



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

DAWN K. ROBERTS
Interim Secretary of State

September 1, 2010

Paul DeGregorio, Chief Elections Officer
Everyone Counts, Inc.
1804 Garnet Avenue, #408
San Diego, California 92109

Dear Mr. DeGregorio:

As requested, we have completed our review and grant approval of the Everyone Counts' eLect Today system as customized for Florida. We have undertaken this review per our authority and responsibility under section 101.662, Florida Statutes, to explore procedures and technologies that facilitate absentee voting for voters, including voters with disabilities. Additionally, we have a responsibility under section 101.015, Florida Statutes, to ensure the State achieves and maintains the maximum degree of correctness, impartiality, and efficiency of voting procedures, including any technology used in conjunction with certified voting systems. This is instrumental in being able to provide the guidance on uniform interpretation and application of election laws, and to give technical assistance to supervisors of elections on the use of their voting systems as required per section 97.012, Florida Statutes.

We understand eLect Today software to be a web-based program which provides absentee voters with the ability to access an election ballot using a predetermined set of the voter credentials, such as the last 4 digits of a social security number. The voter has the choice of 'marking' selections on-screen or printing a blank ballot. Additionally, this software in no way provides any type of election tabulation. The voter simply makes his or her selections and must return the completed ballot by mail (or if the voter is a UOCAVA voter, he or she may additionally fax back the ballot) to the appropriate Supervisor of Elections' office.

The assessment was performed by a visually impaired volunteer usability tester as well as a 'sighted' member of the Bureau of Voting Systems Certification staff using a prototype of a county election webpage with simulated test credentials (site logins/passwords) for fifteen voters. Since the purpose of testing was to gain State approval, the Florida Division of Elections conducted these actions with the assumption that the prototype webpage provided was as near as possible to the expected 'final form' to be employed if approved for use in the State of Florida.

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This assessment of eLect Today is relevant with only Election System and Software (ES&S) Unity voting systems. A separate review would be required for Premier's GEMS voting system (ES&S and/or Dominion) and/or Sequoia's WinEDS voting system (Dominion). In addition, it is dependent upon inclusion of appropriate voter instructions, language(s), voter certificate, and ballot design that are in compliance with Florida statutes and rules. This determination is based on the review of the eLect Today application as provided by Everyone Counts.

eLect Today produces a format for creating both races and candidates that ultimately provides a ballot which the voter will mark and return to the election official. This system provides an optional ballot definition capability that will enhance the innovative use of new technology by providing alternative formats for the accessibility of absentee ballots with a certified voting system.

The Bureau of Voting Systems Certification suggests the following improvements prior to the 2012 Fall Elections:

- eLect Today, in its current state, should provide a greater capability for a county to independently use this system without involvement from the vendor. For each election, a ballot definition subsystem should allow individual county election officials to generate and maintain a candidate and contest database and provide for the production or definition of properly formatted ballots and software.
- The current ballot provides the number of contests at the top of the ballot page. The ballot should have the races numbered, as this method will provide a visually impaired voter using a display reader the ability to navigate within the ballot.
- The eLect Today demonstration also indicated that a sample ballot was identified with a sample ballot number in its ballot header. The system should provide a capability for ballot precinct identification for use by the voter and election officials.
- Since Florida requires a 'precinct-count' tabulation voting system pursuant to sections 101.5604 and 101.5606(14), Florida Statutes, election officials separate ballots by precinct. Therefore, precinct identification should not be solely based on the ballot envelope or barcode. Because election staff normally perform this function, relying on this method increases the potential for human error.

If you have any questions or require further clarification about the review or recommendations, please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DLP', with a long horizontal flourish extending to the right.

Donald L. Palmer, Esq.
Director, Division of Elections