



# Audit of Supervisor of Elections

## Office of the County Auditor

### Audit Report

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**Report No. 20-12**  
**April 22, 2020**



**OFFICE OF THE COUNTY AUDITOR**

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April 22, 2020

Honorable Mayor and Board of County Commissioners

At your request, we have conducted an audit of the Broward County Supervisor of Elections Office. The objectives of our audit were to determine whether the November 2018 election was efficiently and effectively conducted; voter registration processes include adequate internal controls and voter rolls are adequately maintained; the SOE is adequately funded, equipment resources are adequate, and monies are expended appropriately, and voter outreach and education activities meet best practices.

We conclude that the November 2018 election was not efficiently and effectively conducted. Backlogs in processing and tabulating Vote-By-Mail ballots delayed election results. Half of the precincts reported more votes (cast ballots) than voters on election day. Electronic transmission of precinct results on election night were delayed, and election day votes continued to be transmitted and tabulated after all precincts were announced as having been reported. Vote-By-Mail and unused ballots were not adequately tracked. Recount results were submitted late and rejected by the State. Had the recount results been accepted, they would have reflected an underreporting of 2,335 ballots which were misplaced and not included in the recount. Faulty ballot design likely resulted in undervotes. Election day staff performance is not adequately tracked and monitored to help improve future elections. There is an overall lack of Standard Operating Procedures. Based on the totality of these issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported.

We conclude that voter registration processes do not include adequate internal controls. While we did not identify non-compliance with State election laws, our review indicates that those laws do not provide adequate controls over preventing ineligible non-citizens from registering to vote. Voter registration forms provided by Third Party Voter Registration Organizations lack adequate tracking and monitoring controls. Except for the Opportunities For Improvement noted within this report, we conclude voter rolls are adequately maintained.

Except for the Opportunities For Improvement noted within this report, we conclude that monies were expended appropriately. Inadequate planning and staffing resulted in avoidable costs such as overtime amounts which exceeded budgeted costs by \$1 million, and \$180,000 in additional vendor costs associated with the recount. Significant waste occurred in overordering

approximately \$800,000 in election day ballots. Purchases lack competitive solicitation and budgetary controls. Except for the Opportunities For Improvement noted within this report, we conclude the SOE is adequately funded and equipment resources are adequate.

We conclude that voter education and outreach activities meet best practices.

We conducted this audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



Bob Melton  
County Auditor

cc: Peter Antonacci, Supervisor of Elections  
Bertha Henry, County Administrator  
Andrew Meyers, County Attorney

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# EXECUTIVE SUMMARY

At the request of the Board of County Commissioners, we have conducted an audit of the Broward County Supervisor of Elections Office (SOE). We conclude that the November 2018 election was not efficiently and effectively conducted. Based on the totality of the issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported. We conclude that voter registration processes do not include adequate internal controls. Except for the Opportunities For Improvement noted within this report, we conclude voter rolls are adequately maintained. Except for the Opportunities For Improvement noted within this report, we conclude that monies were expended appropriately. Except for the Opportunities For Improvement noted within this report, we conclude the SOE is adequately funded and equipment resources are adequate. We conclude that voter education and outreach activities meet best practices.

The election issues described below generally pertain to the November 2018 election, which was administered by the previous Supervisor of Elections.

Backlogs in processing and tabulating Vote-By-Mail ballots delayed election results. SOE staff did not tabulate all Vote-By-Mail ballots received each day prior to election day, resulting in a backlog of Vote-By-Mail ballots awaiting tabulation on election day. A backlog in tabulating at least 49,861 Vote-By-Mail ballots resulted in delays of reporting complete election results. The 49,861 ballots should have been tabulated prior to election day to ensure timelier reporting of results.

On election day, seven of the 577 precincts were shown as having not reported their results as of 9:42 PM, over three hours after polling locations closed. According to staff, results from each of the seven precincts were unable to be transmitted from the precincts. Procedures were not in place for precinct personnel to confirm successful transmission prior to leaving the precinct. After the results from the above seven precincts were transmitted and all precincts were announced as “reported”, results from thirty-five DS200 machines previously omitted from 30 unique precincts then transmitted an additional 5,401 election day votes. According to staff, these were only detected after a comparison of reporting by machine (rather than by precinct) was performed. An additional 1,114 unexplained election day ballots (not including duplications provisional ballots) were tabulated after election night and included in the final results. Staff did not provide an explanation for these.

We identified 293 of 577 precincts (51%) that reported a total of 885 more tabulated ballots than voters. Ballots cast should not exceed voter turnout.

We identified inadequate documentation accounting for Vote-By-Mail ballots. We found that batches of Vote-By-Mail ballots received are not individually and adequately tracked from receipt to tabulation. Daily Vote-By-Mail receipt logs listed total mail pieces received by day but not each receipt, where it was received, or who received it. We also found that Vote-By-Mail certificate counts are not reconciled back to the original receipt batches after signature verification and opening. In addition, we found a lack of documentation tracking ballots transferred to the tabulation room, including reconciling the number of ballot pages counted upon opening to the number of ballot pages transferred to the tabulation room, the time of transfer, and individuals performing the transfer and receipt. As a result, there is lack of assurance that Vote-By-Mail ballots received are processed appropriately. Due to deficiencies in Chain of Custody logs, we could not determine whether the count of ballots moved through the various points of the Vote-By-Mail process are maintained from origin to end.

The SOE does not adequately track and control blank election day ballots. A log maintained by the SOE shows that 884,650 ballots were distributed to precincts as compared to 921,142 ballots purchased, leaving 36,492 unaccounted for blank ballots prior to election day. SOE records show there were 225,854 voters as compared to the 884,650 ballots distributed to the precincts, leaving an additional 658,796 unaccounted for blank election day ballots. Although precinct personnel complete logs identifying the number of unused ballots at each precinct, we did not receive any documentation indicating the final disposition of the ballots.

The election recount was not properly planned, lacked adequate staffing and equipment, and had poor quality control and supervision, resulting in the late submission of incomplete results due to 2,335 misplaced ballots. SOE staff were unable to provide to us any policies and procedures for performing recounts. There is a lack of evidence that adequate planning for recounts was performed such as staff training, staff needs analysis, equipment analysis, overall procedures, and quality control. Had the recount results been timely submitted and accepted by the State, they would have erroneously omitted 2,335 missing ballots.

Verification of voter citizenship status is not adequate. The voter registration process does not have adequate controls to ensure voter eligibility, thereby allowing non-United States citizens the ability to register and vote without detection if they do not honestly represent their status. When completing a voter registration application, prospective voters are required to indicate on the application whether they are United States citizens; however, no independent verification is performed. We emphasize that, to our knowledge, the Broward SOE treats this issue the same as other SOE's across the State. This appears to be a statewide issue that could best be corrected at the State level, in working with the SOEs and appropriate Federal authorities. The number of non-U.S. citizen residents within Broward County, coupled with instances of non-U.S. citizens identified in the voter rolls, support the need for adequate controls over the voter registration

process. Based on data obtained from the US Census Bureau (2011-2017), Broward County has a total population of 1,890,416 of which, 260,648 (14%) are not U.S. Citizens. The SOE provided to us a list of 18 registered voters identified as non-U.S. citizens.

Unnecessary waste of \$793,372 occurred in over-ordering of November 2018 election day ballots. Based on both historical and actual voter turnout, the budgeted amount was reasonable and adequate. The budget was based on an estimated 60% voter turnout, of which an estimated 50% were expected to vote on election day (as opposed to vote by mail or early voting). However, documentation supporting the actual order used an assumption of a 76% turnout, of which 100% would vote on election day. The \$793,372 overage had a significant budgetary impact, contributing to the need for a budget amendment. Excessive order quantities of blank ballots are also of concern given the lack of chain of custody records and unaccounted for ballots as discussed in our report. According to management, the order quantity was directed by the former SOE.

Potentially excessive reliance is placed on outside vendor, CTM Election Services LLC (CTM). According to the contract, CTM was to be paid a total of \$276,000 for 162 "service days" for the August 2018 Primary, November 2018 Gubernatorial, and 2019 March Municipal elections. According to SOE management, the services by CTM are primarily provided by one individual, the owner of the company who provides a great amount of institutional knowledge of the SOE operation and a former employee of the SOE. However, excessive reliance on outside vendors can result in higher cost of operations and business continuity risks, particularly given the reliance on one individual. The \$276,000 paid for 162 "service days" is generally equivalent to over \$500,000 in salary costs for one full time position. Because of inadequate tracking of time, we could not determine how many of the "service days" were only portions of a day. This situation existed prior to the appointment of the current Supervisor.

The SOE does not competitively solicit or consistently document receipt of goods and services. We found that SOE has an overall lack of competitive solicitation for goods and services. Commercial Printers, Inc. was the SOE's largest paid vendor in fiscal year 2019 with payments totaling \$4,473,947. The vendor provides ballot printing, mailing, and other related services. Management could not provide documentation demonstrating that the services had ever been competitively procured. In addition to concerns regarding competition, we also identified inconsistent documentation evidencing receipt of goods and services. For example, all items ordered from the vendor Intab, Inc. totaling \$155,359 and a \$1,430 purchase of check stock material from another vendor lack evidence that the items were received as ordered. Therefore, we cannot provide assurance that these items were received.

The Supervisor of Elections has no internal Standard Operating Procedures manual. While manuals have been created for training Poll Workers, Voting System Technicians, Deputies, and Early Voting, no comprehensive manual exists for overall operations of the SOE. Some procedures are available in piecemeal / PowerPoint presentation form, such as the process for Vote-By-Mail preparation. However, there are no procedures for key processes such as voter registration, voter list maintenance, tabulation, recounts, education and outreach, warehouse operations, etc.

We also noted Opportunities For Improvement in various other aspects of operations of the Supervisor of Elections. Our report contains a total of 40 recommendations for improvement.

# INTRODUCTION

## Scope and Methodology

The Office of the County Auditor conducts audits of Broward County's entities, programs, activities, and contractors to provide the Board of County Commissioners, Broward County's residents, County management, and other stakeholders unbiased, timely, and relevant information for use in promoting government accountability and stewardship and improving government operations.

At the request of the Broward County Board of County Commissioners, we conducted an audit of the Broward Supervisor of Elections (SOE). Our audit objectives were to determine whether:

1. The November 2018 election was efficiently and effectively conducted.
2. Voter registration processes include adequate internal controls and voter rolls are properly maintained.
3. The SOE is adequately funded, equipment resources are adequate, and monies are expended appropriately.
4. Voter outreach and education meet best practices.

To determine whether the November 2018 election was efficiently and effectively conducted, we interviewed staff; reviewed public record requests; evaluated the ballot layout; reviewed poll worker manuals; performed observations of a municipal election; analyzed chain of custody logs; analyzed voter registration system and tabulation records, and evaluated election costs.

To determine whether voter registration includes adequate internal controls and voter rolls are properly maintained, we interviewed SOE staff; evaluated the voter registration process; reviewed voter list maintenance reports; and analyzed reports of registered voters.

To determine whether the SOE is adequately funded, equipment resources are adequate, and monies are expended appropriately, we interviewed staff; analyzed financial records, transactions, and contracts; and reviewed fixed asset listings.

To determine whether voter education and outreach meets best practices and includes adequate internal controls, we interviewed SOE staff and voter outreach and education activities; and observed community outreach events.

We conducted this audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient and appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit included such tests of records and other auditing procedures, as we considered necessary in the circumstances. The audit period was October 1, 2018 through September 30, 2019. However, transactions, processes, and situations reviewed were not limited by the audit period.

### **Overall Conclusion**

We conclude that the November 2018 election was not efficiently and effectively conducted. Backlogs in processing and tabulating Vote-By-Mail ballots delayed election results. Half of the precincts reported more votes (cast ballots) than voters on election day. Electronic transmission of precinct results on election night were delayed, and election day votes continued to be transmitted and tabulated after all precincts were announced as having been reported. Vote-By-Mail and unused ballots were not adequately tracked. Recount results were submitted late and rejected by the State. Had the recount results been accepted, they would have reflected an underreporting of 2,335 ballots which were misplaced and not included in the recount. Faulty ballot design likely resulted in undervotes. Election day staff performance is not adequately tracked and monitored to help improve future elections. There is an overall lack of Standard Operating Procedures. Based on the totality of these issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported.

We conclude that voter registration processes do not include adequate internal controls. While we did not identify non-compliance with State election laws, our review indicates that those laws do not provide adequate controls over preventing ineligible non-citizens from registering to vote. Voter registration forms provided by Third Party Voter Registration Organizations lack adequate tracking and monitoring controls. Except for the Opportunities For Improvement noted within this report, we conclude voter rolls are adequately maintained.

Except for the Opportunities For Improvement noted within this report, we conclude that monies were expended appropriately. Inadequate planning and staffing resulted in avoidable costs such as overtime amounts which exceeded budgeted costs by \$1 million, and \$180,000 in additional vendor costs associated with the recount. Significant waste occurred in overordering approximately \$800,000 in election day ballots. Purchases lack competitive solicitation and

budgetary controls. Except for the Opportunities For Improvement noted within this report, we conclude the SOE is adequately funded and equipment resources are adequate.

We conclude that voter education and outreach activities meet best practices.

Opportunities For Improvement are included within this report.

## Background

The Broward County Supervisor of Elections (SOE) (Office) is a constitutional office of the State of Florida. The goal of the office is “to provide the Broward County electorate with accurate and efficient elections in compliance with federal and state laws as well as to educate all voters on the importance of their participation in every election, through registration and the casting of their ballots.” The Office is managed by an elected official (Supervisor). In December 2018, Governor Scott appointed the current Supervisor, Peter Antonacci. The former Supervisor, Brenda C. Snipes, oversaw the November 2018 election referenced within this report.

The Supervisor submits an annual budget to the BOCC for approval of monies necessary to complete its goals and conduct operations, inclusive of Federal, State, and County-wide ‘general’ election activities. The budget is primarily funded by General Fund Ad Valorem tax dollars. Municipalities fund expenses related municipal elections. Figure 1 shows actual expenditures for fiscal years 2017 through 2019 and budgeted appropriations for fiscal year 2020.

**Figure 1 - SOE Expenditures Fiscal Years 2017 – 2019 and Budgeted Appropriations FY 2019 -2020**

	2017 Actual	2018 Actual	2019 Actual	2020 Budget
Administration	\$ 9,691,552	\$ 6,885,984	\$ 7,224,542	\$ 9,155,180
Capital and Special Projects	-	4,312,751	2,216,106	2,883,000
November General Election	9,169,009	-	10,566,672	-
Aug Primary Election	-	5,956,153	-	6,655,000
Presidential Primary	-	-	-	6,494,000
<b>Subtotal</b>	<b>\$ 18,860,561</b>	<b>\$ 17,154,888</b>	<b>\$ 20,007,320</b>	<b>\$ 25,187,180</b>
Municipal Election	344,919	1,081,469	1,043,293	66,000
Special Election	-	-	140,112	-
Grants	235,303	426,428	1,021,968	-
<b>Total</b>	<b>\$ 19,440,783</b>	<b>\$ 18,662,784</b>	<b>\$ 22,212,693</b>	<b>\$ 25,253,180</b>
<b>Total Positions</b>	<b>72</b>	<b>74</b>	<b>74</b>	<b>74</b>

Source: Office of the County Auditor analysis of SOE financial records.



The Supervisor is responsible for conducting all Municipal, Special, Primary, and General Elections held in Broward County. The following are the major functions in the election process:

- Conducting voter education, outreach and registration.
- Maintaining updated voter records.
- Purchasing and maintaining voting equipment.
- Registration of new candidates and maintaining data regarding financial disclosures and campaign contributions and disbursements.
- Hiring and training of all election day workers including poll workers, technical support staff, call center operators, ballot sorters, regional site staff, special deputies, van and truck drivers, and security staff.
- Securing locations for election day voting.
- Locating, assessing, staffing and equipping polling places.
- Tabulating and auditing voting results, and
- Certifying election results.

The SOE operates out of two locations; Main Office located in downtown Fort Lauderdale and the Lauderhill Voter Equipment Center (VEC). The Downtown Fort Lauderdale Main Office provides all services related to voter registration, customer service center, Vote-By-Mail drop-off, walk-in services, candidate registration, candidate information, public records request, and financial services.



Broward Downtown Governmental Center



Lauderhill Voter Education Center

The VEC also provides voter registration and Vote-By-Mail drop-off services as well as hosting of outreach events and programs, the processing and tabulation of all votes, a public viewing room, storage and warehousing of all voter equipment (Election Day and Early Voting Scanners, Express

Vote machines, EVID check-in machines, Pitney Bowes Vote-By-Mail processor for both outgoing and incoming Vote-By-Mail ballots, and ballot printers). The SOE’s Information Technology Department is also located at the VEC and is responsible for security of all voter information and ensuring secure collection, tabulation, and transmission of election results.

Voter Outreach and Education

Outreach and education activities are performed continuously to increase and enhance the potential voter’s knowledge about deadlines to register, voting requirements, how to vote, how votes are counted, and where to vote. Some creative outreach methods include an “Election Ready Orientation” which invites members of the public to the Voter Equipment Center (VEC). This orientation allows the public to understand the election process and provides an in-depth guided tour of the VEC. The SOE also conducts mock elections which are intended to simulate the entire voting process. At these events, attendees actively participate in a mock election, and are able to experience the voting process from check-in through to tabulation.

Voter Registration

Eligible persons who wish to vote in an election must first register. To qualify, an individual must be United States citizen, Florida resident at least 18 years old, not be adjudicated mentally

incapacitated with respect to voting, and not be a convicted of a murder or felony level sexual offense. If convicted of any other felony offense, voting rights are eligible to be restored upon completion of all terms of a sentence, including parole or probation pursuant to Section 4.,

Voter Information Card 2020

Art. VI of the Florida Constitution. The voter registration process involves completing a voter registration form either online or manually at an official voter registration location. These locations are usually the SOE offices, driver’s license offices, State approved 3<sup>rd</sup> Party Voter Registration Organizations, and various state agencies.

The voter registration application requests personal information about the applicant including name, address or legal residence, Florida Driver's License or Identification Card number or the last four digits of the applicant's Social Security Number. Applications must be received and processed at least 29 days before an election for the applicant to vote. Newly registered voters are mailed their official registration card denoting their voting districts and precinct location.

As of November 6, 2018, there were 1,174,851 registered voters within Broward County.

### "How to Vote" (Vote Types)

There are three ways in which a voter can vote:

#### 1. Election Day

Election day voting involves registered voters visiting their designated polling sites on the day of the election to cast their ballots. The SOE operates approximately 577 precincts located in 402 polling sites (many of the sites accommodate multiple precincts). Each precinct, depending on location and size, is staffed with seven to ten poll workers who manage the voting process and operate voting equipment. Once a voter arrives at the polling location, they present a valid photo ID which should include a signature.



EVID Machines Utilized on Election Day and Early Voting



DS200 Machine Utilized on Election Day and Early Voting

The poll worker will then utilize an EVID machine, a computerized system used to look up voter registrations, to search for the voter's name in the precinct register and verify that the voter's ID and signature match the voter's registration. In the event the voter cannot be verified, according to Florida law, they are still allowed to complete a provisional ballot which is later evaluated by SOE officials prior to being counted. Once checked in, the voter is presented a paper ballot and is directed to a privacy station. The voter then completes the ballots by shading in the ovals corresponding to the name of their candidate choices. Once selections are made, the voter scans their completed ballots into the DS200 machines. The DS200

machines scan and tabulate the votes and stores the information within the machine's secured server until the polls are closed and the tabulated counts are transmitted.

Once all votes are cast on election day, the precinct closes and poll workers for each precinct are required to collect and secure all paper ballots, completed forms, and necessary recording devices, including USB jump drives containing vote counts from each DS200 voting machine. The poll workers, in collaboration with the IT support staff, must ensure the votes from each voting machine on site are successfully electronically transmitted to the secure server at Voter Equipment Center from where the results are then published. All containers are sealed prior to leaving the polling location and delivered to the assigned regional site. At the regional sites, precinct personnel check-in and deliver the materials transported from the precincts. Staff at each of the regional sites, then load the materials onto a truck and transport the items to the Voter Equipment Center. The paper ballots are stored by precinct.

A total of **225,854** Election Day votes were cast during the November 2018 General Election.

## 2. Early Voting

At a minimum, early voting must begin on the 10th day and end on the 3rd day before an election that contains federal or state races on the ballot; however, the SOE may offer Early Voting up to the 15<sup>th</sup> day before such an election. Registered voters can visit any location designated as an early voting site to cast their votes. The voting sites are required to be open for a minimum of 8 hours per Early Voting Day but can be extended up to 12 hours per day, at the discretion of the SOE. The voting process is generally the same as explained above in "Election Day" voting, except, at the close of each day, the paper ballots and the electronic records are transported to the Voting Equipment Center (VEC). The electronic records are uploaded to the server where it is stored on a secure server and published on election night. The paper ballots are stored by early voting site by day. During the 2018 General Election, there were 22 Early Voting sites located at various city halls, libraries, malls, colleges, and community centers throughout Broward County.

A total of **300,320** Early Vote ballots were cast during the November 2018 General Election.

## 3. Vote-By-Mail

Vote-By-Mail (formerly referred to as 'absentee') voting is another option available to registered voters. Any registered voter may submit a request to the SOE office in person, by mail, telephone or online for a Vote-By-Mail ballot, up to ten days before an election. Vote-By-Mail ballots are initially mailed to voters no later than 45 days prior to each election for overseas voters and between 40 and 33 days before an election for all others. After initial mailings, Vote-By-Mail ballots are mailed daily, as requests are received. The Vote-By-Mail ballot is sent along with a

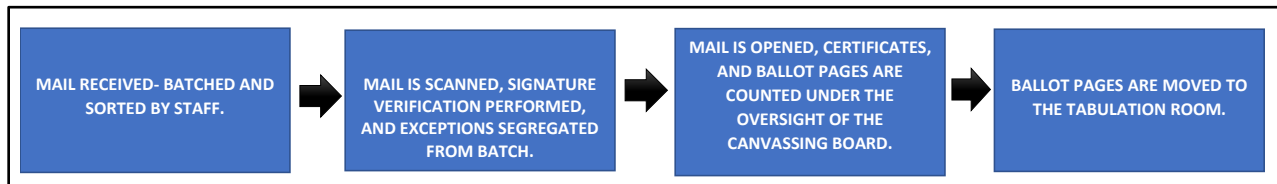
privacy sleeve and return envelope which is called the voter certificate. After receiving and completing their ballot, voters insert the ballot into the privacy sleeve, insert the privacy sleeve into the voter certificate, and write their name and sign the outside of the voter certificate. The Voter certificate can either be mailed (no postage necessary) or dropped off at approved locations. The ballot must be received by the Supervisor of Elections no later than 7 PM on election day for the ballot to be counted. Certain exceptions exist for overseas military and civilian voters.

Vote-By-Mail ballots are processed at the VEC, where the voter certificate is scanned, sorted and signature verified. Once approved for opening by the Canvassing Board, the ballots are removed and tabulated using DS850 high speed scanners, and results are transmitted and stored on a secured server and published on election night. Figure 2 presents the Vote-By-Mail processing steps.



Vote by Mail Scanner and Sorter

**Figure 2 – Vote-By-Mail Processing**



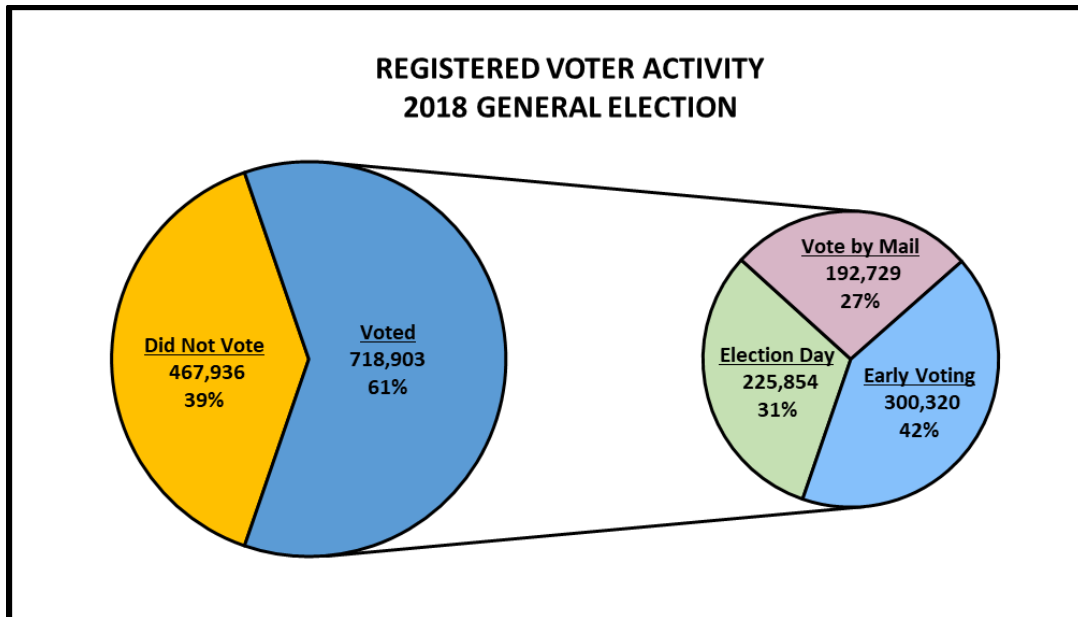
Source: Prepared by the Office of the County Auditor with information obtained from SOE

A total of **192,729** Vote-By-Mail votes were cast during the November 2018 General Election.



Figure 3 shows a breakdown of registered voter turnout and vote type for the November 2018 General Election. In total, the November 2018 General Election had a voter turnout of 718,903, or 61% of registered voters.

**Figure 3 – Voter Activity for the November 2018 General Election**



Source: Prepared by the Office of the County Auditor with information obtained from SOE voter registration records.

“How Votes are Counted” (Tabulation, Recount, Canvassing Board)

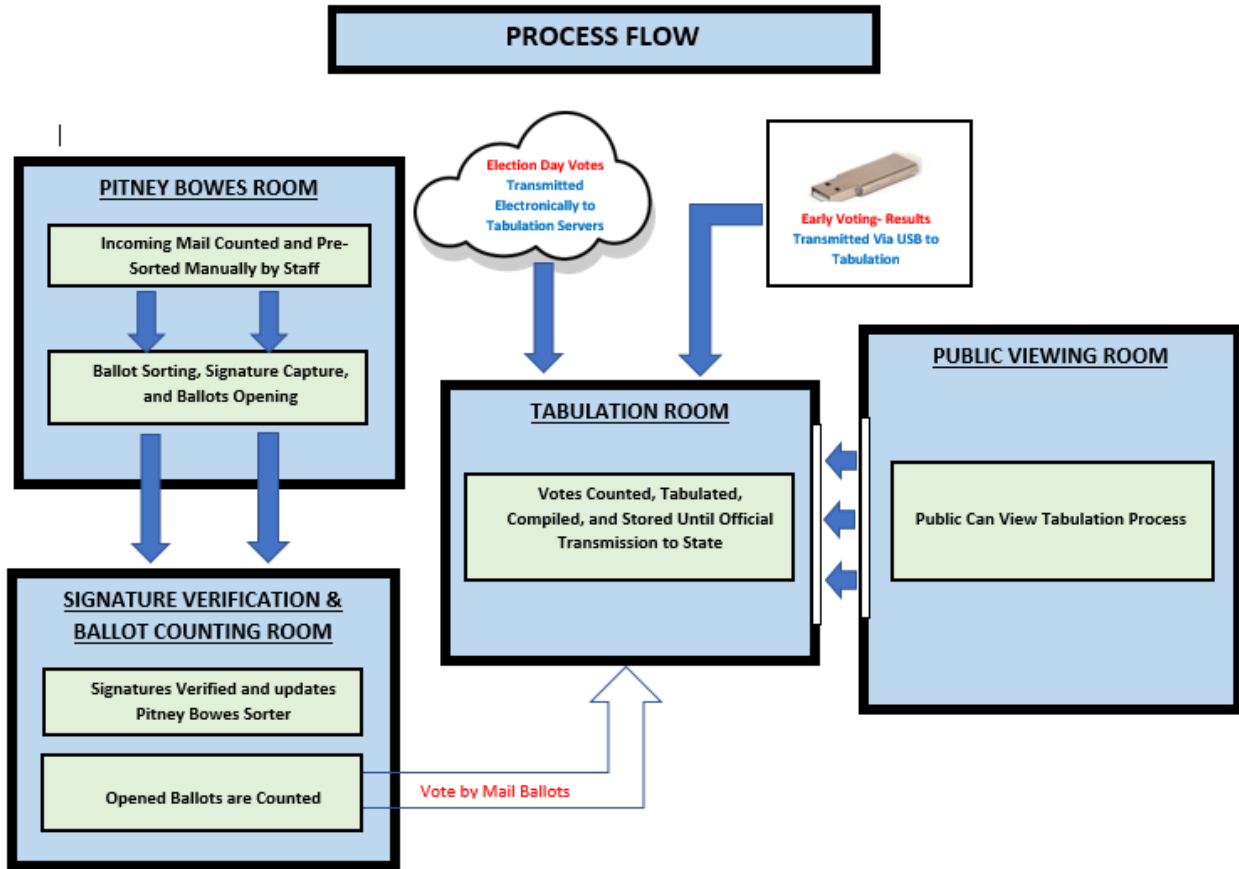
Collection, tabulation, and recording of ballots for all vote types (Election Day, Early Voting, and Vote-By-Mail) is centrally handled at the Voter Equipment Center (VEC). The IT department is responsible for the secure transmission, tabulation, and reconciliation of election results under the purview of the Canvassing Board. The Canvassing Board oversees SOE activities to ensure the fair collection and presentation of voting results.

Tabulation

Tabulation and transmission of results occurs in the tabulation room by approved IT personnel, under the direction and oversight of the Canvassing Board. Figure 4 provides details as to how ballots from each sequence in the voting process are tabulated. Election day results are electronically transmitted from the DS2000 voting machines at the precincts at the time of closing to the secure server at the VEC; early voting results are transported at the time of closing each day via electronic storage media from the DS200 voting machines at the early voting sites to the VEC, where the results are uploaded onto the secure server; and Vote-By-Mail ballots are scanned into the DS850 high speed scanners at the VEC on a periodic basis in the days and weeks

preceding and including election day where the results are electronically transmitted onto the secure server.

**Figure 4 - Tabulation Process**



Source: Prepared by the Office of the County Auditor with information obtained from the SOE

Recount

Requirements to perform recounts are specified in the State Statutes. If a recount is performed, all paper ballots in storage are scanned into the DS850 high speed scanners. The results are electronically transmitted to and published from the secure server.

Canvassing Board

The County Canvassing Board is composed of the Supervisor; a County court judge, who acts as Chair; and a representative of the Board of County Commissioners. The duties of the Canvassing Board include testing voting systems and reviewing Vote-By-Mail, Early Votes, provisional ballots, and duplicate ballots. A **provisional ballot** is a ballot that is used by a voter to vote when the voter’s name is not in the precinct register and their eligibility cannot be determined. It is set

aside at the precinct for eligibility determination at the VEC by the canvassing board. A **duplicate ballot** is necessary when a ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment. A true duplicate copy should be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot.

The Canvassing Board is responsible for ensuring submission of results to meet deadlines set by the State of Florida. Election results are not 'final' until the election has been "certified" by the County's Canvassing Board. The final certification of election results is made after all provisional ballot issues are closed, military absentee ballots received, and if applicable, recounts are performed. The final certification of the election occurs on the eleventh day following the election, as prescribed by Florida Law.

**Appendix A** provides a timeline overview of voter turnout and tabulation results for the November 2018 election.



# OPPORTUNITIES FOR IMPROVEMENT

Our audit disclosed certain policies, procedures and practices that could be improved. Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure or transaction. Accordingly, the Opportunities for Improvement presented in this report may not be all-inclusive of areas where improvement may be needed. To facilitate the review of this information, we have separated our audit results into the following sections.

Section I: 2018 General Election

Section II: Voter Registration

Section III: Budget, Procurement and Financial Reporting

Section IV: Voter Outreach and Public Access

Section V: Standard Operating Procedures

# SECTION I – 2018 GENERAL ELECTION

## 1. A Backlog in Tabulating at Least 49,861 Vote-By-Mail Ballots Resulted in Delays of Reporting Complete Election Results.

SOE staff did not tabulate all Vote-By-Mail ballots received each day prior to election day, resulting in a backlog of Vote-By-Mail ballots awaiting tabulation on election day. Figure 5 shows that 121,599 Vote-By-Mail ballots were received and tabulated as of 7:00 PM election night, prior to the polls closing, but 69,902 Vote-By-Mail ballots were tabulated primarily over the next 48 hours after the polls closed.

**Figure 5a – Vote-By-Mail Processed After 7:00 PM Election Day**

Time	Event	Ballots Tabulated
<b>Tabulated Prior to Polls Closed</b>		
Tue Nov 6, 6:49 PM	Election Night Upload 1	<u>121,599</u>
		<b>121,599</b>
<b>Tabulated After Polls Closed</b>		
Wed, Nov 7, 2:59 AM	Election Night Upload 16*	29,508
Wed Nov 7, 6:49 PM	Election Night Upload 18*	11,705
Thurs Nov 8, 6:58 PM	Election Night Upload 21*	26,764
Sat Nov 10, 11:48 AM	1st Unofficial Results	1,898
Sun Nov 18, 6:39 AM	Official Results	<u>27</u>
		<b>69,902</b>

Source: Office of the County Auditor analysis of tabulation results and Vote-By-Mail logs.

\* Election Night Uploads 2-15, 17, and 19 are not shown as they did not contain Vote-By-Mail ballots.

Of the 69,902 ballots that remained to be tabulated after the polls closed, we calculated that 49,861 ballots were received prior to election day. Figure 5b shows that, after deducting 18,116 ballots that were received on I election day and the 1,302 other ballots requiring review procedures, 49,861 ballots were received prior to election day.

**Figure 5b - Vote By Mail Processed After 7:00 PM Election Day  
But Received Prior to Election Day**

Tabulated After Polls Closed But Received Prior to Election Day	
Tabulated After Polls Closed (Per Figure 5a)	69,902
Less Vote-By-Mail Ballots Received on Election Day	(18,116)
Less Other*	(1,302)
	<b>49,861</b>

Source: Office of the County Auditor analysis of tabulation results and Vote-By-Mail logs.

\* Other includes ballots requiring duplication as described in the background.

The 49,861 ballots should have been tabulated prior to election day to ensure timelier reporting of results. Further, in an efficient election process, at least a portion of the 18,116 Vote-By-Mail ballots received on Election Day should also have been processed and tabulated prior to 7:00 PM, as there are multiple mail drop offs on Election Day. Ideally, as Vote-By-Mail ballots are received, they would be immediately processed, leaving only the Vote-By-Mail ballots received in the last mail drop off the day to be processed after 7:00 PM. Because of inadequate chain of custody logs as discussed in Opportunity for Improvement No. 4, we could not identify how many of the 18,116 ballots received on Election Day were received at which times during the day and reasonably could have been tabulated and uploaded prior to 7:00 PM. **Appendix A** provides a timeline overview of voter turnout and tabulation results for the November 2018 election.



Tabulation Room Showing DS850 High Speed Scanners  
Located at Voter Equipment Center

According to staff, Vote-By-Mail backlogs accumulated prior to Election Day were not cleared by the time of staff dismissal for the day on November 5 (the day before the election), a condition which contributed to the numbers of ballots not tabulated by the closing of polls on election day. However, we are unable to determine whether the backlog occurred in the

processing of Vote-By-Mail (signature verification and ballot opening) or the tabulating of Vote-By-Mail (feeding ballots into the DS850 high speed scanners). As discussed, Opportunity for Improvement No. 4, chain of custody logs were inadequate and could not be used to identify the point at which the backlog occurred.

The backlog also appears to have been caused by inadequate staffing overall.

- The Broward County Canvassing Board’s “Report on the Conduct of the November 2018 Election” stated:  
  
“Staffing shortages delayed canvassing so that canvassing of all materials that required canvassing were not timely presented to the Canvassing Board in time to complete the process prior to the deadline for the first unofficial results” and “Despite the availability of the Canvassing Board to promptly canvass all materials, the Board frequently had no ballots to canvass as the SOE staff had not prepared the necessary materials.”
- A January 24, 2019, memo from the newly appointed SOE stated: “The Supervisor of Elections currently has 72 authorized positions. At the time of the General Elections, approximately 15% of those positions were vacant. These vacancies – across multiple departments – led to systemic internal issues, chaos and a fundamental lack of trained employees available to achieve the job at hand.” Based on interviews with SOE staff, this assessment appears accurate.

The delayed tabulations resulted in Election Day backlogs, untimely reporting of election results, and compromised voter confidence.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management:

Establish policies and procedures over processing and tabulation of Vote-By-Mail to ensure:

- A. All Vote-By-Mail received prior to election day are processed and tabulated prior to election day.
- B. All Vote-By-Mail received on election day, and prior to the final post office drop off, are processed and tabulated prior to 7:00 PM.
- C. All Vote-By-Mail received in the final post office drop off is processed and tabulated on election night.
- D. Required staffing levels are determined and met to ensure timely processing of Vote-By-Mail.

**Management’s Response:** See pages 63 through 79.

## **2. Electronic Transmission of Precinct Results Were Delayed and Votes Continued to be Transmitted and Tabulated After all Precincts “Reported”.**

As shown in Figure 6, we noted the following:

- A. On election day, seven of the 577 precincts were shown as not having reported their results as of 9:42 PM, over three hours after polling locations closed. Based on information reviewed, vote data uploads of election results to the public began at 7:00 PM on election night. Within the first hour (by 8:00 PM), 300 out of the 577 precincts (52%) transmitted data. By 9:00 PM on election night, 82% (474/500) of precincts uploaded results. By 9:42 PM, all but seven precincts transmitted results. The results for the remaining seven precincts were reported between 10:07 and 11:37 PM.

Once all votes are cast on election day, the precinct closes and poll workers for each precinct are required to collect and secure all paper ballots, completed forms, and necessary recording devices, including USB jump drives containing vote counts from each DS200 voting machine. Prior to transporting the materials to the assigned regional site, the poll workers, in collaboration with the IT support staff, must ensure the votes from each voting machine on site are successfully electronically transmitted to the Voter Equipment Center (VEC). If the electronic transmission of vote counts cannot be successfully performed at the precinct, it is performed at a regional site using the USB jump drive.

According to staff, results from each of the seven precincts were unable to be transmitted from the precincts. Procedures were not in place for precinct personnel to confirm successful transmission prior to leaving the precinct. Only one of the seven transmission issues were identified at the time of precinct closing. Results did not transmit from the precinct due to a weak signal, requiring the data to be transported via jump drive to the regional site where it was transmitted at 10:37 PM. Transmission issues at the remaining six sites were not detected at the precinct and were not known until precinct staff had departed the precinct and delivered material to the regional sites. Five of the jump drives containing the data were collected after arrival of the regional site trucks at the VEC and one had to be collected at the locked precinct site where the jump drive was erroneously left in the DS200 machine. The data for the remaining six was uploaded in the tabulation room at the voting equipment center.

- B. After the results from the above seven precincts were transmitted and all precincts were announced as “reported”, results from thirty-five previously omitted DS200 machines from 30 unique precincts transmitted an additional 5,401 election day votes between 11:37 PM and 2:33 AM on election night. According to staff, when a precinct is

“reported,” this means that at least one of the DS200 machines from that precinct has reported its voting results; however, most precincts have more than one DS200 machine. These omitted DS200 machines were not detected sooner because the precinct was considered “reported”. According to staff, these units were only detected after a comparison of reporting machine by machine (rather than by precinct) was performed. Consequently, the use of the term ‘reported’ may have been misleading to the public, who interpreted this term as meaning all respective votes for the precinct were counted and submitted. As with the initial seven precincts identified above, procedures were not in place for precinct personnel to confirm successful transmission prior to leaving the precinct, which may have resulted in more timely reporting.

- C. An additional 1,114 unexplained election day ballots (not including duplications provisional ballots) were tabulated after election night and included in the results. Staff did not provide an explanation for these.

Figure 6 summarizes the election day votes tabulated after 9:42 PM on election night.

**Figure 6 - Election Day Votes Processed After 9:42 PM Election Day**

Time	Event	Description	Ballots Tabulated	Precincts Remaining
Tue Nov 6, 6:49 PM - 9:42 PM	Election Night Upload 1-6		214,977	7
Tue Nov 6, 10:07 PM - 11:37 PM	Election Night Upload 7 - 10	7 remaining precincts uploaded	2,603	0
Wed Nov 7, 11:47 PM - 2:33 AM	Election Night Upload 11 - 15	35 DS200 machines	5,401	0
Wed Nov 7, 11:30 AM Thurs Nov 8, 1:21 PM	Election Night Upload 17 Election Night Upload 19	Unexplained	1,114	0
Sat Nov 10, 11:48 AM Sun Nov 18, 6:39 AM	1st Unofficial Results Official Results	Provisional & Duplications	700	0
<b>Total</b>			<b>224,795</b>	<b>0</b>

Source: Office of the County Auditor analysis of tabulation results.

\* Uploads 16 and 18 did not contain election day votes

**Appendix A** provides a timeline overview of voter turnout and tabulation results for the November 2018 election.

Transmission of election day votes should be timely and efficient to ensure votes are submitted without manual intervention. Precincts should only be announced as "reported" when all DS200 machines at that location have in fact reported results. If a

machine is still pending to report results, then that precinct should also be identified as pending.

Untimely or incomplete transmission of results delays the calculation of complete election results and compromises voter confidence. Based on the totality of these issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported.

Procedures in place did not require VST's to ensure the proper transmission of results before the physical closing of the polling site; as a result, some precincts were closed before the successful transmission of their voting results. According to SOE staff, new procedures have since been implemented, requiring precincts to call in and confirm that results were successfully transmitted prior to closing the precinct.



Screenshot showing new procedures in place utilized by SOE IT

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend SOE management:**

- A. Continue pursuit of enforcing new procedures which ensure successful of transmission prior to closing polls.
- B. Establish procedures in mechanisms to properly announce precinct statuses as “reported”, “partially reported”, “not reported”, etc.
- C. Investigate and reconcile the additional 1,114 unexplained election day ballots tabulated after election night and, based on conclusions, establish necessary procedures to prevent future occurrences.

**Management’s Response:** See pages 63 through 79.

### 3. Half of the Precincts Reported More Tabulated Ballots Than Voters on Election Day.

We identified 293 of 577 precincts (51%) that reported a total of 885 more tabulated ballots than voters. Figure 7 shows the summary of our analysis of voter check-in and tabulation records.

**Figure 7 - Election Day Checked-In Voters Compared to Tabulated Ballots**

No. of Precincts	Description	Checked-In Voters	Tabulated Ballots	Variance	
123	More voters than ballots	43,351	43,004	347	✓
161	Same number of voters and ballots	56,999	56,999	0	✓
293	More ballots than voters	123,907	124,792	(885)	✗
<b>577</b>		<b>224,257</b>	<b>224,795</b>		

Source: Office of the County Auditor analysis of reports of checked-in voters and tabulated ballots.

Ballots cast should not exceed voter turnout. At each precinct, voters are “checked-in” and ballots tabulated. These functions are performed by separate poll workers and separate systems. According to SOE Management, voter check-ins may exceed tabulated ballots for various reasons, but tabulated ballots should not exceed voter check-ins. SOE Management stated that a voter may arrive and check-in but not cast a ballot. SOE Management also stated that tabulation uses only page 1 of each ballot for the purpose of reporting the total number of ballots and if a voter retains page 1 of the ballot, the ballot would not be in the total ballot count (but the votes for the submitted pages would still be tallied).

As shown in Figure 7, the report of voter check-ins by precinct totals 224,257 which agrees to voter turnout reports published on the SOE Website. We obtained an additional unpublished voter turnout report which lists the name of each registered voter that voted and the vote type (election day, Vote-By-Mail, and early voting). This report totaled 225,854 election day votes. However, we were unable to analyze this second report by precinct and compare it to the tabulated ballots by precinct to identify where any discrepancies may have occurred. **Appendix A** provides a timeline overview of voter turnout and tabulation results for the November 2018 election.

Inconsistent reports of numbers of voters and ballots compromises voter confidence. Based on the totality of these issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**



We recommend SOE management investigate and reconcile differences between voter turnout and tabulation and, based on conclusions, establish necessary procedures to prevent future occurrences of discrepancies.

Management’s Response: See pages 63 through 79.

**4. Deficiencies in the Vote-By-Mail Chain of Custody Process Resulted in a Lack of Assurance that All Vote-By-Mail Ballots Received are Processed Accordingly.**

We identified inadequate documentation accounting for Vote-By-Mail ballots. We found that batches of Vote-By-Mail ballots received are not individually and adequately tracked from receipt to tabulation. As shown in Figure 8, daily Vote-By-Mail receipt logs listed total mail pieces received by day, but not each receipt, where it was received, or who received it.

**Figure 8 - Vote-By-Mail Ballot Chain of Custody**

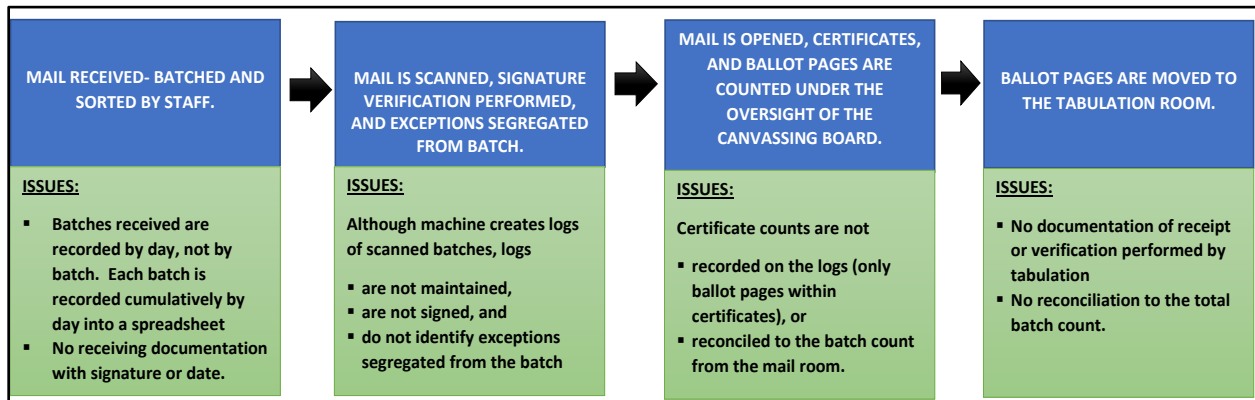
<b>Election: <u>215</u></b>	
<u>Date</u>	<u>Incoming Mail</u>
10-Oct	16,878
11-Oct	5,059
12-Oct	8,831
13-Oct	2,645
17-Oct	10,811
18-Oct	3,980
19-Oct	5,372
20-Oct	2,886
22-Oct	3,633
23-Oct	9,610
24-Oct	7,283
25-Oct	7,537
26-Oct	10,865
27-Oct	11,824
29-Oct	10,460
30-Oct	11,872
31-Oct	10,129
1-Nov	8,278
2-Nov	8,803
3-Nov	6,411
4-Nov	7,490
5-Nov	2,371
6-Nov	18,116
<b>Total</b>	191,144
<b>Totals for Election:</b>	

Source: Supervisor of Elections Vote-By-Mail receipt log.

We also found that Vote-By-Mail certificate counts are not reconciled back to the original receipt batches after signature verification and opening. In addition, we found a lack of documentation tracking ballots that were transferred to the tabulation room, including reconciling the number of ballot pages counted upon opening to the number of ballot pages transferred to the tabulation room, the time of transfer, and individuals performing the transfer and receipt.

Figure 9 illustrates the deficiencies at each point that the ballots are transferred.

**Figure 9 - Vote-By-Mail Ballot Chain of Custody**



Source: Prepared by the Office of the County Auditor

As a result, there is lack of assurance that Vote-By-Mail ballots received are processed appropriately. Due to deficiencies in Chain of Custody logs, we could not determine whether the count of ballots moved through the various points of the Vote-By-Mail process is maintained from origin to end. These deficiencies are evident in Opportunity for Improvement No. 1 where the cause of the election day backlog could not be isolated to a Vote-By-Mail processing delay or ballot tabulation delay.

In order to maintain integrity of the Vote-By-Mail process and ensure that all ballots are accounted for appropriately, proper record-keeping and chain of custody of ballots should be maintained. Chain of custody refers to the process of maintaining records and documentation of logs showing the transfer of the ballots and custody at each point in the Vote-By-Mail process. This documentation would document that the same number of ballots are maintained with each transfer. For example, if 1,000 Vote-By-Mail certificates are received during a mail delivery, that batch should be tracked and the counts documented each time it is handled, including signature verification (at which time certificates may be properly removed from the batch and documented), opening (at which time the number of pages are counted), and tabulation. Documentation of custody should be included.

As discussed in Opportunity for Improvement No. 24, the SOE lacks adequate policies and procedures, and this includes procedures regarding proper maintenance of the chain of custody regarding Vote-By-Mail ballots.

We also identified inadequate internal controls over Vote-By-Mail drop-offs. Individuals may deliver any number of Vote-By-Mail ballots without any requirement to provide their name or identification. According to management, the Office follows legal requirements and has chosen not to exceed those requirements. Although this appears in compliance with legal requirements, this practice limits the SOE and other regulatory authorities in their ability investigate issues and allegations regarding Vote-By-Mail.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

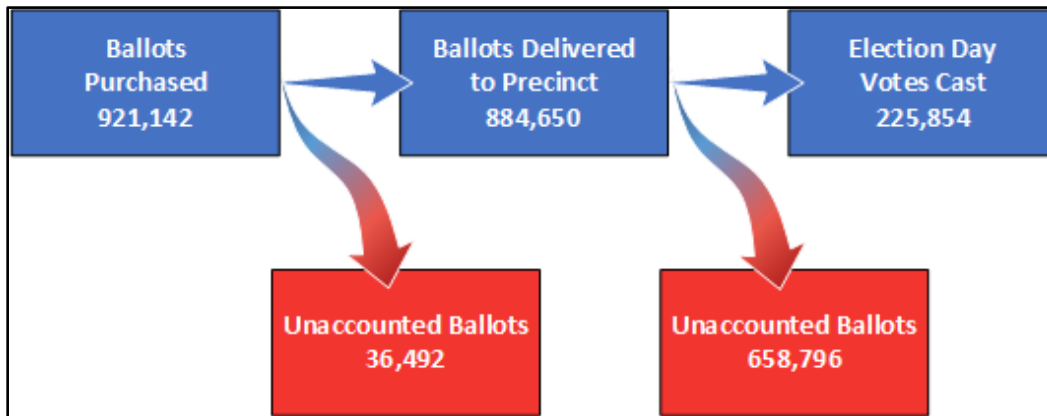
**We recommend** SOE management develop procedures to ensure proper chain of custody documentation is maintained for all points in the process to provide assurance that all Vote-By-Mail received is processed accordingly.

**Management's Response:** See pages 63 through 79.

## **5. The SOE does not Adequately Track and Control Blank Election Day Ballots.**

The SOE prepares a log showing the total numbers of blank ballots distributed to precincts for use on election day, but there is no reconciliation process or other verification once the unused blank ballots are returned from the precincts to the Voter Equipment Center (VEC). The log shows that 884,650 ballots were distributed to precincts as compared to 921,142 ballots purchased, leaving 36,492 unaccounted for blank ballots prior to election day. SOE records shows there were 225,854 voters as compared to the 884,650 ballots distributed to the precincts leaving an additional 658,796 unaccounted for blank election day ballots. Although precinct personnel complete logs identifying the number of unused ballots at each precinct, we did not receive any documentation indicating the final disposition of the ballots. Figure 10 shows the tracking of blank ballots and unaccounted ballots.

**Figure 10 - Vote-By-Mail Ballot Chain of Custody**



Source: Office of the County Auditor analysis of SOE blank ballot records.

Chain of custody of blank ballots is an important control that provides assurance that all ballots are accounted for and not mis-used.

Accounting for all blank ballots provides assurance over the election process. Unaccounted blank ballots create the opportunity for valid ballots such as Vote-By-Mail ballots to be replaced with altered ballots prior to tabulation. A lack of adequately tracked blank ballots compromises voter confidence.

As discussed in Opportunity for Improvement No. 24, the SOE lacks adequate policies and procedures, and this includes procedures regarding proper maintenance of the chain of custody regarding blank ballots. Because of the blank ballots that are not accounted for properly, the backlog in tabulating Vote-By-Mail ballots as noted in Opportunity For Improvement No. 1, and the lack of adequate chain of custody of vote by mail ballots as noted in Opportunity For Improvement No. 4, we cannot provide reasonable assurance that inappropriate replacement of Vote-By-Mail ballots has not occurred. Of specific concern, 36,492 blank ballots (Figure 10) may have been held in the same facility (Voter Equipment Center) as 49,861 Vote-By-Mail ballots awaiting tabulation (Opportunity For Improvement No. 1). This creates the risk of blank ballots being fraudulently completed and used to replace legitimate Vote-By-Mail ballots prior to tabulation.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management establish chain of custody controls over blank ballots. Ballots distributed to precincts should be accounted for and reconciled to ballots purchased. Ballots returned from the precincts should be accounted for and reconciled to the number of voters.

**Management's Response:** See pages 63 through 79.

## **6. Faulty Ballot Design may have Resulted in Undervotes**

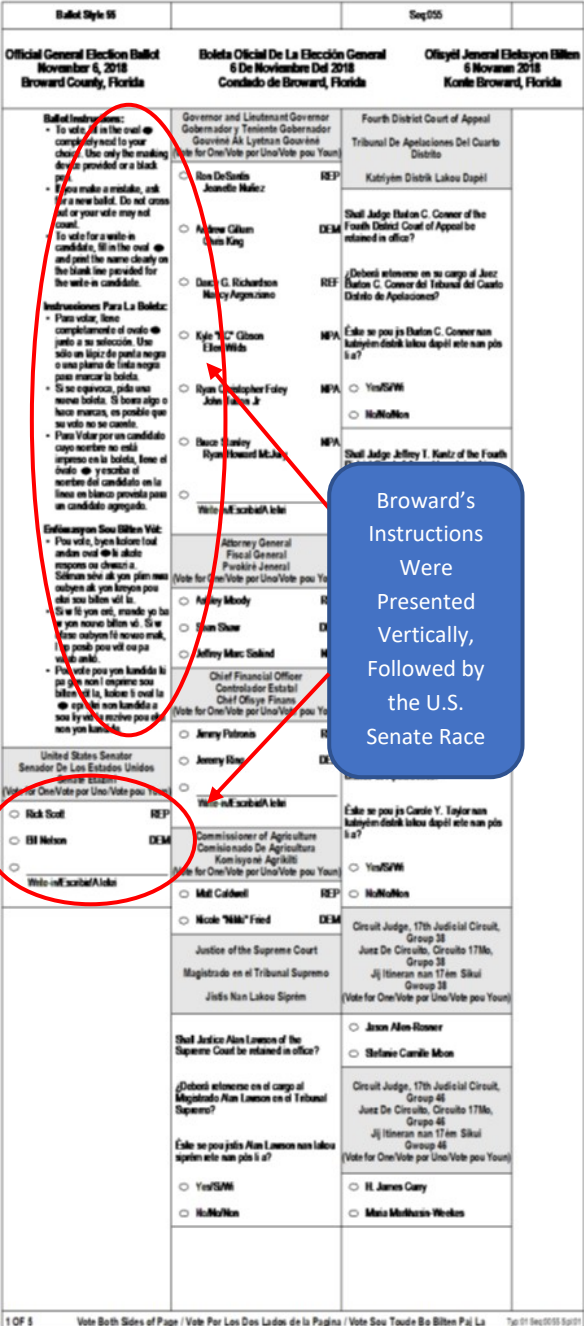
The Broward County ballot grouped the United States Senate race into the same column as the ballot instructions. This presentation did not clearly distinguish the United States Senate race from the ballot instructions. This faulty ballot design may have resulted in voters overlooking the U.S. Senate race.

Based on an academic publication "Learning About Undervotes from Ballot-Level Data: Evidence from the 2018 Florida Midterm Election", written by Michael Morse and Marc Meredith of the MIT Science Lab, faulty ballot design resulted in undervotes in the 2018 General Election U.S. Senate race. According to the authors, the Broward County ballot design did not clearly distinguish the U.S. Senate race from the ballot instruction section. Based on the study, Broward was the only County in the State to present the instructions in the left column. All other Counties presented the instructions at the top of the page. Figure 11a shows a sample of a Broward Ballot (left), as compared to an Orange County's ballot design (right) for comparison of the instructions' layout.

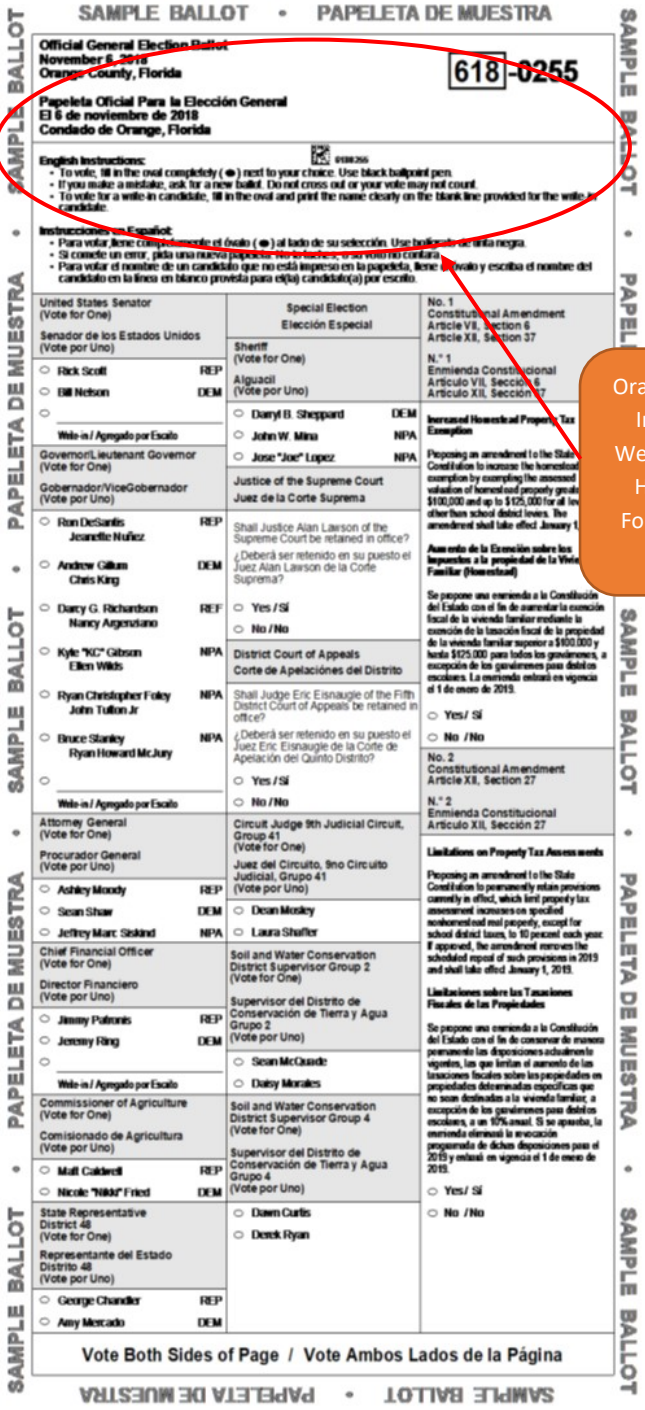
Figure 11a - Broward and Orange County November 2018 Ballot Samples

**BROWARD COUNTY-SAMPLE BALLOT**

**ORANGE COUNTY-SAMPLE BALLOT**



Broward's Instructions Were Presented Vertically, Followed by the U.S. Senate Race



Orange County's Instructions Were Presented Horizontally Followed by all Races

Source: "Learning About Undervotes from Ballot-Level Data: Evidence from the 2018 Florida Midterm Election", written by Michael Morse and Marc Meredith of the MIT Science Lab. Additional edits added by the Office of the County Auditor.

Figure 11b shows another sample of a Broward Ballot which includes U.S. Congressional Race in addition to U.S. Senate Race.

Figure 11b - Broward November 2018 Ballot Samples

Ballot Style 70	Seq:070		
Official General Election Ballot November 6, 2018 Broward County, Florida	Boleta Oficial De La Elección General 6 De Noviembre Del 2018 Condado de Broward, Florida	Ofisyal Jeneral Eleksyon Bilten 6 Novanm 2018 Konte Broward, Florida	
<p><b>Ballot Instructions:</b></p> <ul style="list-style-type: none"> <li>To vote, fill in the oval completely next to your choice. Use only the marking device provided or a black pen.</li> <li>If you make a mistake, ask for a new ballot. Do not cross out or your vote may not count.</li> <li>To vote for a write-in candidate, fill in the oval and print the name clearly on the blank line provided for the write-in candidate.</li> </ul> <p><b>Instrucciones Para La Boleta:</b></p> <ul style="list-style-type: none"> <li>Para votar, llene completamente el óvalo junto a su selección. Use sólo un lápiz de punta negra o una pluma de tinta negra para marcar la boleta.</li> <li>Si se equivoca, pida una nueva boleta. Si borra algo o hace marcas, es posible que su voto no se cuente.</li> <li>Para Votar por un candidato cuyo nombre no está impreso en la boleta, llene el óvalo y escriba el nombre del candidato en la línea en blanco prevista para un candidato agregado.</li> </ul> <p><b>Enfemaasyon Sou Bilten Vot:</b></p> <ul style="list-style-type: none"> <li>Pou vote, leve lakou tout andan oval ak establi responsa ou chwazi li. Sèlman sevi ak youn plim nwa oubyen ak youn krayon pou estri sou bilten vot la.</li> <li>Si w fè youn erè, mande yo bay youn nouvo bilten vot. Si w elase oubyen fè nouvo mak, li ap pòssib pou vot ou pa valab anpil.</li> <li>Pou vote pou youn kandida ki pa gen non li enprime sou bilten vot la, kolore li ak la plim nwa oubyen ak youn krayon sou li pou rezevè pou estri sou youn kandida.</li> </ul>	<p><b>Governor and Lieutenant Governor Gobernador y Teniente Gobernador Gouvènè Ak Lyetenan Gouvènè</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Ron DeSantis Jeanette Nettek REP</p> <p><input type="radio"/> Andrew Gillain Chris King DEM</p> <p><input type="radio"/> David G. Richardson Nancy Argonzano REP</p> <p><input type="radio"/> Kyle "C" Gibson Ethan Willis NPA</p> <p><input type="radio"/> Ryan Christopher Foley John Wilson Jr NPA</p> <p><input type="radio"/> Bruce Stanley Ryan Howard McKay NPA</p> <p>Write-in/Escribir/A letri</p>	<p><b>Justice of the Supreme Court Magistrado en el Tribunal Supremo</b> Justin Nan Lakou Siprin</p> <p>Shall Justice Alan Lawson of the Supreme Court be retained in office? ¿Deberá retenerse en el cargo el Magistrado Alan Lawson en el Tribunal Supremo? Eske se pou Jistis Alan Lawson nan lakou siprin rete nan pòs li a? <input type="radio"/> Yes/SI/Í <input type="radio"/> No/No/Non</p> <p><b>Fourth District Court of Appeal Tribunal De Apelaciones Del Cuarto Distrito</b> Katriyèm Distrik Lakou Dapil</p> <p>Shall Judge Burton C. Conner of the Fourth District Court of Appeal be retained in office? ¿Deberá retenerse en su cargo al Just. Burton C. Conner del Tribunal del Cuarto Distrito de Apelaciones? Eske se pou Jis Burton C. Conner nan katyèyèm distrik lakou dapil rete nan pòs li a? <input type="radio"/> Yes/SI/Í <input type="radio"/> No/No/Non</p>	
	<p><b>Attorney General Fiscal General Abogado Jeneral</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Ashley Moody REP</p> <p><input type="radio"/> Sean Shaw DEM</p> <p><input type="radio"/> Jeffrey Marc Skalko NPA</p>	<p><b>Chief Financial Officer Controlador Estatal Chif Ofisye Finans</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Jimmy Patronis</p> <p><input type="radio"/> Jeremy Ring</p> <p>Write-in/Escribir/A letri</p>	
	<p><b>United States Senator Senador De Los Estados Unidos Senado Etazini</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Rick Scott REP</p> <p><input type="radio"/> Bill Nelson DEM</p> <p>Write-in/Escribir/A letri</p>	<p><b>Commissioner of Agriculture Comisionado De Agricut Komisyone Agrikiti</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Matt Caldwell</p> <p><input type="radio"/> Nicole "Nikki" Reid</p>	
	<p><b>Representative in Congress District 23 Representante En El Congreso Distrito 23 Represantant Nan Kongre Distri 23</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Joseph "Joe" Kaulman REP</p> <p><input type="radio"/> Debbie Wasserman Schultz DEM</p> <p><input type="radio"/> Don Enslin NPA</p> <p><input type="radio"/> Timothy A. "Tim" Casasa NPA</p>	<p><b>State Senator District 34 Senador Estatal Distrito 34 Senar Leta Distri 34</b> (Vote for One/Vote por Uno/Vote pou Youn)</p> <p><input type="radio"/> Gary M Farmer Jr DEM</p> <p>Write-in/Escribir/A letri</p>	<p>retained in office? ¿Deberá retenerse en su cargo al Just. Carole Y. Taylor of the Third District Court of Appeal? Eske se pou Jis Carole Y. Taylor nan katyèyèm distrik lakou dapil rete nan pòs li a? <input type="radio"/> Yes/SI/Í <input type="radio"/> No/No/Non</p>

Broward's Instructions Were Presented Vertically, Followed by the U.S. Senate and Congressional Races

Source: SOE staff. Additional edits added by the Office of the County Auditor.

As shown in Figures 11a and 11b, Broward's ballot included the U.S. Senate race immediately under the instructions in the left column where it could be overlooked. Though the ballot design ultimately may have affected the total votes, the study could not definitively say whether the net difference would have affected the result of the highly contested and publicized Senate race. The study estimates that, of the 30,413 Broward undervotes in the U.S. Senate race, approximately 31% would have been cast for Rick Scott, approximately 62% would have been cast for Bill Nelson, and approximately 7% would have remained intentional undervotes. The net difference would have been 9,658 votes for Bill Nelson. Rick Scott won the election by 10,033 votes.

Ballot design should be appropriate to allow clarity and separation between the instructions and election races to reduce voter confusion. The Florida Administrative Code 1S-2032.10 provided guidance for Supervisors of Elections regarding the placement of the ballot instructions:

"Ballot instructions shall appear flush left or centered in normal or bold font with a minimum size of 10-point type (3.5mm) immediately below the ballot title either across the page or in the first column."

Though the 2018 Administrative Code allowed the instructions to be in the left column, there was no guidance regarding the placement of the races immediately after the instructions in the same column. The Broward Supervisor of Elections placed the Senate and Governor races under the instructions.

New ballot design procedures (FS 101.151), requires "...ballot instructions either be centered across the top of the ballot or in the leftmost column as long as there are no individual races below the column instructions..."

Based on the totality of these issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management adopt and adhere to the new ballot design procedures (FS 101.151), which require "...ballot instructions either be centered across the top of the ballot or in the leftmost column as long as there are no individual races below the column instructions...".

**Management's Response:** See pages 63 through 79.



**7. Recount Results Were Submitted Late and Rejected by the State; Had the Recount Been Timely Submitted, It Would Have Omitted 2,335 Misplaced Ballots.**

The Florida Department of State, Division of Elections, required that the recount results (2nd Unofficial Returns) be submitted by 3:00 PM on November 15, 2018; however, the results were submitted late at 3:02 PM and rejected. However, the recount results, had they been timely submitted and accepted by the State, would have erroneously omitted 2,335 missing ballots. Figure 12 shows the 2,335 difference between the Official and Recount Results.

**Figure 12 - Official and Recount Results**

	Early Voting	Vote-By-Mail	Election Day	Total
Official Results	299,223	191,501	224,795	715,519
Recount	297,867	191,177	224,140	713,184
	(1,356)	(324)	(655)	(2,335)

Source: Office of the County Auditor analysis of tabulation results.

**Appendix A** provides a timeline overview of voter turnout and tabulation results for the November 2018 election.

We further analyzed the Recount Results to the Official Results for State Governor, U.S. Senate, and State Agricultural Commissioner and determined the differences would not have changed the outcome of these races.

The election recount was not properly planned, lacked adequate staffing and equipment, and had poor quality control and supervision, resulting in the late submission of incomplete results due to 2,335 misplaced ballots. SOE staff were unable to provide to us any policies and procedures for performing recounts. There is a lack of evidence that adequate planning for recounts was performed such as staff training, staff needs analysis, equipment analysis, overall procedures, and quality control.

The Broward County Canvassing Board "Report on the Conduct of the November 2018 Election" stated that "SOE staff had insufficient staff to run more than one shift of operators of the DS-850 high-speed tabulators used in the machine recount, but 24-hour operation was necessary for timely completion of returns. SOE staff solved this problem by flying in additional staff provided



DS-850 High Speed Scanner

by the equipment vendor..." A January 24, 2019, memo from the SOE stated that "The Supervisor of Elections currently has 72 authorized positions. At the time of the General Elections, approximately 15% of those positions were vacant. These vacancies – across multiple departments – led to systemic internal issues, chaos and a fundamental lack of trained employees available to achieve the job at hand."

SOE staff attributed the misplaced ballots to utilization of under-trained staff, lack of quality control procedures, and lack of planning for staffing and equipment. According to SOE staff, the misplacing of the ballots occurred during the "page 1 separation" process. This process involved processing each box of ballots through machines to separate the first page (which contained the races to be recounted) from the rest of the ballots. Each box of ballots was separated into two boxes, one with the first page and one with all other pages. After the "page 1 separation" process was performed over an approximate two-day period, the first pages were then tabulated. SOE staff reported some of the first pages were mis-filed into the incorrect box. Staff became aware of the issue during the recount and attempted, but were unable, to locate the misplaced pages in a timely manner. Although staff were able to utilize tabulation reports to identify which precincts had missing ballots, ballots for early voting are not stored by precinct but rather by early voting site and day (See Opportunity for Improvement No. 22). Therefore, staff could not readily locate all missing ballots on time.

The Canvassing Board and SOE Staff attributed the late submission of recount results to a lack of awareness of State submission requirements and lack of awareness that the write-in counts were not included in the recount totals. According to SOE Staff, results were first uploaded before the deadline but rejected by the State because write-ins were not included. SOE Staff had to call-in to the State to determine why the first upload was rejected and receive instructions on the proper submission. We were unable to confirm these reasons as the causes of the late

submission. The SOE staff responsible for uploading the results stated that he believes, had the results been submitted timely and showed that 2,335 ballots were missing, he would have been immediately fired and been walked out of the building.

The failed recount resulted in inaccurate reporting of election results and contributed to negative public perception and compromised voter confidence. Based on the totality of these issues, we are unable to provide assurance over the accuracy of the November 2018 election results as reported.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management implement policies and procedures to plan, train, staff, equip, quality control, and supervise recounts. The potential necessity for recounts should be part of election planning.

**Management's Response:** See pages 63 through 79.

## **8. The SOE does not Adequately Track or Monitor Temporary Election Day Employee Performance or Utilize Past Performance as Consideration in Future Hiring.**

Issues such as late precinct closings and discrepancies in missing seals on ballots and jump drives are not noted within the personnel file. During our observation of the March 2019 election, we identified discrepancies such as completed ballots being delivered without proper seals, jump drives containing electronic backup of voting results being delivered without proper seals, and Precinct Clerks arriving at a regional site late and disorganized. One Field Voter Service Technician (FVST) interviewed stated that there is virtually zero accountability of the FVST's, and she was unaware of who is responsible for ensuring that her and other FVST's are doing their job correctly.

Failure to track and consider past performance in future staffing decisions could result in repeated errors and inefficiencies that could otherwise be corrected.

To facilitate smooth and efficient elections, past performance should be tracked and used in consideration for future hiring decisions. Employees with histories of inadequate performance should not be re-hired.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management track election day performance for consideration in future staffing. Simplified evaluations such as an evaluation card with a brief series of indicators should be completed and maintained within poll worker files.

**Management's Response:** See pages 63 through 79.

## SECTION II- VOTER REGISTRATION

### 9. Verification of Voter Citizenship Status is not Adequate.

The voter registration process does not have adequate controls to ensure voter eligibility, thereby allowing non-United States citizens the ability to register and vote without detection if they do not honestly represent their status. When completing a voter registration application, prospective voters are required to indicate on the application whether they are United States citizens; however, no independent verification is performed. According to Broward SOE Management, applications are electronically submitted to the State for verification against the Department of Motor Vehicle and Social Security Administration records to verify identity, but this process does not provide assurances over citizenship status. Based on discussion with the Florida Department of State, Director of the Division of Elections, *“The Division of Elections does not currently engage in an active systematic program... to identify registered voters who are potentially not U.S. citizens.”* It was not possible to determine whether any other measures exist that have not been disclosed to us by the State or SOE. Therefore, based on inquiries of the SOE and the State, the SOE relies on the State of Florida to vet submitted voter registrations; however, the State does not adequately verify voter citizenship status.

We emphasize that, to our knowledge, the Broward SOE treats this issue the same as other SOE’s across the State. This appears to be a statewide issue that could best be corrected at the State level, in working with the SOEs and appropriate Federal authorities.

The number of non-U.S. citizen residents within Broward County, coupled with instances of non-U.S. citizens identified in the voter rolls, support the need for adequate controls over the voter registration process. As shown in Figure 12a, based on data obtained from the US Census Bureau (2011-2017), Broward County has a total population of 1,890,416 of which, 260,648 (14%) are not U.S. Citizens.

**Figure 12a – Broward County Population**

Foreign Born – Non-Citizen	260,648	14%
Foreign Born – Naturalized Citizen	364,808	19%
Total Foreign Born	625,456	33%
Native	1,264,960	67%
<b>Total</b>	<b>1,890,416</b>	<b>100%</b>

Source: U.S. Census Bureau (factfinder.census.gov)

The SOE provided to us a list of 18 registered voters identified as non-U.S. citizens. According to the SOE, these individuals were identified as non-citizens when they came into the SOE office requesting to be removed from the voter roll. The SOE stated that these individuals were seeking to correct the voter records in preparation for seeking immigration status. The SOE submitted the list to the State Attorney's Office and, as of November 2019, was not aware of any action or outcome of the submittal. SOE staff stated that there may have been instances, such as a school voter registration drive, where individuals may have erroneously completed a voter registration application and indicated status as U.S. citizen. In other instances, according to staff, third party voter registration organizations may have mis-informed persons on how to complete the application.

Citizenship is an eligibility requirement to vote. The 14th Amendment to the U.S. Constitution grants full citizenship rights, including voting rights, to all men and women born or naturalized in the United States. Section 97.041 (1)(a), Florida Statutes, states that "A person may become a registered voter only if that person...2. Is a citizen of the United States". Section 98.045 (1) Florida Statutes states "The supervisor must ensure that any eligible applicant for voter registration is registered to vote and that each application for voter registration is processed in accordance with law. The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following... (f) The applicant is not a United States citizen."

Failure to verify a voter's status as an eligible United States citizen, could lead to non-citizens having the ability to register and vote. Currently in Broward County and potentially in the State of Florida, non-United States citizens could register and vote without detection. Such occurrences erode public trust.

Other states have pursued efforts to identify and implement additional internal controls over the voter registration process. In the State of Arizona, Proposition 200 – Taxpayer and Citizen Protection Act was an initiative passed in 2004, that requires proof of citizenship to be submitted with all Arizona State voter registration forms. The State of Arizona requires registered voters to provide evidence of their United States citizenship to vote in all federal, state, county and local elections. If the voter is unable to provide proof of their US citizenship, then they will be provided with a "federal only ballot" to vote in federal elections but not state, county, and local elections. The State of Georgia elections offices relies on the state's Department of Drivers Services which differentiate between U.S. and Non-U.S. citizen driver's license holders based on proof of citizenship documentation. Potential voters not adequately identified in the driver's database as a U.S. citizen are required to provide proof of citizenship in order to vote. This issue is of nationwide discussion. The challenges faced are implementing appropriate controls while not restricting eligible voters' right or ability to vote.

**We recommend** that the SOE coordinate with and encourage the State of Florida to work with federal authorities to obtain a solution to verification of citizenship status. SOE management should continue to remain up to date and engaged in efforts to find solutions that improve internal controls over the voter registration process while not placing undue barriers to eligible citizens right to vote.

**Management’s Response:** See pages 63 through 79.

**10. We Identified Voter Addresses Utilized by Multiple Voters That do not Meet the Voter Registration Requirements.**

A valid residential address is required to be registered to vote in Broward County. We noted the following instances of voter addresses associated with government buildings:

- A. We identified multiple voters, that voted in the November 2018 election, sharing the same non-residential address as shown in Figure 13.

**Figure 13 - Non-residential business addresses with multiple registered voters**

Voter Address (Per SOE Voter Registration System)	Address Description	Number of Voters
102 Governmental Center Fort Lauderdale, FL 99999	Broward County Government Center	299
9500 Pines Boulevard, Pembroke Pines, FL 33025	Pembroke Pines Fire Department	8

Source: Office of the County Auditor analysis of SOE Voter Registration data.

According to SOE staff, the Broward County Government Center address includes voters that had a business address and did not respond to notices requesting they provide a legal residential address. Staff stated that, at the direction of the former SOE, their address was changed to the Government Center. We reviewed a sample of voters with this address, noting five out of seven instances that their former address was a business address and there was no evidence showing the change to the Government Center address to be initiated by the voter. In other instances, according to SOE staff, voters who have listed the Government Center as their address are homeless, or other scenarios such as living on a boat and with no other address. SOE lacks adequate written internal policies and procedures pertaining to validating and changing voter addresses when responses to SOE notices are not received.

- B. We identified multiple voters, that voted in the November 2018 election, sharing the same residential, or potentially residential address, but without unique address identifiers such as unit, apartment, or dormitory numbers, as shown in Figure 14.

**Figure 14 - Addresses without unique identifiers with multiple registered voters**

Voter Address (Per SOE Voter Registration System)	Address Description	Number of Voters
3625 College Avenue Davie, FL 33328	Nova Southeastern University Residence Hall	38
9711 W Oakland Park Blvd Oakland Park, FL 33351	HTA-E Florida LTC LLC/ American Health Association	21
1050 SW 24TH Ave Deerfield, FL 33760	VS Deerfield Beach LLC/ Grand Villa of Deerfield Beach	21
2020 Scott Street Hollywood, FL 33020	Jubilee Center of South Broward INC	15
901 Hillsboro Mile Hillsboro Beach, FL 33062	Hillsboro Country Club (Private Residence Club)	13

Source: Office of the County Auditor analysis of SOE Voter Registration data.

Registered voters are required to have valid residential addresses and, if applicable, the addresses should be differentiated by unique identifiers such as unit, apartment, or dormitory numbers.

- Florida Statute 98.015 (12) states “Each supervisor shall maintain a list of valid residential street addresses for purposes of verifying the legal addresses of voters residing in the supervisor’s county. To the maximum extent practicable, the list shall include information necessary to differentiate one residence from another, including, but not limited to, a distinguishing apartment, suite, lot, room, or dormitory room number or another identifier. If a voter registration application does not include information necessary to differentiate one residence from another, the supervisor shall make all reasonable efforts to obtain such information in order to maintain the list of valid residential street addresses...”
- The 2019 Florida Statutes 98.045 (1) states “...The supervisor shall determine whether a voter registration applicant is ineligible based on any of the following:... (h) The applicant has provided an address of legal residence that is not his or her legal residence.”

Inaccurate voter registration data compromises the integrity of voter rolls, potentially allowing the inclusion of ineligible voters. As addressed in Opportunity for Improvement No. 24, the SOE



does not have adequate internal written policies and procedures over list maintenance and review of voter rolls.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management:

- A. Obtain a valid legal address for each of the identified registered voters. For any that do not provide appropriate evidence of a valid legal address, reclassify to inactive or ineligible status as permitted by law.
- B. Implement procedures over voter roll list maintenance including the review of non-residential addresses and addresses without unique identifiers.

**Management's Response:** See pages 63 through 79.

### **11.Voter Registrations Delivered by Third Party Voter Registration Organizations (3PVRO) Lack Adequate Controls and Tracking.**

The SOE does not require proof of identification from Third Party Voter Registration Organizations (3PVRO) representatives who deliver voter registrations and does not track which registrations are delivered by which 3PVROs. Although the SOE completes a Chain of Custody Form listing the name of the 3PVRO submitting the registration forms, proof of identification is not required, and the delivered voter registrations are not annotated or otherwise tracked to the individuals associated with the 3PVRO.

Without the ability to trace each voter registration application back to the respective submitting 3PVRO, the SOE and other regulatory authorities are limited in their ability to investigate issues and allegations regarding 3PVROs and the voter registration process. For example, scenarios may occur where forms are filled out for non-existent persons, or non-citizens complete an application without adequate information or understanding that they are ineligible (See Opportunity for Improvement No. 9). Since voter registrations do not indicate whether or which 3PVRO delivered their voter registration, such problems cannot be reviewed to determine whether they are isolated to specific 3PVROs.

According to management, the Office follows the legal requirements and has chosen not to exceed those requirements. Florida Statutes, Section 97.0575 (2) states: "The division or the supervisor of elections shall make voter registration forms available to third-party voter registration organizations. All such forms must contain information identifying the organization to which the forms are provided." There is no further requirement stating that the 3PVRO must use these registrations with the identifying information or any guidance on the 3PVRO printing additional registration forms.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management strengthen controls to require identification from representatives delivering voter registrations and track which registrations are delivered by which 3PVROs.

**Management's Response:** See pages 63 through 79.

## SECTION III- BUDGET, PROCUREMENT, AND FINANCIAL REPORTING

### 12.The Lack of Proper Planning and Controls Led to The November 2018 Election Costs Being Approximately \$1.3 Million, or 14% Overbudget

As shown in the Figure 15, the November 2018 General Election Costs of \$10,566,672 was \$1,307,645 (14%) over the original budgeted costs of \$9,259,027.

**Figure 15 - November General Election Cost Comparison**

Description	2019 Budget	2019 Actual	Variance
Wages and Overtime	\$3,270,000	\$4,717,158	\$1,447,158
Employment Taxes and Benefits	\$151,700	\$188,898	\$37,198
Transportation	\$226,765	\$280,641	\$53,876
Contract Services	\$450,777	\$608,160	\$157,383
Communications/Cell Phones	\$230,939	\$14,593	(\$216,346)
Postage	\$903,520	\$519,627	(\$383,893)
Repairs and Maintenance	\$1,569,420	\$1,268,647	(\$300,773)
Election Day Ballot Printing	\$609,158	\$1,402,529	\$793,371
EV/VBM Ballot and Other Printing	\$1,586,687	\$1,317,598	(\$269,089)
Other	\$260,061	\$248,821	(\$11,240)
	<b>\$9,259,027</b>	<b>\$10,566,672</b>	<b>\$1,307,645</b>

Source: Office of the County Auditor analysis of SOE financial records.

As shown in the highlighted rows in Figure 15, the most significant budget overruns were wages and overtime, contract services, and printing costs as follows:

- Wages and Overtime cost overruns of \$1,447,158 consisted of \$1,029,263 in unanticipated overtime costs. According to SOE management, these overages were primarily attributable to the recount. Although the recount was not an event contemplated within the budget, the amount of overtime cost incurred relative to the total overage is indicative of inadequate planning and staffing of a potential recount. Further, the extent to which wages and overtime is attributable to the recount versus other election activities is not readily determinable because, as further discussed in Opportunity for Improvement No. 18, payroll costs are not tracked and reported in sufficient detail by area in which the expense occurred.
- Contract Services cost overruns of \$157,383 included, among other offsetting items, a \$179,813 invoice to Elections Systems & Software (ES&S) for recount support services. This vendor, who provides election equipment, also provided temporary staffing to operate the

equipment during the recount. The SOE had an inadequate number of trained staff as discussed in Opportunity for Improvement No. 7 requiring the assistance of ES&S.

- The Election Day Ballot Printing cost overage of \$793,372 is separately addressed in Opportunity for Improvement No. 13.

Election cost overruns were caused by a lack of adequate planning and budgetary controls. The cost overruns had significant budgetary impact requiring a subsequent budget amendment prepared by the current Supervisor and additional funding from the Board of County Commissioners. Proper planning should be in place to avoid exceeding the budget. In addition to the recount planning and staffing issues, we identified a lack of budgetary controls, as discussed in Opportunity for Improvement No. 15, that may have contributed to the budget overages.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management implement appropriate planning and budgetary controls to prevent and timely address budget overruns.

**Management’s Response:** See pages 63 through 79.

**13. Unnecessary Waste Occurred in Over Ordering of November 2018 Election Day Ballots.**

The SOE budgeted \$609,158 for election day ballots but incurred \$1,402,529; an overage of \$793,372, as shown in Figure 16a. Because this amount was clearly unnecessary at the time of ordering and the budgeted amounts were reasonable, the \$793,372 is an amount wasted as an unnecessary and unreasonable expenditure.

**Figure 16a – Election Day Ballot Waste**

Budgeted	\$ 609,158
Ordered	<u>\$ 1,402,529</u>
Waste	\$ 793,372

Source: Office of the County Auditor analysis of SOE budget, printing invoice, ordering calculation, and ballot needs analysis.

Based on both historical and actual voter turnout, the budgeted amount was reasonable and adequate. The budget was based on an estimated 60% voter turnout, of which an estimated 50% were expected to vote on election day (as opposed to vote by mail or early voting). However, documentation supporting the actual order used an assumption of a 76% turnout, of which 100%

would vote on election day. Figure 16b shows a comparison of budgeted, ordered, and actual usage of election day ballots.

**Figure 16b - Budgeted, Ordered, and Used Election Day Ballots**

	Budgeted	Ordered	Used	Unused
Election Day Turnout	348,091	921,142	224,795	696,347
Election Day Ballot Cost	\$ 609,158	\$ 1,402,529	\$ 399,522	\$ 1,003,007

Source: Office of the County Auditor analysis of SOE budget, printing invoice, ordering calculation, and ballot needs analysis.

The “used” amount shown in Figure 16b is based on the exact turnout, exact allocation of ballots amount precincts, and provides for no additional ballots. The purpose of this comparison is not to suggest that the “used” amount is what should have been ordered but, rather, to demonstrate that the budgeted amount was reasonable and sufficient. The budgeted amount should have been ordered. The actual ordered quantity was nearly three times the budgeted number, and four times the actual number used.

Ballot orders should be reasonable and consider historical data and projected needs. The \$793,372 overage had a significant budgetary impact contributing to the need for a budget amendment as discussed in Opportunity for Improvement No. 12. Excessive order quantities of blank ballots are also of concern given the lack of chain of custody records and unaccounted for ballots as discussed in Opportunity for Improvement No. 5.

According to management, the order quantity was directed by the former SOE. We were unable to ascertain whether the former SOE directed the specific order quantity or the voter turnout percentages used in determining the order quantity. There was no evidence that the purchase was reviewed prior to ordering. As will be discussed in Opportunity for Improvement No. 17, had appropriate purchase order and encumbrance budgetary controls been in place, the excessive order may have been prevented. Further, as discussed in Opportunity for Improvement No. 16, there was no evidence of competitive solicitation.

**The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management ensure that the need for ballots is appropriately analyzed and underlying support for orders are properly reviewed for reasonableness and approved in advance and budgetary controls are in place.

**Management’s Response:** See pages 63 through 79.

**14. Potentially Excessive Reliance is Placed on Outside Vendor CTM Election Services LLC (CTM).**

CTM provides election support services consisting of verification of voting machine coding and testing, tabulation support, and call center technical support during early voting and election days. According to the contract, CTM was to be paid a total of \$276,000 for 162 "service days" for the August 2018 Primary, November 2018 Gubernatorial, and 2019 March Municipal elections as shown in Figure 17.

**Figure 17 - CTM Contract Summary**

Election	Service Days				Amount
	Representative	Specialist	Technicians	Total	
2018 Primary	10	27	27	64	\$131,000
2018 General	10	32	27	69	\$145,000
2019 Municipal	5	14	10	29	\$57,500
	<b>25</b>	<b>73</b>	<b>64</b>	<b>162</b>	<b>\$276,000</b>

Source: Prepared by the Office of the County Auditor with information from the CTM contract.

CTM provides pre-agreed upon services for each election. Services are billed in days and according to the contract, "a 'service day' shall mean the performance of any agreed upon Election Support Services on or off of Customer's facilities, as applicable, by one (1) CTM employee, contractor, or agent on any one (1) calendar day or portion thereof. Establishing an hourly billing rate for services could result in cost savings over the current model which requires SOE to pay CTM for a full day of services, even if only one or two hours of service are rendered. This billing model creates the potential for abuse, as it incentivizes the vendor to provide services on as many partial days as possible.

According to SOE management, the services by CTM are primarily provided by one individual, the owner of the company who provides a great amount of institutional knowledge of the SOE operation and a former employee of the SOE. However, excessive reliance on outside vendors can result in higher cost of operations and business continuity risks, particularly given the reliance on one individual. The \$276,000 paid for 162 "service days" is generally equivalent to over \$500,000 in salary costs for one full time position. Because of inadequate tracking of time, we could not determine how many of the "service days" were only portions of a day.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management mitigate risks of excessive reliance on outside vendor CTM by performing the following:

- A. Evaluate the feasibility of acquiring the necessary knowledge and performing the services by in-house staff.
- B. Clarify contract terms relative to service level provided.
- C. Negotiate more favorable billing rates.

**Management's Response:** See pages 63 through 79.

### **15.The SOE Purchased \$503,500 in Equipment That was not Budgeted or Authorized by the Board of County Commissioners.**

The SOE purchased 100 additional new DS200 machines (used at polling places for election day and early voting) for a total cost of \$503,500. According to management, these new machines were necessary for the specific purpose of early voting. However, in previous elections, early voting sites used DS200 machines that were then re-used for election day voting. This required additional efforts by SOE staff to load, prepare, and redistribute the machines to polling sites at the close of early voting.

Staff provided a sales order agreement for the equipment showing an undated signature of the former SOE; however, we were unable to obtain any further information as to how the purchase was authorized or reviewed against available budgeted funds. As discussed in Opportunity for Improvement No. 17, the SOE lacks purchase order and encumbrance budgetary controls. Had these controls been in place, this transaction may have been reviewed and analyzed by management prior to execution. The purchase resulted in a significant budgetary impact requiring a subsequent budget amendment prepared by the current Supervisor and additional funding from the Board of County Commissioners.

Purchases should be properly authorized and budget funds set aside (encumbered) in advance of purchase. Failure to obtain authorization and follow the appropriate procurement and accounting controls could result in wasteful purchases and further budget overruns. Further, the Board of County Commissioners (Board) approves the SOE's annual budget and appropriates monies. Significant capital expenditures not contemplated in the budget require budget amendments approved by the Board of County Commissioners.

### **The issues noted in this Opportunity For Improvement occurred during the administration of the previous Supervisor of Elections.**

**We recommend** SOE management ensure that all significant purchases are included in annual budget requests and that appropriate amendments are obtained in advance for previously unanticipated needs.

**Management’s Response:** See pages 63 through 79.

**16.The SOE Does not Competitively Solicit or Consistently Document Receipt of Goods and Services.**

We found that SOE has an overall lack of competitive solicitation for goods and services. Figure 18 shows examples of identified purchases that lacked evidence of competitive solicitation.

**Figure 18 - Purchases Lacking Evidence of Competitive Solicitation**

<b>Commercial Printers, Inc. - \$4,473,947</b>
Commercial Printers, Inc. was the SOE’s largest paid vendor in fiscal year 2019 with payments totaling \$4,473,947. The vendor provides ballot printing, mailing, and other related services. Management could not provide documentation demonstrating that the services had ever been competitively procured. According to management, the company has been used for many years. While some of the services provided, such as ballot printing, require certain technical certifications, there are other vendors that could meet these requirements and respond to a competitive solicitation, and potentially offer the same services at a cost savings. The current SOE has opted to not make any changes during the interim period.
<b>Intab, Inc. - \$155,359</b>
Intab, Inc. provided \$155,359 in products consisting of stickers, labels, and equipment seals used in conducting elections. Management could not provide documentation demonstrating that the services were competitively procured.
<b>Sentry Security - \$46,104</b>
Sentry Security provided and installed a paging system for the Voting Equipment Center at a cost of \$46,104. According to management, the company has been used in the past and is reliable and was called upon directly to provide the products and installation.

Source: Prepared by the Office of the County Auditor with information obtained from selected payments

Competitive procurement is standard practice to ensure that goods and services are procured at the best price and quality and is an integral part of government purchasing practices. Competition is a basic tenant of public procurement. Depending on the nature of the purchase, competitive solicitation processes include obtaining quotes, obtaining bids, publicly soliciting



responses to provide goods and services, establishing master purchase agreements, and utilizing (“piggybacking”) contracts that were competitively solicited by other organizations. SOE policies and procedures specify competitive solicitation practices for purchases over \$5,000.

Failure to competitively solicit purchases could potentially result in purchasing goods/services that are not of the highest quality and could also result in waste by not getting the most competitive pricing. The lack of competition also facilitates vendor preferential treatment and potential corruption. As a government office funded by taxpayer funds, the SOE has a responsibility to ensure the its funds are spent in an appropriate, efficient and effective manner.

In addition to concerns regarding competition, we also identified inconsistent documentation evidencing receipt of goods and services. For example, all items ordered from the vendor Intab, Inc. totaling \$155,359, as referenced above, and a \$1,430 purchase of check stock material from another vendor lack evidence that the items were received as ordered. Therefore, we cannot provide assurance that these items were received. Failure to maintain consistent documentation evidencing the receipt of goods could potentially result in payment for goods and services not received, or misappropriation of funds.

Receipt of goods and services should be performed and documented prior to invoice payment. This ensures payments are made only for goods and services received. Further, the receiving function should be performed by an individual separate from the purchasing or invoice approval function. “Segregation of duties” is an important preventive control which requires more than one individual to be responsible for completing a process. This control makes it difficult for intentional wrongdoing to occur because it requires collusion of two or more individuals.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management:

- A. Implement competitive procurement practices supported by established policies and procedures.
- B. Implement policies and procedures requiring the receipt of goods and services be documented prior payment. This should be performed by an individual not involved in the procurement or invoice approval processes.

**Management’s Response:** See pages 63 through 79.

## **17. Purchase Orders and Budget Encumbrances are not Appropriately Utilized.**

All purchase orders reviewed were dated at the time of payment rather than at the time of purchase (ordering). Purchase orders should be completed and approved prior to procuring a good or service. Doing so ensures that purchases are properly approved in advance and that there is adequate funding in place to accommodate the purchase. When a purchase order is entered into the financial accounting system, it encumbers (reserves) budgeted funds that will be needed to ultimately pay for the goods and services. SOE policies and procedures require the use of purchase orders prior to purchase.

Failure to execute purchase orders prior to entering into purchase agreements could result in staff making unauthorized purchases and/or making purchases without adequate funds available for payment. For example, we identified two significant purchases that exceeded the originally planned budget and required subsequent funding via budgetary amendment to be approved by the Board of County Commissioners. These purchases were the \$503,500 for 100 DS200 scanners that were not budgeted for, as discussed in Opportunity for Improvement No. 15, and a \$1,402,529 purchase of election day ballots which exceeded the budget by \$793,372 as discussed in Opportunity for Improvement No. 13. Had a purchase order been completed and entered the financial accounting system in advance of the purchase, during the approval process, management would have been alerted to the budget overruns and may have taken appropriate action.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management ensure that all purchase requests are reviewed and approved in advance and purchase orders and budgetary encumbrances are processed appropriately, and in accordance with policies.

**Management's Response:** See pages 63 through 79.

## **18. Financial Reporting Needs Improvement.**

During our audit, we noted several instances where tracking of relevant financial data was insufficient and could impede management's ability to fully analyze expenses and potentially identify efficiencies in operational costs. We identified the following concerns:

- A. Overtime costs for temporary staff are not accurately recorded and reported. We noted instances of salaries for regular and overtime hours from temporary agencies recorded as regular temporary staffing salaries rather than segregating the regular and overtime costs.

As a result, reported overtime expenses are understated. Regular and overtime pay should be individually recorded and reported.

- B. Temporary staffing costs are not tracked and reported in sufficient detail for management oversight. For example, payroll costs are not recorded by department / function (early voting, voter services, tabulation, warehouse, recount, etc.) or type (temporary versus election day workers). Instead, temporary staffing costs are recorded and reported into two accounts entitled "other salaries" and "overtime". Within these accounts, deciphering costs between department / function cannot be readily performed or for some costs, this analysis cannot be performed at all. Figure 19 shows the temporary and election day staffing costs "as reported" versus as "as further detailed".

**Figure 19 - Payroll Costs**

Type	November Election	March Election
<i>As Reported:</i>		
Other Salaries (Account 5013)	\$3,380,024	\$553,935
Overtime (Account 5014)	\$1,337,134	\$17,991
<b>Total</b>	<b>\$4,717,158</b>	<b>\$571,926</b>
<i>As Further Detailed:</i>		
<b><u>Temporary Staffing:</u></b>		
Temporary Staffing - Unclassified	\$1,185,860	\$101,600
Temporary Staffing - 40	\$134,204	\$27,288
Temporary Staffing - 50	\$140,656	\$12,751
Temporary Staffing - 51	\$6,964	\$476
Temporary Staffing - 70	\$50,913	\$34,130
<b><u>Election Day Staffing:</u></b>		
Poll Worker - Early Voting	\$528,024	
Poll Worker - Election Day	\$914,244	
Poll Worker - Support Staff	\$195,409	\$419,376
<b>Other - Rent, Security, Check Reversals, Other</b>	<b>\$223,750</b>	<b>(\$41,686)</b>
<b>Overtime Total</b>	<b>\$1,337,134</b>	<b>\$17,991</b>
<b>Total</b>	<b>\$4,717,158</b>	<b>\$571,926</b>

Source: Prepared by the Office of the County Auditor with information obtained from the SOE financial records.

As shown in Figure 19, most temporary staffing costs remain reported as ‘unclassified’ for fiscal year 2019.

Payroll costs should be reported in sufficient detail to provide for budgetary monitoring and management planning.

- C. Expenses were not adequately budgeted for municipal elections and grants. As shown in Figure 20, expenses for the January / March 2019 Municipal elections were partially budgeted while the June 2019 Coral Springs Special election, and grants were not budgeted at all.

**Figure 20 - SOE Expenditures – Fiscal Year 2019**

	Original Budget	Amended Budget	Actual
Administration	\$ 7,334, 416	\$ 7,334,416	\$ 7,224,542
Capital and Special Projects	1,741,827	2,591,787	2,216,106
Nov General Election	9,259,027	10,688,423	10,566,672
Aug Primary Election	-	-	-
Presidential Primary	-	-	-
<b>Subtotal</b>	<b>\$ 18,335,270</b>	<b>\$ 20,614,626</b>	<b>\$ 20,007,320</b>
Municipal Election	596,580	596,580	1,043,293
Special Election	-	-	140,112
Grants	-	-	1,021,968
<b>Total</b>	<b>\$ 18,931,850</b>	<b>\$ 21,211,206</b>	<b>\$ 22,212,693</b>

Source: Office of the County Auditor analysis of SOE financial records.

The January / March municipal elections were included in the original budget. However, the budget did not contemplate the increased costs due to Fort Lauderdale bond referendum, Coral Springs’ March elections, and other items which resulted in nearly double the planned number of precincts required for these elections. The June 2019 Coral Springs special election and grants expenditures were not included in the original budget.

SOE did not bring this additional expense to the attention of the BOCC via budget amendment in a timely manner once it was apparent such costs would be incurred. Inadequate budgeting of costs and failure to seek appropriate budgetary amendments results in an inconsistent "apples to oranges" comparison between budgeted and actual results. It also results in a lack of transparency to the public and policy makers by not properly appropriating the funds to be spent. Although these activities are not funded by the County and operate at substantially ‘breakeven’ costs because they are paid for by municipal and grant revenues, the expenses should be properly budgeted.

Inadequate financial reporting limits management’s ability to monitor compliance with budget to actual results and, if needed, implement timely corrective actions. This also limits

management's ability to monitor payroll costs and adequately determining the utilization of staffing resources.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management:

- A. Ensure regular and overtime salaries are recorded in the appropriate general ledger accounts.
- B. Enhance the recording and reporting of payroll to distinguish between department / function as well as temporary and election day workers.
- C. Formally amend budget documents to reflect significant unanticipated expenditures in advance of the expenditures.

**Management's Response:** See pages 63 through 79.

**19. SOE Management Identified Eight Potentially Fraudulent Checks Totaling \$16,400.**

During September and October 2019, SOE Management identified eight potentially fraudulent checks totaling \$16,400, which cleared the SOE's bank account but were not written or issued by the SOE. These checks were identified through a periodic review of on-line banking activity by the SOE's Finance Director. We obtained copies of the checks, noting that three checks appeared consistent with current SOE check stock which lists "Broward County" as the first line of the address. The other five checks list "Brenda C. Snipes" on the first line of the address which is consistent with the previous SOE check stock. The checks were payable to six unique payees and had four different endorsements (back of the check). The checks were signed using three unique authorized signature formats (front of the check) which matched the names of the former SOE (2 signature formats) and former SOE Director of Finance. SOE management stated the checks were provided to legal counsel for further action. Examples of the checks are shown in Figure 21.



The SOE stated that implementing Positive Pay controls (pre-authorizing checks prior to payment) was discussed with its bank beginning in May 2019 and were initiated in September 2019; however, one of the eight checks cleared the bank following implementation of positive pay controls.

Comparison and reconciliation of transactions recorded in the financial records to transactions per the banking institution is an important internal control. It is typically performed on a monthly basis through preparation of a documented bank reconciliation. Additional periodic reviews of banking activity may occur as well. Positive Pay is another internal control used that requires bank transactions to match a list of authorized payments previously prepared and presented to the bank.

**We recommend** SOE management continue the use of Positive Pay and:

- A. File a police report and cooperate in any subsequent investigation.
- B. Pursue recovery of funds from the bank.
- C. Ensure that Positive Pay controls are fully implemented to prevent processing of payments that were not pre-authorized.

**Management's Response:** See pages 63 through 79.

## **20. We Were Unable to Confirm the Existence of One Temporary Employee and the Validity of two Temporary Employee Payments.**

We reviewed 15 temporary hourly employee files and noted one of 15 temporary employee files was incomplete as it did not contain a copy of the employee's photo identification. Therefore, we were unable to verify their identity or that the employee existed.

We also reviewed 15 temporary election day employee files. SOE also could not provide spreadsheets listing the days worked and pay rates for two out of 15 election day workers. As such, we were unable to verify the amount paid for two workers.

Retaining documentation to support salaries paid and maintaining up-to-date and complete employee files ensures that employee payments are legitimate and accurate.

**We recommend** SOE management ensure employee files are complete and amounts paid to election day workers are properly supported.

**Management's Response:** See pages 63 through 79.

## **21. Manual Review of Vote-By-Mail Signatures is Slow and Prone to Human Error.**

The Vote-By-Mail process currently includes a visual comparison of signatures of each Vote-By-Mail ballot signature against the voter signature kept on file. The signature verification process is a vital part of accepting returned ballots. This process involves the determination that the signature on the returned ballot is identical or like the signature on file. While the signatures are automatically and electronically presented for visual comparison, they are manually reviewed by staff who sends any exceptions to the Canvassing Board for final determination. According to management, the manual process is slower, more costly, and more prone to human error than electronic/software solutions designed to perform this task. Although management did not provide a written analysis, they believe that electronic signature verification will improve the Vote-By-Mail process and has been successfully implemented by other jurisdictions. Management is pursuing and in process of implementing the electronic signature verification.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management prepare an analysis justifying the investment in electronic signature verification and, providing that it is supported by the analysis, continue to pursue and implement the electronic signature verification using a competitive procurement.

**Management's Response:** See pages 63 through 79.



## SECTION IV- VOTER OUTREACH AND PUBLIC ACCESS

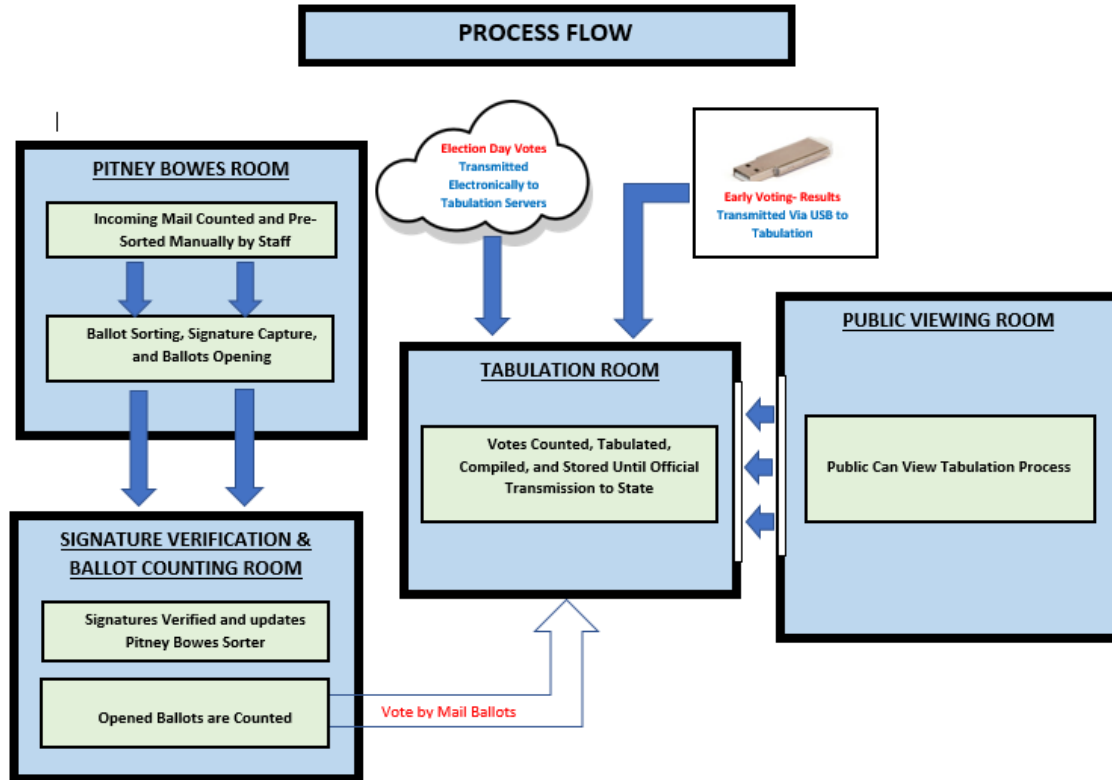
### **22.Voter Education Efforts Over the Elections Process Needs Improvement**

We noted that voter education efforts related to the elections processes were not adequate and need improvement. Specifically, improvements should be made in the following areas: information presented on the SOE website, public viewing area accessibility, and availability and clarity of reports. These are discussed as follows:

- A. While the SOE website is a significant source of information for prospective voters and provides an array of information on voter registration, voting (including “how to” videos), and community outreach events, we noted that the website lacks information on the elections process, how votes are counted, and safeguards in place to ensure accurate and complete counts. Information is lacking that explains how votes are secured and tabulated for each type of voting including security over transmitted information and chain of custody procedures over voter turnout versus ballots tabulated. Public education over the elections process should be performed to encourage adequate oversight and maintain voter confidence. A lack of education over the process may foster misinformation and distrust.

- B. The public viewing area at the Voter Equipment Center (VEC) is limited and operations occurring are unclear. As shown in Figure 22 below, the public viewing access is primarily limited to windows looking into the tabulation room.

**Figure 22 - Room Layout and Process Flow**



Source: Office of the County Auditor review of tabulation process.

The only visibility into the signature verification and ballot counting room is through a small window in the corner of the tabulation room. This limited access is insufficient. Members of the viewing public must specifically request additional access to these areas during an election to view activities. Further, the operations occurring are not intuitive to laypersons. SOE staff stated that during an election, staff and the Canvassing Board are announcing activities as they occur; however, the overall layout and lack of explanatory signage limits full understanding of operations underway. The County Commission is currently pursuing a new location for the SOE’s Main Office and Voter Equipment Center. This new location may provide an opportunity for enhanced public viewing and appropriate design considerations should be incorporated into facility planning.

- C. Election information is not clearly and completely presented. The SOE website offers links to various types of reports; however, the website is not user friendly and presents challenges in obtaining the desired information. Specifically, when searching for reports, we observed that the reports:

- are in different locations (pages),
- are not clearly described,
- are not identified as to whether they are tabulation (i.e. ballots counted) or voter turnout reports, and
- present different totals that are not explained, summarized, or reconciled.

Figure 23 shows the summary voter data from reports published on the SOE website for the November 2018 General Election.

**Figure 23 - Election Information Reports**

Report Name	Information Grouping	Report Total
<b>SOE Website Location: Election Information – Election Results</b>		
EL 45 Summary Report	By Vote Type	715,519
EL 52 Report	By Precinct	715,519
<b>SOE Website Location: Election Information – Voter Statistics</b>		
District Voter Turnout Analysis	By Vote Type	720,117
Precinct Summary Voter Turnout Report	By Precinct	720,115

Source: Office of the County Auditor Analysis of Election Information Reports

To compare this data against another source, we requested and obtained an additional report from SOE staff that was generated from the voter registration system and listed the name of everyone that voted in the November 2018 General Election. The report totaled 718,903 voters. Figure 24 further compares the numbers presented by each report.

**Figure 24 - Election Information Reports Analysis**

Vote Type	Tabulation		Turnout / Checked In Voters		
	EL 45 Summary	EL 52	District Voter Turnout Analysis	Precinct Summary Voter Turnout	Voter Registration System
Early Voting	299,223		299,166		300,320
Vote-By-Mail	191,501		196,694		192,729
Election Day	224,795		224,257		225,854
<b>Subtotal</b>	<b>715,519</b>	<b>715,519</b>	<b>720,117</b>	<b>720,115</b>	<b>718,903</b>
Vote-By-Mail Rejected					5,546
Provisional Rejected					313
<b>Total</b>	<b>715,519</b>	<b>715,519</b>	<b>720,117</b>	<b>720,115</b>	<b>724,762</b>

Source: Office of the County Auditor Analysis of Election Information Reports

The 715,519 reported by the EL45 and EL52 tabulation reports corresponds to the official certified results from tabulation. The remaining reports correspond to voter turnout. According to SOE management, the higher voter turnout totals compare favorably to the 715,519 ballots tabulated. Management stated that ballot tabulation uses only page 1 of each ballot for the purpose reporting the total number of ballots. Therefore, if a voter does not return page 1 of the ballot, the ballot would not be considered in the total 715,519 (but the votes would still be tallied). Appendix A further reports voter turnout and tabulation results at various points for all election types.

This information is not clearly and completely presented on the SOE website. Comparing voter turnout and ballots tabulated is an important control to verify that the number of ballots correspond with the number of voters. While some level of difference may be expected, this should be clearly shown and explained.

We also found that relevant information is not presented such as the numbers of Vote-By-Mail and provisional ballots pending tabulation.

Inadequate and unclear information limits voter oversight and may create questions that could otherwise be answered by clearly presented information, and compromises voter confidence.

D. Early voting ballots are stored in a different grouping than as reported by tabulation results, limiting the ability to perform test recounts. Both election day and Vote-By-Mail ballots are reported and stored by precinct. Early Voting ballots, however, are reported by precinct but stored by early voting site. Therefore, to perform a test recount for one precinct, early voting ballots for that precinct would have to be



Boxed Ballots Returned to VEC

physically located and manually separated from other ballots across 308 boxes (22 early voting sites x 14 days). This precludes the ability of member of the public or regulatory entity to perform test recounts without incurring substantial additional costs. All types of ballots should be reported and stored in a consistent manner to facilitate test recounts.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management:

- A. Improve public education over the elections process through material posted on the website to include information as to how votes are counted and election safeguards in place.
- B. Evaluate the feasibility of enhanced public observation areas.
- C. Ensure that all relevant election information posted on the website is completely and clearly presented. Reported information should be appropriately explained, including differences in reported totals. Consideration should be given to utilizing summary reports or templates that clearly present election information in a consistent and understandable manner.
- D. Implement policies and procedures to report and catalogue/store Early Voting ballots in a readily accessible manner should a recount be requested. This could include developing tabulation reports by early voting location.

**Management's Response:** See pages 63 through 79.

### **23.The SOE Could Enhance Mechanisms to Track and Monitor the Efficiency, Effectiveness, and Adequacy of the Voter Education and Outreach Activities.**

The SOE's Voter Education Department utilizes an internal calendar to schedule and track all educational and outreach events. The events are listed by event title, event description, event date, event start and end times, event location and the event coordinator. However, there is no indication that the Voter Education Department is tracking performance information related to its programs such as costs, resources utilized, or outcomes. Costs are not separately tracked and grouped by program.

Implementing a monitoring system that tracks the results of events held and the costs associated with each event would allow the Voter Education Department to better monitor the performance outcomes of each event and operational efficiency. Departments should be able to measure activity performance and collect statistical data to make informed, effective and efficient decisions in organizing its ongoing activities and be able to record and monitor costs associated with such activities.

**This situation existed prior to the appointment of the current Supervisor.**

**We recommend** SOE management incorporate mechanisms to monitor the efficiency, effectiveness, costs and adequacy of the voter outreach events. By implementing monitoring mechanisms, the Voter Outreach Department can statistically quantify activities and better allocate resources for events.

**Management's Response:** See pages 63 through 79.

## SECTION V- STANDARD OPERATING PROCEDURES

### **24. The SOE Lacks Standard Operating Procedures.**

The Supervisor of Elections has no internal Standard Operating Procedures manual. While manuals have been created for training Poll Workers, Voting System Technicians, Deputies, and Early Voting, no comprehensive manual exists for overall operations of the SOE. Some procedures are available in piecemeal / PowerPoint presentation form, such as the process for Vote-By-Mail preparation. However, there are no procedures for key processes such as voter registration, voter list maintenance, tabulation, recounts, education and outreach, warehouse operations, etc.

The lack of standard operating procedures is a causative factor to many of the deficiencies noted throughout this report. According to SOE staff, there is no internal operating procedure manual as guidance that is established and administered by the Florida Statutes for Supervisor of Elections offices. While we recognize that Florida Statutes set the rules, deadlines, and various parameters for performing election functions, these directives do not substitute for the necessary “how to” elements that standard operating procedures provide. It is a basic principle of good business practices to maintain up-to-date standard operating procedures to ensure current policies and procedures are followed appropriately.

**This situation existed prior to the appointment of the current Supervisor.**

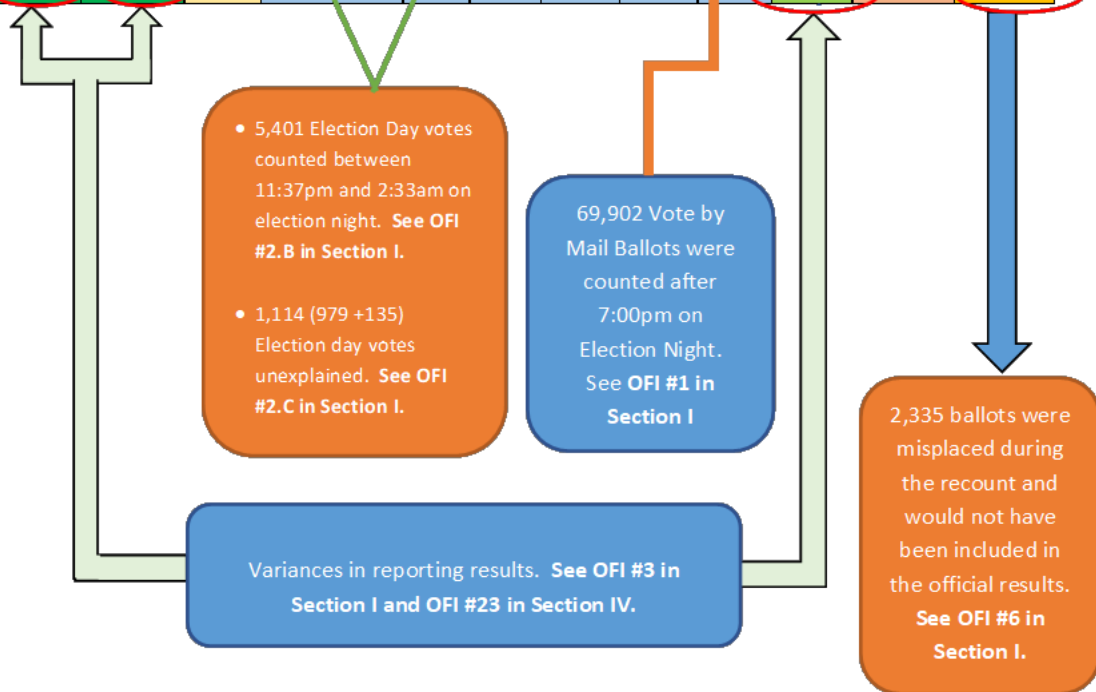
**We recommend** SOE management develop and maintain a standard operating manual which references (“crosswalks”) the Florida Statutes and includes the necessary internal operating processes. We also recommend the manual to be reflective of all elements of the elections process and audit functions necessary to provide guidance for staff at each stage of the process.

**Management’s Response:** See pages 63 through 79.

# APPENDIX A: TABULATED RESULTS TIMELINE

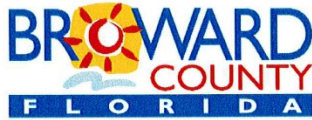
The table below illustrates a comprehensive breakdown of the 2018 General Election. Included in the table is the voter turnout by vote type, votes tallied by vote type and changes by time points. We also present the comparison of the official results to the rejected recount results. Provided within the table are the references to the Opportunities For Improvements identified throughout this report.

VOTE TYPE	VOTER TURNOUT		TABULATED RESULTS										
	VOTER REGISTRATION SYSTEM	DISTRICT VOTER TURNOUT-PRECINCT ANALYSIS	Nov 6th	Nov 7th		Nov 8th		Nov 10th	Nov 18th	Total Changes [B]	Official Results Total [A]+[B]	Nov 15th	Difference Between Recount and Official Results [A]+[B]-[C]
			Results at 11:37PM [A]	Change at 2:59am	Change at 6:49PM	Change at 1:21PM	Change at 6:58PM	Change at 11:48AM	Change at 6:39AM			Recount Results (Rejected) [C]	
Early Votes	300,320	299,166	299,169	-	-	-	-	17	37	54	299,223	297,867	1,356
Vote-by-Mail	192,729	196,694	121,599	29,508	11,705	9,723	17,041	1,898	27	69,902	191,501	190,982	519
Election Day	225,854	224,257	217,580	5,401	979	135	-	104	596	7,215	224,795	224,335	460
<b>TOTAL</b>	<b>718,903</b>	<b>720,117</b>	<b>638,348</b>	<b>34,909</b>	<b>12,684</b>	<b>9,858</b>	<b>17,041</b>	<b>2,019</b>	<b>660</b>	<b>715,519</b>	<b>713,184</b>	<b>2,335</b>	



# MANAGEMENT'S RESPONSE



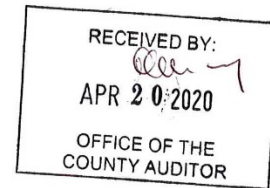


SUPERVISOR OF ELECTIONS  
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April 20, 2020

Mayor Dale V.C. Holness & Board of County Commissioners  
Broward County Governmental Center  
115 S. Andrews Avenue  
Fort Lauderdale, FL 33301



Mayor Holness and County Commissioners:

The following constitutes the Supervisor of Elections (SOE) comment on the 24 issues researched by the County Auditor in the audit ordered by the Board of County Commissioners (BOCC) in the early 2019. I am grateful to our County Auditor for granting a modest extension of time for this response in light of the March 2020 county-wide election.

My comments are numbered to correspond to the issues as numbered by the County Auditor<sup>1</sup>:

#1

New Vote-by-Mail (VBM) procedures were adopted for the March 2020 election. All VBM ballots were processed contemporaneous with receipt and all VBM ballots received from the Opa-Locka and Fort Lauderdale post offices were processed and tabulated on election night. Additional VBM and IT staff will be needed to successfully deploy the new procedures, particularly in light of post COVID-19 generated VBM demand in August and November.

#2

It goes without saying that November 2018 election night was chaotic so there's to be no quibbling over charts, the data or their informed interpretation. The identified discrepancies do not change the outcome of any race and solving the data accumulation and transmission challenge with current technology is the primary issue.

To that end, while amended procedures were deployed during the March 2020 Primary, certain aspects of these procedures were found wanting. Accordingly, in August and November, the election night data collection procedure will be as follows:

- After the final election night vote is cast, the precinct Voting System Technician (VST) will instruct the DS-200 modems to transmit all election results, then routinely close the precinct (based on experience, most DS-200s will report properly). Without regard to any DS-200 report or response, the VST will remove the USB-drive from the DS-200 and physically take it to the Voting Equipment Center (VEC) to assure timely possession of the data accumulated in each DS-200. This means that the

<sup>1</sup> While the initial BOCC request was to audit the SOE conduct of the 2018 General Election, the scope of the audit expanded over time.

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Page 2

Supervisor will have possession of all election day data by approximately 9:00 p.m. election night.

#3

Notwithstanding these identified discrepancies, after careful preparation and implementation of voting procedures, the March 2020 Presidential Preference Primary went off without reporting errors. (See Attached Ex. A - Audit Report of the Broward Canvassing Board, March 30, 2020).

#4

Despite these identified deficiencies, upon careful preparation and implementation of voting procedures, similar deficiencies did not appear in the March 2020 Presidential Preference Primary.

#5

The Florida Division of Elections requires a report accounting for all unused election materials. The current report is not broken down to separately account for ballots or other election materials, and no such breakdown is required (See Attached Ex. B). The office will provide a ballot breakdown in its August 2020 Primary report to Division of Elections.

#6

It is for others to speculate on ballot design issues with respect to the 2018 U.S. Senate race. However, in order to enhance the clarity of ballot styles, the office now circulates proposed ballot designs in draft for comment to all candidates, the BOCC and political parties at least five days before the ballot printing deadline.

#7

The office is prepared for recounts as required by law.

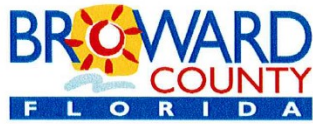
#8

It is not very well known by the public that elections administrators around the county rely almost entirely on casual labor for elections work (EV and election day preparation, administration and ancillary support). During the Broward County March 2020 Election, approximately 4,000 pollworkers were hired for EV and election day, approximately 50 temporary IT workers and over 300 truck drivers and warehouse workers. Problematic or unproductive workers in all categories are not invited to serve in future elections. Formal evaluations are impractical and unnecessarily bureaucratic under these circumstances.

#9

Agree - More needs to be done in Florida law to assure that U.S. citizens alone are permitted to register to vote. When revealed by other circumstances, this office has referred illegal non-citizen voter registrants to the State Attorney. (28 such cases have been referred in the last year).

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SUPERVISOR OF ELECTIONS  
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Page 3

#10

Based on court decisions and legal advice, homeless residents are assigned precinct Z73. In odd numbered years, every SOE conducts voter list maintenance to help keep current on changes of address, among other things. Return mail from the post office as well as routine voter-initiated updates help maintain address accuracy. Otherwise, this office follows the law and Division of Elections guidance (See Attached Ex. C).

#11

This office follows Florida law with respect to 3<sup>rd</sup> Party Voter Registration Organizations (See Attached Ex. D).

#12

Agree - Budget controls have been implemented and operational planning is a daily exercise.

#13

Agree - While responsible ballot ordering is an ever-evolving art, the office carefully analyzes each precinct in the context of election day ballot style needs, election by election.

#14

The office will continue to honor a previously signed contract with CTM, Inc. for both call center staffing as well as expert tabulation advice.

#15

Agree – The capital purchase in question was not approved by the BOCC, as required.

#16

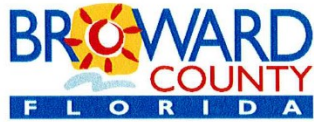
The SOE strongly agrees with the importance of competitive solicitations. The office created a Purchase Quote Review form in October 2019 to formally document the competitive solicitation processes.

A critical component of a successful election administration involves securing accurate ballot printing in a timely manner. Commercial Printers, Inc. has been selected because not only it is state certified, but Broward County piggybacked on a competitive solicitation held by the Miami-Dade County SOE, where Commercial Printers was selected. Palm Beach County SOE has selected Commercial Printers as well.

#17

Agree – Procurement policies have been improved to ensure established internal controls function appropriately.

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Page 4

#18

Agree – Several months prior the issuance of this report, the SOE contracted with Automatic Data Processing (ADP) primarily for the timely remuneration of pollworkers. Contracting with ADP provide a means to separately track the payroll costs of election workers hired for EV versus election day workers; the costs are also properly delineated between regular time and overtime. In addition, temporary workers have now been coded to the contract services budget line.

#19

Agree – The identified funds have been recovered from Bank of America.

#20

See Answer to #8.

#21

Agree – The office has purchased software to improve and accelerate VBM signature verification. It will be used initially during the 2020 Primary Election (In the March 2020 election, 7 of the 96,341 VBM were rejected for signature mismatches).

#22

Improved public visibility of the VBM tabulation process will be available in the new SOE building that is currently under design by Broward staff and consultants. Website improvements are an everyday goal and all manner of election information is routinely updated.

#23

Agree

#24

Agree – Recommend that this long-term project be undertaken as a top priority in 2021.

If there are further questions about facts connected to this audit, I am pleased to appear before the Commissioners or meet with any commissioner individually.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Antonacci".

Peter Antonacci  
Supervisor of Elections

Si desea una traducción de este documento sírvase solicitarlo por correo electrónico a: [elections@browardsoe.org](mailto:elections@browardsoe.org).  
Oficina: 954-357-7050 • Fax: 954-357-7070



DocuSign Envelope ID: C889B925-E5F7-4CA0-B0AD-6650CBF9F4EE

**EXHIBIT A**

**Voting System Post-Election Audit Report**

County: Broward Date of Election: 03/17/2020

Type of Audit (check applicable box):  Manual  Automated Independent

Precinct Number(s): C016, G012, P003, Q065, R057, T019, U051, W001, X016, X

Race (if Manual Audit): Presidential Preference Primary

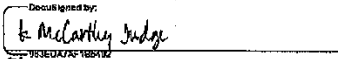
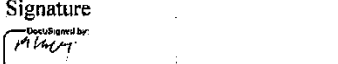
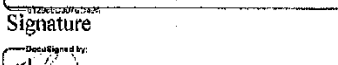
1. Overall accuracy of the audit:  
100%
2. Description of any problems or discrepancies encountered:  
N/A
3. Likely cause of such problems or discrepancies:  
N/A
4. Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections:  
N/A

**Check applicable box and sign below:**

We hereby certify that the report of the voting system audit performed for the election is accurate and that attached are precinct summary reports for each precinct audited.

We hereby certify that a voting system audit was not done because a manual recount was conducted under s. 102.166, Florida Statutes.

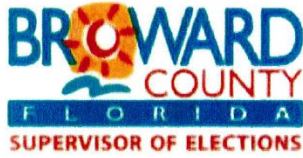
Signatures of County Canvassing Board members:

<u>Kathleen McCarthy</u> Printed Name	 Signature	<u>03/30/2020</u> Date
<u>Michael Udine</u> Printed Name	 Signature	<u>03/30/2020</u> Date
<u>Peter Antonacci</u> Printed Name	 Signature	<u>03/30/2020</u> Date

Rule 1S-5.026, F.A.C.

DS-DE 107 (eff. 01/2014)

DocuSign Envelope ID: C889B925-E5F7-4CA0-B0AD-5650CBF9F4EE



**EXHIBIT A**

**March 30, 2020**

To: The Broward County Canvassing Board

Fr: John Wolf, Director of IT

Please see the attached computer summary report of the Manual Audit as required by law.

Sincerely,

A handwritten signature in blue ink that reads "John Wolf".

John Wolf

Director of Information Technology  
Broward County Supervisor of Elections

DocuSign Envelope ID: C889B925-E5F7-4CA0-B0AD-5650CBF9F4EE

**EXHIBIT A**

NUMBERED KEY CANVASS

Presidential Preference  
 March 17, 2020  
 Broward County, Florida  
 Republican

OFFICIAL RESULTS

RUN DATE: 03/30/20 11:46 AM

REPORT-EL52 PAGE 0002

	VOTES		PERCENT			VOTES		PERCENT	
President									
(VOTE FOR) 1									
01 = Roque "Rocky" De La Fuente			17	1.68	03 = Joe Walsh	35	3.46		
02 = Donald J. Trump			917	90.61	04 = Bill Weid	43	4.25		
	01	02	03	04					
0046 C016	3	252	3	11					
0144 G012	1	76	1	2					
0277 P003	1	64	8	4					
0298 Q065	2	146	7	8					
0368 R057	1	11	0	1					
0391 T002	1	42	1	3					
0408 T019	0	59	1	2					
0420 U001	2	41	1	4					
0489 W001	3	26	4	1					
0529 X016	2	98	5	1					
0554 X041	1	85	4	4					
0577 Z073	0	17	0	2					

**EXHIBIT B**

**Patricia Santiago**

---

**From:** Dozel Spencer  
**Sent:** Wednesday, December 5, 2018 3:51 PM  
**To:** Ashley.fishbough@dos.myflorida.com  
**Cc:** Peter Antonacci  
**Subject:** Unused Election Materials

Good Day Ashley

I am requesting permission to destroy 4,320 cubic feet of unused election materials from the November 6<sup>th</sup> 2018 General Election #215.  
(101.545 Florida Statutes)

Thanks

Dozel Spencer, MFCEP  
Director of Voting Equipment Center Operations  
1501 NW 40th Ave.  
Lauderhill, FL 33313  
Phone:(954) 712-1901  
Cell: (954)605-1170  
Fax: (954)327-8739

Email: [dspencer@browardsoe.org](mailto:dspencer@browardsoe.org)

Website: [www.browardsoe.org](http://www.browardsoe.org)

**2018 Election Dates**

January 16<sup>th</sup> - Fort Lauderdale Primary Election.

March 13<sup>th</sup> - Municipal General Election

August 28<sup>th</sup> - Primary Election

November 6<sup>th</sup> - General Election

**Join us on:**



WITH CONFIDENCE

Florida Statute 668.6076: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone at 954-357-7050 or in writing to 115 S. Andrews Ave, Room 102, Ft. Lauderdale, FL 33301.



**EXHIBIT B**



**FLORIDA DEPARTMENT OF STATE**

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

December 11, 2018  
*Via email as an attachment*

The Honorable Peter Antonacci  
Broward County Supervisor of Elections Office  
115 S. Andrews Avenue, Room 102  
Fort Lauderdale, FL 33301

Dear Supervisor Antonacci:

Your request to destroy unused ballots and other unused election materials from the General Election held on November 6, 2018, is approved pursuant to section 101.545, Florida Statutes.

Please let us know if we can be of further assistance.

Respectfully,

A handwritten signature in blue ink, appearing to read "M. Matthews".

Maria I. Matthews, Esq.  
Director, Division of Elections

MIM/af

**Division of Elections**  
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399  
850.245.6200 • 850.245.6218 (Fax) [DOS.MyFlorida.com/elections](http://DOS.MyFlorida.com/elections)



## EXHIBIT C



## VOTER RESIDENCY IN FLORIDA

*DE Reference Guide 0003 (Updated 07/2018)*

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

- Legal residence - Permanent.** Legal residency is not defined in law. However, over the years, the courts and the Florida Department of State/Division of Elections' have construed legal residency to be where a person mentally intends to make his or her permanent residence for purposes of registration.<sup>1</sup> Additional evidence of such intent can come from items or activities such as obtaining a Florida driver's license and listed residential address<sup>2</sup>, paying tax receipts, paying bills for residency (light, water, garbage service) and receiving mail at address, claiming the property as homestead,<sup>3</sup> declaring the county as domicile, and doing other activities indicative or normally associated with home life. Therefore, legal residence is a convergence of intent and fact. Once residency is established for voting purposes, it is presumptively valid or current until evidence shows otherwise. See *Op. Atty Gen. Fla. 055-216 (August 26, 1955)*. A business address is not a satisfactory legal residential address. However, although not the rule, if the person is able to prove residence there despite the zoning ordinance, a fact-finding body could determine that the business address is the person's legal residential address.<sup>4</sup>
- Legal residence - Temporarily Out-of-County.** A person who has no permanent address in the county but intends to remain a resident of Florida and the county in which he or she is registered must be re-assigned to the Supervisor of Elections' main office address and corresponding precinct. (Section 101.045, Fla. Stat.) The person has to have had some prior physical presence and residence in the county. Such persons though cannot vote in the municipal elections.
- Legal residence - Mobile.** For a person with a nontraditional abode (e.g., boat, motor home, etc.) who has or had physical presence in the county and intends for the county to be his or her permanent residence, acceptable addresses for voter registration purposes could include: 1) the place where messages are regularly received,<sup>5</sup> 2) the general delivery address at a specific post office, or 3) the address for the campground or docking site (if mail is received there). Please note Supervisors of Elections have a duty per s. 98.045, F.S., to determine whether a person is eligible or not. If it appears that the address is not a residential address or cannot be determined to be a residential address, a Supervisor may ask the applicant for more information to determine if the applicant is a legal resident of the county. For example, if the applicant provides an address of a mail forwarding company as his or her residential address, the Supervisor may ask the applicant what other meaningful contacts exist to support the applicant's prior or present physical presence in the county and intent to be a permanent residence of the county. See DE 18-09. For those mobile applicants who are legal residents of the county but who do not

<sup>1</sup> See *Op. Div. Elect. Fla. 93-05, 80-27; 78-27, 16-01, and 18-09; Walker v. Harris*, 398 So. 2d 955 (Fla. 4th DCA 1981); and *Cruikshank v. Cruikshank*, 420 So. 2d 914 (Fla. 1st DCA 1982). *Bloomfield v. City of St. Petersburg*, 82 So.2d 364 (Fla. 1955); *Ogden v. Ogden*, 33 So.2d 870 (Fla. 1947); *Herron v. Passailaigue*, 110 So. 539 (Fla. 1926).

<sup>2</sup> Under Florida law, you cannot have two valid driver licenses for different states at the same time.

<sup>3</sup> For homestead exemption claims, "permanent residence" is defined as the place where a person has his or her true, fixed, and permanent home and principal establishment to which, whenever absent, he or she intends to return. A person can only have one permanent residence at a time. Once established, the status continues until the person shows that a change has occurred." See s. 196.012, F.S. Permanent residence is a factual determination by the property appraiser. See s. 196.015, F.S.

<sup>4</sup> *Andrews v. Hartzog*, Case No. 38-2008-CA-000032 (8<sup>th</sup> Cir. Levy County, Florida 2008)

<sup>5</sup> A mail-forwarding service company's address alone is not sufficient evidence of legal residential address for purposes of voter registration and should not be used to create a fictional residential presence in the county when the voter has no past or present physical presence and no other meaningful contacts in the county (see DE 18-09).

**EXHIBIT C**

maintain a permanent presence in the county, such persons are temporarily residing out-of-county and should be processed per Section 101.045, Fla. Stat.

- **Legal residence - Homeless.** It is against Florida and federal laws to discriminate against a homeless person. The voter registration laws cannot be applied in a manner to deny such person the right to register to vote.<sup>6</sup> Therefore, a person who is homeless or without a permanent 'traditional' home but intends to remain permanently in the locale can register using an address for: 1) place where he or she regularly receives messages, 2) the church if it agrees to accept mail or messages on the person's behalf, 3) the shelter or other local that a person frequents and could be reached, 4) the specific post office for general delivery. It may even be a specific street corner, park bench, vacant lot, etc., to where the person frequently rests or returns and intends to serve as the "home-base".<sup>7</sup> The point is to be able to locate and assign a precinct to correspond with that location.
- **Legal residence - Military /uniformed services personnel and family members (FVAP/UOCAVA).**<sup>8</sup> In order to claim a specific Florida county as residence, a person:
  1. Must have or had physical presence in the state and simultaneously have the intent to remain or make the Florida his or her home or domicile.
  2. May only have one legal residence at a time, but may change residency each time he or she is transferred to a new location.
  3. Must make a conscious decision to change residency as exemplified by such acts as registering to vote, registering a car, qualifying for in-state tuition, etc.
  4. May not revert to the previous residence without re-establishing new physical presence and intent to remain or return.

*Uniformed service personnel and their family members cannot arbitrarily choose which state to declare as their legal voting residence without first meeting the state's residency requirements. Marriage to an active duty member does not automatically confer the same legal residence. Florida's intent and physical presence criteria must still be met independently. A minor typically assumes either one of the parent's legal residence. Therefore, it is possible for members of the same military family to have different legal residences. Once a minor becomes 18, he or she can establish his or her own residency (which can be different from either parent), provided he or she has physical presence and intent to remain or return.*

**The Military Spouse Residency Relief Act of 2009<sup>9</sup> (MSRRA)** gives a military spouse the right to retain residency status (for voting or taxation purposes) in the same state as the military member when the couple has to relocate from the state due to military orders. It presumes that the couple share the same domicile/legal residency state for voting (and/or taxation purposes) in the first place which is not always the case. If they didn't have the same state domicile/legal residency state to begin with or they abandoned the residency state, the military spouse (and/or dependent family member) cannot pick and choose state of residency, the person would have to independently meet the state's residency requirements before being able to retain the residency in the state before relocating.

<sup>6</sup> DE 89-04 and 90-07 at: [http://election.dos.state.fl.us/opinions/TOC\\_Opinions.shtml](http://election.dos.state.fl.us/opinions/TOC_Opinions.shtml)

<sup>7</sup> Note that the NVRA national mail-in registration form includes a part where an applicant can draw a map to where they live in response to non-traditional types of residential addresses. Supervisors of elections may have to work with their respective post office/voting liaison officer to prevent additional requirements that may have unintended consequences for the homeless voter applicant or registered voter.

<sup>8</sup> Federal Voter Assistance Program at <http://www.fvap.gov> and <http://www.fvap.gov/faq.html#usmq2> and Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) at <http://www.fvap.gov/resources/media/uocavalaw.pdf>

<sup>9</sup> Public law 111-97 (eff.11/15/09 [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111\\_cong\\_bills&docid=f:s475enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s475enr.txt.pdf) ; Senate Report 111-46 regarding MSRRA; <http://www.gpo.gov/fdsys/pkg/CRPT-111srpt46/pdf/CRPT-111srpt46.pdf>.



**EXHIBIT C**

- **Legal residence - Overseas Citizens.**<sup>10</sup> An overseas citizen's residence is the last state in which he or she resided immediately prior to leaving the U.S. This right extends to an overseas citizen even if he or she no longer owns property or has no other ties to the last state of residence and his or her intent to return to that state may be uncertain. In the latter case, such overseas citizen is technically temporarily residing outside the county and could not vote in municipal elections. <sup>11</sup> Where a person registers/votes is a factor used to determine residency under federal, state or local tax laws except when exercising the right to vote solely in elections for federal offices.
- **Legal residence - U.S. citizen born or living abroad.** A U.S. citizen who is born or living abroad **and** has never lived in Florida is not permitted to register or vote in Florida under current Florida law.
- **Legal residence - College/University Student.**<sup>12</sup> Students constitute a significant percentage of 1<sup>st</sup> time registrants/voters. A student's residential address is the address the student intends to be his or her permanent address as stated on the application—just like any other applicant who affirms indefinitely a Florida legal residential address and no matter how long he or she ends up staying (the student may leave for a summer or after 2 or 4 years). A communal university mail address is satisfactory, even if the driver's license lists a different address.<sup>13</sup>

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<sup>10</sup> Cf. footnote 6.

<sup>11</sup> s. 101.045, F.S.

<sup>12</sup> Every college and university must make registration forms available to their students. See Higher Education Act of 1998. Qualifying education institutes must provide at least once the opportunity for students to register or update their records. s. 97.0583, F.S.

<sup>13</sup> That does not negate the requirement to provide a Florida driver's license or social security number (if he or she has one) for registration.

**EXHIBIT D**



### Third-Party Voter Registration Organization Summary

*DE Reference Guidelines 0012 (Updated 12-2019)*

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

**WHAT IS THE GOVERNING LAW?**

- Section [97.0575](#), Florida Statutes (2013), and Rule [15-2.042](#), Fla. Admin. Code.
  - The rule primarily governs 3Pvro activities since a federal court declared some parts of the statute, unconstitutional. See Permanent Injunction and Order (Case No. 4:11cv628-RH/WCS, Aug 30, 2012, N.D. Fla. 2012) regarding *League of Women Voters of Florida v. Browning*, 863 F. Supp. 2d 1155 (N.D. Fla. 2012).
  - The rule reflects the extent to which the court order supersedes that section.

**WHO/WHAT IS A THIRD-PARTY VOTER REGISTRATION ORGANIZATION (3Pvro)?**

- Any person or entity, or organization that collects any completed or otherwise non-blank voter registration application from a voter. It is the act of collecting voter registration applications that triggers 3Pvro status.
  - Printing and/or distributing blank voter registration applications or helping a person complete an online application form through Florida’s official online voter registration system ([RegisterToVoteFlorida.gov](#)) or an online fillable form printed out without collecting the completed applications does not trigger 3Pvro status.
  - If a person, entity, or organization, receives by mail or in person, a paper application, however completed, even if unsolicited, such person, entity or organization has a duty to forward the application to the Supervisor of Elections as soon as possible.

**WHO MUST REGISTER AS A 3Pvro?**

- Any person or entity, or organization that collects any completed or otherwise non-blank voter registration application from a voter, including:
  - Any candidates, political committee, or political party.
  - Any subsidiary or affiliate of a registered 3Pvro that itself independently engages in separate collection of voter registration applications on behalf of the affiliate. (Affiliate organization means any person, group, or entity associated with the 3Pvro as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.)

**WHO/WHAT IS NOT A 3Pvro?**

- A person who collects a voter registration application from that person’s spouse, child, or parent.
- An employee or agent of the Division of Elections, Supervisor of Elections, or Department of Highway Safety and Motor Vehicles engaged in registering people to vote or collecting voter registration applications.
- An official voter registration agency designated under [52 U.S.C. s. 20506\(a\)](#) of the National Voter Registration Act, or state law (ss. [97.021](#) & [97.058](#), Florida Statutes, and Rule [15-2.048](#)).
- Any organization that only distributes voter registration applications but does not collect them.

Florida Department of State

Page 1 of 4

**EXHIBIT D**

**HOW DOES A 3Pvro REGISTER?**

- Submit [Form DS-DE 119](#) (Third-Party Voter Registration Organization Registration Form) **before collecting** voter registration applications in Florida. The form may be emailed as a pdf attachment to [3Pvro@dos.myflorida.com](mailto:3Pvro@dos.myflorida.com) or faxed to the Division of Elections at 850-245-6291.
  - Designate a registered agent (see requirement below).
  - A “registered agent” of a 3Pvro is considered to be an individual resident in the state or a domestic or foreign corporation or a not-for-profit corporation authorized to transact business in the state with such person or corporation being authorized to accept legal service of process for the 3Pvro.
  - Forms without registered agent’s signature are incomplete.

Note: A 3Pvro “registered” agent and a 3Pvro “registration” agent do not mean the same thing. A 3Pvro *registration agent* is any person who is employed by or volunteers for the 3Pvro, who collects voter registration applications from Florida voter registration applicants on behalf of the 3Pvro. A person may be a registration agent for more than one 3Pvro.

- Upon approval, Division of Elections will assign the new 3Pvro an ID#.

**WHAT ARE A 3Pvro’S DUTIES?**

- Comply with state law and rules governing 3Pvro activities, including, but not limited, to:
  - Registering with the Division of Elections
  - Keeping its 3Pvro information and employee registration agents’ information updated within 10 days of any change. *Note:* The 3Pvro is not required to report or update on volunteer registration agents.
  - Placing its assigned 3Pvro ID # on any voter registration application it delivers to the Division of Elections or a Supervisor of Elections. (The ID # must be recorded on the bottom portion of the back side of the voter registration application in a manner that does not obscure any other entry.)
  - Recording the date that a voter registration applicant delivers the application to the 3Pvro or its agent, whether in person or by mail. (The date must be noted on the bottom back side of the application in the format MM/DD/YY in a way that does not obscure any other entry.)
  - Timely submitting all voter registration applications (completed or not) it collects to the Supervisor of Elections or the Division of Elections (see “Penalties for a 3Pvro Not Promptly Delivering Voter Registration Applications” below for timeliness requirements).
  - Serving as a fiduciary for the applicant from whom it collects paper voter registration applications, regardless of the method used to complete the paper application.

**HOW A 3Pvro UPDATES OR WITHDRAWS ITS REGISTRATION**

- Submit [Form DS-DE 119](#) reflecting the update or withdrawal within 10 days following any change to information previously submitted to the Division of Elections.
- Submit the form as an e-mail attachment in pdf format to [3Pvro@dos.myflorida.com](mailto:3Pvro@dos.myflorida.com) or fax it to 850-245-6291.
- Note: If a 3Pvro’s registration agent terminates his or her employment, the 3Pvro must file an amended [Form DS-DE 119](#) or send an email or fax to the Division reflecting the termination.

**HOW MAY A 3Pvro OBTAIN VOTER REGISTRATION APPLICATIONS?**

- 3Pvros may obtain voter registration applications in the following ways:
  - Copy or print them themselves.
  - Obtain copies from a supervisor of elections.
  - Obtain copies from the Division of Elections.



**EXHIBIT D**

The request must be received in writing from a designated officer of the 3Pvro. The first 10,000 applications are provided free of charge; a charge of 1 cent per application is assessed for each subsequent application (see [s. 97.052\(1\)\(b\)](#), Fla. Stat.).

**SUPERVISOR OF ELECTIONS' DUTIES RELATING TO 3PVROs**

- Include the 3Pvro ID # on the bottom back side of each blank voter registration application it provides to the 3Pvro in a manner that does not obscure any other entry.
- Record the delivery date on the bottom portion of the back side of each non-blank voter registration application returned by a 3Pvro in a manner that does not obscure any other entry. The date of delivery is:
  - The actual date of receipt if delivered in person or mailed no or clear postmark is on the envelope.
  - The date of the clear postmark for mailed delivery.
- Report daily the number of voter registration applications (state and federal) provided to and delivered by each 3Pvro.
  - Due to the Division of Elections by noon each business day for prior business day activity and only required when delivery and receipt of applications actually occurred on the prior business day.)
  - [Form DS-DE 124](#) is required and may be emailed as pdf attachment to [3Pvro@dos.myflorida.com](mailto:3Pvro@dos.myflorida.com) or faxed to 850-245-6291.
- Report any untimely filed voter registration application by a 3Pvro and include:
  - An explanatory statement in an email to the Division of Elections at [3Pvro@dos.myflorida.com](mailto:3Pvro@dos.myflorida.com).
  - Attach documents which reflect the untimely submission in pdf format to [3Pvro@dos.myflorida.com](mailto:3Pvro@dos.myflorida.com), or fax them to 850-245-6291, or send them by express mail or expedited courier service.
  - For an application that only contains the 3Pvro's ID # and no other information, which was delivered after registration deadline or more than 10 days after the applicant signed the application, the explanatory statement should include a description of the Supervisor of Elections' efforts to contact the applicant to confirm that the application was delivered to the 3Pvro.
- Process received voter registration applications, even if untimely received, with assigned source code "8".

**PENALTIES FOR A 3PVRO NOT PROMPTLY SUBMITTING COLLECTED VOTER REGISTRATION APPLICATIONS**

- A 3Pvro must promptly deliver applications to the Supervisor of Elections or the Division of Elections —no later than 10 days from date of collection or the deadline for registration ("book closing") for an upcoming election, whichever is sooner. If the 10th day falls on a weekend, holiday, or other day on which the office is closed, the application must be delivered or be postmarked by the following business day.
- The date the applicant signed the voter registration application is presumed to be the date the 3Pvro received or collected the application.

**EXHIBIT D**

- The 3PVRO itself is liable for the following fines for untimely delivery or failure to deliver (see table for details):

Activity	Fine per Application	Willful Act per Application
<ul style="list-style-type: none"> <li>✓ Application not received until more than 10 days from date of collection</li> <li>✓ Application postmarked more than 10 days from date of collection (If the Division of Elections or the Supervisor of Elections' Office is closed at the 10-day deadline, the deadline is extended to the next business day)</li> </ul>	\$50	\$250
<ul style="list-style-type: none"> <li>✓ Application collected <i>before</i> the registration deadline for any given election for federal or state office but received <i>after</i> the registration deadline.</li> </ul>	\$100	\$500
<ul style="list-style-type: none"> <li>✓ Application never submitted</li> </ul>	\$500	\$1000
<i>Maximum aggregate fine that can be assessed against a 3PVRO, including affiliate organizations, for violations committed in a calendar year is \$1,000.</i>		

- Untimely delivery of voter applications by a 3PVRO may only be excused based upon:
  - **"Force majeure"** means any event or occurrence of societal significance beyond the reasonable control and without the fault of the 3PVRO which could not have been prevented, avoided, or overcome by the exercise of reasonable care, diligence, or foresight of the 3PVRO, including, but not limited to, civil disturbances or acts of war; extraordinarily severe weather, such as hurricanes, floods, or tornadoes; or shortages of food, electric power, or fuel; or
  - **"Impossibility of performance"** means an actual impossibility or impracticability of compliance as the result of a condition or circumstance which the third-party voter registration organization did not create and could not reasonably have anticipated.

**HOW TO FILE A COMPLAINT AGAINST A 3PVRO?**

- A person who claims to have provided a voter registration application to a 3PVRO and whose name does not appear as an active voter must use a 3PVRO complaint form ([Form DS-DE 121](#)) and file it with the Division of Elections.
- A person may file an elections fraud complaint ([Form DS-DE 34](#)) with the Division for any allegations of irregularities or fraud involving a 3PVRO's voter registration activities.

**ALLEGED VIOLATIONS OF 3PVRO LAWS**

- The Division of Elections and the Department of State's General Counsel will review 3PVRO complaints ([Form DS-DE 121](#)) or reported violations by a 3PVRO and make recommendations to the Secretary of State.
- The Secretary, upon reasonable belief that a violation has occurred, may refer the matter to Florida's Attorney General for enforcement.
- Any 3PVRO may submit a statement of force majeure or impossibility of performance to explain the circumstances constituting the violations. If the statement demonstrates the failure to submit or untimely submission was the result of force majeure or impossibility of performance, the Secretary of State will not refer the violation to the Attorney General.
- The Attorney General may institute a civil action against the 3PVRO, to include a permanent or temporary injunction, a restraining order, or any other appropriate order, along with the imposition of the applicable fines.