

# Voting System Acquisition

A Primer by

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# • Voting System Acquisition

Statutes and Rules

Regulations for Purchase

Delivery and Acceptance

Acquisition Report

Best Practices

# • Statutes and Rules

- Florida Statutes

101.292  
101.293  
101.294  
101.295  
101.5607 (1)(a) & (c)

- Administrative Rules

1S-2.004

# • Florida Statutes

## 101.292

### • Definitions

- “Governing Body”
- “Voting Equipment”
- “Purchase”

## 101.293

### • Competitive Sealed Bids and Proposals Required

- Threshold for CATEGORY TWO
  - F.S. 287.017
  - \$35,000
- Exceptions
  - Need vs. Process Delay
  - Single Source

# • Florida Statutes (cont'd)

## 101.294

- **Purchase and Sale of Voting Equipment**
  - Rulemaking Authority
  - Notice to the Division of Elections
  - DOE Notice to Other Counties
  - Vendor Prohibitions
  - Vendor Notice of Certification

## 101.295

- **Penalties for Violation**
  - **Governing Body**
    - Purchase or Sale Uncertified
    - 1<sup>st</sup> Degree Misdemeanor
    - Up to 1 Year/\$1000
  - **Vendors**
    - Uncertified System, Component, or Upgrade
    - 3<sup>rd</sup> Degree Felony
    - Up to 5 Years/\$5000

# • Florida Statutes (cont'd)

## 101.5607(1)(A)

- System Acquisition Filing
- “. . . at the time of purchase or implementation.”
- Copies of:
  - Program Codes
  - User Manuals
  - Operator Manuals
  - Software
  - Other Documentation
- “may not be used in an election” until filed

## 101.5607(1)(C)

- The Department of State may:
  - Review a County’s Voting System
  - Ensure Compliance with Electronic Voting Systems Act
    - § 101.5601 – 101.5614
    - Voting System Certification
    - Voting Methods
    - L&A Testing
    - Canvass of Returns

# 1S-2.004 Purchase, Sale and Uses of Voting Equipment and Systems

Provide uniform policies, procedures and best practices for the purchase, sale, and use of voting equipment or system including assessments of certified voting systems and beta testing of pre-certified modifications to certified voting systems.

- Definitions
- Regulations for Purchase
  - Competitive Solicitation Process
  - Notice of Bid
  - Content of a Competitive Bid
  - Deliveries
  - Acceptance
  - Notice of Rejection
- Sale of Voting Equipment/System
- Uses of Voting Equipment/System
- Notice of Issues
- Vendor Lists Maintained





# • Regulations for Purchase

- Name and address of governing body.
- Date of Issuance
- Required time, place and terms of delivery
- Date, Hour and place of opening bids
- Surety requirements, if any
- Quantity of voting equipment or system to be furnished
- Specification or other description establishing the capability of such voting equipment including its compliance with 101.5606, F.S.
- Certification Statement
- Right to Reject Statement
- Cash or Terms of Discount Statement
- Statement About Delivery/Shipping
- Any Other General or Special Provisions

## Competitive Solicitation Process

- Category Two Threshold (\$35,000)
- Emergency Situation or Single Source

## Notice of Bid

- Provided to Division of Elections

## Content of Competitive Bid

- All Bid Invitations Must Specify at a Minimum

## Deliveries

- Inspection Upon Delivery and Written Cert. by the Vendor of Proper Delivery



# • Regulations for Purchase (cont'd)

- Required by F.S. 101.294
- Provided by Vendor
- Before or in conjunction with providing
  - Voting System
  - Voting System Component
  - Voting System Upgrade
- Given to Local Governing Body or SOE
- Sworn certification
  - System, Component or Upgrade has been certified by Division of Elections

## Acceptance

- Forward Copy of Vendor Certification to Division of Elections

## Notice of Rejection

- Based on Defects: To Supplier in 10 Days
- Latent Defects: Any Time After Acceptance

# • Delivery and Acceptance

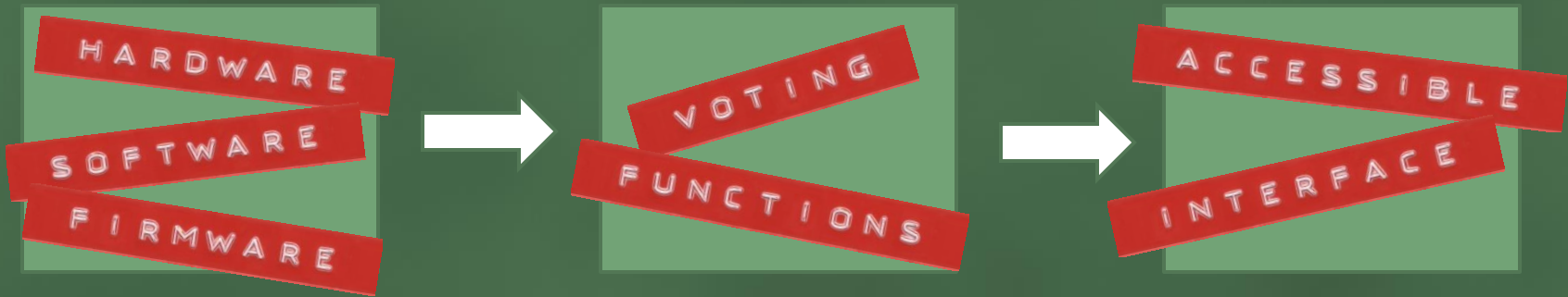


- Make a Plan
  - SOE
  - DOE
  - Vendor

- Schedule Ample Time
- Budget Enough \$\$

- Facilities
- Supplies
- Personnel
- Include Observers!

# • Delivery and Acceptance (cont'd)



- Hardware Model #'s

- All Hardware

- Firmware Versions

- All Hardware

- EMS Software

- From BVSC/DOE
- Right Operating Sys
- Check Certification

- Precinct Definition

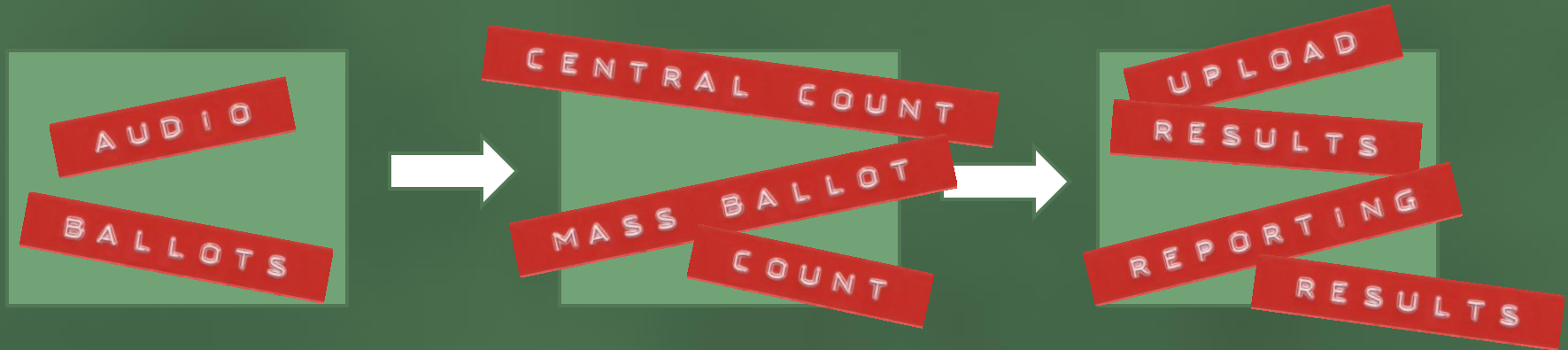
- Ballot Layout
- Party Selection (UPC)
- Ballot /PCT Splits
- Logic Programming
- Accuracy
- Overvote/Undervote
- Accumulation

- Touch Sensitivity

- Input Devices

- Keypad
- Sip/Puff
- Visual Display
- Screen Calibration

# • Delivery and Acceptance (cont'd)



- Text-to-Speech or Voice
- Instructions Complete
  - Rule 1S-2.032
- Candidate Selection
- Ballot Navigation
- Overvote Prevention
- Review
- Multiple Languages

- Absentee Solution
  - Precinct Tabulators
  - High-Speed Scanner
- Mass Ballot Count
  - Realistic Number
- Logic and Accuracy
- Speed (Time Required)

- Memory Cards to EMS
  - OS , ADA, Central
- Modems
- Internal Reports
- Export Results
  - Division of Elections
  - Website
- Audits

# • Voting System Acquisition Report

- Received with Certified Software
  - Voting System Certification #
    - Old and New Systems
  - Installation Completion Date
    - Who Did It
    - Verification of Installation
  - Voting Equipment Inventory
  - Checkboxes Based on Certification
    - Election Administration
    - Precinct Count
    - Central/Absentee Count
    - Additional COTS Software





# • Voting System Acquisition Report (cont'd)

## • Copies of:

- Program Codes
- User Manuals
- Operator Manuals
- Software
- Other Documentation

• Remember, you cannot use the new voting system in any election until the report is filed.



# • Best Practices

- CASE Method
  - Talk to Your Peers
  - Recent System Acquisitions
- Plan, Plan, Plan
- Community Involvement
  - Evaluating Committee
    - SOE
    - Poll Workers
    - BCC
    - Political Parties
    - Watchdogs
- Public Demonstrations
- Voter Education After Acquisition
  - Outreach
  - Public Info/Demonstration





Q & A

You have

Questions

We have

Answers