



5 August 2010

Dawn K. Roberts, Interim Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Roberts,

Re. Cyber Security and the Return of Voted UOCAVA Ballots by Electronic Transmission

Thank you for the Department's 4 August email response to our 20 July letter. Despite our narrowing our earlier inquiry to just five questions, the email response still failed to answer some questions or provide records requested per Chapter 119. Please help us conclude this line of inquiry with clear response and records.

Below are the five questions followed by our bulleted comment.

11. and 12:

- Thank you for your answers.

13. Does the Department consider the prerequisite in s 101.697 F.S., for the Department to first determine secure means, to have been met?

- You referred to this as a "records request" but it is a yes-or-no question. Despite numerous requests we have not received the answer. Please answer the question or explain why you are unable to do so.

14. If so, please supply documentation of that prerequisite having been met, and the date that occurred.

- For documentation of this **prerequisite** having been met to enable promulgation of rule 1S-2.030 FAC, published in September 2007, you pointed to a 100-page document with 30 endnote citations, published in September 2008, a year **after** the rule was published, and wrote:

“the documents relied upon in determining "secure means" before the revisions to "Rule 1S-2.034 as published in September 2007" can be found here <http://doe.dos.state.fl.us/voting-systems/pdf/FinalReportSept19.pdf>.”

We asked for dated documentation of the Department’s prerequisite **finding** that “secure electronic means can be established for receiving ballots from overseas voters” – not just source material the Department might have relied upon. We are referring to the beginning of the statute, which reads:

101.697 Electronic transmission of election materials.--The Department of State shall determine whether secure electronic means can be established for receiving ballots from overseas voters. If such security can be established, the department shall adopt rules...”

Please provide dated documentation of that finding itself, or confirm there is none.

If you intended to point to source material, please be specific about that portion of your answer. To what in the 100 pages do you refer? Many of the document’s endnote citations were also published *after* the rule and would not support “secure means” having been established.

It is unclear why you pulled a typo out of the body of our letter. The correct rule number is 1S-2.030 FAC, as you’ve cited properly elsewhere.

- Thank you for the email and encryption-related documents attached to your response. We understand they are provided further to the Department’s 2010 consideration of electronic transmission, and are moot for that purpose, since you confirm no expansion is now contemplated. Please clarify if otherwise.

15. Does the Department consider a scanned ballot image, received via email, complies with the definition of “marksense ballot” in Chapter 97 F.S.?”

- No answer was given. Please provide an answer or explain why not.

Please help us dispose of this inquiry without further delay by providing clear, responsive answers and the related records. If you consider any part of our inquiry unreasonable, please explain. We very much appreciate your service and your time.

Very truly yours,



Dan McCrea, President
Florida Voters Foundation

Previous correspondence in this exchange:

7 July: [FVF letter to SoS](#)

12 & 13 July: [Email exchange FVF and DoS](#)

13 July: [FVF letter to SoS](#)

20 July: [SoS letter to FVF](#)

20 July: [FVF letter to SoS](#)

4 August: [DoS email response to FVF](#)

cc Governor Charlie Crist
Attorney General Bill McCollum
Senate President Designee, Senator Mike Haridopolos
Speaker of the House Designee, Representative Dean Cannon
Hon. Gwen Chandler