



# Elections Integrity

## Elections Integrity Safeguards in Florida

Florida's Legislature has enacted statutes ensuring that elections in this state are secure, fair, and, above all, accurate. These statutes include processes that must occur before, during, and after an election in each Florida county, which are further detailed below:

### **Voting Systems Certification**

The Florida Secretary of State's Office approves voting systems for use in Florida. Before any voting system can be used in an election in Florida, the voting system undergoes a rigorous test and review process by the Florida Department of State's Bureau of Voting Systems Certification. The test and review process includes both the software and the hardware components of the voting system, based on the requirements in state law and rule. (**101.5605, 101.5606, and 101.56062, Fla. Stat.; Rule 1S-5.001, Florida Administrative Code.**)

### **Pre-election testing**

Before every election, counties are required to test 100% of the voting equipment to be used in any election. The purpose of this test, called Logic and Accuracy Testing, is to make sure that ballots are printed correctly and that the voting system is counting votes correctly. Logic and Accuracy tests in every county are publicly noticed in advance and open to the public. (**101.5612, Fla. Stat.**)

After the pre-election testing is complete, voting equipment is sealed, marked, and maintained in a secure location until the election commences. Moreover, the voting equipment is not connected to the internet or a network of any kind, so it is not possible to deploy or activate any sort of malware or malicious code in between the pre-election testing and the actual election.

### **Early Voting/Election Day**

During early voting and election day, before successfully pre-election tested equipment is put into service, a zero results tape is run on the tabulator and then verified by the deputy sworn poll workers in each polling location to ensure that there are no votes on the equipment. After the polls close, another tape is run from the tabulator showing voting results on that machine. These results can then be easily compared to the votes found on the paper ballots and the tabulation results, yet another check that the machines functioned as intended.

### **Election night reporting**

Voting machines are never connected to the internet during the voting process. After all voting is completed and the polls are closed, election workers use cellular modems to expeditiously transmit preliminary, unofficial election night results back to the main office of the Supervisor of Elections. If modems were not used, reporting of election results would be greatly delayed, perhaps even into the next day in some instances. As set forth below, there are numerous safeguards in place on election day

to ensure this process is both secure and accurate. The integrity of the voting/election results is maintained from the moment someone votes to the moment that the results are reported.

- After the polls close, each voting machine (tabulator) produces a results tape that reflects the cumulative vote totals for that voting machine. After those totals are recorded and preserved by the tabulator tapes, the results are then encrypted and prepared for transmittal to the Supervisor of Election's main office.
- At the Supervisor's main office, their systems are configured to accept only recognized, encrypted results that they have been programmed to receive; if the systems don't recognize the encryption associated with the encrypted results, the results won't be accepted. (Think a key fitting into a lock.) None of the systems used to transmit results are turned on or engaged until after the polls close and they are turned off after the secure, encrypted transmittal of these results.
- Once the results have been received at the Supervisor's main office, then those results are decrypted and election officials again compare and reconcile those results to the ones recorded on the tabulator tapes at the precincts to ensure the data transmitted correctly.

Once satisfied with comparison and reconciliation, the Supervisor's office then posts the results separately through an election night results database for reporting on the Supervisor's website.

#### **Post-election audits**

After each election, the county must perform a voting system audit. The purpose of this audit is to check that the equipment and procedures accurately recorded and counted the votes. In Florida, counties have the choice of doing a manual audit or an automated independent audit. A manual audit process involves a public hand count of the votes cast in one or more randomly selected precincts in one randomly selected race that appears on a ballot. An automated independent audit involves the use of a separate, independent tabulation system to recount the votes cast across every race that appears on all ballots in at least 20% of the randomly chosen precincts. Regardless of the audit method chosen, the audit is publicly noticed in advance and open to the public. The results of the audit are also publicly posted. The only time this audit is not completed is if there has been a manual recount conducted (similarly publicly noticed in advance and open to the public) in that election in that county. (**101.591, Fla. Stat. and Rule 1S-5.026, Florida Administrative Code**)

In 2020, post-election audits or manual recounts were conducted in all 67 of Florida's counties. These audits and recounts confirmed the accuracy of Florida's election results.

#### **Authority to conduct audits**

Florida law delineates very specific parameters for audits. Florida law does not authorize the Secretary to initiate a statewide audit of the previous year's election. The Legislature has specifically provided in statute for machine and manual recounts (**102.141, Fla. Stat., 102.166, Fla. Stat.**), as well as a post election audit (**101.591, Fla. Stat.**). For purposes of the audit, it must be conducted immediately following certification of each election, and it must be completed and the results made public no later than 11:59 p.m. on the 7th day following certification of the election by the county canvassing board or the local board responsible for certifying the election. (**101.591(1) and (4), Fla. Stat.**) Given the specificity of the above provisions, any other audits are not authorized by Florida law.

An unsuccessful candidate, an elector qualified to vote in the election related to such candidacy, or any taxpayer, can contest the results of the election, within 10 days after date that the last board responsible for certifying the election results of the contest in question. (**102.168(3)(a)-(d), Fla. Stat.**).

### **Signature Matching**

When an elector registers to vote, their signature is either captured on the paper voter registration application (**97.052(2)(q) Fla. Stat.**), or the online voter registration system uses the digital signature on file with the Department of Highway Safety and Motor Vehicles (DHSMV) (**97.0525(4)(b), Fla. Stat.**). The same is true for updates to registration information. A voter can submit a signature update at any time on a voter registration application prior to the Supervisor of Elections receiving the voter's vote-by-mail ballot (**101.65(7), Fla. Stat.**).

A Supervisor of Elections must compare the signature of the elector on a vote by mail envelope with the signature of the elector in the registration books or the precinct register to determine whether the elector is registered in the county. (**101.68(1) Fla. Stat.**) Any canvassing board finding that an elector's signatures do not match must be by a majority vote and beyond a reasonable doubt. (**101.68(2)(c), Fla. Stat.**) Notice and cure procedures in the event of a missing or mismatched signature are set forth in **101.68(4), Fla. Stat.** The Department of State provides signature matching training to Supervisors of Elections and county canvassing board members. (**97.012(17), Fla. Stat.**)

### **Voter rolls**

The Department of State in conjunction with the Supervisors of Elections share responsibility to ensure voter registration records are accurate and current. This process is referred to as "list maintenance." Two primary activities are detailed in law: address list maintenance and eligibility list maintenance. Only Supervisors of Elections are authorized to add and remove voters' names from the official rolls. (**98.045, 98.065, 98.075, Fla. Stat.**)

Supervisors conduct address list maintenance using information from National Change of Address (U.S.P.S), jury notices, the Department of Highway Safety and Motor Vehicles, or from other sources that may indicate that a registered voter's legal residence has changed. Ineligibility list maintenance is conducted daily to identify registered voters who are deceased, have been convicted of a felony without voting rights restored, have been ordered by a court to be mentally incapacitated and have had voting rights removed, are not of voting age, are not a U.S. citizen, have listed an address that is not a legal residential address, or are a fictitious person. The Department of State has established processes for identifying deceased, adjudicated mentally incapacitated persons, and convicted felons without voting right restored through exchange of data from governmental agencies including the Department of Health, Department of Corrections, Department of Law Enforcement, Florida Commission on Offender Review, and U.S. Attorney's Offices. (**98.065, 98.075, 98.0755, 98.0981, Fla. Stat.**)

### **Electronic Registration Information Center (ERIC)**

In 2019, Florida joined the Electronic Registration Information Center (ERIC) which is a consortium of 31 participating member states/jurisdictions. ERIC is the latest tool to build upon Florida's already robust procedures. ERIC helps to identify out-of-date records (addresses) by comparing participating states' voter registration data to DMV data, and to the Social Security Administration master death index list. (**98.075 (2)(b), Fla. Stat**)