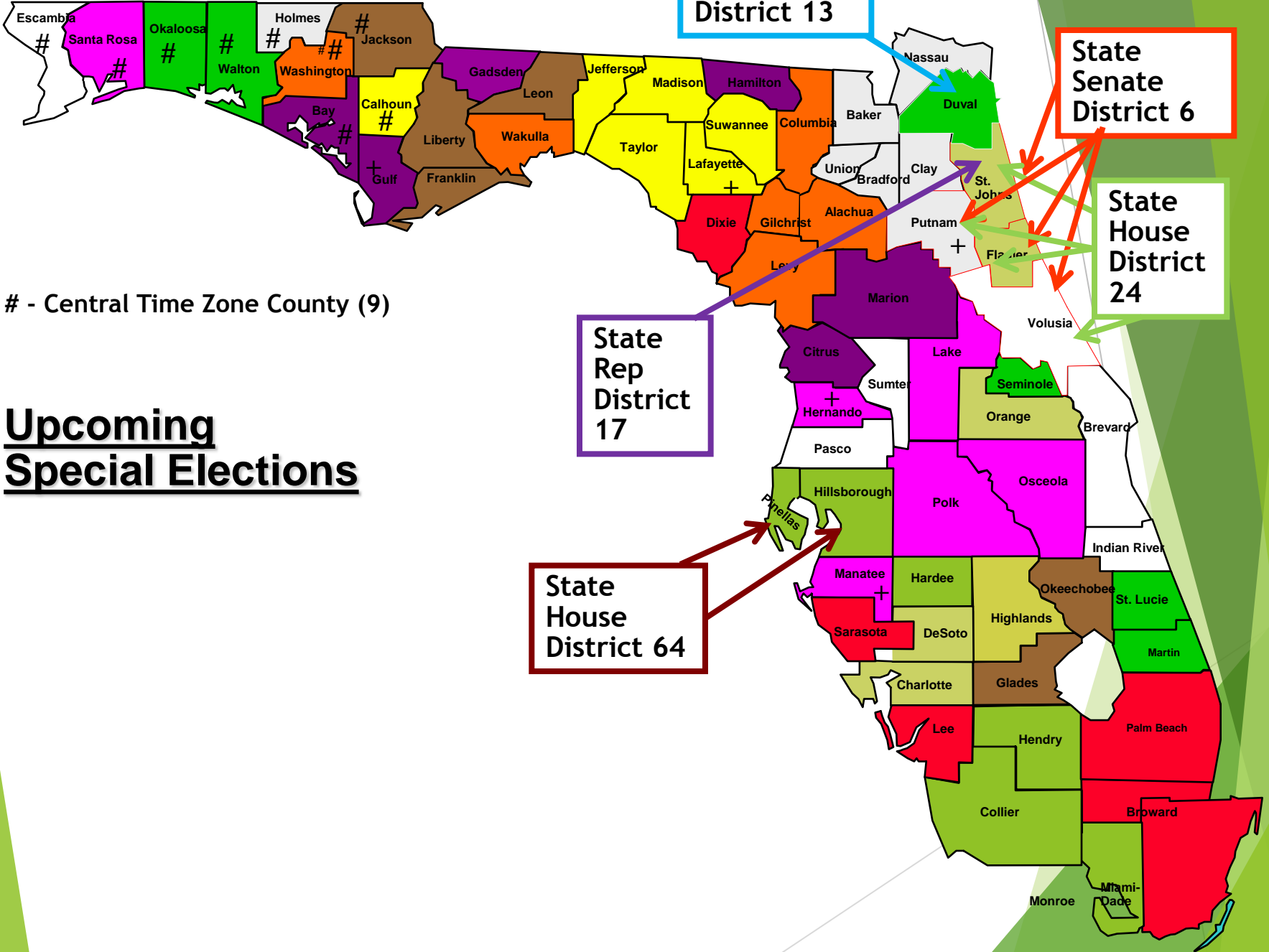
If the voter's official Florida absentee ballot is not properly received within the 10-day period, the FWAB should then be canvassed. For all other elections, the FWAB shall be processed in accordance with section 101.6952(3)(b).

Special Elections

- ▶ If no person has been elected at a general election to fill an office which was required to be filled by election at such general election.
- ▶ If a vacancy occurs in the office of state senator or member of the state house of representatives.
- ▶ If it is necessary to elect presidential electors, by reason of the offices of President and Vice President both having become vacant.
- ▶ If a vacancy occurs in the office of member from Florida of the House of Representatives of Congress.

Then the Governor then, after consulting with the Secretary of State, issues the order setting the dates.

(Statutory references ss. 100.101 and 100.111₁₈
Florida Statutes)



- Central Time Zone County (9)

Upcoming Special Elections

Special Elections Reimbursement

- ▶ The State shall reimburse the county for the expenses incurred for holding the special election or special primary.
- ▶ Reimbursement is based on the actual expenses as filed with the county governing body.
- ▶ The Department responsible for verifying the expenses.
- ▶ The Division provides guidelines on documentation to facilitate and expedite reimbursement. Guidelines available online and sent to every county each time special election ordered
- ▶ Processing time: no more than 90 days

(Statutory cross-reference: s. 100.102, F.S.)

Voting Certifications and Ancillary Equipment Approvals

Approvals

Dominion Democracy Live, Inc.

- Live Ballot –Online Ballot Delivery System
- Interim Approval until end of 2014
- Issued: May 2014

Democracy Live Suite Upgrade anticipated

- ▶ Expect that upgrade will upgrade the current ICE tabulator (voter and ADA) to allow ADA voter and the non-ADA voter to use this tabulator, but not at the same time. The upgrade will have a touchscreen device for ADA voters at the same time that non-ADA voters to scan their ballots. This allows only one voting device in a polling location. Note that several counties that use the ICE only have this one tabulator in the polling location. Thus, if an ADA voter is present this could delay the non-ADA voters to cast their ballot or put in the emergency bin. The ICE upgrade solves this issue.

Approvals

Clear Ballot Group

- ClearAudit – Independent post-election voting system audit, v. 1.0.0.3
 - Issued: Aug 2014
 - Interim Approval until Jan 1, 2016
- ClearAudit – Independent post-election voting system audit, v. 1.0.0.6
 - Issued: Nov 2014
 - Interim Approval until Jan 1, 2016
- ClearAudit has expressed interest in coming back in with new version(s)

Dominion Democracy Suite -Certification

▶ Release 4.14.17, Version 1 (Revision 1) → Jan 2014

There were no software, firmware or hardware changes associated with this revision. Dominion requested BVSC examined in context of a "foldable" ballot box being made available.

▶ Release 4.14.17, Version 2 → Apr 2014

- ▶ *Changes to (ICP) with optional Audio Tactile Interface (ICP-A) functionality enabled.*
- ▶ *Software upgrade to ImageCast Central (ICC), version 4.14.6.*
- ▶ *Added scanners that could be used for central count tabulation Canon DR-G1130, DRS PhotoScribe models PS900, PS960 Model B, and PS976.*
- ▶ *Infrared (IR) paper sensors on both the ICP/ICP-A and the ImageCast Evolution (ICE). Use of the IR paper sensor is optional; however, its use requires IR-reactive security ballot stock, which is certified for use with the specified tabulators*
- ▶ *This DCF file allows the ImageCast Central application to operate with the DRS PhotoScribe scanners, and contains Florida-specific settings as the defaults.*

Dominion Premier Gems -Certification

- ▶•Premier GEMS System
- ▶Release 1.21.6 Version 1 (Revision 2)
- ▶Issued: Issued Feb. 17, 2014

No changes to the election management system or to any of the voting equipment firmware.

The purpose of this ECO was to add Data Research Services (DRS) PS976 scanner to this certification. This scanner has the same equipment as the approved PS960 Model B with replacement of the plastic input hopper side guide to a metal side guide and the manufacturer's re-brand identification

ESS – Unity System -Certification

- ▶ Release 4.0.0.3 Version
- ▶ Issued approval Apr 2014

There were no software changes associated with this revision. The update was issued because ES&S requested that the Bureau of Voting Systems Certification (BVSC) examine some upgrades to DS200 modified firmware version 1.5.5.0 and hardware version 1.3.

ES&S Express Vote/EVS

- ▶ Issue during testing process: Page limit
- ▶ Vendor agreed to “pause” application in October 2014 due to election and limited staff availability
- ▶ Meeting held in late November with vendor who came back with apparent resolution
- ▶ Application re-activated November 2014
- ▶ Updated data package to be submitted December 2015
- ▶ Full testing to begin in January 2015
- ▶ Rulemaking changes required for standards of ballot
- ▶ If certified, will be certified only for ADA use
- ▶ Legislative change required to allow for system to be certified as “universal system”

Address List Maintenance

- ▶ Bi-ennial Program
- ▶ Odd-numbered years (minimum)
- ▶ Use one or more of the following procedures:
 - ▶ USPS address change information
 - ▶ Mail out to all registered voters in the county (nonforwardable return-if-undeliverable mail) and/or
 - ▶ Mail out to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time (use returned nonforwardable return-if-undeliverable address confirmation requests)

(Statutory cross-reference: s. 98.065, F.S.)

- ▶ Before program start, remove “inactive voters” who have met the NVRA cycle (i.e., have not voted, requested an absentee ballot, or updated their record after two general election cycles from the date you made them inactive)
 - ▶ This means all registered voters who were made inactive before the 2012 General Election Cycle
- ▶ Start program as soon as possible in January 2015
- ▶ 90-day moratorium to wrap up the program before next federal election (Presidential Preference Primary Election)
 - ▶ **December 2, 2015 (Wednesday)**

Upcoming Reports

2014 Post-Election Reports

Report Name	Due Date	Submission method	Required by
Post-Election voting System Manual Audit	Dec 12	Preference: Upload (alt: E-mail, fax, mail) to BVSC	F.S. 101.591
Over/Under Report	Dec 15	Upload file using File Transfer Utility	F.S. 101.595
Voter Education Survey	Dec 15	Online using SOE Reports Utility	F.S. 98.255 & 1S-2.033, F.A.C
VH03	Dec 18	Consult your vendor	F.S. 98.0981, & 1S-2.043, F.A.C.
Precinct Level Election Results	Dec 18	Upload file using File Transfer Utility	F.S. 98.0981, & 1S-2.043, F.A.C.
Reconciliation Report	Dec 18	Upload file using File Transfer Utility (alt: Email) to Director's office	F.S. 98.0981
HAVA Expenditures	Dec 31	E-mail, fax, or mail documents to HAVA Unit	FEA Grant MOA
EAC/FVAP Report	Jan 9	Upload file using File Transfer Utility	42 U.S.C. § 1973gg-7 & 42 U.S.C. § 1973ff-1(c)

Voting System Audit Report-PEARS

- 1st election cycle automated independent audit verification process used as alternative to manual audit
- All counties have reported but one is incomplete

Total	Total Audit Methods	
Recounts	Automated	Manual
8	5	53

- Preliminary analysis ongoing
- BVSC conducting ongoing analysis
- Range of responses: “perfect” “100%,” “99.99%,” “no discrepancies,” “within margin,” “accurate,” “excellent,” “same as” → What does this tell us? It tells us we need a definition for “accurate” ³³

Overvote/Undervote Report

- Deadline to report: **December 15** (one week from today)
- Report to the Department of State the total number of overvotes and undervotes for top race on ballot → this year it was “Governor and Lieutenant Governor” (s. 101.151(2), F.S.)
- Content of report should include likely reasons for such overvotes and undervotes and other information as may be useful to evaluate how the voting system performed and whether there were problems with ballot design and/or instructions that may have confused voters.

Overvote/Undervote Report (cont'd)

- BVSC to prepare report from your responses on the performance of each type of voting system. The report will include but not be limited to:
 - (a) Problems with the ballot design or instructions which may have contributed to voter confusion;
 - (b) Voting system design problems; and
 - (c) Recommendations for correcting any problems identified.
- The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.

Official Voting History (VH03)

- ▶ Deadline to report: **December 18**
- ▶ As of weekend 56 counties had submitted files which were processed
- ▶ Reconciliation report, if any, also due (discrepancy between voting history and precinct-level election results)
- ▶ 15 days thereafter State submits compiled results along with voter registration record information to the State Legislature.

Precinct-level Election Results

- ▶ Deadline to report: **December 18**
- ▶ Once processed, post online for public availability and download

Statutory cross-reference: s. 98.0981, F.S.

Voter Education Survey

- ▶ Deadline to report: **December 15**
 - 18 counties have submitted complete reports
 - 4 counties have completed reports but not yet submitted
 - 24 counties are working on survey report
 - 21 counties have not yet started
- ▶ Some new questions including relating to pollworker training
- ▶ Plans for HAVA Unit to create and present an online 1-hr credit regarding compilation of survey results

U.S. EAC/FVAP EAVS

- ▶ 2014 Survey covering from 2012 to 2014 Election
- ▶ 1st time combines survey questions from EAC and FVAP
- ▶ Template has changed (compatibility issues with Excel version requires)
 - ▶ Of 49 counties that reported on Excel version:
 - ▶ 14 (2013 Excel)
 - ▶ 22 (2010 Excel)
 - ▶ 13 (2007 Excel)
- ▶ Means that those counties with older excel will not be able to use newer reporting functionality

(cont'd)

- ▶ Division email with survey and instructions will go out: **December 15, 2014**
- ▶ Answer same categories of questions as before
- ▶ Division will pull data primarily for Section A (all but one)
- ▶ Deadline for counties to submit responses to Division: **January 9, 2015**
- ▶ Deadline for State to submit initial compiled results to U.S. EAC: **February 1, 2015**
- ▶ Deadline for State to respond to U.S. EAC regarding their analysis of data: **March 1, 2015**

Minimum Security Procedures

- ▶ BVSC conducts odd-numbered year review
- ▶ Communications will go out in January 2015 and process will take all of 1st quarter
- ▶ SOEs need to confirm latest version on file
- ▶ Be sure to identify clearly those parts of procedures that are exempt from public disclosure
- ▶ During 2014 Election Cycle, public records requests were made for all 67 county supervisor of elections security procedures.
- ▶ Anticipate rulemaking relating to this process

(Statutory cross-reference: s. 101.015, F.S.) 42

Special Salary Qualification

Test and education credits required

Test revised annually by FSASE

Test graded by Division of Elections

Plans for revision to rule 1S-2.0015, F.A.C.

Counties That Have Not Initially Certified

Eligible Now	Will Be Eligible in January
MAD	GUL
DAD	HEN
PAL	HER
	HIG
	HIL
	LAF
	LEV
	LIB
	MA N
	MAR
	MON
	OKE
	PUT
	SAN

Counties That Have Initially Certified					
Baker	Bay	Bradford	Brevard	Calhoun	Charlotte
Citrus	Clay	Collier	Columbia	DeSoto	Dixie
Duval	Escambia	Flagler	Franklin	Gadsden	Gilchrist
Glades	Hardee	Holmes	Indian River	Jackson	Jefferson
Lake	Lee	Leon	Martin	Nassau	Okaloosa
Orange	Osceola	Pasco	Pinellas	Polk	Sarasota
Seminole	St. Johns	St. Lucie	Sumter	Suwannee	Taylor
Union	Volusia	Wakulla	Walton	Washington	

Website/Publications

Expect new website look in **May/June 2015**

Complete reorganization

Simplification

Eventually more dynamic

Publications update for 2015/2016 years
including handbooks and reporting guides to
occur concurrently

*So much more but for
another day . . .*

The End