

CONDUCT OF ELECTION REPORT

SECTION 102.141(9), FLORIDA STATUTES

The County Canvassing Board must submit a completed Conduct of Election Report to the Division of Elections at the same time that the board submits its certified official election results for any presidential preference primary, general, primary, or special election, whichever is applicable.

On behalf of the County Canvassing Board, the Supervisor must submit the report via the SOE File Transfer Utility on the SOE portal. For assistance, please contact the Bureau of Voting Systems Certification, Eleonor Lipman; EleonorG.Lipman@dos.myflorida.com; 850-245-6258 or Zane Wood; Zane.Wood@dos.myflorida.com; 850-245-6123.

GENERAL INFORMATION

1. County: Hillsborough

Date of Election: April 25, 2023

Election (Check one): Presidential Preference Primary Election
 Primary Election
 General Election
 Other election (specify): Tampa Runoff

2. Election Definition created by (Check one): County Supervisor of Elections' Office (SOE)
 Vendor
 Consultant
 Other (specify): _____

EQUIPMENT

3. Voting Devices (Insert the applicable number):

Vote-by-Mail (VBM) Central Count Marksense Scanners (e.g., DS200, DS450, DS850, ICC, DRE, ICE)		
Initial Total VBM Scanners	Removed	Replaced or Added
7	0	0

Precinct Count Marksense Scanners (e.g., DS200, ICE)				
	Number of Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	7	14	0	0
Election Day	66	66	0	0

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Voter Interface Device (e.g., AutoMARK, ExpressVote, or ICE)				
	Number of Polling Locations	Initial Total Deployed	Removed	Replaced or Added
Early Voting	7	7	0	0
Election Day	66	66	0	

Reason for removal, replacement or addition of voting devices:

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

NO Proceed to #5.

YES Specify the number of issues in the appropriate column(s) in the table below, indicate the specific type of issue(s) incurred on the checklist, and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

		Number of issues		
		Early Voting Site	Election Day Polling Locations	Central Location
Equipment	Marksense Scanner			
	Voter Interface Device			
Software	Marksense Scanner			
	Voter Interface Device			
Computer	Election Mgmt. System			
Telecommunications	Modems and Phone lines			

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Checklist for type of equipment/software issues encountered *(Check all that apply)*

Early Voting and Election Day

Voting devices

<input type="checkbox"/>	Voting devices – not connected to electrical power or power source issue
<input type="checkbox"/>	Voting devices – battery backup issue – battery not charged
<input type="checkbox"/>	Voting devices – battery backup issue – removed from service
<input type="checkbox"/>	Voter interface device issue – repaired – remained in service
<input type="checkbox"/>	Voter interface device media issue – media replaced
<input type="checkbox"/>	Marksense scanner issue – repaired – remained in service
<input type="checkbox"/>	Marksense scanner memory media issue – media replaced
<input type="checkbox"/>	Marksense scanner did not reject a blank ballot
<input type="checkbox"/>	Marksense scanner did not reject a ballot with an overvoted contest
<input type="checkbox"/>	Marksense scanner did not accept one or more undervoted contests
<input type="checkbox"/>	Ballot box diverter issue – removed from service
<input type="checkbox"/>	Ballot box diverter issue – repaired – remained in service
<input type="checkbox"/>	Used the marksense scanner's ballot box emergency/auxiliary bin
<input type="checkbox"/>	Could not complete a planned modem upload or problems with the phone lines
<input type="checkbox"/>	Other – Provide the description

Central Location

Vote-by-Mail tabulation

<input type="checkbox"/>	Marksense scanner issue – repaired – remained in service
<input type="checkbox"/>	Marksense scanner memory media issue – media replaced
<input type="checkbox"/>	Other – Provide the description

Election Management

<input type="checkbox"/>	Problem uploading results or creating reports
<input type="checkbox"/>	Other – Provide the description

Steps Taken to Resolve:

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

NO Proceed to #6.

YES Specify the number of issues in the appropriate column(s) in the table below and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

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

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

Steps Taken to Resolve:

BALLOTS

6. **Ballot-Printing** (Check all that apply):

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

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7. Did any **ballot printing and/or ballot supply problems** occur? *(Section 102.141., F.S.)*

NO Proceed to #8.

YES Specify the number of issues in the appropriate column(s) in the table below, indicate the specific type of issue(s) incurred on the checklist, and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

	Number of issues			
	Electronic ballot layout issues	Paper ballot layout issues	Paper ballot printer issues	Paper ballot supply problems
County created the ballot				
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 issues encountered <i>(Check all that apply)</i>	
Early Voting and Election Day	
Polling location <i>(please identify the location)</i>	
<input type="checkbox"/>	Incorrect ballots provided to the voter – poll worker
<input type="checkbox"/>	Ballot moisture (humidity) cannot scan
<input type="checkbox"/>	Multi-language or minority language (e.g., Spanish) ballots – not available and/or issues
Vote-by-Mail	
<input type="checkbox"/>	Incorrect ballots provided to the voter – election staff
<input type="checkbox"/>	Incorrect ballots provided to the voter – vendor error
<input type="checkbox"/>	Multi-language or minority language (e.g., Spanish) ballots – not available and/or issues
Ballot-on-demand (BOD)	
<input type="checkbox"/>	Printed incorrect ballots – printer configuration error, such as duplex
<input type="checkbox"/>	Printed incorrect ballots – software error
<input type="checkbox"/>	Printer failure
<input type="checkbox"/>	Incorrect ballots provided to the voter – poll worker
Other	
<input type="checkbox"/>	Describe the issue:

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Steps Taken to Resolve:

ELECTION ADMINISTRATION

8. Did you have any **staffing shortages and/or procedural problems by employees or precinct workers** during the conduct of the election? (*Section 102.141, F.S.*)

NO Proceed to #9.

YES Specify the number of issues in the appropriate column(s) in the table below, indicate how the issue was addressed, and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

Who experienced the issue	Number of shortages	Number of times that additional training may have mitigated the problem(s)	Number of times when procedures were not followed
Poll workers			2
Election staff			
Security			
Temporary support			

Steps Taken to Resolve:

See attached statement of facts about incident at Precinct 176 on Election Day regarding a spoiled ballot.

9. Were there instances when the needs for **staffing and equipment were insufficient** to meet voters' needs? (*Section 102.141, F.S.*)

NO Proceed to #10.

YES Specify the numbers in the appropriate column(s) in the next table and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

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	Number of planned resources for Election Day	Number of resources available for Election Day	Number of insufficient 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 are 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 voter interface devices as provided on page 1 for Election Day. Other equipment and supplies, for example, refers to summation of the number of electronic poll book devices, provisional ballot supplies, ballot boxes, transfer bags, etc.

Steps Taken to Resolve:

10. Did you experience any issues associated with voter check-in? (Section 102.141., F.S.)

NO Proceed to #11.

YES Specify the number of issues in the appropriate column(s) in the table below, indicate the specific type of issue(s) incurred on the checklist, and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

	Number of issues	
	Early Voting Site	Election Day Polling Locations
Electronic Poll Book/ Precinct Register (If used in election)		
Paper poll book / precinct register		

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Checklist for type of voter check-in issues encountered <i>(Check all that apply)</i>	
Early Voting and Election Day	
Electronic-Poll Book	
Type:	Vendor:
<input type="checkbox"/>	Electronic Poll Book – not connected to electrical power or power source issue
<input type="checkbox"/>	Electronic Poll Book functionality issue – repaired – remained in service
<input type="checkbox"/>	Electronic Poll Book functionality issue – removed from service
<input type="checkbox"/>	Electronic Poll Book media issue – media replaced
<input type="checkbox"/>	Electronic Poll Book connectivity issue – repaired – remained in service
<input type="checkbox"/>	Electronic Poll Book connectivity issue – removed from service
<input type="checkbox"/>	Electronic Poll Book Check-In Process
Paper poll book / precinct register	
<input type="checkbox"/>	Paper Poll Book – Incorrect
<input type="checkbox"/>	Paper Poll Book – Check-In Process
Other	
<input type="checkbox"/>	Describe the issue:

Steps Taken to Resolve:

11. Did you experience any additional issues associated with the conduct of election?

(Section 102.141, F.S.)

- NO** Proceed to #12.
- YES** Indicate on the checklist the type of issue(s), and explain the steps taken to resolve the issue(s) on the lines provided (check this box if on a separate sheet).

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Checklist for Additional Issues	
Early Voting and Election Day	
Polling location	
<input type="checkbox"/>	Incorrect setup
<input type="checkbox"/>	Solicitation area violated
<input type="checkbox"/>	Incompatible for ADA accessibility
<input type="checkbox"/>	Incompatible for use as a polling location
Voters	
<input type="checkbox"/>	Fleeing voter
<input type="checkbox"/>	Disruptive behavior
<input type="checkbox"/>	Disruptive photography
Observers	
<input type="checkbox"/>	Not approved
<input type="checkbox"/>	Disruptive behavior
<input type="checkbox"/>	Disruptive photography
Media and/or citizen polling	
<input type="checkbox"/>	Disruptive behavior
Other	
<input type="checkbox"/>	Describe the issue:

Steps Taken to Resolve:

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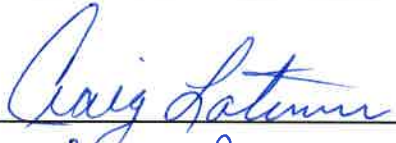


CANVASSING BOARD

12. If the canvassing board conducted a manual recount of overvotes and undervotes, does the canvassing board have suggested revisions to the law or the rules for determining a voter's choice?
(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** Provide suggested revisions below. If needed, attach additional pages and a copy of a representative ballot for which a determination could not be made to illustrate the issue.

Proposed revisions to standards for determining a voter's choice:

13. County Canvassing Board

Print Name	Signature	Title	Date
Craig Latimer		Supervisor of Elections	4/28/2023
Frances Perrone		County Court Judge	4/28/2023
Donna Cameron Cepeda		County Commissioner	4/28/2023

NOTICE: A statutory duty exists to continually report any new or additional information on any of the items required to be included in this report. The Supervisor of Elections on behalf of the board must:

- Notify the Division of Elections no later than the next business day after the discovery of the information; and
- Submit a signed written report no later than 10 days after the discovery. (Section 102.141, F.S.)

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Addendum

This section asks what services and materials were provided to accommodate Spanish language voters.

1. Type of Spanish-language ballot used in county:

Select all that apply	
Spanish-Language Ballots	
<input type="checkbox"/>	Unilingual Ballot
<input checked="" type="checkbox"/>	Bi- or multilingual ballot
<input checked="" type="checkbox"/>	Voter Interface Device (AutoMARK, ExpressVote, or ICE)

2. Number of persons that requested Spanish-language ballot (**only applicable to counties with single language ballots**): _____

3. Form of language assistance offered at the Supervisor of Elections Office:

Select all that apply	
<input checked="" type="checkbox"/>	Bilingual staff
<input checked="" type="checkbox"/>	Spanish voter assistance hotline
<input type="checkbox"/>	Professional translation services by phone
<input checked="" type="checkbox"/>	Spanish language election related signage and materials
<input type="checkbox"/>	Other- describe

4. Form of language assistance offered at the polls:

Select all that apply	
<input checked="" type="checkbox"/>	Bilingual election worker
<input checked="" type="checkbox"/>	Spanish voter assistance hotline
<input type="checkbox"/>	Professional translation services by phone
<input type="checkbox"/>	Virtual bilingual election worker
<input checked="" type="checkbox"/>	Spanish language election related signage and materials
<input checked="" type="checkbox"/>	Other- describe

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5. Number of persons that accessed the Spanish-language website: 38

6. Form of language assistance offered on website:

Select all that apply	
<input checked="" type="checkbox"/>	Fully translated website in Spanish
<input checked="" type="checkbox"/>	Link to state's Spanish-language information website
<input checked="" type="checkbox"/>	Spanish language election related materials
<input type="checkbox"/>	Other- describe

7. Provide any additional relevant information: _____

INCIDENT

Voter B received a ballot from the ballot distribution table and noticed it was marked while walking to the privacy booth. **Voter B** returned to the ballot distribution table to alert the poll worker that they received a marked ballot.

ACTIONS

- Assistant Clerk submitted a ticket regarding the above incident to Supervisor of Elections.
- Election Phone Bank provided guidance to Assistant Clerk regarding proper ballot distribution procedures.
- Supervisor of Elections permitted poll watcher to review all pre-printed, unvoted ballots including the spoiled ballot returned by the voter.
- Poll watcher, Clerk, and Assistant Clerk reviewed all unmarked and spoiled ballots.
- Election Phone Bank requested Clerk keep the spoiled ballot separate from other spoiled ballots to be reviewed as part of this investigation.
- A member of Supervisor of Elections staff was dispatched to The Sons of Italy Hall Lodge 1251 and spoke with each member of the Election Board individually to identify what factors contributed to the above issue.

FINDINGS

- **Voter A** received two ballots that were stuck together instead of one ballot from the Ballot Distribution Inspector at the ballot distribution table.
- **Voter A** marked both ballots before approaching the tabulator to cast their ballot.
- **Voter A** cast one ballot and was stopped by the DS200 Inspector before casting the second ballot on the tabulator.
- The DS200 Inspector retrieved the privacy folder and second, marked ballot from **Voter A**.
- The DS200 Inspector returned the privacy folder and second, marked ballot to the ballot distribution table.
- Approximately two minutes later the Ballot Distribution Inspector distributed the marked ballot to **Voter B**.
- **Voter B** noticed their ballot was marked while walking to the privacy booth from the ballot distribution table.
- Votes cast on DS200 reconcile with the number of ePollbook check-ins.

CONCLUSION

Three procedural errors resulted in a **Voter B** receiving **Voter A**'s pre-marked, spoiled ballot:

1. Ballot Distribution Inspector provided two ballots that were stuck together to a voter instead of ensuring that the voter only received one ballot.
2. DS200 Inspector improperly spoiled a ballot by returning it to the Ballot Distribution Table instead of bringing it to the Clerk at the Voter Assistance Table.
3. Ballot Distribution Inspector provided a spoiled ballot to a voter instead of checking that one blank ballot of the correct ballot style was exchanged the voter's ballot style ticket.

PREVENTATIVE MEASURES

1. Additional guidance was provided to Clerk and Assistant Clerk regarding proper ballot distribution and spoiled ballot procedures.
2. Additional guidance provided to DS200 Inspector regarding proper procedure for spoiling a ballot.
3. Additional guidance provided to Ballot Distribution Inspector regarding proper ballot distribution procedures.