

Subject: FW: Public Records Request (FL-NASSAU-19-1577) - PART 1
Date: Monday, January 20, 2020 at 11:20:11 AM Pacific Standard Time
From: Vicki Cannon
To: AO Records
CC: Vicki Cannon
Attachments: FL-NASSAU-19-1577.pdf, FL Voter Protection Think Tank Ex. A.pdf, FW: QUESTION REGARDING THE ATTACHED LAW.eml, RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA.eml, Re: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA.eml, RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA.eml, FW: QUESTION REGARDING THE ATTACHED LAW.eml, FW: QUESTION REGARDING THE ATTACHED LAW.eml, Re: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA.eml, RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA.eml, BRITTANY DOVE.eml, MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA.eml

Please find attached emails that are responsive to the attached public records request. This will be the first of several emails containing the requested information. Please let me know if you have questions or if we can be of further assistance. Have a great day!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. -- F.S. 668.6076

Conforme a la legislación de Florida, las direcciones de correo electrónico son registros públicos. Si no desea que su correo electrónico se divulgue como respuesta a una solicitud de registros públicos, no envíe un correo electrónico a esta entidad. En su lugar, póngase en contacto con esta oficina por teléfono o por escrito. -- F.S. 668.6076

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Thursday, December 26, 2019 11:31 AM
To: AO Records <records@americanoversight.org>
Cc: SOE Info <info@votenassau.com>
Subject: FW: Public Records Request (FL-NASSAU-19-1577)

We have received your public records request attached hereto. Your request will be processed in accordance with the Florida Public Records Law. If there is a cost to provide the requested records, you will be advised as soon as possible regarding estimated costs, and payment will be due in advance by cash, check, or money order made payable to the Nassau County Supervisor of Elections.

If you have any questions, you may contact me at our direct phone number below or by email. Thank you so much and have a wonderful weekend!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

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From: AO Records <records@americanoversight.org>
Sent: Monday, December 23, 2019 3:22 PM
To: SOE Public Records Request <publicrecordsrequest@votenassau.com>
Subject: Public Records Request (FL-NASSAU-19-1577)

Dear Public Records Officer:

Please find attached a request for records under Florida's public records laws.

Sincerely,

Vibha Kannan
Paralegal
American Oversight
records@americanoversight.org

www.americanoversight.org | @weareoversight

PRR: FL-NASSAU-19-1577

2019 FSASE SUMMER CONFERENCE

***PUBLIC RECORDS REQUESTS & DATA -
Laws, Rules & Practices***

PROTECTING THE SECRECY OF A VOTER'S BALLOT AND OTHER VOTER INFORMATION

Why? Because the Florida Constitution, Florida Law, etc. require it.

Florida Constitution, Article VI, Suffrage and Elections

SECTION 1. Regulation of elections.—All elections by the people shall be by direct and secret vote. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

Florida Statutes

101.041 Secret voting.—In all elections held on any subject which may be submitted to a vote, and for all or any state, county, district, or municipal officers, the voting shall be by secret, official ballot as provided by this code, and no vote shall be received or counted in any election, except as prescribed by this code.

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that: (1) It permits and requires voting in secrecy.....

104.23 Disclosing how elector votes. — Any election official or person assisting any elector who willfully discloses how any elector voted, except upon trial in court, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Chapter 119, Florida Statutes – Public records exemptions.

Case Law

McDonald v. Miller, 90 So2d 124 (Fla. 1956)

Etc.

PUBLIC RECORDS REQUEST CHECKLIST

WORKING
DRAFT

- Amy Tuck Farrington initially created the Checklist when she served as Nassau County SOE's legal counsel.
- Ron Labasky and Jay LaVia recently reviewed and updated the Checklist.
- We are requesting input from all SOEs, their attorney(s) and staff by **June 30, 2019** at which time we will finalize the Checklist and share it with all SOEs in an editable format. **Please email any additions, questions or corrections to me and Ron.**
- The working draft does not yet include the 2019 legislative changes and certain other records that are managed in an SOEs office.
- For complete information, download a free copy of the *Government-in-the-Sunshine Manual* from the Florida Attorney General's website and, of course, review FS Chapter 119, Public Records.
- Once finalized, the Checklist will be sent to every SOE in an editable format for any county that wishes to use it.
- Copies of the Checklist (working draft) have been distributed at this meeting. Ron Labasky is available to answer any questions at this time, if you have any.

PUBLIC RECORDS REQUEST CHECKLIST WORKING DRAFT PAGE ONE

WORKING DRAFT – 05/15/2019

Public Records Request Checklist

Section 119.011(12), Florida Statutes, defines the term "public records" to mean all "documents...or other materials, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." However, under the Florida Election Code and other provisions of Florida law certain information is exempt from disclosure under Chapter 119. Thus, the determination of whether a record is a public record subject to release under Chapter 119 must be determined on a case-by-case basis. To ensure 100% compliance, and prevent the release of exempt material, if at any time you are unsure about a request or have a concern/question regarding a request, get direction from the Supervisor of Elections (SOE) before releasing documents.

This information was compiled as of [Insert Date]. The contents of this Public Records Checklist ("Checklist") is for informational purposes only and should not be construed as legal advice. You should consult with an attorney for individual advice regarding the facts of your individual situation, and this Checklist should not be used as a substitute for such advice.

Question 1: Is the document a voter registration application?

Yes No

If Yes, see **BOX 1**

Generally, voter registration applications are allowed to be copied, but certain information must be redacted prior to inspection and/or copying.

[This may need to be updated if and when Florida joins ERIC]

Question 2: Does the document contain one of the following?

- social security number
- driver license number
- Florida identification number

Yes No

If Yes, see **BOX 1** and **BOX 4**

The identifying numbers noted above must be redacted prior to inspecting and/or copying unless it is any of the documents listed under "Exceptions" in **BOX 4**

Question 3: Does the document contain one of the following?

- Name
- Phone number
- Birth date
- Address

Yes No

[No information is to be provided for a citizen registered in the Address Confidentiality Program.]

If Yes, see **BOX 2**

Question 4: Does the document contain a signature?

Yes No

If Yes, see **BOX 3**

Signatures may be inspected but not copied on certain documents

Question 5: Did the voter cast a Provisional Ballot during an election cycle?

If Yes, see **BOX 12**

Question 6: Does the document contain any of the following information?

- where the voter registered to vote
- where the voter updated a voter registration
- if the person declined to register to vote

Yes No

If Yes, see **BOX 1**

Question 7: Does the document contain any of the following information?

- employee medical information
Yes No
- emergency operations plans
Yes No
- any information regarding security of the physical office
Yes No
- proprietary data processing programs
Yes No
- security system information, logs or tapes
Yes No
- confidential attorney work documents
Yes No

(Continued on next page)

DOC 0246-05152019

PUBLIC RECORDS REQUEST CHECKLIST WORKING DRAFT PAGETWO

WORKING DRAFT – 05/15/2019

• information regarding a request for proposal
Yes No

If the answer to any of the above is Yes, see **BOX 5**

Question 8: Does the document contain an email address?

If Yes, see **BOX 6**

Question 9: Is the request for Vote by Mail ballot request information?

If Yes, see **BOX 7**

Question 10: Is the request for deceased voter information?

If Yes, see **BOX 11**

Question 11: Is the request for ballot inspection or examination?

Yes No

If Yes, see **BOX 8**

Question 12: Is the request for photography of Public Records?

Yes No

If Yes, see **BOX 9**

Question 13: Is the request for information in the form of a subpoena?

As a general rule, if you receive a subpoena from any entity or government agency, you should consider first consulting with your attorney.

From a Florida agency: If the requested material contains confidential information, you should provide a redacted copy only. If the requested material contains exempt information, you may provide an un-redacted copy to the agency. Generally government agencies with regulatory authority may be entitled to receive un-redacted copies of records maintained which contain exempt information if the specific exempt information relates to their regulatory authority. If a subpoena is received from an entity such as the Florida state attorney or Federal U.S. attorney the best practice may be to contact them and advise concerning your response pursuant to the Florida public records laws and determine their need for that specific information, which would normally need to be redacted.

From an agency in another state: Before you may provide un-redacted copies of the requested voter registration documents in another State's subpoena, the agency would have to obtain a

"domestication of subpoena" from a Florida court. Until that occurs, all you may lawfully provide is redacted information – treating the request as if it was a public records request from any member of the public.

Question 14: Is the request for Precinct-Level Results before voter history has been updated?

If YES, see **BOX 12**

Question 15: Do none of the above questions apply?

Yes No

If Yes, see **BOX 10**

PUBLIC RECORDS REQUEST CHECKLIST WORKING DRAFT PAGE THREE

WORKING DRAFT – 05/15/2019

BOX 1

VOTER REGISTRATION APPLICATIONS

§ 97.0585, Fla. Stat.

PLEASE NOTE: If a voter is requesting a copy of their own voter registration application, you must first redact all applicable information prior to providing to the voter.

Must redact prior to inspection and/or copying:

- Social security number
- Driver's license number
- Florida identification number

Must redact prior to copying:

- Signature of the applicant (in addition to the above)

Voter's signature is available for inspection but must be redacted prior to copying.

Completely exempt from inspection and/or copying:

- Any information relating to the place where a person registered to vote or updated a voter registration
- Any declarations to register to vote

BOX 2

NAMES, PHONE NUMBERS, BIRTH DATES, AND ADDRESSES

§§ 119.071(4)(d), 741.485 and 741.4651, Fla. Stat.

Exempt if a **Public Records Exemption Request** was filed by a citizen or on their behalf (spouse and children).

- SEARCH PUBLIC RECORDS EXEMPTION SPREADSHEET FOR CITIZEN'S NAME
- IF VOTER IS ON SPREADSHEET, DO NOT PROVIDE THE ABOVE INFORMATION FOR INSPECTION OR COPYING.
- MAKE SURE PRECINCT NUMBERS, DISTRICTS AND CITY/TOWNS ARE REDACTED FROM VR FOCUS REPORTS

No information is to be provided for a citizen registered in the Address Confidentiality Program.

BOX 3

SIGNATURES

§ 97.0585, Fla. Stat.

Signatures are generally not exempt on records except for the following list. The signature is allowed to be inspected but must be redacted prior to copying.

- Any document with voter registration information
- Candidate and initiative petitions
- Early voting or VBM voter certificates
- Electronic version of address update forms
- In-office address update forms
- Address change notices
- Address confirmation requests
- Address confirmation final notices
- Old voter information cards that contain a signature
- Requests for removal from voter registration rolls

BOX 4

SOCIAL SECURITY NUMBERS

§ 119.071(5)(a)5, Fla. Stat.

Redact from ALL documents.

EXCEPTIONS:

- The disclosure of the social security number when expressly required by federal or state law or a court order.
- The disclosure of the social security number is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- The individual expressly consents in writing to the disclosure of his or her social security number.
- The disclosure of the social security number is made to comply with the USA Patriot Act of 2001, Pub. L. No. 107-56, or Presidential Executive Order 13224.
- The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. ss. 8801 et seq., provided that the authorized commercial entity complies with the requirements of this paragraph.
- The disclosure of the social security number is for the purpose of the administration of health benefits for an agency employee or his or her dependents.
- The disclosure of the social security number is for the purpose of the administration of a pension fund administered for the agency employee's retirement fund, deferred compensation plan, or defined contribution plan.
- The disclosure of the social security number is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.

BOX 5

THE FOLLOWING DOCUMENTS ARE EXEMPT FROM PUBLIC RECORDS DISCLOSURE

- Employee Medical Records §§ 112.08(7) and 119.071, Fla. Stat.
- Workers' Compensation information § 440.125, Fla. Stat.
- Supervisor of Elections Continuity of Operations Plan §§ 119.071 and 281.301, Fla. Stat.
- County Comprehensive Emergency Management Plan §§ 119.071 and 281.301, Fla. Stat.
- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of facility or revealing security systems; threat assessments conducted by any agency or any private entity; threat response plans; emergency evacuation plans; sheltering arrangements; or manuals for security personnel, emergency equipment, or security training; security system plan or portion thereof. § 119.071(3), Fla. Stat.
- Records which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, are exempt if the disclosure of such records would facilitate unauthorized access to or modification of data or information technology resources. § 282.318(4)(j)3, Fla. Stat.

(Continued on next page)

DOC 0286 05152019

PUBLIC RECORDS REQUEST CHECKLIST WORKING DRAFT PAGE FOUR

WORKING DRAFT – 05/15/2019

- Proprietary Data Processing Programs—for example VR Systems §§ 815.04 and 119.071(1)(f), Fla. Stat.
- Security System Log and Videotapes § 281.301, Fla. Stat.
- Confidential Attorney Work Documents § 119.071(1)(d), Fla. Stat.
- Sealed bids, proposals or replies received pursuant to invitations to bid or requests for proposals until notice of an intended decision or until 30 days after opening whichever is earlier. See statute for continuing exemption on rejection of all bids, proposals and replies. § 119.071(1)(b), Fla. Stat.

BOX 6

EMAIL ADDRESSES

Case Law: Susan Gill-Citrus County

- Email addresses are generally public record.
- **EXCEPTION:** Email addresses that are received in conjunction with a Vote by Mail ballot request (see

BOX 11

- **IMPORTANT NOTE:** At this time, our voter registration software does not have the capability of distinguishing where an email address originated from, therefore, we do not have the technical means to sort this email information. Contact the RMLO upon the receipt of a request for this information.

BOX 7

VOTE BY MAIL BALLOT REQUEST INFORMATION

- Vote by Mail ballot request information (any information deemed necessary to process Vote by Mail ballot requests including email addresses) is confidential and exempt under §101.62(3), Fla. Stat. See DE 12-10 and DE 13-08 - as determined by the Supervisor of Elections.
- **EXCEPTION:** Certain statutorily listed persons are entitled to access Vote by Mail ballot information, for political purposes only: the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election and registered political committees. §101.62(3), Fla. Stat. These entities must complete a form to receive the information. Refer to the Candidate Coordinator.

BOX 8

BALLOT INSPECTION OR EXAMINATION

§§119.07(5), and 101.572, Fla. Stat.

May be inspected or examined. However:

- NO PERSON OTHER THAN THE SUPERVISOR OF ELECTIONS' EMPLOYEES SHALL TOUCH THE BALLOT.
- If before the end of contest period, the SOE must make a reasonable effort to notify all candidates of time and place of inspection/examination.

HOWEVER, this restriction does not prohibit the SOE from producing copies of optically scanned ballots which were cast in an election in response to a public records request. AGO 04-11; AGO 01-37.

Vote-by-mail ballot requests—SEE **BOX 11**

BOX 9

PHOTOGRAPHY OF PUBLIC RECORDS

§119.07(3), Fla. Stat.

Photography of public records in the "conventional sense by use of a camera device" is permissible. However, it must be under the supervision of the custodian of the public record. The custodian may make reasonable rules governing the photographing of records.

- Photographing must be in the room where the records are kept, unless impossible or impracticable; otherwise,
- Photographing shall be done in another room or place as nearly adjacent as possible, at requestor's expense.

BOX 10

ALL OTHER ELECTION OFFICE DOCUMENTS NOT INCLUDED IN THE INFORMATION ABOVE ARE OPEN FOR PERSONAL INSPECTION AND COPYING BY ANY PERSON.

§§ 119.01 & 119.07, Fla. Stat.

Costs for copies and certified copies of public records are set forth in:

- Section 119.07, Florida Statutes, and
- DOC 0235 Public Records Request Information.

ANY PUBLIC OFFICER OR PERSON WHO VIOLATES THE PROVISIONS OF CH. 119, PUBLIC RECORDS, MAY BE SUBJECT TO CRIMINAL AND NON-CRIMINAL CHARGES. §119.10, Fla. Stat.

ATTORNEY FEES: Civil actions filed against an agency to enforce provisions of Ch. 119 may involve an award of attorney's fees for unlawful refusal to permit public record inspection or copying. §119.12, Fla. Stat.

If you have any doubts about a record, do NOT distribute it until you have received direction from the Supervisor of Elections.

BOX 11

DECEASED VOTER INFORMATION

In 2014, the Division sent out an email regarding the Social Security Administration Death Master File, dated April 16, 2014, which called for each SOE to sign a MOU which provided:

The Supervisor, within the 3-year period commencing on the date of the deceased person's death, will not use the information for any purpose other than a legitimate fraud prevention interest or a legitimate business purpose pursuant to a law, governmental rule, regulation, or fiduciary duty; and will not disclose any information contained on the Death Master File to any person other than a person who meets the requirements of the Limited Access Death Master File Subscriber Certification Form.

As Florida Division of Elections Director Maria Matthews states in the email: "We recently learned that a federal law became effective March 26, 2014, and imposes new restrictions on the access and use of information from the SSA Death Master File. At a minimum, the source of death data cannot be disclosed within 3 years of the person's death."

The law that requires the protection of the information is 42 U.S.C. §1308c; 16 C.F.R. §1110.2.

DOC 0236 05152019

PUBLIC RECORDS REQUEST CHECKLIST WORKING DRAFT PAGE FIVE

WORKING DRAFT – 05/15/2019

BOX 12

PROVISIONAL BALLOT VOTER INFORMATION

Florida law does not permit the release of Provisional Ballot information based on the final sentence of Florida Statute 101.048(6), when it is read in conjunction with Art. 1 Sec. 6 of the Florida Constitution (guaranteeing the individual right to cast a secret ballot). Florida Statute 101.048(6) states "Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot." (Emphasis added). The name of a voter that cast a provisional ballot is "information regarding an individual ballot" that is not permitted to be released to the public. It is likely that the prohibition cited above is due to the fact that if you reveal the name of a voter who voted provisionally, it is possible to determine how that individual cast their vote in specific races thereby violating the voter's Constitutional right to cast a secret ballot and thereby potentially violating Article 6 Sec. 1 of the Florida Constitution. However, this shouldn't be an issue for those provisional ballots "rejected" for tabulation by a County Canvassing Board.

Based on the foregoing and section 101.048(b) and Art. 1, Sec. 6, supervisors offices should not release precinct level election results concerning provisional ballots which may tend to show provisional ballots which were cast and that are in such a limited number that the results will possibly demonstrate how an elector voted due to casting a provisional ballot.

DOC 0296 05152019

PUBLIC RECORDS REQUEST CHECKLIST WORKING DRAFT

FEE SCHEDULE AND CONTACT INFORMATION

Contact
Information and
Fee Schedule (see
Box 10 on
Checklist)

Every
governmental
agency is
required by law to
have this
information on
their website and
front counter.



NASSAU COUNTY SUPERVISOR OF ELECTIONS PUBLIC RECORDS REQUEST INFORMATION

Contact Information

Name: Maria Pearson

Phone: 904.491.7500

Email: publicrecordsrequest@votenassau.com

Upon request, a copy or certified copy of public records will be provided based on the following fee schedule as prescribed by law in Section 119.07, Florida Statutes:

- Single-sided copies, up to 8 1/2" x 14" - 15¢ each
- Double-sided copies, up to 8 1/2" x 14" - 20¢ each
- Larger size copies - Based on actual cost of duplication
- Certified copy of a public record - \$1.00 copy
- Reprints of color map
 - 11" x 17" - \$3.00 each
 - 24" x 36" - \$5.00 each
 - 36" x 48" - \$7.00 each
- Computer Disc (CD) - 40¢ each
- Labels - 20¢ per sheet of 20 labels
- Email - No charge
- Duplicate audio tape:
 - If the SOE provides the audio tape(s) - Actual cost of the audio tape
 - If the citizen provides the audio tape(s) - No cost (*must be new and unopened*)

Depending on the total cost of duplication and/or service charge, an advance deposit may be required which will be determined by the custodian of records. Also, additional charges will be added to cover the cost of postage and packaging as necessary.

Cash, personal check on a local bank, money order, or certified check shall be paid prior to the delivery of the materials. Checks, money orders, or certified checks shall be made payable to "Nassau County Supervisor of Elections".

Pursuant to Florida Statutes, 119.07(4)(d): "If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both." The Supervisor of Elections adopts the policy that the hourly labor cost charged will be equivalent to that of the lowest paid SOE employee hourly rate. An approximate amount of the additional charges, including the cost of duplication, will be given prior to being inspected or copied. Depending on the total cost, a deposit may be required which will be determined by the custodian of records.

For additional information, refer to Chapter 119, Florida Statutes.

DOC 0235 02232018

Public Exemption Request Form

- *Address Protect* button in Voter Focus – limit permissions to prevent the button from inadvertently being unchecked.
- Before entering paper voter registration applications and processing Suspense Files, check the voter's name and date of birth against those who have filed a Public Records Exemption Form.
- Follow up with voters who show as *Address Protected* when they are suspended into your county to make sure they file the Form in your county since the Form does not travel with the voter registration record.
- Advise *Exempt* voters of the process for voting in person and that they will not be able to utilize some online tools on your website due to the exemption.

NOTE: We need a process where exemption information can be entered into a database and checked before the application is uploaded to FVRS, similar to duplicate, SSA and DMV matching. Until then, it is a very cumbersome and time consuming process.

Public Exemption Request Form (Sample)

[illegible]

PUBLIC RECORDS EXEMPTION FOR SPOUSE AND/OR CHILDREN

Your Legal Name: John Doe Your nickname(s): Johnny

Former Name(s): _____

To request that the exemption extend to your spouse and/or children (not applicable for victim* of battery, abuse, harassment, or stalking, or for participant in *Address Confidentiality Program*) please provide the name (including nicknames, former names, etc.), date of birth, and relationship below for purposes of identifying them in any public records within the custody of this agency.

Please note: Our agency will only be able to protect exempt voter registration information for your spouse and children if they are registered to vote in Nassau County. Please discuss with your spouse and/or children to determine where they are registered and, if registered in another county, contact the respective Supervisor of Elections office(s) to complete the Public Records Exemption Form in the county in which they are registered to vote.

Last Name	First Name	Nickname	Former Name	Date of Birth	Relationship
Doe	Jane		Jane Buck	6/11/58	Wife
Doe	Sam	Sammy		1/20/95	Son
Martin	Beverly		Beverly Doe	1/20/95	Daughter

Mail, fax, or deliver this form to:
 Vicki P. Cannon
 Nassau County Supervisor of Elections
 96135 Nassau Place, Suite 3
 Yulee, FL 32097

For questions or additional information, please contact our office at:

Phone: 904.491.7500 • Toll Free: 1.866.260.4301 • Fax: 904.432.1400
 E-Mail: vcannon@votennassau.com • Website: www.VoteNassau.com

DOC 0085 05152018

Public Exemption Request Form - Spreadsheet

The spouse/children on the reverse side of the form may or may not be registered at the time the form is received. The exemption is not only for voter registration information but for any record in your office. What is your process to make sure that all records in your custody are managed in such a way that exempt information is not provided to the public?

As forms are received, the information is entered into a spreadsheet. The spreadsheet is checked before releasing public records and/or processing new voter registration applications (both paper and Suspense Files) into FVRS. If the name is on the list the *Address Protect* box is checked in the voter's record. The website, including campaign treasurer reports, is searched to make sure exempt information is removed.

Date Original Form Received	Associated Form Date	Form #	Associated Form #	Voter ID#	Last Name	First Name	Former Name	Nicknames	DOB	Relationship	Requestor Last Name	Requestor First Name	Address Protected	Form on File?	Date Eligible to Register
9/17/91		0001		123456789	Smith	John			07/01/54	Requestor	Smith	John	Yes	Yes	
9/17/91		0001		987654321	Smith	Jane	Doe		11/05/56	Spouse	Smith	John	Yes	Yes	
5/6/02	01/10/16	0002		111111111	Doe	Jacob		Jake	05/14/88	Requestor	Doe	Jacob	Yes	Yes	
1/10/16		0002			Doe	Lilly			02/15/07	Child	Doe	Jacob	No	Yes	02/15/23
				222222222	West	Nina			09/25/63				Yes	No	
10/9/02		0004		333333333	Jones	Johnny			04/23/42	Requestor	Jones	Johnny	Yes	Yes	
10/9/02		0004		444444444	Jones	Jenny			03/17/43	Spouse	Jones	Johnny	Yes	Yes	
12/11/02		0005		555555555	Brown	Dell			07/12/91	Requestor	Brown	Dell	Yes	Yes	

PINK = INELIGIBLE

GREEN = NOT REGISTERED

YELLOW = FORM NOT ON FILE

V O T E B Y M A I L

Only the following persons and entities listed in law are entitled to access vote by mail activity reports:

- a canvassing board
- an election official
- a political party or official thereof
- a candidate who has filed qualification papers and is **opposed** in an upcoming election
- registered political committees

Note: A voter is entitled to review his/her own Vote by Mail Request information from his/her county SOE.

- The *Election Data Request Form* on the next slide is based on the Division of Elections' *Application to Obtain Vote-by-Mail Request Information*.
- The person who is requesting the confidential and exempt vote by mail request information must sign and affirm the following:
*By signing below, I affirm that I am a person **authorized by FS 101.62(3)** to acquire Vote by Mail Ballot Request information and that it will be used **for political purposes only**.*
- Not all political committees are organized to support or oppose candidates or issues. Some registered political committees are newspapers, corporations, etc.
- Review the Division of Elections' website for political committees, etc. to confirm their status before providing access to the information.
- Review Division of Elections' Opinions, particularly DE-12-10, DE 13-08 and DE 18-02.

Election Data Request Form for Vote by Mail Info



VICKI P. CANNON

SUPERVISOR OF ELECTIONS • NASSAU COUNTY • STATE OF FLORIDA

96135 Nassau Place, Suite 3, Yulee, FL 32097

Phone: 904.491.7500 • Toll Free: 1.866.260.4301 • Fax: 904.432.1400

Email: info@votenassau.com • Website: www.VoteNassau.com

ELECTION DATA REQUEST FORM

This form is to be completed by Candidates, Political Committees and Political Parties **ONLY**.

Application to Obtain:

Vote by Mail Ballot Request and Early Voting Data

Vote by Mail Ballot request information is confidential and exempt from public disclosure under Section 101.62(3), FS, except to the following persons or entities who may obtain and use it for **political purposes only**. The authorized requestor must complete and submit this form to our office by hand delivery, e-mail, facsimile, or mail.

AUTHORIZATION CATEGORIES

For access to the Vote by Mail Ballot request information, check the applicable authorization category:

- ☐ Candidate (who has filed qualification papers and is opposed in an upcoming election)
- ☐ Canvassing Board
- ☐ Election Official
- ☐ Registered Florida Political Committee Official - **Name of Political Committee (please print):**
- ☐ Registered Florida Political Party Official - **Name of Political Party (please print):**
- ☐ Voter (entitled only to access his or her own Vote by Mail Ballot request information directly from the Nassau County Supervisor of Elections)

AUTHORIZED REQUESTOR INFORMATION

Name: _____ Title/Officer: _____
Address: _____ City/State/Zip: _____
E-mail Address: _____
Daytime/Cell Number: _____

By signing below, I affirm that I am a person authorized by FS 101.62(3) to acquire Vote by Mail Ballot Request information and that it will be used for political purposes only:

Signature of Authorized Requestor: _____

Date: _____

SELECT DATA OPTIONS ON THE FOLLOWING PAGE

ONLINE PORTAL ACCESS

☐ Online Portal Access at No Charge

Available beginning 60 days prior to a Statewide Primary and General Election (time frames will vary for municipal elections not on a county ballot). **Please Note: The authorized requestor will be contacted by our office and provided an assigned user ID and password to access the portal from our website at www.VoteNassau.com. Daily updates for Vote by Mail mailings will be available each day after 3 p.m., when possible.**

SELECT DATA FILES FOR VIEWING IN THE ONLINE PORTAL

- ☐ **Vote by Mail Ballot Request Information File:** A daily electronic file of voters who have requested a Vote by Mail ballot for an election, the status of the request, and other relevant data is included. Voters with protected addresses are excluded from the file. **NOTE:** This data file is not a cumulative file. Each file is a replacement of the previous file and will include the latest data up to close of business on the day prior to the daily run.
- ☐ **Early Voter Details (Early Voting Summary and Early Voting Voters List):** Daily files are generated at the end of each early voting day.
- ☐ **The Early Voting Summary File:** A statistical file that contains the total number of votes cast at each early voting location.
- ☐ **The Early Voting Voters List:** Contains the names of the voters who voted at each early voting site, once early voting begins.
- ☐ **Vote by Mail Label Extract File:** Mailing labels for Vote by Mail requestors. *Label Merge Instructions* for creating mailing labels are provided in the *Electronic Data Guide*.

VOTE BY MAIL BALLOT REQUESTS

- ☐ **CD \$0.40 per sheet**
- ☐ **Mailing Labels \$0.20 per sheet; 20 labels per page. Total label sheets _____ x \$.20 = Total Cost \$ _____**

SELECT DATA FILES FOR CD OR MAILING LABELS

- ☐ **Vote by Mail Ballot Requests on File** (data provided at the time the request is received) for mailing labels
- ☐ **First Drop Mailing Only**
- ☐ **First Drop Mailing and Daily Updates Thereafter**

PARTY AFFILIATION AND DISTRICT SELECTIONS

PARTY AFFILIATION

- ☐ All ☐ Democrat ☐ Minor Party: _____ ☐ No Party Affiliation ☐ Republican

DISTRICT

- ☐ **Countywide:** Nassau County is represented in its entirety by United States Congressional District 4, Florida Senate District 4, Florida House of Representatives District 11. While these offices contain all of the voters in Nassau County, they extend to neighboring counties as well.
- ☐ **District Offices - the following offices have the same geographical boundaries:** Board of County Commissioners, Ocean Highway and Port Authority, and School Board.
☐ All (Countywide) **or** ☐ Specific District ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5
- ☐ **Municipalities:** ☐ City of Fernandina Beach ☐ Town of Callahan ☐ Town of Hilliard
- ☐ **Special Districts:** ☐ Amelia Island Mosquito Control ☐ Community Development District: _____
☐ Soil and Water Conservation (Countywide)

Laws that need to be revised to protect voter information

- **Section 98.0981:** This section of law provides for Precinct-Level Election Results. Recommended changes are shown in the next slide.
- **Section 101.657(2):** This section of law requires the SOE to provide electronic data for early voting to the division. The following revision provides that the data be confidential and exempt from s. 119.07 as is done in Section 101.62(3) for vote by mail data.

101.657 Early Voting.—

.....(2) *During any early voting period, each supervisor of elections shall make available the total number of voters casting a ballot at each early voting location during the previous day. Each supervisor shall prepare an electronic data file listing the individual voters who cast a ballot during the early voting period. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than noon of each day and shall be contemporaneously provided to the division. This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.*

- In Sections 101.657(2) for early voting data and 101.62(3) for vote by mail data, better define “for political purposes only” and provide a penalty if information is used for any other purpose.

Suggested changes to FS 98.0981

98.0981 Reports, voting history, statewide voter registration system information, precinct-level election results, book closing statistics.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, supervisors of elections shall transmit to the department, in a uniform electronic format specified in paragraph (d), completely updated voting history information for each qualified voter who voted.

(b) After receipt of the information in paragraph (a), the department shall prepare a report in electronic format which contains the following information, separately compiled for the primary and general election for all voters qualified to vote in either election:....

4. Each qualified voter's current state representative district, state senatorial district, and congressional district, assigned by the supervisor of elections, unless a Public Records Exemption Form has been filed with the agency protecting certain information pursuant to FS Chapter 119,...

(d) File specifications are as follows:

1. The file shall contain records designated by the categories below for all qualified voters who, regardless of the voter's county of residence or active or inactive registration status at the book closing for the corresponding election that the file is being created for:

.....a. Voted a regular ballot at a precinct location.

~~b. Voted at a precinct location using a provisional ballot that was subsequently counted.~~

c. Voted a regular ballot during the early voting period.

~~d. Voted during the early voting period using a provisional ballot that was subsequently counted.~~

....4. Each record shall contain the following columns: Record Identifier, EVRS Voter ID Number, EVRS Election ID Number, Vote Date, and with the exception of voters whose information is exempt from public records, the following will also be provided, Vote History Code, Precinct, Congressional District, House District, Senate District, County Commission District, and School Board District.

....(2) PRECINCT-LEVEL ELECTION RESULTS.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary election, special election, primary election, or general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type, unless fewer than 30 voters voted a ballot type or the votes cast in any contest are the same and would, therefore, jeopardize the secrecy of a voter's ballot. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by vote-by-mail ballot including overseas vote-by-mail ballots, during the early voting period, or by provisional ballot:.....

R U L E S

Rules that
need to be
opened and
revised to
protect
voter
information

Rule 1S-2.032 Uniform Design for Election Ballots:

- Revise 10(d), Ballot Instructions, by including an additional instruction, such as:
DO NOT sign or include any personal information on your ballot. Keep your ballot secret.

Rule 1S-2.043 Electronic File Reporting Relating to Vote-by-Mail Ballot Request

- This Rule far exceeds statutory authority and needs to be revised to conform to FS 101.62(3), which provides:
“For each request for a vote-by-mail ballot received, the supervisor shall record the date the request was made, the date the vote-by-mail ballot was delivered to the voter or the voter’s designee or the date the vote-by-mail ballot was delivered to the post office or other carrier, the date the ballot was received by the supervisor, the absence of the voter’s signature on the voter’s certificate, if applicable, and such other information he or she may deem necessary.”

Rule 1S-2.053 Election Results, Precinct-Level Election Results, Voting History, and Reconciliation Reporting

- FS 98.0981 must be revised first. Then, Voting Code Types, etc. will need to be changed in the Rule. See Suggested Practices for additional information.

PUBLIC RECORDS REQUESTS & DATA - Laws, Rules & Practices

VICKI P. CANNON

NASSAU COUNTY SUPERVISOR OF ELECTIONS

QUESTIONS?

DISCUSSION?

SUGGESTIONS?

PLEASE REMEMBER TO
PROVIDE YOUR INPUT TO
ME AND RON LABASKY BY
JUNE 30, 2019

THANK YOU!!!

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Friday, February 08, 2019 4:27 PM EST
To: david@rambaconsulting.com <david@rambaconsulting.com>
CC: Vicki Cannon <vcannon@votenassau.com>
Subject: BRITTANY DOVE

Just wanted you to know that Maria M. will check to make sure she and Brittany can attend the meeting. She will let me know on Monday. I will have a summary of the information for you to send to the Reapportionment Chair, hopefully, by Monday. Have a great weekend!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail (email) to this entity. Instead, please contact this office by phone or in writing.

EXHIBIT A

I will still attend. Janet Modrow unfortunately will not be able to.

From: Mark Earley [mailto:EarleyM@leoncountyfl.gov]
Sent: Tuesday, February 19, 2019 3:42 PM
To: Cannon, Vicki P. <vcannon@votenassau.com>; Andersen, Mark <baysuper@bayvotes.org>; Southerland, Dana <taylorelections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
Cc: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Just confirming this meeting and who will attend.

Please RSVP your intentions to attend or not. But if status changes, no problem.

Thanks!

Mark

Mark S. Earley - CERA, MFCEP
Supervisor of Elections
Leon County, Florida USA

850.606.8683

<https://www.leonvotes.org/>

Voting is the most important expression of our collective wisdom.

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Friday, February 8, 2019 4:24 PM
To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; Taylor, Dana <taylorelections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>
Cc: Vicki Cannon <vcannon@votenassau.com>
Subject: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

[Caution: This email originates outside the Leon County network. Do not click links or open attachments unless you were expecting the email. If unsure, contact your supervisor.]

As discussed with each of you this afternoon, we have scheduled a meeting of the original "vote protection think tank," SOE Legislative Chair Alan Hays, Dave Ramba, Ron Labasky and Maria Matthews. We haven't been able to confirm if Ron Labasky and Maria Matthews can attend the meeting yet (fingers crossed they will be able to make it).

The meeting will be held as follows:

Thursday, February 21st at 9 a.m.
Leon County Supervisor of Elections office
2990-1 Apalachee Parkway, Tallahassee, FL 32301

By Monday or Tuesday, I will send each of you the pertinent information and statutes, along with proposed agenda, to make sure we can move the meeting along quickly due to everyone's busy schedule. Please let me know once you receive the information if you feel any changes are needed.

Have a wonderful weekend and I look forward to seeing you then!

Vicki P. Cannon

Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
vcannon@votenassau.com | www.votenassau.com | Facebook | Twitter | Newsletter Sign Up

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail (email) to this entity. In that case, please contact this office by phone or in writing.



December 23, 2019

VIA ELECTRONIC MAIL

Maria Pearson
Nassau County Supervisor of Elections
96135 Nassau Place, Suite 3
Yulee, FL 32097
publicrecordsrequest@votenassau.com

Re: Public Records Request

Dear Public Records Officer:

Pursuant to Florida's public records laws, as codified at Fla. Stat. Chapter 119, American Oversight makes the following request for records.

Requested Records

American Oversight requests that Nassau County promptly produce the following:

1. All materials prepared or received by Supervisor Vicki Cannon regarding the "voter protection think tank,"¹ including but not limited to, meeting agendas, calendar invitations, presentations, or handouts.
2. Any handwritten or electronic notes taken during any oral communications or summaries of any oral communications of "voter protection think tank" meetings or discussions.
3. All e-mail communications (including complete email chains, email attachments, calendar invitations, and calendar invitation attachments) regarding the "voter protection think tank."

Please provide all records from January 1, 2019, to the date of the search.

Please notify American Oversight of any anticipated fees or costs in excess of \$100 prior to incurring such costs or fees.

American Oversight seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the term "records," in its broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. Our

¹ See Ex. A. The exhibit shows an email exchanged on February 8, 2019 between Vicki Cannon, Mark Andersen, Mark Earley, Paul Lux, "David@rambaconsulting.com," Alan Hays, Maria Matthews, and Ronald Labasky to schedule a meeting of the "original voter protection think tank" at the Leon County Supervisor of Election's office in Tallahassee on February 21, 2019.

request includes any attachments to these records. **No category of material should be omitted from search, collection, and production.**

In addition, American Oversight insists that you use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; your office may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Please take appropriate steps to ensure that records responsive to this request are not deleted by your office before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and the Nassau County Supervisor of Election's office can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Conclusion

American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes

materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.²

We share a common mission to promote transparency in government. American Oversight looks forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Christine H. Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

Attachments

Ex. A — February 8, 2019 Email Exchange

² American Oversight currently has approximately 14,700 page likes on Facebook and 86,800 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Dec. 4, 2019); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Dec. 4, 2019).

From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Thursday, February 21, 2019 7:41 AM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: FW: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Can you please resend me the electronic files for the meeting today? I have misplaced the email and wanted to send them to Janet so she could look over them while she is away.

From: Mark Earley [mailto:EarleyM@leoncountyfl.gov]
Sent: Wednesday, February 20, 2019 10:53 AM
To: Southerland, Dana <taylor-elections@gtcom.net>; Cannon, Vicki P. <vcannon@votenassau.com>; Andersen, Mark <baysuper@bayvotes.org>; 'Paul Lux' <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
Cc: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

EMAIL RECEIVED FROM EXTERNAL SOURCE

Dana,

I thought since you are such a small county, your job has to be much easier. Right?

I feel for you. You having one staff member out is like me having about 10 absent.

Mark

Mark S. Earley - CERA, MFCEP
Supervisor of Elections
Leon County, Florida USA

850.606.8683

<https://www.leonvotes.org/>

Voting is the most important expression of our collective wisdom.

From: Dana Southerland <taylor-elections@gtcom.net>
Sent: Wednesday, February 20, 2019 8:16 AM
To: Mark Earley <EarleyM@leoncountyfl.gov>; 'Vicki Cannon' <vcannon@votenassau.com>; 'Mark Andersen' <baysuper@bayvotes.org>; 'Paul Lux' <plux@myokaloosa.com>; david@rambaconsulting.com; 'Hays, Alan' <alan@lakevotes.com>; 'Matthews, Maria I.' <Maria.Matthews@DOS.MyFlorida.com>; 'Ronald Labasky' <rlabasky@bplawfirm.net>
Cc: Christopher Moore <MooreChr@leoncountyfl.gov>; Jesse Jones <JonesJ@leoncountyfl.gov>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

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I'm going to try my best to be there.

I have one staff out that day, the auditor has been here all week, and UOCAVA ballots are scheduled to go out Friday for our Special Election.

I'm having to take it one day at a time.

Dana Southerland

Dana Southerland, CERA, MFCEP
Supervisor of Elections
Taylor County, Florida
State Certified Supervisor of Elections
P O Box 1060
Perry, Florida 32348
Phone: 850.838.3515
Fax: 850.838.3516
Email: taylor-elections@gtcom.net
Web: www.taylor-elections.com

From: Mark Earley <EarleyM@leoncountyfl.gov>
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Mark S. Earley - CERA, MFCEP
Supervisor of Elections
Leon County, Florida USA

850.606.8683

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Sent: Friday, February 8, 2019 4:24 PM

To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylor elections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>

Cc: Vicki Cannon <vcannon@votenassau.com>

Subject: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

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Have a wonderful weekend and I look forward to seeing you then!

Vicki P. Cannon
Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail (email) to this entity. Instead, please contact this office by phone or in writing.

From: Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>
Sent: Monday, February 11, 2019 4:34 PM EST
To: Vicki Cannon <vcannon@votenassau.com>
CC: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Brown, Toshia <Toshia.Brown@DOS.MyFlorida.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW
Attachment(s): "FS 98 0981.draft.docx"

Good Afternoon Supervisor Cannon,

I'm out on sick leave but should be back in the office on Wednesday. I'm checking email in the meantime. If you need to speak with someone directly, Director Matthews or Chief Brown would be able to answer your questions.

Regards,

Janet Modrow, PMP®

Data Processing Manager, Administrative Services

Florida Department of State

R. A. Gray Building

500 S. Bronough Street

Tallahassee, Florida 32399-0250

(850)245-6232

janet.modrow@dos.myflorida.com

From: Vicki Cannon [mailto:vcannon@votenassau.com]
Sent: Monday, February 11, 2019 2:38 PM
To: Modrow, Janet <Janet.Modrow@DOS.MyFlorida.com>
Subject: QUESTION REGARDING THE ATTACHED LAW

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Janet,

I am about to call you regarding the attachment. I have a few questions regarding the highlighted sections. Thanks so much!

Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

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98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, supervisors of elections shall transmit to the department, in a uniform electronic format specified in paragraph (d), completely updated voting history information for each qualified voter who voted.

(b) After receipt of the information in paragraph (a), the department shall prepare a report in electronic format which contains the following information, separately compiled for the primary and general election for all voters qualified to vote in either election:

1. The unique identifier assigned to each qualified voter within the statewide voter registration system;
2. All information provided by each qualified voter on his or her voter registration application pursuant to s. 97.052(2), except that which is confidential or exempt from public records requirements;
3. Each qualified voter's date of registration;
4. Each qualified voter's current state representative district, state senatorial district, and congressional district, assigned by the supervisor of elections;
5. Each qualified voter's current precinct; and
6. Voting history as transmitted under paragraph (a) to include whether the qualified voter voted at a precinct location, voted during the early voting period, voted by vote-by-mail ballot, attempted to vote by vote-by-mail ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

(c) Within 45 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format that includes all information set forth in paragraph (b).

(d) File specifications are as follows:

1. The file shall contain records designated by the categories below for all qualified voters who, regardless of the voter's county of residence or active or inactive registration status at the book closing for the corresponding election that the file is being created for:
 - a. Voted a regular ballot at a precinct location.
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 - e. Voted by vote-by-mail ballot.
 - f. Attempted to vote by vote-by-mail ballot, but the ballot was not counted.
 - g. Attempted to vote by provisional ballot, but the ballot was not counted in that election.
2. Each file shall be created or converted into a tab-delimited format.
3. File names shall adhere to the following convention:
 - a. Three-character county identifier as established by the department followed by an underscore.
 - b. Followed by four-character file type identifier of "VHO3" followed by an underscore.
 - c. Followed by FVRS election ID followed by an underscore.
 - d. Followed by Date Created followed by an underscore.
 - e. Date format is YYYYMMDD.
 - f. Followed by Time Created - HHMMSS.
 - g. Followed by ".txt".
4. Each record shall contain the following columns: Record Identifier, FVRS Voter ID Number, FVRS Election ID Number, ~~Vote Date,~~ and with the exception of voters whose

information is exempt from public records, the following will also be provided, Vote History Code, Precinct, Congressional District, House District, Senate District, County Commission District, and School Board District.

(e) Each supervisor of elections shall reconcile, before submission, the aggregate total of ballots cast in each precinct as reported in the precinct-level election results to the aggregate total number of voters with voter history for the election for each district.

(f) Each supervisor of elections shall submit the results of the data reconciliation as described in paragraph (e) to the department in an electronic format and give a written explanation for any precincts where the reconciliation as described in paragraph (e) results in a discrepancy between the voter history and the election results.

(2) PRECINCT-LEVEL ELECTION RESULTS.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary election, special election, primary election, or general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type, unless fewer than 10 voters voted a ballot type. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by vote-by-mail ballot including overseas vote-by-mail ballots, during the early voting period, or by provisional ballot.

(b) The department shall make such information available on a searchable, sortable, and downloadable database via its website that also includes the file layout and codes. The database shall be searchable and sortable by county, precinct, and candidate. The database shall be downloadable in a tab-delimited format. The database shall be available for download county-by-county and also as a statewide file. Such report shall also be made available upon request.

(c) The files containing the precinct-level election results shall be created in accordance with the applicable file specification:

1. The precinct-level results file shall be created or converted into a tab-delimited text file.
2. The row immediately before the first data record shall contain the column names of the data elements that make up the data records. There shall be one header record followed by multiple data records.

3. The data records shall include the following columns: County Name, Election Number, Election Date, Unique Precinct Identifier, Precinct Polling Location, Total Registered Voters, Total Registered Republicans, Total Registered Democrats, Total Registered All Other Parties, Contest Name, Candidate/Retention/Issue Name, Candidate Florida Voter Registration System ID Number, Division of Elections Unique Candidate Identifying Number, Candidate Party, District, Undervote Total, Overvote Total, Write-in Total, and Vote Total.

(3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date of book closing but before the date of an election as defined in s. [97.021](#) to fill a national, state, county, or district office, or to vote on a proposed constitutional amendment, the department shall compile the following precinct-level statistical data for each county:

(a) Precinct numbers.

(b) Total number of active registered voters by party for each precinct.

(4) REPORTS PUBLICLY AVAILABLE.—The department shall also make publicly available the reports and results required in subsections (1)-(2).

(5) RULEMAKING.—The department shall adopt rules and prescribe forms to carry out the purposes of this section.

History.—s. 25, ch. 2005-278; s. 8, ch. 2008-95; s. 3, ch. 2010-167; s. 11, ch. 2011-40; s. 6, ch. 2016-37.

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Monday, February 11, 2019 2:46 PM EST
To: kristy.maddox@dos.myflorida.com <kristy.maddox@dos.myflorida.com>
CC: Vicki Cannon <vcannon@votenassau.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW
Attachment(s): "FS 98 0981.draft.docx"

Kristy,

Could I speak to you or Janet about the highlighted sections in the attachment? Just need clarification on the data. Thanks so much!

Vicki P. Cannon

Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

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From: Vicki Cannon
Sent: Monday, February 11, 2019 2:38 PM
To: Modrow, Janet
Subject: QUESTION REGARDING THE ATTACHED LAW

Janet,

I am about to call you regarding the attachment. I have a few questions regarding the highlighted sections. Thanks so much!

Vicki P. Cannon

Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
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98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, supervisors of elections shall transmit to the department, in a uniform electronic format specified in paragraph (d), completely updated voting history information for each qualified voter who voted.

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4. Each record shall contain the following columns: Record Identifier, FVRS Voter ID Number, FVRS Election ID Number, **Vote Date, and with the exception of voters whose**

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History.—s. 25, ch. 2005-278; s. 8, ch. 2008-95; s. 3, ch. 2010-167; s. 11, ch. 2011-40; s. 6, ch. 2016-37.

From: Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>
Sent: Wednesday, February 13, 2019 9:34 AM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW
Attachment(s): "FS 98 0981.draft.docx","RE: QUESTION REGARDING THE ATTACHED LAW"

Good morning, Supervisor Cannon.

I didn't want you to thank I'd forgot about you...your email ended up being forwarded Maria. I have attached her response, in case she hasn't had a chance to contact you regarding the matter.

I, myself, am working on needed changes to the recount rule. If you have any suggestions on that topic, let me know.

I hope you have a great day and please let me know if you need anything else.

Take care,
Kristy Maddox, Computer Audit Analyst
Florida Dept. of State, Div. of Elections
Bureau of Voting Systems Certification
(850)245-6230

Please be aware that information forwarded to the Department for review is subject to public inspection and copying pursuant to Florida's broad public records law, Chapter 119, Florida Statutes. If any information that you forward to the Department constitutes a trade secret, or is otherwise confidential or exempt from the public records disclosure requirements of Chapter 119, you must designate such information as trade secret, confidential, or exempt by adequately marking the materials prior to submitting them to the Department. If you have any questions regarding the designation and marking of such materials, please contact the Department before you submit them. It is your obligation to maintain the secrecy of trade secrets and other confidential information by adequately marking such materials before they are forwarded to the Department.

From: Maddox, Kristy
Sent: Tuesday, February 12, 2019 11:25 AM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW

Hey Alex.

Who would be the best person for Supervisor Cannon to speak with regarding the attached? Her email below requests clarification of the highlighted sections within the document. It's not me or Janet, that I'm aware of.

Thank you,
Kristy Maddox, Computer Audit Analyst
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From: Maddox, Kristy
Sent: Tuesday, February 12, 2019 11:17 AM
To: Cannon, Vicki P. <vcannon@votenassau.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW

Good morning, Supervisor Cannon.

Sorry I missed your call yesterday. I have read the attached and need to find out who would be the best person to speak with regarding the highlighted sections.

Let me ask around and I'll get right back with you.

Thank you,
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From: Vicki Cannon [<mailto:vcannon@votenassau.com>]
Sent: Monday, February 11, 2019 2:46 PM
To: Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>
Cc: Cannon, Vicki P. <vcannon@votenassau.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Kristy,

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Vicki P. Cannon
Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
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98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

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From: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Sent: Tuesday, February 12, 2019 1:14 PM EST
To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
CC: Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>
Subject: RE: QUESTION REGARDING THE ATTACHED LAW

Roger, will leave it in your hands.

From: Matthews, Maria I.
Sent: Tuesday, February 12, 2019 1:12 PM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Cc: Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>
Subject: RE: QUESTION REGARDING THE ATTACHED LAW

I've got it covered. It relates to a meeting next week that I have SOEs. Thanks.

From: Mosca, Alexander N.
Sent: Tuesday, February 12, 2019 11:38 AM
To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Cc: Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW

Director Matthews,

Supervisor Cannon would like to speak with someone in DOE regarding the attached file, which appears to be some proposed changes to 98.0981, though without further context I can't be certain. Are you comfortable with me speaking with her, or would you prefer to do so yourself?

-Alex

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Sent: Tuesday, February 12, 2019 11:25 AM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW

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Let me ask around and I'll get right back with you.

Thank you,
Kristy Maddox, Computer Audit Analyst
Florida Dept. of State, Div. of Elections
Bureau of Voting Systems Certification
(850)245-6230

Please be aware that information forwarded to the Department for review is subject to public inspection and copying pursuant to Florida's broad public records law, Chapter 119, Florida Statutes. If any information that you forward to the Department constitutes a trade secret, or is otherwise confidential or exempt from the public records disclosure requirements of Chapter 119, you must designate such information as trade secret, confidential, or exempt by adequately marking the materials prior

to submitting them to the Department. If you have any questions regarding the designation and marking of such materials, please contact the Department before you submit them. It is your obligation to maintain the secrecy of trade secrets and other confidential information by adequately marking such materials before they are forwarded to the Department.

From: Vicki Cannon [<mailto:vcannon@votenassau.com>]
Sent: Monday, February 11, 2019 2:46 PM
To: Maddox, Kristy <Kristy.Maddox@DOS.MyFlorida.com>
Cc: Cannon, Vicki P. <vcannon@votenassau.com>
Subject: FW: QUESTION REGARDING THE ATTACHED LAW

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Kristy,

Could I speak to you or Janet about the highlighted sections in the attachment? Just need clarification on the data. Thanks so much!

Vicki P. Cannon

Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
vcannon@votenassau.com | www.votenassau.com | [Facebook](#) | [Twitter](#) | [Newsletter Sign Up](#)

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From: Vicki Cannon
Sent: Monday, February 11, 2019 2:38 PM
To: Modrow, Janet
Subject: QUESTION REGARDING THE ATTACHED LAW

Janet,

I am about to call you regarding the attachment. I have a few questions regarding the highlighted sections. Thanks so much!

Vicki P. Cannon

Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097
Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400
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From: Mark Earley <EarleyM@leoncountyfl.gov>
Sent: Tuesday, February 26, 2019 3:20 PM EST
To: Vicki Cannon <vcannon@votenassau.com>; Paul A Lux <plux@myokaloosa.com>; Alan Hays <alan@lakevotes.com>
Subject: Fwd: SOE Think Tank Minutes
Attachment(s): "SOE Think Tank Minutes - 2-21-19.doc"
Just the basic topics.

Mark S. Earley - CERA, MFCEP
Supervisor of Elections
Leon County, Florida USA

850.606.8683

<https://www.leonvotes.org/>

Voting is the most important expression of our collective wisdom.

From: Jesse Jones
Sent: Tuesday, February 26, 2019 9:01:43 AM
To: Mark Earley
Subject: SOE Think Tank Minutes

Hi Mark,

Attached are the minutes from the SOE Think Tank Meeting.

Jesse Jones | Admin OPS

850-606-8621 **Direct Line**
850-606-8683 **Main**
Office
jonesj@leoncountyfl.gov

Physical Address	Mailing Address
2990-1 Apalachee Pkwy Tallahassee, FL 32301	Post Office Box 7357 Tallahassee, FL 32314-7357

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MINUTES

SOE Think Tank

Thursday, February 21, 2019
Ion V. Sancho Leon County Election Center
2990-1 Apalachee Parkway

In Attendance: Honorable Mark S. Earley, Leon County Supervisor of Elections
Honorable Vicki P. Cannon, Nassau County Supervisor of Elections
Honorable Paul Lux, Okaloosa County Supervisor of Elections
Honorable Alan Hays, Lake County Supervisor of Elections (conferenced in)
Maria I. Matthews, Division of Elections
David Ramba, Ramba Law Group
Ron Labasky, BP Law Firm
Jesse Jones, Leon County SOE Staff

How soon would we need to prepare to have a fully bilingual ballot? June 2019

Hard to find bilingual poll workers.

Elections at a glance. A guide for Spanish language phrases/glossary – Paul

Time to clean up the law

2) Public Records Request (F & Z) out of voter history report:

- Most counties compromise to give the data.
- Minimum amount to accomplish their need.
- 2A Statute 10
 - Arbitrary where 10 or more vote for same candidate
 - Ok to leave
 - Some rule changes if this is to pass
 - What is deemed necessary for information
 - § Protected under public records (email addresses)
 - § Protection vs. Accessibility
 - Local level vs. State level
 - § Make groups sign a form (affidavit) that states that they are a Political Action Committee
 - Deterrent to getting information for commercial purposes (email/phone).
 - Tampa Bay Tribune would not sign it.
 - National vs. State level
 - § Change Rule not legislation
 - Statute trumps rule – Email Addresses and Phone
 - Statute exempts email address and phones (if needed – propose to legislate)

3) If they are only getting top level information, then they can do what they want with it.

- § Won't provide where the ballot is going.
- § Include language that allows the Supervisors to exempt email addresses and phone.
- § Some supervisors like to send out Birthday cards to voters.
- § Media uses data from Voter Registration to fill the gaps in a story.
- § Need much of this sensitive data to clear ballots.

- § US Postal Issues (VBM is exempt) – 16/17 add DOB as exempt.
- § Application to state that it is exempt to provide phone # and email.
 - Parse out the year with a query.
 - Might be asking too much for the DOB.
 - Circle back to DOB, if the Email and phones get passed.

4) Uniform Design for Elections Ballot

- § Change of Custody Rules
 - Statute vs. Rule
 - How do you stop a random large drop off of fake ballots
 - Valuable information, if you know what EV and VBM information prior to Election Day.

5) Panel Discussion of House Committees (101.148)

- § Some people think that all signatures are reviewed by the canvassing board.
- § Definition of Canvassing Board duties.
 - Legal Opinion
 - Staff will need to verify signatures in real time to cure ballot.
 - Bill against verifying signatures at the polls.
 - Pollworkers are not required to match picture to the person.
 - Need to days to cure a signature mismatch.
 - Chart (Reference Guide) Canvassing Board Activities.
 - 101.043 1B
 - Vicki hires a forensic signature analyst to observe VBM, if signatures do not match. Puts the burden of proof onto 3rd party.
- § Not extending VBM, only extending the overseas cures
- § Legislature wants to know how we compare to other states.
- § UOCAVA – Definitions of what is considered overseas (American Soil vs. Foreign Soil)
- § “Capable to tabulate” vs. “Certified to be used”
- § Revisit rules about how to identify votes

6) Change REF to RPF if possible

Senate Bill 582

- § Secretary of State and Governor
- § Rules to change the recount process

From: Vicki Cannon <vcannon@votenassau.com>

Sent: Friday, February 08, 2019 4:24 PM EST

To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; tayloreelections@gtcom.net <tayloreelections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com <david@rambaconsulting.com>; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>

CC: Vicki Cannon <vcannon@votenassau.com>

Subject: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

As discussed with each of you this afternoon, we have scheduled a meeting of the original "voter data protection think tank," SOE Legislative Chair Alan Hays, Dave Ramba, Ron Labasky and Maria Matthews. I haven't been able to confirm if Ron Labasky and Maria Matthews can attend the meeting yet (fingers crossed they will be able to make it).

The meeting will be held as follows:

Thursday, February 21st at 9 a.m.
Leon County Supervisor of Elections office
2990-1 Apalachee Parkway, Tallahassee, FL 32301

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Have a wonderful weekend and I look forward to seeing you then!

Vicki P. Cannon

Supervisor of Elections of Nassau County

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Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

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From: Mark Andersen <baysuper@bayvotes.org>
Sent: Tuesday, February 19, 2019 4:19 PM EST
To: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Earley, Mark <earleym@leoncountyfl.gov>; Vicki Cannon <vcannon@votenassau.com>; Southerland, Dana <taylor-elections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com <david@rambaconsulting.com>; Hays, Alan <alan@lakevotes.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
CC: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Stuck here on municipal issues.

Mark A. Andersen

FL. Cert, CERA, MFCEP, Supervisor of Elections, Bay County
ISO 9001: 2015 Quality Assurance Certified NSF # C0028358-IS4
Personal ISO 9001: 2008 Lead Auditor Certification
Office (850) 784-6100 **Fax** (850) 784-6141 **Web** www.bayvotes.org

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This response is provided for reference only and does not constitute a formal legal opinion or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.

From: Matthews, Maria I. [mailto:Maria.Matthews@DOS.MyFlorida.com]
Sent: Tuesday, February 19, 2019 2:55 PM
To: Earley, Mark <earleym@leoncountyfl.gov>; Cannon, Vicki P. <vcannon@votenassau.com>; Mark Andersen <baysuper@bayvotes.org>; Southerland, Dana <taylor-elections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
Cc: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
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I will still attend. Janet Modrow unfortunately will not be able to.

From: Mark Earley [mailto:EarleyM@leoncountyfl.gov]
Sent: Tuesday, February 19, 2019 3:42 PM
To: Cannon, Vicki P. <vcannon@votenassau.com>; Andersen, Mark <baysuper@bayvotes.org>; Southerland, Dana <taylor-elections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
Cc: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

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Thanks!

Mark

Mark S. Earley - CERA, MFCEP
Supervisor of Elections
Leon County, Florida USA

850.606.8683

<https://www.leonvotes.org/>

Voting is the most important expression of our collective wisdom.

From: Vicki Cannon <vcannon@votenassau.com>

Sent: Friday, February 8, 2019 4:24 PM

To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylor elections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>

Cc: Vicki Cannon <vcannon@votenassau.com>

Subject: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

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From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Tuesday, February 19, 2019 3:54 PM EST
To: Earley, Mark <earleym@leoncountyfl.gov>; Vicki Cannon <vcannon@votenassau.com>; Andersen, Mark <baysuper@bayvotes.org>; Southerland, Dana <taylor-elections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com <david@rambaconsulting.com>; Hays, Alan <alan@lakevotes.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
CC: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
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To: Cannon, Vicki P. <vcannon@votenassau.com>; Andersen, Mark <baysuper@bayvotes.org>; Southerland, Dana <taylor-elections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
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Mark

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Supervisor of Elections of Nassau County
96135 Nassau Place, Suite 3, Yulee, Florida 32097

AMERICAN
OVERSIGHT

FL-NASSAU-19-1577-A-000046

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

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CC: Christopher Moore <MooreChr@leoncountyfl.gov>; Jesse Jones <JonesJ@leoncountyfl.gov>

Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

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Mark S. Earley - CERA, MFCEP

Supervisor of Elections

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Sent: Friday, February 8, 2019 4:24 PM

To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylor-elections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>

Cc: Vicki Cannon <vcannon@votenassau.com>

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From: Hays, Alan <alan@lakevotes.com>
Sent: Tuesday, February 12, 2019 6:56 PM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: Re: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Many thanks Vicki!! Great beginning for discussion and should help us accomplish a lot.
Alan

Sent from my iPhone

On Feb 12, 2019, at 17:16, Vicki Cannon <vcannon@votenassau.com> wrote:

Good news! Ron Labasky and Maria Matthews will be able to attend the meeting. The following is a proposed agenda to address laws, rules and practices that need to be revised to protect voter data in Florida.

Draft Agenda

LEGISLATIVE AND ADMINISTRATIVE RULE REVISIONS TO PROTECT VOTER DATA :

- 1) Review proposed revisions to *FS 98.0981, Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics*.
Fortunately, unless you have other revisions, it appears this statute will not require many revisions. I have attached a draft (**ATTACHMENT 1**) with the sections to be amended. A few points that need to be made are:

- o FS 98.0981(1)(d)1.a-d: These revisions simply combine provisional ballots into the group (election day or early voting) where they were voted and removes the granular reporting of provisional ballots;
- o FS 98.0981(1)(d)4: By removing "Vote Date" it removes the risk of ballots that are cast after Election Day (provisional ballots and overseas voters). In the voter history report it should simply reflect Election Day and not provide the exact date and time a voter's ballot was cast or counted. Again, this removes the granular detail that could jeopardize the secrecy of a voter's ballot.
- o FS 98.0981(1)(d)4: This section is further revised to exclude voters who qualify for and have requested their information be exempt from public records. If they were included, the precinct and district information could reveal the address, or general proximity to the address, where they reside.
- o FS 98.0981(2)(a): I feel that the wording "unless **fewer than 10** voters voted a ballot type" is arbitrary and may jeopardize the secrecy of voters' ballots in certain circumstances, i.e. nine voters voted for the same candidate on the same ballot type. I revised the section to include additional language to, hopefully, eliminate the risk.

Rule 1S-2.053 Election Results, Precinct-Level Election Results, Voting History, and Reconciliation Reporting will need to be opened to address like provisions in the Rule.

- 2) Review proposed revisions to *FS 106.011(16)(a), Definitions*, and/or other sections in Chapter 106 pertaining to political committees, to clarify the definition of "Political committee." I feel strongly that voter data is at risk as a result of the broadness and lack of specifics relating to definition of political committees, unless revised. It is my understanding that two or more newspapers are currently registered as political committees, meaning they can obtain certain exempt information that isn't available to the public. I am hopeful that Dave or Ron can assist in helping define this further. I have attached a shell document (**ATTACHMENT 2**) with one section that might need to be amended. Of course, there may be other areas of the Election Code that need revisions as it relates to this issue.
- 3) Review proposed revisions to *FS 101.62, Requests for vote-by-mail ballots*. Again, I am providing a shell (**ATTACHMENT 3**) for revisions to be proposed, if necessary. Two things here:
 - a. The statute provides "For each request for a vote-by-mail ballot received, the supervisor shall record
 - the date the request was made,
 - the date the vote-by-mail ballot was delivered to the voter or the voter's designee or the date the vote-by-mail ballot was delivered to the post office or other carrier,
 - the date the ballot was received by the supervisor,
 - the absence of the voter's signature on the voter's certificate, if applicable,
 - and such other information he or she may deem necessary.

- b. It further provides: *"This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees."* So, the bulleted information above is the only information that Florida law requires be provided to candidates, political parties, political committees, etc.

The statute may need to be revised to define "for political purposes only."

It is *Rule 1S-2.043 Electronic File Reporting Relating to Vote-by-Mail Ballot Request* that exceeds the statutory authority and needs to be revised. There was a hearing on November 14, 2017 to revise this Rule, and my Comments on Proposed Revisions to the Rule are attached (**ATTACHMENTS 4-7**). The data file should not include **the address where the ballot is to be mailed, emailed or faxed, etc**, only what is required by law (bulleted items). I will be requesting that this Rule be re-opened or continued.

- 4) Review FS 97.0585 *Public records exemption; information regarding voters and voter registration; confidentiality*. See #3-4 on our 2019 FSASE Legislative Priorities (**ATTACHMENT 8**). What is the status of these two legislative priorities? Has a bill been drafted? Is there anything we can contribute?

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Vicki P. Cannon

Supervisor of Elections of Nassau County

96135 Nassau Place, Suite 3, Yulee, Florida 32097

Direct: 904.491.7500 | Toll Free: 1.866.260.4301 | Fax: 904.432.1400

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Sent: Friday, February 08, 2019 4:24 PM

To: Mark Andersen; Mark Earley; taylor@elections@gtcom.net; Paul Lux (plux@myokaloosa.com); david@rambaconsulting.com; Hays, Alan; Matthews, Maria I.; Ronald Labasky (rlabasky@bplawfirm.net)

Cc: Vicki Cannon

Subject: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

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2990-1 Apalachee Parkway, Tallahassee, FL 32301

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<FS 98 0981.draft.docx>

<106.011.draft.docx>

<FS 101.62.draft.docx>

<COMMENTS ON RULE 1S.2.043.PROPOSED11.14.2017.final.docx>

<PROPOSED.RULE.1S2.043.11.17.2017.final.doc>

<DSDE145 PROPOSED11 14 2017.final.docx>

<DSDE147.PROPOSED11.14.2017..docx>

<2019 Session Priorities (2).pdf>

From: Vicki Cannon <vcannon@votenassau.com>

Sent: Tuesday, February 12, 2019 5:16 PM EST

To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; tayloreelections@gtcom.net <tayloreelections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com <david@rambaconsulting.com>; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>

CC: Vicki Cannon <vcannon@votenassau.com>

Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Attachment(s): "FS 98.0981.draft.docx","106.011.draft.docx","FS 101.62.draft.docx","COMMENTS ON RULE 1S.2.043.PROPOSED11.14.2017.final.docx","PROPOSED.RULE.1S2.043.11.17.2017.final.doc","DSDE145 PROPOSED11 14 2017.final.docx","DSDE147.PROPOSED11.14.2017..docx","2019 Session Priorities (2).pdf"

Good news! Ron Labasky and Maria Matthews will be able to attend the meeting. The following is a proposed agenda to address laws, rules and practices that need to be revised to protect voter data in Florida.

Draft Agenda

LEGISLATIVE AND ADMINISTRATIVE RULE REVISIONS TO PROTECT VOTER DATA :

- 1) Review proposed revisions to *FS 98.0981, Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.*
Fortunately, unless you have other revisions, it appears this statute will not require many revisions. I have attached a draft (**ATTACHMENT 1**) with the sections to be amended. A few points that need to be made are:
 - o FS 98.0981(1)(d)1.a-d: These revisions simply combine provisional ballots into the group (election day or early voting) where they were voted and removes the granular reporting of provisional ballots;
 - o FS 98.0981(1)(d)4: By removing "Vote Date" it removes the risk of ballots that are cast after Election Day (provisional ballots and overseas voters). In the voter history report it should simply reflect Election Day and not provide the exact date and time a voter's ballot was cast or counted. Again, this removes the granular detail that could jeopardize the secrecy of a voter's ballot.
 - o FS 98.0981(1)(d)4: This section is further revised to exclude voters who qualify for and have requested their information be exempt from public records. If they were included, the precinct and district information could reveal the address, or general proximity to the address, where they reside.
 - o FS 98.0981(2)(a): I feel that the wording "unless **fewer than 10** voters voted a ballot type" is arbitrary and may jeopardize the secrecy of voters' ballots in certain circumstances, i.e. nine voters voted for the same candidate on the same ballot type. I revised the section to include additional language to, hopefully, eliminate the risk.

Rule 1S-2.053 *Election Results, Precinct-Level Election Results, Voting History, and Reconciliation Reporting* will need to be opened to address like provisions in the Rule.

- 2) Review proposed revisions to *FS 106.011(16)(a), Definitions*, and/or other sections in Chapter 106 pertaining to political committees, to clarify the definition of "Political committee." I feel strongly that voter data is at risk as a result of the broadness and lack of specifics relating to definition of political committees, unless revised. It is my understanding that two or more newspapers are currently registered as political committees, meaning they can obtain certain exempt information that isn't available to the public. I am hopeful that Dave or Ron can assist in helping define this further. I have attached a shell document (**ATTACHMENT 2**) with one section that might need to be amended. Of course, there may be other areas of the Election Code that need revisions as it relates to this issue.
- 3) Review proposed revisions to *FS 101.62, Requests for vote-by-mail ballots.* Again, I am providing a shell (**ATTACHMENT 3**) for revisions to be proposed, if necessary. Two things here:
 - a. The statute provides "*For each request for a vote-by-mail ballot received, the supervisor shall record*
 - *the date the request was made,*
 - *the date the vote-by-mail ballot was delivered to the voter or the voter's designee or the date the vote-by-mail ballot was delivered to the post office or other carrier,*
 - *the date the ballot was received by the supervisor,*
 - *the absence of the voter's signature on the voter's certificate, if applicable,*
 - *and such other information he or she may deem necessary.*
 - b. It further provides: "*This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees.*" So, the bulleted information above is the only information that Florida law requires be provided to candidates, political parties, political committees, etc.

The statute may need to be revised to define "for political purposes only."

FL-NASSAU-19-1577-A-000052

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106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

- (1) "Campaign fund raiser" means an affair held to raise funds to be used in a campaign for public office.
- (2) "Campaign treasurer" means an individual appointed by a candidate or political committee as provided in this chapter.
- (3) "Candidate" means a person to whom any of the following applies:
 - (a) A person who seeks to qualify for nomination or election by means of the petitioning process.
 - (b) A person who seeks to qualify for election as a write-in candidate.
 - (c) A person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office.
 - (d) A person who appoints a treasurer and designates a primary depository.
 - (e) A person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee. Expenditures related to potential candidate polls as provided in s. [106.17](#) are not contributions or expenditures for purposes of this subsection.

(4) "Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure is deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding the costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure is deemed an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

(5) "Contribution" means:

- (a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.
- (b) A transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups.
- (c) The payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.
- (d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the term may not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements.

(6) "Division" means the Division of Elections of the Department of State.

(7) "Election" means a primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, selecting a member of a political party executive committee, or submitting an issue to the electors for their approval or rejection.

(8)(a) "Electioneering communication" means communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone and that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

(b) The term "electioneering communication" does not include:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence before the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

2. A communication in a news story, commentary, or editorial distributed through the facilities of a radio station, television station, cable television system, or satellite system, unless the facilities are owned or controlled by a political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by a political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area.

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that:

a. The staging organization is either:

(I) A charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or

(II) A newspaper, radio station, television station, or other recognized news medium; and

b. The staging organization does not structure the debate to promote or advance one candidate or issue position over another.

(c) For purposes of this chapter, an expenditure made for, or in furtherance of, an electioneering communication is not considered a contribution to or on behalf of any candidate.

(d) For purposes of this chapter, an electioneering communication does not constitute an independent expenditure and is not subject to the limitations applicable to independent expenditures.

(9) "Electioneering communications organization" means any group, other than a political party, affiliated party committee, or political committee, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee under this chapter.

(10)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(b) As used in this chapter, an "expenditure" for an electioneering communication is made when the earliest of the following occurs:

1. A person enters into a contract for applicable goods or services;
2. A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
3. The electioneering communication is publicly disseminated.

(11) "Filing officer" means the person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers.

(12)(a) "Independent expenditure" means an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period is not an independent expenditure.

(b) An expenditure for the purpose of expressly advocating the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of the political party, an affiliated party committee, a political committee, or any other person is not considered an independent expenditure if the committee or person:

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue;
2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to a general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue;
3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member;
4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or an agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue;
5. After the last day of the qualifying period prescribed for the candidate, consults about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign, with:

- a. An officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or
- b. A person whose professional services have been retained by a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate;
- 6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of a person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or
- 7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(13) "Issue" means a proposition that is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of a political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or a proposition for which a petition is circulated in order to have such proposition placed on the ballot at an election.

(14) "Person" means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee.

(15) "Political advertisement" means a paid expression in a communications medium prescribed in subsection (4), whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, political advertisement does not include:

(a) A statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

(b) Editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium.

(16)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:

- a. Accepts contributions for the purpose of making contributions to any candidate, political committee, affiliated party committee, or political party;
- b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;
- c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
- d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, affiliated party committee, or political party;

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

- 1. National political parties, the state and county executive committees of political parties, and affiliated party committees regulated by chapter 103.
- 2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate

or business funds and if no contributions are received by such corporations or business entities.

3. Electioneering communications organizations as defined in subsection (9).

(17) "Public office" means a state, county, municipal, or school or other district office or position that is filled by vote of the electors.

(18) "Unopposed candidate" means a candidate for nomination or election to an office who, after the last day on which a person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of a primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. [100.111](#)(3), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

History.—s. 1, ch. 73-128; s. 1, ch. 74-200; s. 1, ch. 77-174; s. 39, ch. 77-175; s. 2, ch. 79-157; ss. 6, 17, ch. 79-365; s. 1, ch. 79-378; s. 22, ch. 81-304; s. 34, ch. 84-302; s. 4, ch. 85-226; s. 2, ch. 89-256; s. 1, ch. 89-537; s. 24, ch. 90-315; s. 9, ch. 91-107; s. 636, ch. 95-147; s. 2, ch. 97-13; s. 7, ch. 99-355; s. 1, ch. 2002-197; s. 2, ch. 2004-252; s. 1, ch. 2006-300; s. 19, ch. 2010-167; ss. 4, 30, ch. 2011-6; s. 52, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 5, ch. 2012-5; s. 3, ch. 2013-37; s. 9, ch. 2014-17.



FLORIDA STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS

PO Box 350 | Tallahassee, FL 32302 | Telephone: (850) 599-9120

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Shirley Anderson
Mike Bennett
Diane Hagan
Dr. Brenda Snipes

General Counsel

Ronald Labasky, Esq.

The following were adopted by the FSASE membership as legislative priorities:

1. Require "voter verified paper output" on all equipment used for compliance for all voters including accessible voting machines under section 101.56075 which provides for mechanisms to be used for persons with disabilities. The current law has a statutory deadline of 2020. Information released by the Department of State indicates that the current equipment used by 32 counties for persons with disabilities will not be able to be used in 2020. This is the only equipment for these counties currently certified and being manufactured for use in Florida. Counties that want to use updated previously approved and antiquated equipment need this change to ensure that the only equipment being manufactured and currently certified for use is available for the 2020 election cycle.

2. Funding for ERIC- Electronic Registration information Center - legislation passed in 2018 allowed for Florida to join the group to clean up the statewide voter database to eliminate excess registrants who have moved to other states and registered voters who have moved to other states and registered, voters who have passed away, and provided sophisticated data matching services to the member states in order to improve a state's ability to identify inaccurate and out-of-date voter registration records, as well as eligible, but unregistered residents.

FSASE also SUPPORTS:

3. Public Records Exemption for ALL voter information contained in the statewide voter database except for legitimate political purposes.

4. Public Records Exemption for voter information for 16-17 year old preregistered voters except for legitimate political purposes.

5. Remove of "Not yet designated" language for Governor/Lt. Governor on primary ballot before the position of Lt. Governor has been chosen.

6. Fix Qualifying Check bounce information in statutes as a result of Wright v. City of Miami Gardens case.

7. Eliminate the newspaper publication of ballots when sample ballots are mailed to all registered households in a county.

8. Allow the option for state-approved automated independent audit systems to be used by county canvassing boards and SOEs to conduct machine and manual recounts.
9. Move the qualifying date back two weeks and move the primary election date back one week. This will create 11 week intervals between the three events.
10. Allow flexibility to mail domestic VBM ballots not later than 28 days before the election.
11. Allow canvassing of VBM ballots 22 days prior to the election if desired (one week earlier).
12. Require some type of disclaimer on text messages sent to voters who do not opt-in to receive such messages.
13. Move last day to request VBM to 10 days prior to election and prohibit mailing of VBM less than 8 days prior to election.
14. Use signatures on cure affidavits to update voter signature of record.
15. Remove deadline to update signature prior to start of canvassing board.
16. Extend deadline for curing VBM issues to be 5:00 PM on Election Night.
17. Address issue of having to use provisional ballot envelopes for all votes cast by those not in line before 7:00 PM on election night.
18. Expansion of the number of “wildcard” early voting locations.
19. Implementation of Amendment 4.

COMMENTS ON PROPOSED REVISIONS TO RULE 1S-2.043
HEARING OF NOVEMBER 14, 2017 AT 1 P.M.

Rule 1S-2.043 was originally developed based on FS 101.62 and 101.657, Florida Statutes, as provided in the Notice of Development of Rulemaking, under “Law Implemented.”

SECTION 1. INFORMATION REQUIRED BY FLORIDA LAW TO BE INCLUDED IN SUBJECT RULE:

VOTE-BY-MAIL DATA

F.S. 101.62(3) requires the following information to be recorded and provided in electronic format:

- Date the request was made;
- Date the vote-by-mail ballot was delivered to the voter or the voter’s designee or the date the vote-by-mail was delivered to the post office or other carrier;
- Date the ballot was received by the supervisor;
- The absence of the voter’s signature on the voter’s certificate, if applicable; and
- Such other information he or she [Supervisor of Elections] may deem necessary.

It also provides the “information shall be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division.”

It further provides that the information shall be “confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for:

- The voter requesting the ballot;
 - A Canvassing Board;
 - An election official;
 - A political party or official thereof;
 - A candidate who has filed qualification papers and is opposed in an upcoming election; and
 - Registered political committees
- for political purposes only.”

EARLY VOTING DATA

F.S. 101.657 requires the supervisor of elections to make available the following information and provide same in electronic format, updated and made available no later than noon each day, and it shall be contemporaneously provided to the division:

- “... listing the individual voters who cast a ballot during the early voting period.”
- “the total number of voters casting a ballot at each early voting location during the previous day”.

SECTION 2. FLORIDA CONSTITUTION, FLORIDA STATUTES AND CASE LAW REGARDING SECRET VOTE:

Florida Constitution, Article VI, Suffrage and Elections

SECTION 1. Regulation of elections.—All elections by the people shall be by direct and **secret vote**. General elections shall be determined by a plurality of votes cast. Registration and elections shall, and political party functions may, be regulated by law; however, the requirements for a candidate with no party affiliation or for a candidate of a minor party for placement of the candidate's name on the ballot shall be no greater than the requirements for a candidate of the party having the largest number of registered voters.

Florida Statutes

101.041 Secret voting.—In all elections held on any subject which may be submitted to a vote, and for all or any state, county, district, or municipal officers, the voting shall be by **secret, official ballot** as provided by this code, and no vote shall be received or counted in any election, except as prescribed by this code.

101.5606 Requirements for approval of systems.—No electronic or electromechanical voting system shall be approved by the Department of State unless it is so constructed that: (1) It permits and requires **voting in secrecy**.....

104.23 Disclosing how elector votes. — Any election official or person assisting any elector **who willfully discloses how any elector voted**, except upon trial in court, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Case Law:

McDonald v. Miller, 90 So2d 124 (Fla. 1956)

SECTION 3. RECOMMENDED REVISIONS TO RULE 1S-2.043 AND FORMS DS-DE 145 AND DS-DE 147:

Based on Sections 1 and 2 above, and to ensure that data collected and provided to the division, to authorized entities, and to the public does not reveal the secrecy of a voter's ballot, the following revisions to Rule 1S-2.043 and related forms are strongly recommended.

Attachment 1: Proposed Rule 1S-2.043 with recommended revision

Attachment 2: Proposed Form DS-DE 145 with recommended revisions

Attachment 3: Proposed Form DS-DE 147 with recommended revisions

Notes:

- Strikethroughs within yellow highlight: language to be **stricken as it exceeds statutory authority**.
- Underlined text within green highlight: language to be **added**.
- Text within turquoise highlight: language that exceeds statutory authority, but is **not being requested to be stricken**.

SECTION 4. CONFLICTS IN LAW AND RULES:

The conflict originally occurs in FS 101.62(3) as it provides the data “shall be made available to or reproduced only for:*A candidate who has filed qualification papers and is opposed in an upcoming election,*” but then requires “*The data be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division.*”

The subject rule and FS 101.62(3) provide that the data is to be provided “**60 days** before the election.....and the **last file transmitted on the 15th day after the election.**” A candidate is only entitled to the data as follows: “...a candidate who has filed qualification papers and is **opposed in an upcoming election.**” Therefore, a candidate is not entitled to the file unless they have opposition in an upcoming election. Example: For a Primary Election, any candidate(s) that will face opposition in the upcoming General Election is entitled to the data, but no other candidate. For a General Election, a winner emerges and no candidate, including the winner, is entitled to receive the data **after Election Day** because there is no upcoming election.

This should be addressed in the 2018 Legislative Session.

ATTACHMENT 2: SEE PROPOSED CHANGES IN GREEN HIGHLIGHT

Vote-by-Mail Ballot Request Information File Layout

(For use when preparing and reporting the electronic data file
for vote-by-mail voters – s. 101.62, F.S.)

Data Element Name	Description	Data Format Rules
RecordType	Vote-by-Mail Ballot Request Status	“AbStat”
CountyId	County providing summary	Char(3) Use FVRS county codes
FVRSVoterIdNumber	FVRS Voter Id Number	Numeric (10)
FVRSElectionNumber	FVRS Election identifier	Numeric (10)
ElectionDate	Date of the election	MM/DD/YYYY
ElectionName	Name of Election	Char(35)
LastAbsRecordChangeDate	Date the vote-by-mail summary record was last updated	MM/DD/YYYY
AbsenteeRequestStatus	Applicable codes for reporting purposes: C: Use when a voter cancels a request for vote-by-mail ballot. E: Use when there is any voter-caused error in a returned vote-by-mail ballot other than a failure to sign the Voter’s Certificate or signature on the Voter’s Certificate failed to match the signature on record. M: Use when a voter returns a vote-by-mail ballot with a signature on the Voter’s Certificate that does not match the signature on record. N: Use when a voter returns a vote-by-mail ballot with no signature on the Voter’s Certificate. P: Use when the vote-by-mail ballot is provided to the voter by any proper means of delivery (mail, fax, <i>etc.</i>). (Only record one ballot provided per voter.) R: Use when the supervisor has processed a vote-by-mail ballot request and determined that the voter is eligible to vote-by-mail for that election. S: Use when a voter has or makes a standing request to receive a vote-by-mail ballot for all elections occurring from the date of the request through the end of the calendar year for the second ensuing regularly scheduled general election. (Once the supervisor determines that the voter is eligible to vote-by-mail in a particular election, the status of the standing request for that election is recorded as “R”.) U: Use when a vote-by-mail ballot is returned as undeliverable to the address where it was sent. V: Use when a voted vote-by-mail ballot is returned and received in the supervisor’s office and does not otherwise fall into a status code of E, M, N, or U. NOTE: The code for each voter shall be updated daily so that each voter has only one code associated with the voter’s record. For example, a prior report for a voter reflecting an “S” will be changed on a subsequent report to an “R” if the	Char(1) C: Cancelled by the Voter E: Voter Error M: Mismatched Signature N: Unsigned P: Provided R: Requested S: Standing U: Returned Undeliverable V: Voted

	voter is determined eligible to vote in the election. The reporting code for that voter may then be changed, for example, to “P”, which may then be subsequently changed to a status of “E”, “M”, “N”, “U”, or “V”.	
AbsReqDate		MM/DD/YYYY
AbsDelivery Date		MM/DD/YYYY
AbsReturnDate	Any ballot returned on or after Election Day will have the same return date as Election Day in this file	MM/DD/YYYY
AbsReqCanceledDate		MM/DD/YYYY
AbsMilitary		Char (1) Y, N
AbsOverseasFlag		Char (1) Y, N
AbsMilitary Dependent		Char (1) Y, N
Precinct		Char (6)
PrecinctSplit		Char (10)
CongressionalDistrict		Numeric (2)
SenateDistrict		Numeric (2)
HouseDistrict		Numeric (3)
CountyCommissionDistrict		Char (10)
SchoolBoardDistrict		Char (10)
OtherDistricts		Char (25)
Abs Party		Char (3)
Voter Name		Char (99)
AbsReqMailingAddressLine 1		Char (40)
AbsReqMailingAddressLine 2		Char (40)
AbsReqMailingAddressLine 3		Char (40)
AbsReqMailingAddress City		Char (40)
AbsReqMailingAddress State		Char (2)
AbsReqMailingAddressZip		Char (15)
AbsReqMailingAddressCountry		Char (40)
AbsReqE-mailAddress	-	Char (100)
AbsReqFaxnumber	-	Char (20)

ATTACHMENT 3: SEE PROPOSED CHANGES IN YELLOW AND GREEN HIGHLIGHT

Early Voting Voters List File Layout

(For use when preparing and reporting the electronic data file
for early voting voters– s. 101.657, F.S.)

RecordType	EVtrs	“EVtrs”
CountyId	County providing summary	Char (3) Use FVRS county codes
FvrsElectionNumber	Fvrs Election identifier	Numeric
ElectionDate	Date of the Election	MM/DD/YYYY
ElectionName	Name of Election	Char (35)
FvrsVoterIdNumber		Numeric
VoterName		Char (60)
EVPrecinct		Char (6)
PrecinctSplit		Char (10)
CongressionalDistrict		Numeric (2)
SenateDistrict		Numeric (2)
HouseDistrict		Numeric (3)
CountyCommissionDistrict		Char (10)
SchoolBoardDistrict		Char (10)
OtherDistricts		Char (25)
EV Party		Char (3)
LocationNumber of voters casting ballots	Location of Early Voting	Char (35)
DateofEarlyVote	Date voter cast ballot	MM/DD/YYYY

DS-D 147 (eff. ____/2015)

101.62 Request for vote-by-mail ballots.—

(1)(a) The supervisor shall accept a request for a vote-by-mail ballot from an elector in person or in writing. One request shall be deemed sufficient to receive a vote-by-mail ballot for all elections through the end of the calendar year of the second ensuing regularly scheduled general election, unless the elector or the elector's designee indicates at the time the request is made the elections for which the elector desires to receive a vote-by-mail ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written or telephonic request for a vote-by-mail ballot to be mailed to an elector's address on file in the Florida Voter Registration System from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian; if the ballot is requested to be mailed to an address other than the elector's address on file in the Florida Voter Registration System, the request must be made in writing and signed by the elector. However, an absent uniformed service voter or an overseas voter seeking a vote-by-mail ballot is not required to submit a signed, written request for a vote-by-mail ballot that is being mailed to an address other than the elector's address on file in the Florida Voter Registration System. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(c). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested.
2. The elector's address.
3. The elector's date of birth.
4. The requester's name.
5. The requester's address.
6. The requester's driver license number, if available.
7. The requester's relationship to the elector.
8. The requester's signature (written requests only).

(c) Upon receiving a request for a vote-by-mail ballot from an absent voter, the supervisor of elections shall notify the voter of the free access system that has been designated by the department for determining the status of his or her vote-by-mail ballot.

(2) A request for a vote-by-mail ballot to be mailed to a voter must be received no later than 5 p.m. on the sixth day before the election by the supervisor of elections. The supervisor of elections shall mail vote-by-mail ballots to voters requesting ballots by such deadline no later than 4 days before the election.

(3) For each request for a vote-by-mail ballot received, the supervisor shall record the date the request was made, the date the vote-by-mail ballot was delivered to the voter or the voter's designee or the date the vote-by-mail ballot was delivered to the post office or other carrier, the date the ballot was received by the supervisor, the absence of the voter's signature on the voter's certificate, if applicable, and such other information he or she may deem necessary. This information shall be provided in electronic format as provided by rule adopted by the division. The information shall be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division. This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.

(4)(a) No later than 45 days before each presidential preference primary election, primary election, and general election, the supervisor of elections shall send a vote-by-mail ballot as provided in subparagraph (c)2. to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot.

(b) The supervisor of elections shall mail a vote-by-mail ballot to each absent qualified voter, other than those listed in paragraph (a), who has requested such a ballot, between the 35th and 28th days before the presidential preference primary election, primary election, and general election. Except as otherwise provided in subsection (2) and after the period described in this paragraph, the supervisor shall mail vote-by-mail ballots within 2 business days after receiving a request for such a ballot.

(c) The supervisor shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor or any other address the elector specifies in the request.
2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the vote-by-mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot shall be mailed.
3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. [101.043](#).
4. By delivery to a designee on election day or up to 5 days prior to the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.
5. Except as provided in s. [101.655](#), the supervisor may not deliver a vote-by-mail ballot to an elector or an elector's immediate family member on the day of the election unless there is an emergency, to the extent that the elector will be unable to go to his or her assigned polling place. If a vote-by-mail ballot is delivered, the elector or his or her designee shall execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot. The department shall adopt a rule providing for the form of the affidavit.

(5) If the department is unable to certify candidates for an election in time to comply with paragraph (4)(a), the Department of State is authorized to prescribe rules for a ballot to be sent to absent uniformed services voters and overseas voters.

(6) Only the materials necessary to vote by mail may be mailed or delivered with any vote-by-mail ballot.

History.—s. 2, ch. 7380, 1917; RGS 369; CGL 430; s. 1, ch. 25385, 1949; s. 5, ch. 26870, 1951; s. 32, ch. 28156, 1953; s. 21, ch. 29934, 1955; s. 2, ch. 59-213; s. 32, ch. 65-380; s. 1, ch. 67-33; s. 2, ch. 69-136; s. 4, ch. 69-280; s. 2, ch. 70-93; ss. 1, 2, ch. 71-149; s. 5, ch. 73-157; s. 39, ch. 73-333; s. 2, ch. 75-174; s. 21, ch. 77-175; s. 40, ch. 79-400; s. 2, ch. 83-16; s. 6, ch. 83-251; s. 1, ch. 85-226; s. 4, ch. 86-199; s. 4, ch. 87-363; s. 2, ch. 87-538; s. 28, ch. 89-338; s. 20, ch. 90-360; s. 587, ch. 95-147; s. 3, ch. 96-57; s. 25, ch. 96-406; s. 13, ch. 98-129; s. 32, ch. 99-2; s. 6, ch. 99-140; s. 52, ch. 2001-40; s. 5, ch. 2001-75; s. 18, ch. 2003-415; s. 6, ch. 2004-33; s. 43, ch. 2005-277; s. 37, ch. 2005-278; s. 16, ch. 2005-286; s. 30, ch. 2007-30; s. 7, ch. 2010-167; s. 37, ch. 2011-40; s. 17, ch. 2013-37; s. 11, ch. 2013-57; s. 16, ch. 2016-37.

98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, supervisors of elections shall transmit to the department, in a uniform electronic format specified in paragraph (d), completely updated voting history information for each qualified voter who voted.

(b) After receipt of the information in paragraph (a), the department shall prepare a report in electronic format which contains the following information, separately compiled for the primary and general election for all voters qualified to vote in either election:

1. The unique identifier assigned to each qualified voter within the statewide voter registration system;
2. All information provided by each qualified voter on his or her voter registration application pursuant to s. [97.052\(2\)](#), except that which is confidential or exempt from public records requirements;
3. Each qualified voter's date of registration;
4. Each qualified voter's current state representative district, state senatorial district, and congressional district, assigned by the supervisor of elections;
5. Each qualified voter's current precinct; and
6. Voting history as transmitted under paragraph (a) to include whether the qualified voter voted at a precinct location, voted during the early voting period, voted by vote-by-mail ballot, attempted to vote by vote-by-mail ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

(c) Within 45 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format that includes all information set forth in paragraph (b).

(d) File specifications are as follows:

1. The file shall contain records designated by the categories below for all qualified voters who, regardless of the voter's county of residence or active or inactive registration status at the book closing for the corresponding election that the file is being created for:
 - a. Voted a regular ballot at a precinct location.
 - ~~b. Voted at a precinct location using a provisional ballot that was subsequently counted.~~
 - c. Voted a regular ballot during the early voting period.
 - ~~d. Voted during the early voting period using a provisional ballot that was subsequently counted.~~
 - e. Voted by vote-by-mail ballot.
 - f. Attempted to vote by vote-by-mail ballot, but the ballot was not counted.
 - g. Attempted to vote by provisional ballot, but the ballot was not counted in that election.
2. Each file shall be created or converted into a tab-delimited format.
3. File names shall adhere to the following convention:
 - a. Three-character county identifier as established by the department followed by an underscore.
 - b. Followed by four-character file type identifier of "VHO3" followed by an underscore.
 - c. Followed by FVRS election ID followed by an underscore.
 - d. Followed by Date Created followed by an underscore.
 - e. Date format is YYYYMMDD.
 - f. Followed by Time Created - HHMMSS.
 - g. Followed by ".txt".
4. Each record shall contain the following columns: Record Identifier, FVRS Voter ID Number, FVRS Election ID Number, ~~Vote Date,~~ and with the exception of voters whose

information is exempt from public records, the following will also be provided, Vote History Code, Precinct, Congressional District, House District, Senate District, County Commission District, and School Board District.

(e) Each supervisor of elections shall reconcile, before submission, the aggregate total of ballots cast in each precinct as reported in the precinct-level election results to the aggregate total number of voters with voter history for the election for each district.

(f) Each supervisor of elections shall submit the results of the data reconciliation as described in paragraph (e) to the department in an electronic format and give a written explanation for any precincts where the reconciliation as described in paragraph (e) results in a discrepancy between the voter history and the election results.

(2) PRECINCT-LEVEL ELECTION RESULTS.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary election, special election, primary election, or general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type, unless fewer than 10 voters voted a ballot type or the votes cast in any contest are the same and would, therefore, jeopardize the secrecy of a voter's ballot. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by vote-by-mail ballot including overseas vote-by-mail ballots, during the early voting period, or by provisional ballot.

(b) The department shall make such information available on a searchable, sortable, and downloadable database via its website that also includes the file layout and codes. The database shall be searchable and sortable by county, precinct, and candidate. The database shall be downloadable in a tab-delimited format. The database shall be available for download county-by-county and also as a statewide file. Such report shall also be made available upon request.

(c) The files containing the precinct-level election results shall be created in accordance with the applicable file specification:

1. The precinct-level results file shall be created or converted into a tab-delimited text file.
2. The row immediately before the first data record shall contain the column names of the data elements that make up the data records. There shall be one header record followed by multiple data records.

3. The data records shall include the following columns: County Name, Election Number, Election Date, Unique Precinct Identifier, Precinct Polling Location, Total Registered Voters, Total Registered Republicans, Total Registered Democrats, Total Registered All Other Parties, Contest Name, Candidate/Retention/Issue Name, Candidate Florida Voter Registration System ID Number, Division of Elections Unique Candidate Identifying Number, Candidate Party, District, Undervote Total, Overvote Total, Write-in Total, and Vote Total.

(3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date of book closing but before the date of an election as defined in s. 97.021 to fill a national, state, county, or district office, or to vote on a proposed constitutional amendment, the department shall compile the following precinct-level statistical data for each county:

(a) Precinct numbers.

(b) Total number of active registered voters by party for each precinct.

(4) REPORTS PUBLICLY AVAILABLE.—The department shall also make publicly available the reports and results required in subsections (1)-(2).

(5) RULEMAKING.—The department shall adopt rules and prescribe forms to carry out the purposes of this section.

History.—s. 25, ch. 2005-278; s. 8, ch. 2008-95; s. 3, ch. 2010-167; s. 11, ch. 2011-40; s. 6, ch. 2016-37.

ATTACHMENT 1: SEE PROPOSED CHANGES IN GREEN AND YELLOW HIGHLIGHT.

1S-2.043 Electronic File Reporting Relating to Vote-by-Mail Ballot Request Information and Early Voting Activity.

(1) General applicable provisions. This rule establishes file format specifications, timelines and other content requirements for the electronic compilation, transmission and reporting of vote-by-mail ballot request information and early voting activity. The Supervisors of Elections are responsible for ensuring that the files required under this rule are created or converted into a tab-delimited text file and that the files are transmitted successfully and timely to the Division of Elections.

(2) Definitions. For purposes of this rule:

(a) "FVRS" refers to the Florida Voter Registration System.

(b) "Supervisor" refers to the county Supervisor of Elections.

(c) "Division" refers to the Division of Elections.

(d) "Election," except as otherwise expressly stated, means primary and general elections (held in even-numbered years), presidential preference primary elections, and special elections held pursuant to Section 100.101, F.S. This rule does not apply to municipal, local referendum, or special district elections.

(e) "General election" has the meaning ascribed in Section 97.021(15), F.S.

(f) "Primary election" has the meaning ascribed in Section 97.021(28), F.S.

(g) "Standing request" means a vote-by-mail ballot request on file from a voter that serves as a request to receive a vote-by-mail ballot for all elections occurring from the date of the initial request through the end of the calendar year for the second ensuing regularly scheduled general election, and for which the supervisor has yet to determine if the voter is eligible to vote a vote-by-mail ballot in the election.

(3) Vote-by-mail ballot request information files.

(a) Compilation. For each election as defined in paragraph (2)(d), the Supervisor shall compile daily an electronic file that contains the most current information and vote-by-mail ballot request status for each eligible voter in the applicable election. The file shall contain all vote-by-mail ballot requests, but only one record per voter. Each day's file shall be a complete replacement of the previous day's file as it relates to the vote-by-mail ballot status for each voter who has requested a vote-by-mail ballot for the applicable election (i.e., the latest status of the voter's vote-by-mail ballot status shall replace an earlier status of the request). The Supervisor shall create a separate file for each election. The file shall be in the format specified in paragraph (c).

(b) File Transmission. The Supervisor shall transmit the vote-by-mail ballot request status file to the Division on a continuous daily basis including weekends the electronic file compiled under paragraph (a) no later than 8 a.m., in the time zone of the Supervisor's office of the day after the day being reported. The daily file shall be transmitted even if there is no new information or activity to report for the applicable election during the required transmission period.

1. For the presidential preference primary election, the first file shall be transmitted 60 days before the election and the last file transmitted on the 15th day after the election.

2. For the primary and general elections, the first file shall be transmitted 60 days before the primary election and the last file transmitted on the 15th day after the general election.

3. For a special election, by operation of Section 100.191, F.S., the first file shall be transmitted 60 days before the special primary or if the order calling for the special election occurs less than 60 days before the special primary, no later than two business days after the Division provides the Supervisor the election identifications for the special primary and special election, and the last file transmitted on the 15th day after the special election.

(c) File specifications.

1. Each file shall be created or converted into a tab-delimited text file.

2. Quotes shall not be used to enclose alphanumeric data.

3. For each registered voter's record, the address included shall be the mailing address in the voter's record address to which the voter has requested the ballot to be sent.

4. Information protected from public record disclosure shall not be included. The file shall not contain any information for any voter who has a valid exemption from public disclosure under Florida law. An * shall be placed in any field within the file where the information is not included due to it being protected from public record disclosure.

5. Information required by statute and other information deemed necessary by the Supervisor for each record shall be submitted in the format specified in Form DS-DE 145 (eff. ____/____/11/2015) (insert new hyperlink <https://www.flrules.org/Gateway/reference.asp?No=Ref-06150>).

6. File names shall adhere to the following convention:

- a. Three character county identifier followed by underscore.
- b. Followed by three character file type identifier followed by an underscore ('ABL' = Vote-by-Mail Request List).
- c. Followed by FVRS election ID followed by an underscore.
- d. Followed by Date Created (format YYYYMMDD) followed by an underscore.
- e. Followed by Time Created (format HHMMSS).
- f. Followed by '.txt'.
- g. Example: LEO_ABL_10217_20140810_001000.txt.

(d) Public access.

1. Any person or entity authorized under Section 101.62, F.S., may access online daily county files of vote-by-mail ballot request information as directly received from the Supervisor and posted on the Division's website. In order to access this information, a person or entity authorized under Section 101.62, F.S., must first submit an online request application, Form DS-DE 146, Application to Obtain Vote-by-Mail Ballot Request Information (eff. 11/2015) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-06176>). The Division shall then assign a login account. Authorization for access is only valid through the earlier of the end of the general election year in which authorization was initially granted or until the person or entity is no longer statutorily entitled to the information. All login accounts for access automatically expire at the end of each general election year and if the person or entity remains eligible and wishes to receive the information for future elections, the person or entity must reapply.

2. An individual voter requesting access to his or her personal vote-by-mail ballot request information must obtain such information directly from the Supervisor of his or her county of residence.

(4) Early voting history files.

(a) Compilation.

1. Early voting summary file. During each day of the early voting period, the Supervisor shall make available the total number of voters casting a ballot at each early voting location during the previous day.

2. Early voting voters list file. For each election as defined in subsection (2), the Supervisor shall compile and make available an electronic file that contains in accordance with the specifications in paragraph (c), a list of the individual voters who cast a ballot at each early voting location for the election up through the last day being reported.

(b) File transmission. The Supervisor shall transmit to the Division the electronic file in subparagraph (a)2. no later than 12:00 noon in the time zone of the Supervisor's office of the day after the day being reported. The file shall be sent daily even if there is no new information or activity to report. The first file shall be sent the day after the early voting period begins and the last file shall be sent the day after the early voting period ends for that respective election in that county.

(c) File specifications for early voting voters list file.

1. The file shall be created in or converted into a tab-delimited text file format.
2. Alphanumeric data shall not be enclosed in quotes.

3. Information protected from public record disclosure shall not be included. The file shall not contain any information for any voter who has a valid exemption from public disclosure under Florida law. An * shall be placed in any field within the file where the information is not included due to it being protected from public record disclosure.

4. Information required by statute and any other information for each record shall be submitted in the format specified in Form DS-DE 147 (eff. 11/2015) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-06151>).

5. File names shall adhere to the following convention:

- a. Three character county identifier followed by underscore.
- b. Followed by three character file type identifier followed by an underscore ('EVL' = Early Voting List).
- c. Followed by FVRS election ID followed by an underscore.
- d. Followed by Date Created (format YYYYMMDD) followed by an underscore.
- f. Followed by Time Created (format HHMMSS).
- g. Followed by '.txt'.

h. Example: LEO_EVL_10217_20140810_001000.txt.

(d) Public access. The Division shall post the files as received to its public website.

(5) All forms mentioned in this rule are incorporated by reference and are available by contacting the Florida Department of State, Division of Elections, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6200, or by access to the Division website.

Rulemaking Authority 20.10(3), 97.012(1), 101.62(3), 101.657(2) FS. Law Implemented 101.62, 101.657 FS. History—New 2-4-10, Amended 10-27-10, 12-13-15, ____.

From: Ronald Labasky <rlabasky@bplawfirm.net>
Sent: Monday, February 11, 2019 7:47 AM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: Re: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

I'll be there Vicki

Sent from my iPad

On Feb 8, 2019, at 4:24 PM, Vicki Cannon <vcannon@votenassau.com> wrote:

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Have a wonderful weekend and I look forward to seeing you then!

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From: Hays, Alan <alan@lakevotes.com>
Sent: Friday, February 08, 2019 5:41 PM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Vicki,
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Have a super weekend,
Alan



D. Alan Hays, D.M.D, MFCEP

Supervisor of Elections

Lake County Supervisor of Elections

Office: 352-253-1420 | **Fax:** 352-343-3605

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To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylor elections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>
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From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Thursday, February 21, 2019 8:11 AM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Never mind, I found what you sent on the 12th.

From: Matthews, Maria I.
Sent: Thursday, February 21, 2019 7:41 AM
To: Cannon, Vicki P. (vcannon@votenassau.com) <vcannon@votenassau.com>
Subject: FW: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Can you please resend me the electronic files for the meeting today? I have misplaced the email and wanted to send them to Janet so she could look over them while she is away.

From: Mark Earley [<mailto:EarleyM@leoncountyfl.gov>]
Sent: Wednesday, February 20, 2019 10:53 AM
To: Southerland, Dana <taylor-elections@gtcom.net>; Cannon, Vicki P. <vcannon@votenassau.com>; Andersen, Mark <baysuper@bayvotes.org>; 'Paul Lux' <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Labasky, Ron - FSASE Legal Counsel <rlabasky@bplawfirm.net>
Cc: Christopher Moore <MOORECHR@LEONCOUNTYFL.GOV>; Jesse Jones <JonesJ@leoncountyfl.gov>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

EMAIL RECEIVED FROM EXTERNAL SOURCE

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I feel for you. You having one staff member out is like me having about 10 absent.

Mark

Mark S. Earley - CERA, MFCEP
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I'm having to take it one day at a time.

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P O Box 1060
Perry, Florida 32348
Phone: 850.838.3515
Fax: 850.838.3516
Email: taylor-elections@gtcom.net
Web: www.taylor-elections.com

From: Mark Earley <EarleyM@leoncountyfl.gov>
Sent: Tuesday, February 19, 2019 3:42 PM

FL-NASSAU-19-1577-A-000078

To: Vicki Cannon <vcannon@votenassau.com>; Mark Andersen <baysuper@bayvotes.org>; taylorlections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>
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Thanks!

Mark

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To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylorlections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>
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From: Hays, Alan <alan@lakevotes.com>
Sent: Wednesday, February 20, 2019 11:03 AM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Vicki,
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Have a super weekend,
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Subject: Re: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

I will attend
Alan

Sent from my iPhone

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Leon County, Florida USA

850.606.8683

<https://www.leonvotes.org/>

Voting is the most important expression of our collective wisdom.

From: Vicki Cannon <vcannon@votenassau.com>
Sent: Friday, February 8, 2019 4:24 PM
To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylorlections@gtcom.net; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>
Cc: Vicki Cannon <vcannon@votenassau.com>
Subject: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

[Caution: This email originates outside the Leon County network. Do not click links or open attachments unless you were expecting the email. If unsure, contact your supervisor.]

As discussed with each of you this afternoon, we have scheduled a meeting of the original "voter data protection think tank," SOE Legislative Chair Alan Hays, Dave Ramba, Ron Labasky and Maria Matthews. I haven't been able to confirm if Ron Labasky and Maria Matthews can attend the meeting yet (fingers crossed they will be able to make it).

The meeting will be held as follows:

Thursday, February 21st at 9 a.m.
Leon County Supervisor of Elections office
2990-1 Apalachee Parkway, Tallahassee, FL 32301

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public records request, please do not send electronic mail (email) to this entity. Instead, please contact this office by phone or in writing.

From: Dana Southerland <taylor-elections@gtcom.net>
Sent: Wednesday, February 13, 2019 8:04 AM EST
To: Vicki Cannon <vcannon@votenassau.com>
Subject: RE: MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA

Thanks Vicki !!!

Dana Southerland

Dana Southerland, CERA, MFCEP
Supervisor of Elections
Taylor County, Florida
State Certified Supervisor of Elections
P O Box 1060
Perry, Florida 32348
Phone: 850.838.3515
Fax: 850.838.3516
Email: taylor-elections@gtcom.net
Web: www.taylor-elections.com

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Good news! Ron Labasky and Maria Matthews will be able to attend the meeting. The following is a proposed agenda to address laws, rules and practices that need to be revised to protect voter data in Florida.

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LEGISLATIVE AND ADMINISTRATIVE RULE REVISIONS TO PROTECT VOTER DATA :

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Fortunately, unless you have other revisions, it appears this statute will not require many revisions. I have attached a draft (**ATTACHMENT 1**) with the sections to be amended. A few points that need to be made are:

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- and such other information he or she may deem necessary.

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Cc: Vicki Cannon

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From: Vicki Cannon <vcannon@votenassau.com>

Sent: Tuesday, February 26, 2019 9:05 PM EST

To: Mark Andersen <baysuper@bayvotes.org>; Mark Earley <EarleyM@leoncountyfl.gov>; taylor-elections@gtcom.net <taylor-elections@gtcom.net>; Paul Lux (plux@myokaloosa.com) <plux@myokaloosa.com>; david@rambaconsulting.com <david@rambaconsulting.com>; Hays, Alan <alan@lakevotes.com>; Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>; Ronald Labasky (rlabasky@bplawfirm.net) <rlabasky@bplawfirm.net>

CC: Vicki Cannon <vcannon@votenassau.com>; Jamie Remes <jremes@vrsystems.com>; Wren Fowler (wfowler@vrsystems.com) <wfowler@vrsystems.com>; Ben Martin <bmartin@vrsystems.com>

Subject: SUMMARY OF MEETING TO FINALIZE NEEDED REVISIONS TO PROTECT VOTER DATA AND RULES

Attachment(s): "FS 98 0981.draft.docx","FS101.048 .docx"

Thank you for your patience as I worked on the summary of our meeting last week. I have been out of town since our meeting and attended The Election Center workshop through today.

I have provided comments in red below and attached the documents that pertain to each item we reviewed that requires legislative action.

Please let me know if I have misstated or not clearly outlined the consensus reached on each item. If you have edits to make, please do so and *Reply to All* so that we are all on the same page. Mark Earley's colleague, Jessie, took notes during the meeting which Mark sent out earlier today.

I met with Wren Fowler, Ben Martin and Jamie Remes with VR Systems on Friday to discuss the action items. I have copied them in case changes need to be made to their software.

Alan, please let us know how you wish to proceed. Have a wonderful weekend!

Vicki

Agenda

LEGISLATIVE AND ADMINISTRATIVE RULE REVISIONS TO PROTECT VOTER DATA:

- 1) Review proposed revisions to *FS 98.0981, Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics*.
Fortunately, unless you have other revisions, it appears this statute will not require many revisions. I have attached a draft (**ATTACHMENT 1**) with the sections to be amended. A few points that need to be made are:
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 - o FS 98.0981(1)(d)4: By removing "Vote Date" it removes the risk of ballots that are cast after Election Day (provisional ballots and overseas voters). In the voter history report it should simply reflect Election Day and not provide the exact date and time a voter's ballot was cast or counted. Again, this removes the granular detail that could jeopardize the secrecy of a voter's ballot.
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 - o FS 98.0981(2)(a): I feel that the wording "unless **fewer than 10** voters voted a ballot type" is arbitrary and may jeopardize the secrecy of voters' ballots in certain circumstances, i.e. nine voters voted for the same candidate on the same ballot type. I revised the section to include additional language to, hopefully, eliminate the risk.

Rule 1S-2.053 *Election Results, Precinct-Level Election Results, Voting History, and Reconciliation Reporting* will need to be opened to address like provisions in the Rule.

STATUS: It was the consensus to move forward with the proposed changes to FS 98.0981 as outlined above (see Attachment 1) . The draft may still need to be tweaked. Maria Matthews will open Rule 1S-2.053 for workshop and comment in the coming weeks. Vicki Cannon will send the draft bill to Heather Williamson as promised during the Panel meeting. Alan Hayes will coordinate with Legislative Committee for legislative action.

- 2) Review proposed revisions to FS 106.011(16)(a), *Definitions*, and/or other sections in Chapter 106 pertaining to political committees, to clarify the definition of "Political committee." I feel strongly that voter data is at risk as a result of the broadness and lack of specifics relating to definition of political committees, unless revised. It is my understanding that two or more newspapers are currently registered as political committees, meaning they can obtain certain exempt information that isn't available to the public. I am hopeful that Dave or Ron can assist in helping define this further. I have attached a shell document (**ATTACHMENT 2**) with one section that might need to be amended. Of course, there may be other areas of the Election Code that need revisions as it relates to this issue.

STATUS: It was the consensus that no action was needed as it relates to Item 2 since Rule 1S-2.043 exceeds statutory authority and can be revised to exclude information that is not required by law (see next item). Maria Matthews will open Rule 1S-2.043 for workshop and comment in the coming weeks.

- 3) Review proposed revisions to FS 101.62, *Requests for vote-by-mail ballots*. Again, I am providing a shell (**ATTACHMENT 3**) for revisions to be proposed, if necessary. Two things here:

- a. The statute provides "*For each request for a vote-by-mail ballot received, the supervisor shall record*
- *the date the request was made,*
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- b. It further provides: "*This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees.*" So, the bulleted information above is the only information that Florida law requires be provided to candidates, political parties, political committees, etc.

The statute may need to be revised to define "for political purposes only."

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STATUS: It was the consensus that the only action needed at this time is to revise Rule 1S-2.043. Maria Matthews will open Rule 1S-2.043 for workshop and comment in the coming weeks.

- 4) Review FS 97.0585 *Public records exemption; information regarding voters and voter registration; confidentiality*. See #3-4 on our 2019 FSASE Legislative Priorities (**ATTACHMENT 8**). What is the status of these two legislative priorities? Has a bill been drafted? Is there anything we can contribute?

STATUS: It was the consensus to pursue the exemption of email address and phone number from voter registration applications and voter records. The date of birth should also be exempt and replaced with the voter's age for demographic purposes. These changes could be added to the bill exempting information on 16-17 year old pre-registrants, if it doesn't jeopardize the passage of same. Alan Hays, as Legislative Chair, will probably need to handle how to proceed with these revisions. Reasons given for exempting email and phone number are:

- Voters are more likely to provide their contact information if it is not a public record but is used for the purpose of contacting voters to cure registration, vote by mail, provisional ballots, addresses, etc. Only the SOE and staff should be able to use the information.
- The information is used by candidates and political committees to text voters, which was very upsetting to voters in the 2018 elections.
- Voters hesitate to provide their contact information as they do not want it used by others, only the SOE office.
- The date of birth (along with the last name and street number of the voter's address) is used to access the MY VOTER INFO and various other online voter services. All of the data needed to access these online services are available to the public in a voter registration list. The date of birth needs to be exempted for this purpose and also to reduce identity theft.

This Legislature has exempted this information from the Tax Collector's records.

- 5) Review Rule 1S-2.032 *Uniform Design for Election Ballots*. Many groups are now requesting copies of voted ballots from the saved images on the voting equipment or the Independent Audit System. Need to add another instruction to the ballot to notify voters not to sign or put identifying information on their ballots to maintain the secrecy of their ballot. See markup of Rule and FWAB instructions. **(ATTACHMENT 9)**.

STATUS: Maria Matthews will open Rule 1S-2.032 for workshop and comment in the coming weeks.

ADDED TOPICS:

6) Amend FS 101.048(2)(b)1., regarding Provisional Ballots, to read: "(b)1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall **if the supervisor has not already done so,** compare the signature on the Provisional Ballot Voter's Certificate and Affirmation with the signature on the voter's registration and, if it matches, shall count the ballot. " **The added language is the same as is provided for the comparison of signatures for Vote by Mail ballots. Without the added language, it requires the canvassing board to compare the signatures on provisional ballots. (See Attachment 2.)**

7) Revise Rule 1S-2.030 *Vote-by-Mail Ballots for Absent Stateside Uniformed Services and Overseas Voters*, to provide that Absent Stateside voters can return their vote by mail ballots by fax as is currently allowed for overseas voters. Maria Matthews will open Rule 1S-2.032 for workshop and comment in the coming weeks.

PRACTICES OF DIVISION AND/OR SUPERVISORS OF ELECTIONS:

- Do not release precinct-level results until after the election has been certified.
- Before releasing precinct-level results, review to make sure there are no contests with the same votes cast in a precinct or split.
- Do not provide Get Out The Vote (GOTV) data on Election Day.
- Review database reports created by voter registration vendors to ensure all reports follow the same practices, i.e. Codes F and Z are not on Voter History Reports; Precincts/Districts are not shown in reports for Address Protected Voters; etc.

STATUS: No discussion or action was taken on this section.

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98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM INFORMATION.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, supervisors of elections shall transmit to the department, in a uniform electronic format specified in paragraph (d), completely updated voting history information for each qualified voter who voted.

(b) After receipt of the information in paragraph (a), the department shall prepare a report in electronic format which contains the following information, separately compiled for the primary and general election for all voters qualified to vote in either election:

1. The unique identifier assigned to each qualified voter within the statewide voter registration system;
2. All information provided by each qualified voter on his or her voter registration application pursuant to s. [97.052\(2\)](#), except that which is confidential or exempt from public records requirements;
3. Each qualified voter's date of registration;
4. Each qualified voter's current state representative district, state senatorial district, and congressional district, assigned by the supervisor of elections;
5. Each qualified voter's current precinct; and
6. Voting history as transmitted under paragraph (a) to include whether the qualified voter voted at a precinct location, voted during the early voting period, voted by vote-by-mail ballot, attempted to vote by vote-by-mail ballot that was not counted, attempted to vote by provisional ballot that was not counted, or did not vote.

(c) Within 45 days after certification by the Elections Canvassing Commission of a presidential preference primary, special election, primary election, or general election, the department shall send to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader a report in electronic format that includes all information set forth in paragraph (b).

(d) File specifications are as follows:

1. The file shall contain records designated by the categories below for all qualified voters who, regardless of the voter's county of residence or active or inactive registration status at the book closing for the corresponding election that the file is being created for:
 - a. Voted a regular ballot at a precinct location.
 - ~~b. Voted at a precinct location using a provisional ballot that was subsequently counted.~~
 - c. Voted a regular ballot during the early voting period.
 - ~~d. Voted during the early voting period using a provisional ballot that was subsequently counted.~~
 - e. Voted by vote-by-mail ballot.
 - f. Attempted to vote by vote-by-mail ballot, but the ballot was not counted.
 - g. Attempted to vote by provisional ballot, but the ballot was not counted in that election.
2. Each file shall be created or converted into a tab-delimited format.
3. File names shall adhere to the following convention:
 - a. Three-character county identifier as established by the department followed by an underscore.
 - b. Followed by four-character file type identifier of "VHO3" followed by an underscore.
 - c. Followed by FVRS election ID followed by an underscore.
 - d. Followed by Date Created followed by an underscore.
 - e. Date format is YYYYMMDD.
 - f. Followed by Time Created - HHMMSS.
 - g. Followed by ".txt".
4. Each record shall contain the following columns: Record Identifier, FVRS Voter ID Number, FVRS Election ID Number, ~~Vote Date,~~ and with the exception of voters whose

information is exempt from public records, the following will also be provided, Vote History Code, Precinct, Congressional District, House District, Senate District, County Commission District, and School Board District.

(e) Each supervisor of elections shall reconcile, before submission, the aggregate total of ballots cast in each precinct as reported in the precinct-level election results to the aggregate total number of voters with voter history for the election for each district.

(f) Each supervisor of elections shall submit the results of the data reconciliation as described in paragraph (e) to the department in an electronic format and give a written explanation for any precincts where the reconciliation as described in paragraph (e) results in a discrepancy between the voter history and the election results.

(2) PRECINCT-LEVEL ELECTION RESULTS.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary election, special election, primary election, or general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type, unless fewer than 10 voters voted a ballot type or the votes cast in any contest are the same and would, therefore, jeopardize the secrecy of a voter's ballot. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by vote-by-mail ballot including overseas vote-by-mail ballots, during the early voting period, or by provisional ballot.

(b) The department shall make such information available on a searchable, sortable, and downloadable database via its website that also includes the file layout and codes. The database shall be searchable and sortable by county, precinct, and candidate. The database shall be downloadable in a tab-delimited format. The database shall be available for download county-by-county and also as a statewide file. Such report shall also be made available upon request.

(c) The files containing the precinct-level election results shall be created in accordance with the applicable file specification:

1. The precinct-level results file shall be created or converted into a tab-delimited text file.
2. The row immediately before the first data record shall contain the column names of the data elements that make up the data records. There shall be one header record followed by multiple data records.

3. The data records shall include the following columns: County Name, Election Number, Election Date, Unique Precinct Identifier, Precinct Polling Location, Total Registered Voters, Total Registered Republicans, Total Registered Democrats, Total Registered All Other Parties, Contest Name, Candidate/Retention/Issue Name, Candidate Florida Voter Registration System ID Number, Division of Elections Unique Candidate Identifying Number, Candidate Party, District, Undervote Total, Overvote Total, Write-in Total, and Vote Total.

(3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.—After the date of book closing but before the date of an election as defined in s. 97.021 to fill a national, state, county, or district office, or to vote on a proposed constitutional amendment, the department shall compile the following precinct-level statistical data for each county:

(a) Precinct numbers.

(b) Total number of active registered voters by party for each precinct.

(4) REPORTS PUBLICLY AVAILABLE.—The department shall also make publicly available the reports and results required in subsections (1)-(2).

(5) RULEMAKING.—The department shall adopt rules and prescribe forms to carry out the purposes of this section.

History.—s. 25, ch. 2005-278; s. 8, ch. 2008-95; s. 3, ch. 2010-167; s. 11, ch. 2011-40; s. 6, ch. 2016-37.

101.048 Provisional ballots.—

(1) At all elections, a voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined, a person whom an election official asserts is not eligible, and other persons specified in the code shall be entitled to vote a provisional ballot. Once voted, the provisional ballot shall be placed in a secrecy envelope and thereafter sealed in a provisional ballot envelope. The provisional ballot shall be deposited in a ballot box. All provisional ballots shall remain sealed in their envelopes for return to the supervisor of elections. The department shall prescribe the form of the provisional ballot envelope. A person casting a provisional ballot shall have the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by not later than 5 p.m. on the second day following the election.

(2)(a) The county canvassing board shall examine each Provisional Ballot Voter's Certificate and Affirmation to determine if the person voting that ballot was entitled to vote at the precinct where the person cast a vote in the election and that the person had not already cast a ballot in the election. In determining whether a person casting a provisional ballot is entitled to vote, the county canvassing board shall review the information provided in the Voter's Certificate and Affirmation, written evidence provided by the person pursuant to subsection (1), any other evidence presented by the supervisor of elections, and, in the case of a challenge, any evidence presented by the challenger. A ballot of a person casting a provisional ballot shall be counted unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote.

(b)1. If it is determined that the person was registered and entitled to vote at the precinct where the person cast a vote in the election, the canvassing board shall, **if the supervisor has not already done so,** compare the signature on the Provisional Ballot Voter's Certificate and Affirmation with the signature on the voter's registration and, if it matches, shall count the ballot.

2. If it is determined that the person voting the provisional ballot was not registered or entitled to vote at the precinct where the person cast a vote in the election, the provisional ballot shall not be counted and the ballot shall remain in the envelope containing the Provisional Ballot Voter's Certificate and Affirmation and the envelope shall be marked "Rejected as Illegal."

(3) The Provisional Ballot Voter's Certificate and Affirmation shall be in substantially the following form:

STATE OF FLORIDA COUNTY OF __

I do solemnly swear (or affirm) that my name is __; that my date of birth is __; that I am registered and qualified to vote in __ County, Florida; that I am registered in the __ Party; that I am a qualified voter of the county; and that I have not voted in this election. I understand that if I commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the third degree and fined up to \$5,000 and/or imprisoned for up to 5 years.

(Signature of Voter)

(Current Residence Address)

(Current Mailing Address)

(City, State, Zip Code)

(Driver License Number or Last Four Digits of Social Security Number)

Sworn to and subscribed before me this day of __

_____,
(Election Official) (year) .

Precinct # __

Ballot Style/Party Issued: __

(4) Notwithstanding the requirements of subsections (1), (2), and (3), the supervisor of elections may, and for persons with disabilities shall, provide the appropriate provisional ballot to the voter by electronic means that meet the requirements of s. 101.56062, as provided for by the certified voting system. Each person casting a provisional ballot by electronic means shall, prior to

casting his or her ballot, complete the Provisional Ballot Voter's Certificate and Affirmation as provided in subsection (3).

(5) Each person casting a provisional ballot shall be given written instructions regarding the person's right to provide the supervisor of elections with written evidence of his or her eligibility to vote and regarding the free access system established pursuant to subsection (6). The instructions shall contain information on how to access the system and the information the voter will need to provide to obtain information on his or her particular ballot. The instructions shall also include the following statement: "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(6) Each supervisor of elections shall establish a free access system that allows each person who casts a provisional ballot to determine whether his or her provisional ballot was counted in the final canvass of votes and, if not, the reasons why. Information regarding provisional ballots shall be available no later than 30 days following the election. The system established must restrict information regarding an individual ballot to the person who cast the ballot.