

Substantial Rewording of Rule 1S-5.026 follows. See Florida Administrative Code for present text.

1S-5.026 Post-Election Certification Voting System Audit.

(1) Procedures.

(a) This rule provides the procedures for a county canvassing board or the local board responsible for certifying the election to conduct either a manual audit or an automated independent audit of a voting system after certification of an election including a municipal election. The purpose of the audit is to ensure that the voting system deployed in the election tabulated all votes properly. An audit is not required in any election in which only paper ballots are used and are not tabulated by a voting system or in which a manual recount is conducted.

(b) Form DS-DE XX1 (effective MM/YYYY), entitled “Procedures Manual for Post-Election Certification Voting System Audit” is hereby incorporated by reference and available at the following link: [insert link]. The form is also available by download from the Division of Elections’ rules webpage at: <http://dos.myflorida.com/elections/>, by requesting a copy by phone (850-245-6200 or by mail from the Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(2) Requirements for Approval and Use of an Automated Independent Audit System.

This subsection provides the requirements for testing, approval and use of an automated independent audit system.

(a) Any person desiring to have an automated independent audit system approved for use in Florida shall submit a letter to the Bureau of Voting Systems Certification, Division of Elections, Department of State, requesting approval and providing the automated independent audit system’s technical data package.

(b) The automated independent audit system must satisfy the following criteria prior to approval:

1. Be completely independent of the primary voting system, pursuant to s. 102.141(7)(a), F.S. The automated independent audit system must not share contain any hardware or software in common with a voting system certified for use in the State of Florida..

2. Be fast enough to produce final, public audit results no later than 11:59 p.m. (local time where the audit occurs) on the 7th day following certification of the election by the county canvassing board or the local board responsible for certifying the election.

3. Be capable of demonstrating the ballots of record have been accurately adjudicated by the audit system.

4.a. For all elections, be capable of operating without outside manufacturer or vendor support to use the system. However, if desired, a county may decide to use the audit system’s manufacturer or vendor support.

5. Be capable of automatically comparing the audit results to the certified results by precinct and ballot type. If the certified

results are not available by precinct and ballot type the automated independent audit system must be able to automatically compare the audit results to the certified results of the lowest level of detail reported.

6. If the independent audit system captures and retains paper ballot images, then the front and back of a single card must be viewable together.

7. Be capable of automatically examining marked ballots to determine a valid vote, no vote, and marginal mark.

8. Be capable of identifying the physical storage location of each specific ballot based on the designated paper ballot image identification if digital images are used.

9. Reflect that the audit results will be the same using all auditing scanners specified for use with the system.

(c) All examination and testing of the automated independent audit system shall occur at the Bureau of Voting Systems Certification in Tallahassee, Florida, unless the Department of State approves the examination and testing to occur at the vendor's desired location. The vendor shall reimburse the Department of State an amount equal to the actual costs incurred by the department in its testing and examination of the automated independent audit system. Reimbursable actual costs of testing include reasonable travel costs such as lodging, car rental, parking, gas, airfare, travel-related fees and in the case of meals, not to exceed the per diem rate established per section 112.061(6), F.S.

(d) For a county to use an approved automated independent audit system, the system must not include any elements of the tabulation system that the county uses in its elections or a tabulation device that uses the same election definition.

(e)

1. Notice of approval or non-approval will be provided within 45 days after all examination and testing of the automated independent audit system is completed.

2. After approval of an automated independent audit system, any changes to the approved system must be submitted to the Bureau of Voting Systems Certification for approval. The new system or new version of an existing system may not be used in Florida until approval is granted.

Rulemaking Authority 20.10(3), 97.012(1), 101.591(2), 101.5911 FS. Law Implemented 101.591 FS. History--New 11-16-08, Amended 3-20-14,

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