

# 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: Flagler

2. 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
<u>1</u>	<u>0</u>	<u>0</u>

Precinct Count Marksense Scanners				
	Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	<u>3</u>	<u>3</u>	<u>0</u>	<u>0</u>
Election Day	<u>22</u>	<u>22</u>	<u>0</u>	<u>0</u>

ADA Voting Devices (e.g., Marking device and/or DRE Touchscreen)				
	Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	<u>3</u>	<u>6</u>	<u>0</u>	<u>0</u>
Election Day	<u>22</u>	<u>0</u> <u>22</u> <u>(40)</u>	<u>0</u>	<u>0</u>

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

	Early Voting	Election Day	Absentee
Ballot-on-Demand (BOD)	<u>X</u>	<u>n/a</u>	<u>X</u>
Ballot Printer Service (provided by SOE's Voting System Vendor)	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
Ballot Printer Service (provided by other than SOE's Voting System Vendor)	<u>X</u>	<u>X</u>	<u>X</u>

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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	_____	_____	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><b>Early Voting and Election Day</b></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 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 type="checkbox"/> Other. Provide the description: _____</p> <p style="text-align: center; color: blue; font-size: 1.2em;">Pct 16 ↑</p>	<p><b>Central Location</b></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><b>Election Management</b></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	<u>          </u>	<u>          </u>	<u>          </u>
Vendor created definition or media <u>with correct</u> county information	<u>          </u>	<u>          </u>	<u>          </u>
Vendor created definition or media <u>with incorrect</u> information from the county	<u>          </u>	<u>          </u>	<u>          </u>

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.

*See attached statement*

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

### 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:

*① ballot printed with line on the back through Amendment text during Early Voting... BOD Error.*

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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	<u>                    </u>	<u>                    </u>	<u>                    </u>
Election staff	<u>                    </u>	<u>                    </u>	<u>                    </u>
Security	<u>                    </u>	<u>                    </u>	<u>                    </u>
Temporary support	<u>                    </u>	<u>                    </u>	<u>                    </u>

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	<u>                    </u>	<u>                    </u>	<u>                    </u>
Election staff	<u>                    </u>	<u>                    </u>	<u>                    </u>
Voting devices	<u>                    </u>	Note below and see page 1	<u>                    </u>
Other equipment and supplies	<u>                    </u>	<u>                    </u>	<u>                    </u>

*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.

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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

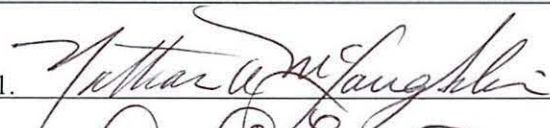


- ☐ Disruptive behavior

### Other

- ☒ Provide the description:

DOE certified candidate name as  
Thomas Adam Morley. Changed name  
on ballot with 2nd candidate  
County Canvassing Board  
Certification

### 14. Signatures

	Signature	Title	Date
1.		Commissioner	11-18-16
2.		Board Alternate	11-18-16
3.		Supervisor of Elections	11-18-16 (#)

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.

Voters in Precincts 29, 33, 35 and three smaller precinct splits received a ballot by mail or during early voting which did not include the East Flagler Mosquito Control District, Seat 3 race. The missing race is due to a ballot ordering error and the complex ballot styles involved with the East Flagler Mosquito Control district race. The issue was immediately corrected and voters casting their ballot early, by mail or on Election Day all received the correct ballot style for their precinct.

Supplemental ballots were mailed to affected voters in the special district. The supplemental ballot was created as a separate election in software and tabulation to include only the special district race. The district results from the returned supplemental ballots were counted separately and the manual entry of results for each candidate was included in the 2016 General Election returns. No other race on the ballot was affected.

The director of the East Flagler Mosquito Control District and the Supervisor of Elections entered into an Interlocal Agreement which detailed the issue and provides consent from the special district to mail the supplemental ballot to affected voters within the district. Both candidates involved in the special district race also approved of the solution and signed a "Consent To Use Of Supplemental Ballots" affidavit to mail a supplemental ballot to those affected voters.