

Election Observation Report Ballot Duplication Process

Palm Beach County, Florida
October 22-24, 2012



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ASSIGNMENT AND SCOPE

On October 19, 2012, in accordance with section 101.58, Florida Statutes, Florida Secretary of State Ken Detzner appointed Linda Hastings-Ard, Senior Management Analyst II, and Daniel Nordby, General Counsel, to observe an absentee ballot duplication process in Palm Beach County, Florida. This process was implemented to address an issue that prevented some of the county's returned 2012 General Election absentee ballots from being tabulated using the county's voting system optical scanners.

BACKGROUND

During the 2012 General Election, a portion of the 36,485 absentee ballot sets that were mailed to Palm Beach County voters, in 413 of the county's 842 total precincts, omitted the requisite section heading above the contest questions involving judicial retention on the ballot. It affected the contests for three Florida Supreme Court Justices (R. Fred Lewis, Barbara J. Pariente, and Peggy A. Quince); and two judges from the Fourth District Court of Appeal (Burton C. Conner and Carole Y. Taylor). The Palm Beach County General Election ballot included three ballot cards: Card A, Card B, and Card C. The judicial retention contests were printed on "Card A" for both ballot sets (those with and without the ballot headings).

This anomaly was caused by Runbeck Election Services, the print vendor that was commissioned by the Palm Beach County Supervisor of Elections' (SOE) office to produce the election ballots. When Runbeck sent the first set of ballot proofs to the county for proofreading, SOE staff noticed that the headers above these contests on Card A were missing; appropriate corrections were made and the corrected files were returned to the print vendor. Runbeck then sent a second set of proofs with the Card A headers in place; SOE staff again proofed the ballot sets and, upon verification that they were correct, returned them to the Runbeck with approval to print. Runbeck then mistakenly printed the first set of ballot proofs rather than the approved second set of ballot proofs. The printed ballots were not "re-proofed" by the county before mailing.

The omission of these headings shifted the contests to a different location on the Card A ballot such that the affected ballots could not be cast using the county's optical scanners. Before making the decision to proceed with this course of action, Supervisor Bucher sought counsel from the county's voting system vendor, Dominion Voting Systems, as to whether duplicating the ballots was necessary. The vendor verified that there was no method for modifying the election database so that it would successfully tabulate both the ballots with headings and the ballots without headings. Therefore, Supervisor Bucher implemented a ballot duplication process to copy voters' returned absentee ballots without the contest headings onto a Card A ballot that included the contest headings.

**Palm Beach County Absentee Ballot Duplication
Official Election Observation
October 22-24, 2012**

In accordance with Section 101.68(2), Florida Statutes, which states that the canvassing board may begin canvassing ballots on the 15th day before the election, Palm Beach County began opening absentee ballots at 10:00 a.m. on October 22, 2012. This also marked the beginning of the ballot duplication process activity.

DUPPLICATION PROCESS

The ballot duplication process included three team types: *Opening Teams*, *Duplication Teams*, and a *Quality Control Team (QC Team)*. The process also allowed campaign, candidate, and/or political party representatives to sit behind the duplication teams to observe their activities.

Before the ballot duplication activities began, the Supervisor of Elections' office followed their normal process for the receipt of returned absentee ballots. Namely, each day the returned ballots are fed through a machine, which sorts them by precinct and "slits" the envelope. The number of ballot envelopes was recorded and then placed in bins, which are sealed with only ballots for one precinct from that day's received mail.

Opening Teams conducted the first step in the ballot duplication process. Opening team members made up of temporary employees were given verbal instructions as well as written instructions regarding the process they were to follow. There were 10 teams. Each team consisted of two members whose task was to process absentee ballots for one precinct (at a time) in a bin distributed to them by a Palm Beach County staff member. This team's activities included these steps:

1. Team member opened the bin and removed the absentee ballots from the secrecy sleeve and/or voter certificate envelope.
2. Team members sorted the ballots by Card A, Card B, and Card C.
3. Each team member counted the sorted ballot stacks (Card A stack, Card B stack, and Card C stack) to verify the total number.
4. Upon agreement by both team members on the count numbers for each ballot stack, the totals were recorded on the Absentee Ballot Report Form for auditing/quality assurance purposes.
5. Each team member verified that the total for ballot Card A matched the total number of voter certificates that were included in the precinct ballot bin. In the event of a count discrepancy that could not be resolved, a comment was written on the Absentee Ballot Report form.
6. Ballot Cards B and C were placed back in the ballot bin.

Palm Beach County Absentee Ballot Duplication
Official Election Observation
October 22-24, 2012

7. Ballot Card As were sorted into two stacks: Card A with headings, and Card A without headings.
8. Cards A with headings were placed in the ballot bin.
9. Cards A without headings were placed in a plastic bag and put on top of the other ballots in the ballot bin. Both team members initialed the Absentee Ballot Report Form and placed it on top of all ballots.
10. One of the team members raised his/her hand so that a member of the Quality Control (QC) Team could retrieve the bin and transfer it to the ballot duplication team holding area.

Duplication Teams performed the next step. These teams were also made up of temporary employees, and each team included two duplicators. One team member was affiliated with the Democratic Party and the other member was affiliated with the Republican Party. Team members were given verbal instructions as well as written instructions regarding the process they were to follow. They were told that they were to duplicate the exact votes marked from the original ballot Card A, and that if there was a question regarding a voter's intent. They were to set the ballot aside by placing the ballot in question in an envelope for the canvassing board's later review. The county started with 10 teams, but later increased the number to 20 teams due to the volume of returned absentee ballots. Team activities included these steps:

1. A team member retrieved the plastic bag containing the Cards A that required duplication and each team member counted, and agreed upon, the number of ballots to be duplicated. A Ballot Custodian (who was also a QC Team member) recorded the precinct number, then pulled and counted the number of blank Card A precinct ballots needed by the team. The Ballot Custodian recorded the number on the Absentee Ballot Inventory/Custodian Log and delivered the ballots to the team.
2. Upon receipt of the blank ballots, each team member checked the precinct number and verified that the number of blank ballots received was correct.
3. For each precinct ballot bin, the team was given an Absentee Ballot Duplicating Log. On the top of each log, the team was instructed to print the bin number. This log included a list of pre-printed sequence numbers, such as AB-01. These numbers were for auditing and ballot reconciliation purposes. Duplicator One was told to write "DAM" with the number matching that of the log on the damaged ballot that included the voter's choices. Duplicator Two was instructed to print ABSENTEE DUP with the number matching that of the log on the blank ballot, such that the log, the damaged ballot, and the blank ballot would be labeled as shown:

**Palm Beach County Absentee Ballot Duplication
Official Election Observation
October 22-24, 2012**

<i>Absentee Ballot Duplicating Log</i>	<i>Printed on Damaged Ballot</i>	<i>Printed on Blank Ballot</i>
AB-01	DAM01	ABSENTEEDUP01

4. Team members performed all activities in the ballot marking process for each ballot before beginning another ballot.
5. When duplicating a ballot, Duplicator One would read aloud the voter's choices on the damaged ballot, while Duplicator Two marked the blank ballot.
6. After the duplication of each ballot was complete, the team members would "switch" ballots. Duplicator Two would read the voter choices aloud from the damaged ballot and Duplicator One would verify that the marked choices on the "new" ballot matched the voter choices on the damaged ballot. When satisfied that the ballot was accurately duplicated, the precinct number and date were added to the line with the appropriate pre-printed sequence number and both team members initialed the Absentee Ballot Duplicating Log.
7. The ballots (the damaged ballot and the duplicated ballot) were placed back in the plastic bag and the team continued the activities for steps 3, 4, 5, and 6 until all ballots in the precinct ballot bin had been duplicated.
8. When the team completed work for a precinct ballot bin, they placed the plastic bag of ballots back into the bin, closed it, and put the Absentee Ballot Duplicating Log on top of the closed bin. Then a team member raised his/her hand to notify a supervisor (who was also a QC Team member) that the precinct had been completed.

Behind each Duplication Team, there were three chairs. In these chairs, "reviewers" from interested candidates, campaigns, and/or political parties were allowed to sit and observe the duplication activities. However, there could be only one reviewer per party (Democratic, Republican, and Non-Partisan) observing at each Duplication Team table, and reviewers were cautioned not to interact with Duplication Team members in any way. Additionally, they were told not to touch the team members or the ballots and that they could not "stand" over the duplicator. Further, if the reviewers had an objection, they were instructed to raise their hand and either a QC Team member or a Supervisor of Elections staff member would address their concern.

The QC Team performed the final step in the ballot duplication process. This team was made up of Supervisor of Elections' employees, as well as other "on-loan" county employees who had been assigned to assist with the task. The work conducted by this team included troubleshooting issues encountered by the Opening or Duplicating Teams; addressing reviewers' questions to determine if they could provide a response or if it needed to be escalated to SOE staff; and their

**Palm Beach County Absentee Ballot Duplication
Official Election Observation
October 22-24, 2012**

main function, which was to perform quality assurance tasks in association with the Duplication Team activities. When a Duplication Team completed the duplication of all ballots in one of the precinct ballot bins, a member of the QC Team of this team picked up the box and performed the following:

1. A team member collected the precinct ballot bin box from the Duplication Team. Then two team members inspected each set of ballots for accuracy (by comparing the original and the duplicate). One member read the voter choices on the damaged ballot and the other reviewed the duplicated ballot to ensure that it matched.
2. When the precinct ballot bin had been audited, the QC Team Member made two copies of the Absentee Ballot Duplicating Log, then separated the damaged ballot Card A from the duplicate ballot Card A. One copy of the Absentee Ballot Duplicating Log was placed into the precinct ballot bin, along with the duplicate ballot Card As, original ballot Card As that did not need to be duplicated, and Cards B and C. The precinct number was then checked off of a master list as being completed for that day. The bin was then sealed and the seal number was recorded on a form so that the bin could be transferred to the tabulation area.
3. A copy of the Absentee Ballot Duplicating Log, along with the damaged ballot Cards A, were placed in a container. When the container was full, it was sealed and labeled with the appropriate precinct range numbers.
4. The original Absentee Ballot Duplicating Log remained the QC Team member. The logs were used to aid in ballot reconciliation at the end of each work day.

FINDINGS

- The ballot anomaly occurred due to an error made by Palm Beach County Supervisor of Elections' print vendor, Runbeck Election Services, who printed incorrect ballot proofs for some of the Absentee Ballots.
- Although it appeared that an adequate process was in place to proof ballots initially, once they were printed, there was no additional check in place to confirm that the print vendor had printed the correct ballots.
- The Ballot Duplication Process incorporated auditing procedures to ensure that duplicate ballots were marked accurately.
- The Ballot Duplication Process incorporated sufficient ballot reconciliation procedures.

**Palm Beach County Absentee Ballot Duplication
Official Election Observation
October 22-24, 2012**

CONCLUSION

From first-hand observation, the observers believe that the Palm Beach County absentee duplication process for the 2012 General Election was conducted in a fair and impartial manner that is generally consistent with Florida Election Code.

RECOMMENDATIONS

The Palm Beach County Supervisor of Elections office needs to augment its current ballot proofing procedure to include at least a random additional review of printed ballots before ballots are either mailed to absentee voters or deployed to a precinct on Election Day.