

CONDUCT OF ELECTION REPORT

[Section 102.141(9), Florida Statutes]

This report is due to the Division of Elections/Bureau of Voting Systems Certification at the same time that the county canvassing board submits its certified official election results for any presidential primary, general, primary, and special elections, whichever is applicable.

1. County: LEE2. Election Year: 2016

3. Election (check only one).

☐ Presidential Preference Primary Election☐ Primary Election☒ General Election☐ Other election (specify): _____4. Election Definition. Definition created by (Check one): ☒ County Supervisor of Elections' Office (SOE)☐ Vendor☐ Consultant☐ Other (describe): _____

5. Voting Devices (fill-in the applicable number):

Absentee (Central) Count Marksense Scanners		
Initial Total AB Scanners	Removed	Replaced or Added
3	1	0

	Precinct Count Marksense Scanners			
	Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	10	30	0	0
Election Day	127	254	0	0

	ADA Voting Devices (e.g., Marking device and/or DRE Touchscreen)			
	Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	10	10	0	0
Election Day	127	127	0	0

6. Ballot-Printing (check all that apply):

	Early Voting	Election Day	Absentee
Ballot-on-Demand (BOD)	<input checked="" type="checkbox"/>		
Ballot Printer Service (provided by SOE's Voting System Vendor)			<input checked="" type="checkbox"/>
Ballot Printer Service (provided by other than SOE's Voting System Vendor)		<input checked="" type="checkbox"/>	

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7. Did **equipment or software malfunctions** occur at the precinct level, at a counting location, or within computer and telecommunications networks supporting county location (*Section 102.141 (9)(a)1., F.S.*)?

☐ **NO** Proceed to 8.

☒ **YES** Summarize the number of malfunctions by location on the chart. Then mark on the checklist below the type of malfunctions. Also attach an explanation of the steps that were taken to address the malfunction(s).

		Number of malfunctions		
		Early Voting Site	Election Day Polling Places	Central Location
Equipment	Marksense Scanner		6	1
	ADA Marking Device			
	ADA DRE Touchscreen			
Software	Marksense Scan			
	ADA Marking Device			
	ADA DRE Touchscreen			
Computer	Election Management			
Telecommunications	Modems and Phone lines		1	

Notes: Election Day refers to the polling locations. American Disability Act (ADA) Media refers to a tabulator's memory cards, memory packs, USB flash memory, zip drive, PEBs, etc.

Checklist for type of malfunctions	
<p>Early Voting and Election Day</p> <p><i>Voting devices</i></p> <p><input type="checkbox"/> Voting devices – not connected to electrical power or power source failure</p> <p><input type="checkbox"/> Voting devices – battery backup failure – battery not charged</p> <p><input type="checkbox"/> Voting devices – battery backup failure – removed from service</p> <p><input type="checkbox"/> ADA device failure – repaired – remained in service</p> <p><input type="checkbox"/> ADA device media failure – media replaced</p> <p><input type="checkbox"/> Marksense scanner failure – repaired – remained in service</p> <p><input type="checkbox"/> Marksense scanner memory media failure – media replaced</p> <p><input type="checkbox"/> Marksense scanner failure to reject a blank ballot</p> <p><input type="checkbox"/> Marksense scanner failure to reject a ballot with an over voted contest</p> <p><input type="checkbox"/> Marksense scanner failure to accept one or more under voted contests</p> <p><input type="checkbox"/> Ballot box diverter failure – removed from service</p> <p><input type="checkbox"/> Ballot box diverter failure – repaired – remained in service</p> <p><input checked="" type="checkbox"/> Used the marksense scanner's ballot box emergency bin</p> <p><input checked="" type="checkbox"/> Cannot complete a planned modem upload or problems with the phone lines</p> <p><input checked="" type="checkbox"/> Other. Provide the description:</p> <p>Marksense scanner memory media failure - media not replaced</p> <p>Marksense scanner failure - due to jamming - replaced.</p> <p>See supplemental information.</p>	<p>Central Location</p> <p><i>Absentee tabulation</i></p> <p><input checked="" type="checkbox"/> Marksense scanner failure – repaired – remained in service</p> <p><input type="checkbox"/> Marksense scanner memory media failure – media replaced</p> <p>Election Management</p> <p><input type="checkbox"/> Problem or malfunction with uploading results or creating reports.</p> <p><input type="checkbox"/> Other. Provide the description:</p>

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8. Were any **election definition errors** discovered after the logic and accuracy test?
(Section 102.141 (9)(a)2., F.S.)?

- ☐ **NO** Proceed to 9.
- ☒ **YES** Summarize the number of errors in the appropriate columns in the table below. Attach an explanation of the steps that were taken to address the errors.

	Election definition errors	Precinct count media errors	Central count media errors
County created definition or media	1		
Vendor created definition or media <u>with correct</u> county information			
Vendor created definition or media <u>with incorrect</u> information from the county			

9. Did any **ballot printing and ballot supply problems** occur?
(Section 102.141 (9)(a)3., F.S.)?

- ☐ **NO** Proceed to 10.
- ☒ **YES** Summarize the number of errors in the appropriate column in the table below. Mark on the checklist below the type of problems or errors and attach an explanation of the steps that were taken to address the problems.

	Electronic ballot layout errors	Paper ballot layout errors	Paper ballot printer errors	Paper ballot supply problems
County created the ballot		1		
Vendor created <u>with correct</u> county information				
Vendor created <u>with incorrect</u> information from the county				

Checklist for type of ballot or printer problems

Early Voting and Election Day

Polling location *(please identify the location)*

- ☐ Incorrect ballots to the voter – poll worker error
- ☐ Ballot moisture (humidity) cannot scan

Absentee

- ☐ Incorrect ballots to the voter – election staff error
- ☐ Incorrect ballots to the voter – vendor error

Ballot-on-demand (BOD)

- ☐ Printed incorrect ballots – printer error such as duplex
- ☐ Printed incorrect ballots – software error
- ☐ Printer failure
- ☐ Incorrect ballots given to the voter – poll worker error

Other

- ☒ Provide the description: see attached explanation

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10. Did you have any **staffing shortages and procedural violations** by employees or precinct workers during the conduct of the election?

(Section 102.141 (9)(a)4., F.S.)

☐ **NO** Proceed to 11.

- ☒ **YES** Summarize the number of issues in each of the appropriate columns in the table below. Attach an explanation of who (the supervisor of elections or the canvassing board, as applicable) and what the steps that were taken to address the shortages and/or procedural violations.

	Number of shortages	Number of instances of insufficient training	Number of times when procedures were violated
Poll workers	0	1	1
Election staff	0	0	0
Security	0	0	0
Temporary support	0	0	0

11. Were there instances when the needs for **staffing and equipment** were **insufficient** to meet voters' needs?

(Section 102.141 (9)(a)5., F.S.)

☒ **NO** Proceed to 12.

☐ **YES** Fill in the numbers in each of the appropriate columns in the table below. Attach an explanation of the steps that were taken to address the insufficiency.

	Number of <u>planned</u> resources for Election Day	Number of resources <u>available</u> for Election Day	Number of <u>insufficient</u> resources on Election Day to meet the voters' needs
Poll workers			
Election staff			
Voting devices		Note below and see page 1	
Other equipment and supplies			

Note: The number of "planned" items is based on the Election Day estimates, and "available" is the actual items at the start of the Election Day. Note that the number of voting devices available is based on the actual initial total deployment including ADA devices as provided on page 1 for Election Day. Other equipment and supplies, for example, refers to summation of the number of electronic pollbook devices, provisional ballot supplies, ballot boxes, transfer bags, etc.

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12. If the canvassing board conducted a manual recount of overvotes and undervotes, does the canvassing board have suggested revisions for the standards for determining a voter's choice as set forth in law or rule to better determine the voter's choice for any ballot on which a determination could not be made?
(Sections 101.6952(2) and 102.166(4), F.S. and Rules 1S-2.027 and 1S-2.051)

☒ **N/A** Proceed to 13.

☐ **NO** Proceed to 13.

☐ **YES** If yes, provide suggested revisions to the standards below and, as necessary, attach additional pages and a copy of a representative ballot for which a determination could not be made to illustrate the issue.

13. Do you have any additional information regarding material issues and problems associated with the conduct of election?

(Section 102.141 (9)(a)6., F.S.)

☒ **NO** Proceed to 14.

☐ **YES** Indicate on the checklist below the type of issue(s) or problem(s). Attach an explanation of the steps that were taken to address the issue(s) or problem(s).

Checklist

Early Voting and Election Day

Polling location

- ☐ Incorrect setup
- ☐ Solicitation area violated
- ☐ Incompatible for ADA accessibility
- ☐ Incompatible for use as a polling location

Voter check-in

- ☐ Electronic poll book / precinct register error
- ☐ Paper poll book / precinct register error
- ☐ Process error

(Checklist continued on next page)

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Voters

- ☒ Fleeing voter
☐ Disruptive behavior
☐ Disruptive photography

Observers

- ☐ Not approved
☐ Disruptive behavior
☐ Disruptive photography

Media and/or citizen polling

- ☐ Disruptive behavior

Other



- ☒ Provide the description:

See supplement in Item No. 7 for Election Day #3 (1) unscanned ballot left by voter.

Precinct 10 - ballot tabulated. See supplemental information.

14. Signatures

County Canvassing Board

	Signature	Title	Date
1.			
	Honorable Andrew Swett	County Judge, Chair of the County Canvassing Board	November 18, 2016
2.			
	Marie Adams	City Clerk, City of Fort Myers	November 18, 2016
3.			

NOTICE: A statutory duty exists to report the discovery of any new or additional information on any of the items required to be included in this report. The supervisor of elections must notify the Division of Elections no later than the next business day after the discovery. The supervisor must then submit a signed written report amended report no later than no later than 10 days after the discovery. §102.141(9)(b) , F.S.

**Lee County Supervisor of Elections
Supplement to DS-DE 81 Conduct of Election Report
November 8, 2016 General Election**

Item No. 7

Did equipment or software malfunctions occur at the precinct level, at a counting location, or within computer and telecommunications networks supporting county location (Section 102.141 (9)(a)1., F.S.)?

Vote-by-Mail.

At the Central Location (Main Office, Tabulation Center), (1) DS850 marksense scanner (scanner #3) was temporarily taken out of service in the initial stages of tabulation of vote-by-mail ballots. The scanner generated a "camera error" and an unrecognized MCP error. The system vendor ES & S, was contacted and provided on-site repair and technical support for scanner #3. Scanner #3 was cleared of tabulated results (zeroed-out). Ballots initially tabulated in scanner #3 were tabulated in scanners #1 and #2.

Scanner #3 continued to have technical difficulty. After (4) additional technical support repairs by the on-site ES & S technician, the decision was made to temporarily take scanner #3 out of service with respect to the tabulation of vote-by-mail ballots.

Due to the volume of vote-by-mail ballots requiring tabulation, scanner #3 was re-designated for use of the scanner "sort-feature mechanism" during a subsequent machine recount, i.e., scanner #3 was not used to tabulate votes but used to sort overvotes and undervotes outstacked by tabulator #1 and #2 in the machine recount.

Election Day/Election Night.

1. On Election Day, (4) DS200 marksense scanners at Precincts, 58, 68, 93 and 95 were replaced due to jamming.
2. In Precinct 83, on initial opening of (1) DS200 marksense scanner, the scanner was inoperable due to a failed USB flash memory. No ballots were tabulated in the scanner. The scanner was not replaced at the site; (1) operable scanner was deemed sufficient at the site as seventy-percent (70%) of the eligible voters in the precinct voted by mail or voted early.
3. There were (7) occurrences of use of the DS200 marksense scanner's ballot box emergency bin because the ballots would not scan or the voter inadvertently failed to place their ballot in the scanner in order to be tabulated. The unscanned ballots were subsequently delivered to the Central Location (Main Office, Tabulation Center). The Canvassing Board reviewed the Unscanned Ballot Envelope log of each unscanned ballot in order to determine if the ballot should be tabulated, based on the log information provided by the election worker. Upon review of each unscanned Ballot Envelope log, the Canvassing Board determined that only (1) ballot for Precinct 10 should be tabulated. A total of (6) unscanned ballots in Precincts 4, 5, 62, 69, 113, and 124 were not tabulated. The Canvassing Board could not determine whether the unscanned ballots in those precincts were or were not tabulated at the precinct by the DS200 marksense scanner.
4. On Election Night at the closing of the polls, in Precinct 71, (1) DS200 marksense scanner shutdown unexpectedly and would not close. In an attempt to transmit the results from the inoperable scanner, the election worker removed the USB flash memory from the inoperable scanner and inserted it in the operable scanner. Because the USB flash memory from the inoperable scanner was not properly closed-out in the original (inoperable scanner), when the election worker performed this action, the results would not transmit which subsequently generated an error message. The USB flash memory from the inoperable scanner was delivered to the Central Location (Main Office, Tabulation Center) so that results from the inoperable scanner could be extracted from the USB flash memory.

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November 8, 2016 General Election

Item No. 8

Were any election definition errors discovered after the logic and accuracy test? (Section 102.141 (9)(a)2., F.S.)?

An election definition error was discovered during early voting. A voter appeared to vote and after leaving the early voting site contacted our office to inquire as to why candidate contests for a multi-county special district did not appear on their ballot. After further investigation, it was determined that a geographical mapping error during a mapping system conversion placed voters outside of the district, thereby, causing the candidate contests for the district to be omitted from approximately 500 voters' ballots. All other applicable contests in the voting jurisdiction were included on the ballot.

Consultation with the District's governing body resulted in District leaders demanding an immediate remedy. Due to the advanced nature of the election process at the time; the election was coded, the voting systems tested in public logic and accuracy testing, the ballots generated, vote-by-mail ballots sent and some returned, and early voting underway, the decision was made to let the election proceed "as is". The election results would be reported accordingly and allow the outcome of the District's election to determine what would happen or what action, if any, a candidate or voter chose by way of a contest of election or recourse through a court order.

Press releases were generated and news media contacted. The geographical mapping system was corrected to reflect the inclusion of the approximate 500 omitted voters in the District so that contests associated with the District will appear on the ballot for said voters in future elections.

Item No. 9

***Did any ballot printing and ballot supply problems occur?
(Section 102.141 (9)(a)3., F.S.)?***

Refer to Item No. 8 above.

Item No. 10

Did you have any staffing shortages and procedural violations by employees or precinct workers during the conduct of the election?

Early Voting.

Received notification by email from a voter who went to the early voting site and was wearing a presidential candidate button. Upon entering the early voting site, an election worker instructed the voter to remove the button. The voter removed the button. The voter later visited the Division of Elections website and confirmed, from information provided on the site that wearing the button was permissible.

Once we received notification from the voter, the early voting site manager was immediately contacted and counseled in the proper procedure as well as instructed to counsel election workers at the site on the proper procedure with respect to voters wearing political advertising on their person, such as a t-shirt, buttons, hats, etc., while in the polling place.

Election workers are always provided this information in their training manuals at all pre-election training classes. Additionally, the topic is addressed frequently during training classes.

Continued from Page 2

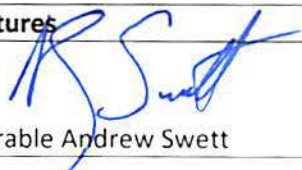

Lee County Supervisor of Elections

Supplement to DS-DE 81 Conduct of Election Report

November 8, 2016 General Election

Signatures of the County Canvassing Board members certifying the November 8, 2016 General Election and attesting to the Conduct of Election Report and the foregoing supplement.

County Canvassing Board

Signatures	Title	Date
X  Honorable Andrew Swett	County Judge Chair of the County Canvassing Board	November 18, 2016
X  Marie Adams	City Clerk City of Fort Myers	November 18, 2016
X		