



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 31, 2015

The Honorable Andy Gardiner
President of the Florida Senate
409 The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Steve Crisafulli
Speaker of the Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Mr. President and Mr. Speaker:

In compliance with s. 2, Ch. 2015-36, Laws of Florida, the Florida Department of State (DOS), Division of Elections, submits the following attached *Report to the Florida Legislature* on the implementation of an online voter registration (OVR) system by October 1, 2017.

The report details the collaborative effort between DOS and its key partners, the Florida Department of Highway Safety and Motor Vehicles (DSHMV) and the Supervisors of Elections (SOEs), in the development and implementation plan of an OVR system, including progress to date and a timeline for ensuring the OVR system's timely and successful implementation.

We appreciate the opportunity to provide this progress report to the Legislature. If you have questions about the report, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ken Detzner".

Ken Detzner
Secretary of State

Enclosure

Cc: Terry L. Rhodes, Executive Director, Department of Highway Safety and Motor Vehicles
Brian Corley, President, Florida State Association of Supervisor of Elections



Florida Department of State

Online Voter Registration System Report to the Florida Legislature

December 31, 2015



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Executive Summary

During the 2015 Legislative Session, the Florida Legislature passed CS/CS/SB 228 directing the Florida Department of State's Division of Elections (DOS) to develop and implement an online voter registration (OVR) system. The law took effect on July 1, 2015 (see chapter 2015-36, Laws of Florida; Appendix A).¹ The OVR system must be operational by October 1, 2017. The Legislature appropriated \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund for the development and implementation of an OVR system. The law also required DOS to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of an OVR system. The report is due no later than January 1, 2016.

In the initial months after the OVR law took effect, DOS conferred extensively with its key partners, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) and the Supervisors of Elections' (SOE) offices. DHSMV and SOEs are integral to the development, implementation and operation of an OVR system. The discussions focused on a preliminary examination of current voter registration processes. It also included an assessment of DOS, DHSMV and SOEs' respective agency's database/systems' functionalities, technological needs, security challenges and measures, load capacities and ongoing multi-year modernization efforts. DOS also reached out to five other States with operational online voter registration systems for feedback on their respective experience, governing rules and laws, and lessons learned.

DOS had already initiated a multi-year modernization project for the Florida Voter Registration System (FVRS) months before the OVR law took effect. DOS has now incorporated the OVR system as a major deliverable of that project. The timeline for completing the FVRS modernization project coincides with the statutory deadline for implementing the OVR system. Once operational, the OVR system's functionality will allow for a web-based submission for new and existing registrants who have a Florida driver license or state identification card. Additionally, for all other persons without a Florida driver license or state identification card, the OVR system will also provide the option to populate the voter registration information into a printable voter registration application that can be printed, signed and mailed or delivered to the supervisor of elections.

This report details the development and implementation plan including progress to date, and timeline for ensuring the timely and successful implementation of the OVR system. The development of OVR System is on schedule and is on target to be operational by October 1, 2017.

Upon implementation, Florida will join 26 other states (including California and New York), each with its own unique active operational online voter registration system. DOS and its partners, DHSMV and SOEs, are committed to ensuring the successful implementation of an operational OVR system by October 1, 2017, and fully expect the OVR system will enhance and facilitate the voter registration experience and process in Florida for years to come.

¹ The main provisions are codified under section 97.0525, Fla. Stat.

Background

Since the 1993 enactment of the National Voter Registration Act and subsequently enacted state laws, a person can apply to register in Florida by:

- Mailing or delivering a paper voter registration form² for a new or updated registration to any Supervisor of Elections' office, any office that issues Florida driver licenses and state identification cards which may include a county tax collector's office, any voter registration agency, i.e., an office that provides public assistance, office that serves individuals with disabilities, center of independent living, armed forces recruitment office, and public library, armed forces recruitment office or the Division of Elections.
- Submitting voter registration information through an electronic intake at any Florida Department of Highway Safety and Motor Vehicles or county tax collectors' office that uses DHSMV's database at the same time that a person obtains a new or renewed Florida driver license or state identification card, or updates his or her residential address on the license or identification card.

The information collected at any office other than the Supervisor of Elections' office or the Division of Elections is forwarded to the applicant's respective county supervisor of elections. Once received by the Supervisor of Elections' office, the Supervisor has the sole authority to determine the disposition of any application for new registration for updated registration. Only a Supervisor may make a new applicant a new registered voter.

In 2006, in response to a federal mandate under the Help America Vote Act (HAVA),³ DOS created a computerized statewide voter registration system for use in elections in federal office. The Florida Voter Registration System (FVRS) acts now as single official repository of all Florida registered voters for all elections. DOS is statutorily responsible for the daily operation and maintenance of the FVRS. The FVRS interfaces in real-time with each of the 67 county supervisors of elections' local registration systems.

As a result of FVRS' infrastructure and subsequent voter registration laws, a person can now submit his or her paper voter registration application to any county Supervisor of Elections' office in the state, regardless of his or her county of residence. This means the person does not have to re-register every time he or she changes residency from one Florida county to another. Additionally, a person can submit a paper voter registration application to the Division of Elections which currently serves as a designated voter registration office to accept and input voter registration directly into FVRS for later disposition by the Supervisor of Elections.

DHSMV also used the 2006 launch of FVRS to streamline and convert from paper to electronic the process for the simultaneous issuance or renewal of a Florida driver license or state identification card, and voter registration intake. None of DHSMV's databases or processes interface directly with FVRS or information therein. Therefore, the voter registration information collected electronically during the day at the offices that issue or renew Florida driver licenses and state identification cards are transmitted by DHSMV in nightly batches to DOS via a secured file transfer site. The transmitted files also include the applicants' corresponding digital scanned signature images. The transmitted batch information is matched against FVRS to identify existing registered voters versus new registered voters.

² A fillable online version of the official Florida Voter Registration Application (DS-DE 39) is already available on the Division of Elections' website and the Supervisors of Elections' websites. However, the form must be printed, signed under oath or affirmation and mailed or delivered to the Supervisor of Elections.

³ 52 U.S.C. § 20901 – 52 U.S.C. § 21145

The information is then made available through FVRS to the respective county Supervisor of Elections. See **Table 1** for the current voter registration application process.

Table 1 - Florida - Current Voter Registration Process

Florida –Current PAPER Application Process Overview	
	<ul style="list-style-type: none"> • In person • By mail <ul style="list-style-type: none"> • Submission received directly through SOE Office or forwarded by voter registration agency, public library, or Division of Elections • SOE checks application for completeness, existing registration record, prior removal for ineligibility, residential address validation against residential street segment index • Data entry and scan image of paper application and signature <ul style="list-style-type: none"> • Submit - new registrations only to DHSMV for verification of driver license/state identification card number or last four digits of social security number (SSN4) • Daily submission/overnight batch file transfer return <ul style="list-style-type: none"> • Verified DL/State ID card or SSN4 - FVRS new registration record • Unverified DL/State ID card or SSN4 - FVRS incomplete applicant record <ul style="list-style-type: none"> • New voter information card to voter • Notice to voter of unverified DL/state ID or SSN4 -opportunity to provide proof
Florida – Current ELECTRONIC Application Process (DHSMV) Overview	
	<ul style="list-style-type: none"> • In person <ul style="list-style-type: none"> • Electronic data entry/intake of voter registration information at time of driver license/state identification card issuance or renewal at any office that issues or renews Florida driver licenses and state identification card • Electronic real-time verification of DL/state ID or SSN4 • No interface with Florida Voter Registration System (FVRS) • Address validation • Signature image capture • Paper receipt to applicant <ul style="list-style-type: none"> • DHSMV to FVRS batch transfer(electronic data/signature image)-overnight • FVRS record suspense to SOE (electronic data and signature image) <ul style="list-style-type: none"> • Determine whether record new or update • Add record to rolls - new registered voter – new voter information card • Update record on rolls – existing register voter – new voter information card if name, party or address change • Incomplete record – invalid residential address – notice to voter

Since 2006, the demands on FVRS have increased. The total number of registered voters has increased from 10.3 to almost 12 million. Recognizing that FVRS is one of the cornerstones upon which successful elections rely, DOS initiated in early 2015, a multi-year modernization effort consisting of two phases. Phase I entailed a state-of-the-art hardware and network refresh to accommodate the exponential growth of data storage, traffic, transactions. The goal was also to ensure a secure robust system for the upcoming election year and beyond. Phase II entails a software rewrite to transition to new generation software and modern infrastructure. The objectives are to: 1) Enhance DOS' operation and maintenance of FVRS; and 2) Improve and streamline access and functionality for the FVRS system and data users.

During the midst of DOS' FVRS modernization effort, the Florida Legislature enacted a bill directing the Division of Elections to develop and implement an operational OVR system by October 1, 2017. The law took effect in July 2015. The Legislature further appropriated \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund. The Florida Legislature joined New Mexico and Oklahoma's legislatures, which also passed laws in 2015 for OVR systems.⁴ Twenty-six other states, including California and New York, already have their own unique active online voter registration system.

DOS has now incorporated the development of an OVR system as a major deliverable of the ongoing FVRS modernization project. The timeline for completing the FVRS modernization project coincides with the statutory deadline for implementing the OVR system. Once operational, the OVR system's functionality will allow for a web-based submission for new and existing registrants who have a Florida driver license or state identification card. Additionally, for all other persons without a Florida driver license or state identification card, the OVR system will also provide the option to populate the voter registration information into a printable voter registration application that can be printed, signed and mailed or delivered to the supervisor of elections for disposition.

Partners

Under the new law, the following partners play a major and integral role in the successful development, implementation and operation of the OVR system:

Florida Department of Highway Safety and Motor Vehicles (DHSMV)

By federal and state law, the DHSMV⁵ must simultaneously provide voter registration services at the same time that it offers core agency services for the issuance or renewal of Florida driver licenses and state identification cards or for updating a person's address in those records for such services.⁶ Prior to June

⁴ See *Online Voter Registration* (October 31, 2015) National Conference of State Legislatures. (<http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx#table>).

⁵ DHSMV was created pursuant to section 20.24, Fla. Stat. and is headed by the Governor and Cabinet.

⁶ According to DHSMV, offices that issue driver licenses and state identification cards ask the driver license or identification card applicant if he or she would like to apply to register to vote or update his or her current voter registration information during the credential process. If so, an electronic voter registration application is completed, with a digital signature, and the voter oath is administered. The voter registration application includes data specific to the voter registration process, such as whether the person is a convicted felon, party affiliation, military status, whether the person needs voting assistance and previous voter registration data. The voter application also requires the examiner to re-key the customer's address in order to verify it against a Department of State database, as required by law. The customer receives a printed application for his or her review. At the

2015, such activities regularly occurred at DHSMV examiners' offices throughout the state. These activities now largely occur at any county tax collector's office that issues Florida driver licenses and state identification cards.⁷ Currently 188 tax collectors' offices in 61 counties provide opportunities for simultaneous driver license/state identification card services and voter registration while 17 DHSMV offices⁸ continue to operate driver license/state identification card offices in Broward, Miami-Dade and Volusia counties. With respect to these activities, the participating tax collectors' offices remain under the continuing direction and control of DHSMV as to the use of the DHSMV databases and procedures.

Similar to DOS, the DHSMV is undergoing a major effort to modernize multiple legacy technology systems that it has used for years. DHSMV's multi-year Motorist Modernization Plan entails three major phases: 1) Phase I – Replacement of the driver license issuance system and any supporting systems, creation of a MyDMV Portal⁹ and reengineering driver license and vehicle renewal processes; 2) Phase II – Redesign of the Motor Vehicle Issuance System and any supporting systems; and 3) Phase III – Redesign of back-end systems. Phases II and III of DHSMV's Motorist Modernization Plan are not expected to impact OVR.

The DHSMV's database of Florida driver licenses and state identification cards and intake process for voter registration are integral components of the new OVR system. The law requires the OVR system to compare the online applicant's name and date of birth and verify the driver license or state identification card number against the same information in the DHSMV's database containing driver license and state identification card information. The comparison and confirmation must occur in real-time in order to communicate to the online applicant whether his or her voter registration application has been accepted for further processing.

Supervisors of Elections (SOEs)

The Supervisors of Elections are another key partner in the development, implementation and operation of an OVR system. Under current law, each of the 67 county Supervisors of Elections (66 of whom are elected constitutional officers)¹⁰ has the sole authority to determine the eligibility of a new applicant or the continuing eligibility of a registered voter and to add or remove registered voters within their respective county from the official registration rolls for all elections. The Supervisors of Elections

close of business, the day's voter registration applications, changes, and declinations are submitted electronically to the Department of State. However, the process for re-keying the entry of addresses will be eliminated as part of Phase I in DHSMV's Motorist Modernization Plan.

⁷ In 2011, the Florida Legislature codified a transition plan proposed by DHSMV, in conjunction with the Florida Tax Collectors Association and the Florida Association of Counties, to transfer all driver license issuance services to the majority of county tax collectors' offices. The transition was completed well in advance of the statutory June 30, 2015 deadline. See chapter 2011-66, Laws of Florida. The Florida Tax Collector's, Inc., constitutes the professional association of the 67 county tax collectors. Tax collectors are constitutional officers under s. 1(d), Art. VIII of the State Constitution. Tax collectors, with the exception of those in Broward, Miami-Dade and Volusia counties, are elected officers within their respective counties.

⁸ DHSMV will be re-opening two more offices in the near future –one in Broward County and another in Miami-Dade County.

⁹ MyDMV Portal will be DHSMV's next generation of online web service for its customers for driver/ID services and vehicle services.

¹⁰ Supervisors of Elections are constitutional officers under s. 1(d), Art. VIII of the State Constitution with the exception of the Supervisor of Elections for Miami-Dade County who is appointed pursuant to its county charter.

communicate directly with the new or existing registrant regarding the disposition of submitted voter registration applications. Their local registration systems also interface directly in real-time with the FVRS.

The new OVR law requires the system to generate an immediate electronic confirmation that the online applicant's respective Supervisor of Elections has received the online application. In addition, the system must provide the online applicant with instructions that will allow the applicant to track the status of his or her online application. As is currently the law, the Supervisor of Elections for the applicant's respective county remains solely responsible for processing the application information and determining the disposition of the voter registration application regardless of the authorized method of submission.

Scope

The OVR law¹¹ requires the DOS' Division of Elections to do the following regarding for the online voter registration application system:

- Establish a secured Internet website for the system
- Develop security measures to prevent unauthorized access to voter registration information including:
 - Use of a unique identifier
 - Complying with information technology standards
 - Conducting comprehensive risk assessments, first before implementation, and biennially thereafter
- Ensure the system complies with federal laws governing access for individuals with disabilities
- Make the system available to:
 - New registrants with Florida driver license (DL) or state identification card number (state ID)
 - Existing registered voters with Florida DL or state ID
- Require the system to generate an immediate electronic confirmation to the new applicant/existing registered voter that the respective Supervisor of Elections has received the electronically submitted information and provide instructions for checking on status of the application.
- Coordinate with the Florida Department of Highway Safety and Motor Vehicles to:
 - Compare and confirm an applicant's Florida DL or state ID with DHSMV records, with the name and birth date of the applicant.¹²
 - *If the applicant's name and birth date are consistent, electronically transmit the application to the appropriate supervisor of elections along with the applicant's digital signature (if he or she has it on file with DHSMV), in which case the application process can proceed electronically.*

¹¹ See Appendix A

¹² Although the OVR law singles out coordinating with DHSMV to compare and confirm name, date of birth, Florida DL or state ID card, comparison and confirmation of residential address will also be required as applicable under ss. 97.053(5), 97.057(10), 98.015(12) and s. 98.045(4)(b), F.S. Residential address validation will remain a key component of the registration process as it currently is in the electronic intake processes at offices issuing driver licenses and state identification cards and at the juncture that application information is entered by voter registration officials into the Florida Voter Registration System.

- *If an otherwise eligible applicant's name and birth cannot be verified, or if the applicant has no Florida DL or state ID card, the system must populate the form and direct the applicant to print, sign and date the application and deliver it to the appropriate Supervisor of Elections for disposition pursuant to s. 97.073, F.S.*

Progress to Date

Following passage of chapter 2015-36, Laws of Florida, DOS conferred extensively with DHSMV and SOES and their supporting staff to determine how to best proceed. Preliminary external and internal examination focused on current voter registration processes. DOS, DHSMV, and SOEs also assessed their respective agency's database/systems' functionalities, technological needs, security challenges, and database/system load capacities. Additionally, both DHSMV and DOS considered how the OVR system would be incorporated into each respective agency's ongoing multi-year database/systems' modernization efforts. Based on that preliminary effort, DOS has now formalized six phases for project management that will ensure that the OVR system is operational by October 1, 2017.

Plan and Timeline

The implementation plan and its phases are detailed below and include the progress to date on the OVR project. An estimated timeline for completion of each phase is detailed in **Table 2**. Some phases may overlap or be extended as needed without affecting the completion date.

- **Phase 1: Discovery** [complete] – This phase is now complete. Discovery consisted of understanding and documenting how current database environments, systems, and procedures work; and determining what had to change or be added to accommodate the OVR system. DOS conducted internal and external agency examinations, identified issues and potential solutions and reached out to other States with similar operating systems. More specifically, the discovery consisted of:
 - An in-depth internal review and examination of current processes, database environments, and security including weekly sessions with information technology (IT) and operational staff.
 - Outreach to election officials and information technology IT staff in five States (California, Delaware, Illinois, Virginia and Washington, DC) with operational online voter registration systems. We elicited information about their processes, best practices and lessons learned for the design, development, testing, implementation and operation of an online voter registration system in their respective states. The outcome of discovery also revealed that each state's OVR system contained differences. Some of the differences included but were not limited to: 1) Beginning technological posture of the State's existing voter registration system infrastructure; 2) Interagency relationship between or the authority of the elections' office and the motor vehicle department; 3) Degree of funding, 4) Availability of staff support; 5) Governing rules and laws, and 6) Legislative scope of the OVR system. Logistical challenges and solutions along the way often modified the state's implementation and operation of the OVR system. While no one State's OVR system could be an exact model for Florida, DOS has drawn upon the best practices and lessons learned to enhance the process and development of its OVR system.
 - Three extensive meetings held in August, September, and October 2015 focused on discussions with policy, operational, and IT staff from DHSMV and DOS and a representative on the behalf of the 67 county Supervisors of Elections. Additionally, DOS used regularly scheduled monthly teleconference calls with DHSMV as backup for additional discovery.

- Weekly meetings held since September 2015 with DOS IT staff, Division of Election’s operational staff, and IT support staff for the Supervisors of Elections, including a representative Supervisor of Elections on behalf of the Supervisors of Elections from all 67 counties.
- **Phases 2 and 3: Requirements and Design** [in progress] – The activities for these two phases run concurrently and the timeline overlaps to some degree. The requirements phase consists of coding and establishing the specific activities that the OVR system is to perform. The design phase consists of creating the blueprint for developing the OVR system. This phase also includes configuring the system, defining the user roles, documenting standard procedures, and ensuring that security is provided at the highest level to prevent fraud or breaches. The DHSMV and the Supervisors of Elections are actively collaborating with DOS in the requirements and design phases. These two phases are slated to be completed by March 2016.
- **Phase 4: Development** –This phase consists of building the model OVR system and application to be able to operate by October 1, 2017. This phase is slated to begin April 2016 and is expected to take approximately one year to complete.
- **Phase 5: User Acceptance Testing**– This phase consists of testing all the components of the OVR system and fine-tuning any system configuration. This phase is slated to begin April 2017 and is expected to take approximately 4 months to complete.
- **Phase 6: Implementation** – This phase actually consists of three parts: 1) Making the OVR system available to the public by October 2017; 2) Ensuring that all the project requirements have been met for satisfactory conclusion of the project; and 3) Transitioning after the launch of the OVR system from development and implementation into active ongoing support, operation and maintenance. This phase is slated to begin in August 2017 and is expected to take approximately 4 months to complete.

Table 2 -Timeline for OVR System Project Implementation



Implementation of Legislative Requirements

As stated earlier, DOS, in collaboration with DHSMV and the SOES, are now actively in the requirements and design phases for the OVR system. The key areas for the OVR system are set forth in law. The OVR system will be implemented as follows based on legislative requirements and the identification of other requirements after discovery:

Security

Security is a top priority in the establishment and operation of any database environment and system. The new OVR law requires that the OVR system be on a secured Internet website and that the system

must comply with information technology security provisions under s. 282.318, Fla. Stat. DOS will house and maintain the OVR system together with the FVRS, which by law DOS also administers. As part of the FVRS modernization effort, DOS has already installed new hardware that includes the latest state-of-the-art equipment reflecting the choice of major data centers in the public and private sectors. Another component that will complete the hardware refresh phase involves the ongoing installation and configuration of upgraded network equipment and security. The network upgrade will be completed by the first quarter of next year. The installed new hardware has already boosted FVRS' robustness, security, performance and stability. Additionally, as we proceed through the software rewrite, DOS is applying due diligence to ensure adequate and enhanced security protocols are in place. Multiple reviews and tests have been and will continue to be conducted on internal and external controls for exposure to unauthorized access including testing for ethical hacking and other security challenges on the FVRS and OVR system.

Additionally, as required by the new law, DOS will use risk assessment methodology developed by the Agency for State Technology to conduct a pre-implementation risk assessment and conduct as part of the ongoing maintenance and safeguarding of the OVR system a biennial risk assessment.

Unique identifier

The new OVR law requires that every online applicant be assigned a unique identifier. DOS envisions that the system will assign each online applicant a unique identifier for each online submission. The unique identifier will allow the applicant to track the status of the particular online voter registration application (new or update) as it proceeds through the process. The unique identifier will not link to the information submitted so that neither the applicant nor anyone else is able to see or change the content of the online submission. Since the OVR system will be available 24 hours a day/7 days a week, an ancillary outcome of discovery is the need to capture the online applicant's email address. The applicant's email address is needed to facilitate ongoing communications regarding an OVR submitted application, or in the event the OVR system is unavailable or becomes inoperable at the time the online applicant accesses or attempts to access the system. DOS will add this functionality in order to achieve the needs of an OVR system and address the unique identifier.

Online verification

The new OVR law requires the online applicant to submit a Florida driver license (DL) or state ID card number (state ID) for verification. This requirement mirrors the existing requirement and process under both state law and federal law (HAVA) for voter registration, which requires an applicant to submit a personal identifying number. Under HAVA and state law, in order to register to vote, an applicant must provide a DL or state ID number or, where the applicant has no such number, the last four digits of his or her social security number (SSN4). In the absence of either number (which the State must verify), the applicant must be assigned a unique registration number. In the case of an applicant who provides the DL or state ID number, this information is forwarded to DSHMV for verification against DSHMV's driver license/state identification card database. The purpose of verifying the license/card number is to verify the identity of the person submitting the application.

A challenge uncovered during the course of discovery for the OVR system is that algorithms for generating a driver license number or state identification card number are readily available on the Internet. That information in conjunction with other publicly available information, such as name and date of birth, could facilitate online fraud.

In order to better fulfill the legislative intent to secure against the alteration of online submissions or existing registration records, or other fraud, the OVR system will need to elicit from the online applicant additional unique data that would presumably only be known to and be in the possession of the new applicant or existing registered voter. Such unique data fields would include information such as the last four digits of the applicant's social security number and the issuance date for the DL or state ID. The DOS will be adding these requirements into the OVR system.

Eligibility requirements

The new OVR law states that no legal distinction can be made between applicants who submit voter registration applications (new and updates) online and applicants who submit applications in person, by mail or other authorized methods. Necessary procedural distinctions are inevitable between the online submission process and the existing authorized methods of submissions in order to ensure the identity of the online applicant and to prevent fraud. As mentioned under online verification, in order to enhance the security of the system and prevent unauthorized online submissions, an online applicant will have to provide additional data fields that would not otherwise be required if submitting the paper application by mail or in person.

However, eligibility requirements will remain the same for all applicants, regardless of the method of submission. Under current law, all applicants must swear or affirm, under penalty of law, on a voter registration application form that the information they are providing, including eligibility is true. At the time of submission, no further documentary proof as to eligibility is required. Therefore, an online applicant must swear or affirm to eligibility under s. 97.051, Fla. Stat., and to provide all information necessary to establish eligibility under ss. 97.041, and 97.052(2) and (6), Fla. Stat. If the application is otherwise considered complete, the application will be processed accordingly. Therefore the OVR system will not impose or require any new or different eligibility requirements on an online applicant versus an applicant who submits an application by any other method authorized by law.

Immediate electronic confirmation

The new OVR law requires the system to generate an immediate electronic confirmation to the online applicant that his or her DL or state ID number and associated name and date of birth could be verified for purposes of submitting the application.¹³ If verified, an electronic confirmation has to indicate that the Supervisor received the online application. Additionally, the system must provide instructions to the online applicant on how to check on the status of his application.

The DHSMV has committed that it will make its database available as an integral part of an online voter registration system and believes that it will have the capacity to handle the volume of online submissions to provide immediate verification of an online applicant's DL or state ID card number. However, DHSMV's commitment is contingent upon its ability to successfully obtain adequate funding to replace its old legacy systems during its ongoing multi-year modernization effort. The success of the OVR system depends not only on a modernized FVRS but a modernized DHSMV infrastructure capable of handling the real-time demands of an online voter registration system operating 24 hours a day/7 days a week. The OVR system is expected to redirect voter registration application traffic to any office issuing Florida driver licenses and state identification cards by at least 10%. Additionally, the OVR system will be incorporated into the future of DHSMV's MyDMV portal process.

¹³ Cf. footnote 12.

As part of discovery, DOS and SOEs identified the logistical challenge presented by an OVR system that is made available online 24-hours a day and 7 days a week and the availability of staff and resources to be able to provide immediate acknowledgement of an online submission depending on the timing of the submission. Therefore, DOS will be building the following functionality into the system in order to provide the online applicant immediate confirmation that his or her application has been received: The OVR system will then indicate that the online applicant's name and date of birth have been compared and whether the DL or state ID card number has been verified. The OVR system's confirmation will then confirm that an electronic notice along with the verified online submission has been forwarded to the Supervisor of Elections in the county of residence of the online applicant. The instructions will direct the online applicant to use the assigned unique identifier to track the status of the online application submission. If the OVR system is unable to verify the applicant's DL or state ID number, name, and date of birth; or the applicant does not have a DL or state ID number; the OVR system will immediately prompt the applicant to print out the pre-populated application and submit the printed application in person or by mail. If the OVR system is unavailable or inoperable, the applicant will be prompted to provide contact information so that the appropriate SOE may reach out to the applicant at a later time. The website hosting the OVR system would also provide a link to the electronic version of the fillable statewide voter registration application.

Compliance with accessibility standards

The new OVR law requires the system to comply specifically with nationally accepted standards for accessibility for individuals with disabilities, including s. 508 of the Rehabilitation Act of 1973, s. 255 of the Telecommunications Act of 1996, and the Web Content Accessibility Guidelines of the World Wide Web Consortium, to ensure equal access for voters with disabilities. DOS has significant experience complying with these standards in other areas of election laws and processes. A hallmark of the OVR system will be to ensure that the system meets, if not exceeds, the standards set by the Florida Legislature and federal law.

Conclusion

DOS, in collaboration with its key partners, DHSMV and Supervisors of Elections, are well on their way to implementing an OVR system by the statutory deadline of October 1, 2017. DOS has fully incorporated the OVR system as a major deliverable of its ongoing multi-year FVRS modernization project, the timeline for completion of which coincides with the statutory deadline. DOS has formulated and begun a six-phase development and implementation plan, of which the initial discovery phase is now complete. DOS and its partners remain committed to and are on schedule to ensure the timely and successful implementation of the OVR system by October 1, 2017.

Once the OVR system is launched, Florida will join 26 other states (including California and New York) with operational online voter registration systems. DOS and its partners are committed to enhancing the voter registration experience and process in Florida and fully expect that Florida's OVR system will be a model to follow for other states in the country.

Appendix

Appendix A: Chapter 2015-36, Laws of Florida

CHAPTER 2015-36
Committee Substitute for
Committee Substitute for Senate Bill No. 228

An act relating to online voter registration; creating s. 97.0525, F.S.; requiring the Division of Elections of the Department of State to develop an online voter registration system; providing application and security requirements; requiring the division to conduct a comprehensive risk assessment of the online voter registration system; requiring the system to compare information submitted online with Department of Highway Safety and Motor Vehicles records; providing for the disposition of voter registration applications; requiring system compliance with federal accessibility provisions; providing for construction; requiring the division to report to the Legislature regarding online voter registration implementation by a specified date; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 97.0525, Florida Statutes, is created to read:

97.0525 Online voter registration.—

(1) Beginning October 1, 2017, an applicant may submit an online voter registration application using the procedures set forth in this section.

(2) The division shall establish a secure Internet website that safeguards an applicant's information to ensure data integrity and permits an applicant to:

(a) Submit a voter registration application, including first-time voter registration applications and updates to current voter registration records.

(b) Submit information necessary to establish an applicant's eligibility to vote, pursuant to s. 97.041, which includes the information required for the uniform statewide voter registration application pursuant to s. 97.052(2).

(c) Swear to the oath required pursuant to s. 97.051.

(3)(a) The online voter registration system shall comply with the information technology security provisions of s. 282.318 and shall use a unique identifier for each applicant to prevent unauthorized persons from altering a voter's registration information.

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system before making the system publicly available and every 2 years thereafter. The comprehensive risk assessment must comply with the risk assessment methodology developed by the Agency for State Technology for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards.

(4)(a) The online voter registration system shall compare the Florida driver license number or Florida identification number submitted pursuant to s. 97.052(2)(n) with information maintained by the Department of Highway Safety and Motor Vehicles to confirm that the name and date of birth of the application are consistent with the records of the Department of Highway Safety and Motor Vehicles.

(b) If the applicant's name and date of birth are consistent with the records of the Department of Highway Safety and Motor Vehicles, the online voter registration system shall transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the digital signature of the applicant on file with the Department of Highway Safety and Motor Vehicles, to the supervisor of elections. The applicant's digital signature satisfies the signature requirement of s. 97.052(2)(q).

(c) If the applicant's name and date of birth cannot be verified by the records of the Department of Highway Safety and Motor Vehicles, or if the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card, the online voter registration system shall populate the applicant's information into a printable voter registration application pursuant to s. 97.052(2) and direct the applicant to print, sign, and date the application and deliver the application to the supervisor of elections for disposition pursuant to s. 97.073.

(5) Upon submission of a completed online voter registration application, the website must generate an immediate electronic confirmation that the supervisor of elections has received the application and provide instructions regarding the ability of a registrant to check the status of the application thereafter.

(6) Except as otherwise provided in this section, the supervisor of elections shall process the application pursuant to s. 97.053.

(7) The online voter registration system must conform to nationally accepted standards for accessibility for individuals with disabilities, including s. 508 of the Rehabilitation Act of 1973, s. 255 of the Telecommunications Act of 1996, and the Web Content Accessibility Guidelines of the World Wide Web Consortium, to ensure equal access for voters with disabilities.

(8) A legal distinction may not be made between online voter registration under this section and voter registration in person, by mail, or by other methods provided by general law.

Section 2. No later than January 1, 2016, the Division of Elections shall submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the implementation of online voter registration. In the report, the division shall summarize progress to date in implementing online voter registration and expected implementation timeframes, and shall propose any further legislation needed to facilitate online voter registration.

Section 3. For the 2015-2016 fiscal year, the sum of \$1.8 million in nonrecurring funds from the Federal Grants Trust Fund is appropriated to the Department of State to implement this act.

Section 4. This act shall take effect July 1, 2015.

Approved by the Governor May 15, 2015.



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