

DE 02-11 - August 21, 2002

**Election Audit Data
§ 101.56, 101.545, Florida Statutes**

To: The Honorable Miriam M. Oliphant, Supervisor of Elections, Broward County, 115 South Andrews Avenue, Room 102, Fort Lauderdale, Florida 33301

Prepared by: Division of Elections

Dear Ms. Oliphant:

This is in response to your request for an advisory opinion regarding election audit data. You are the Supervisor of Elections for Broward County and pursuant to section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you. You essentially ask the following:

1. Immediately following an election whether or not audit data can be downloaded to flash cards prior to the ten (10) day period for the sealing of machines?
2. Whether or not data downloaded onto flash cards would satisfy state requirements?
3. Whether or not Supervisor of Elections would then be permitted to clear said machines prior to the ten (10) day state statutory period?

Your first question is answered in the affirmative as section 101.56, Florida Statutes, requiring the 10 day period for sealing machines after an election count is scheduled to be repealed effective September 2, 2002. Therefore, after that date, the ten (10) day period is no longer required by law. The repeal of this section of law also addresses your third question and results in the same answer.

Your second question is answered in the affirmative. I would draw your attention to section 101.545, Florida Statutes, regarding the retention and destruction of election materials.

Should you decide to download election data to flash cards or any other media, extreme caution should be used. In addition, a clear audit trail should be adhered to in the event the records are needed, as in the case of a contest.

SUMMARY

You may download election audit data to other media as long as attention is paid to the audit trail and retention of records.

Sincerely,

Edward C. Kast
Director, Division of Elections

Prepared by:
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EK/ATW/ees