

1S-2.015 Minimum Security Procedures for Voting Systems.

(1) **PURPOSE.** To establish minimum security standards for voting systems pursuant to Section 101.015(4), F.S.

(2) **DEFINITIONS.** The following words and phrases shall be construed as follows when used in this rule:

(a) A "Ballot" when used in reference to:

1. "Paper ballot" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

2. "Electronic or electromechanical device" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(b) A "Voted Ballot" means a ballot as defined above, which has been cast by an elector.

(c) "Voting System" means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

(d) "Voting Device" means any apparatus by which votes are registered electronically.

(e) "Election Materials" means those materials provided to poll workers to properly conduct the election and shall include, but not be limited to: legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.

(3) **SECURITY PROCEDURES.** Requirements for filing security procedures with the Division of Elections. Each supervisor of elections shall place on file with the Division of Elections security procedures which meet the minimum standards set forth in this rule. Revisions to procedures on file with the Division of Elections shall be submitted at least 45 days prior to the commencement of early voting for the first election in which they are to take effect and shall be accompanied by a statement describing which part of the procedures previously filed have been revised. Each supervisor of elections has the authority to make changes to the security procedures within 45 days prior to the commencement of early voting for an election as a result of an emergency situation or other unforeseen circumstance. The supervisor shall document any changes to include the reasons why such changes were necessary. A copy of any changed document authorized by the supervisor shall be submitted to the Division of Elections within 5 days of the change.

(4) **REVIEW OF SECURITY PROCEDURES.**

(a) The Division of Elections shall conduct a review of the submitted security procedures to determine if they meet the minimum requirements set forth in this rule. The Division of Elections will notify the supervisor of elections as to the results of the review within 30 days of the date revisions to the security procedures are received in the office of the Division of Elections. If the Division is unable to complete its review within the time frame established in this rule, the procedures or revisions shall be temporarily approved until such time as the review is completed and the supervisor of elections will be notified accordingly. The notification of the results of the review will include an enumeration of specific provisions which were found to be incomplete or otherwise do not meet the provisions of this rule.

(b) Security procedures on file with the Division of Elections shall be reviewed by the Division of Elections in each odd numbered year, pursuant to Section 101.015(4)(b), F.S.

(5) **STANDARDS FOR SECURITY PROCEDURES.**

(a) Security procedures shall include copies of each referenced form, schedule, log or checklist or descriptions of the contents of forms, schedules, logs or checklists that vary from election to election.

(b) Election Schedule. The security procedures shall require the establishment of an election schedule at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The election schedule shall contain the following:

1. A list of all tasks necessary to conduct the election;
2. The legal deadline, where applicable, or tentative date each task is to be completed; and
3. The individual (position title), group or organization responsible for completing each task.

(c) Ballot Preparation. The security procedures shall describe the steps necessary to insure that the ballot contains the proper races, candidates and issues for each ballot variation and that the ballots can be successfully tabulated. The ballot preparation procedures shall, at a minimum, contain the following:

1. Method and materials required to determine each type of ballot or ballot variations;
2. Assignment of unique marks or other coding necessary for identifying ballot variations or precincts;
3. Verification that unique marks or other coding necessary for tabulation are correct;
4. Description of system used to facilitate ballot preparation, if applicable; and
5. Description of method to verify that all ballots and ballot variations are accurately prepared and printed.

(d) Preparation and Configuration of Tabulation System.

1. The procedures relating to the preparation and configuration of the tabulation system shall, at a minimum, include the following:

- a. Description of the ballot definition and verification process;
- b. Description of the steps necessary to program the system; and

c. Description of the process to install the program and the procedures for verification of correctness.

2. The security procedures shall describe the test materials utilized and the voting system tests performed prior to the conduct of the public logic and accuracy tests.

(e) Logic and Accuracy Test. The security procedures for use with electronic and electromechanical voting systems shall, at a minimum, describe the following aspects of logic and accuracy testing as required by Section 101.5612, F.S.:

1. Description of each test performed including the test materials utilized.

2. Description of how the programs, ballots, and other test materials are sealed, secured and retained.

(f) Filing election parameters. The security procedures shall include filing with the Division of Elections a copy of the software and parameters used within the voting system to define the tabulation and reporting instructions for each election regardless of filings for previous elections. The filing shall, at a minimum, include the following:

1. Copy of the voting system software;

2. Copy of the administrative database used to define the election;

3. Copy of all election-specific files generated and used by the system;

4. Documentation stating the release level of the precinct tabulation equipment and firmware; and

5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include a statement signed by the person who created the election definition. The statement shall be in substantially the following form:

ELECTION PARAMETER STATEMENT

Pursuant to Section 837.06, F.S., whoever knowingly makes false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S.

The election coding for _____ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting system software, a copy of all election-specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. To the best of my knowledge and belief, the foregoing statement is truthful.

Signature of the Person Coding the Election.

(g) Pre-election Steps for Voting Systems. The security procedures for use with voting devices shall, at a minimum, include the following:

1. Description of how the number of voting devices for each precinct is determined;

2. Description of each component of the public test, including any test materials utilized;

3. Description of the process to seal and secure the voting devices. It shall also provide for a record to be kept on which the identification numbers, seal numbers and protective counter numbers for voting devices shall be noted; and

4. Description of the procedures for retaining the test results and any records of the proceedings.

(h) Ballot Distribution. Where paper ballots (as defined in subparagraph (2)(a)1. of this rule) are used, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;

2. Description of the method for securing the ballots; and

3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

(i) Distribution of Precinct Equipment. The security procedures shall describe the steps necessary for distributing voting system equipment to the precincts.

(j) Election Board Duties.

1. The security procedures when paper ballots, including provisional ballots are used shall, at a minimum, include the following Election Board duties:

a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;

b. Checking the operability or readiness of the voting devices;

c. Checking and sealing the ballot box;

d. Description of how spoiled ballots are handled;

e. Description of how write-in and provisional ballots are handled; and

f. Accounting for all ballots after the polls close.

2. The security procedures for use with voting devices shall, at a minimum, include the following Election Board duties:

a. Verification of the identification numbers, seal numbers, and protective counter numbers of precinct tabulation and/or voting devices;

b. Checking the operability or readiness of the voting device;

c. Verification that all counters except protective counters are set at zero on each voting device;

d. Securing a printed record from each voting device, if applicable;

e. Checking the correctness of the ballot;

f. Preparing voting devices for voting;

- g. Verification that the correct number of voter authorization slips were received;
- h. Checking and sealing the voter authorization slips container(s);
- i. Handling write-in ballots;
- j. Handling voting system malfunctions;
- k. Securing voting machines at the close of the polls to prevent further voting;
- l. Accounting for all voter authorization slips received; and
- m. Recording and verifying the votes cast.

(k) Transport of Ballots and/or Election Materials. The security procedures shall describe the steps necessary to ensure a complete record of the chain of custody of ballots and/or election materials and shall include:

- 1. A description of the method and equipment used to transport all ballots and/or election materials;
- 2. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site; and
- 3. A method of recording the time the individuals who transport the ballots and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots and/or election materials.

(l) Receiving and Preparing the Ballots for Central and Regional Counting. The security procedures shall describe the process of receiving and preparing voted ballots, election data and/or memory devices for counting to include, at a minimum, the following:

- 1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;
- 2. Verification that the ballot container(s) for each precinct contain voted ballots including provisional ballots, unused ballots, spoiled ballots and write-in ballots as shown to exist on the forms completed by each election board for that purpose;
- 3. Inspection of the paper ballots to identify those that must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A record shall be kept of which paper ballots are submitted to the Canvassing Board and the disposition of those paper ballots; and
- 4. Description of the process for duplicating and recording the voted paper ballots which are damaged or defective.

(m) Tabulation of Vote.

1. The security procedures for use with central and regional processing sites shall describe each step of a ballot tabulation to include, at a minimum, the following:

- a. Counting and reconciliation of voted paper ballots;
- b. Processing, tabulation and accumulation of voted ballots and election data;
- c. Processing and recording of all write-in and provisional ballots;
- d. The process for handling unreadable ballots and returning any duplicates to tabulation;
- e. Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems;

and

f. Describe the procedure for public viewing of the tabulation process and access to results.

2. Security procedures shall describe the steps necessary for vote tabulation in the precincts.

3. The security procedures for use in the precincts shall include procedures that describe each step of ballot tabulation to include, at a minimum, the following:

- a. Printing of precinct results and results from individual tabulating devices;
- b. Processing and recording of write-in votes;
- c. Endorsing a copy of the precinct results by the Election Board;
- d. Posting of precinct results;
- e. Transport of precinct results to central or regional site;
- f. Consolidation of precinct and provisional ballot results; and
- g. Describe the process for public viewing of the tabulation process and access to results.

4. The procedures for resolving discrepancies between the counted ballots and voted ballots and any other discrepancies found during the tabulation process shall be described.

(n) Electronic Access to Voting Systems. Security procedures shall identify all methods of electronic access to the vote tabulation system, including procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system.

(o) Absentee Ballot Handling. The security procedures shall include procedures that describe absentee ballot handling to include, at a minimum, the following:

- 1. Description of process for determining and verifying absentee ballot variations;
- 2. Description for process to assure voters are issued the proper absentee ballot;
- 3. Process for precluding voters from voting at the polls and casting an absentee ballot;
- 4. Process for opening valid absentee ballots in preparation for tabulation;
- 5. Process for recording the receipt of advance absentee ballots, regular absentee ballots, State write-in ballots and Federal write-in ballots and determining which ones should be counted if more than one per voter is received; and
- 6. Security measures for storing absentee ballots and related materials prior to and after an election.

(p) Ballot Security. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location shall describe physical security, identify who has authorized access and identify who has the authority to permit access.

(q) Voting System Maintenance and Storage. The security procedures shall describe the maintenance and testing performed on all components of the system to assure that it is in proper working order and is within manufacturer's operating specifications. Procedures shall also describe storage and nonoperational maintenance of all voting devices.

(6) ACCESS TO TABULATION PROGRAM SOURCE CODE.

(a) No supervisor shall have access to any vote tabulation program source code to be used in an election unless prior approval has been obtained from the Division of Elections. Approval shall be based on the supervisor establishing security procedures which provide for maintaining a secured control copy of the certified release of the tabulation program source code; protecting source code from unauthorized access; and verification that the tabulation program source code used for each election is identical to the certified release.

(b) Any modification to tabulation program source code must be certified by the Division under the provisions of Rule Chapter 1S-5, F.A.C., before use in any election.

Specific Authority 101.015 FS. Law Implemented 101.015(4) FS. History--New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93, 11-24-04.