

Bill No. CS for SB 1120

Amendment No. 1 Barcode 485968

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Appropriations recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Effective August 1, 2002, subsections (1), (2), (29) and (30) of section 97.021, Florida Statutes, are amended, and present subsections (18) through (27) are redesignated as subsections (19) through (28), respectively, present subsections (28) through (30) are redesignated as subsections (30) through (32), respectively, and new subsections (18) and (29) are added to that section, to read:

97.021 Definitions.--For the purposes of this code, except where the context clearly indicates otherwise, the term:

(1) "Absent elector" means any registered and qualified voter who:

(a) Is unable without another's assistance to attend the polls.

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1 (b) Is an inspector, a poll worker, a deputy voting
2 ~~system machine~~ custodian, a deputy sheriff, a supervisor of
3 elections, or a deputy supervisor who is assigned to a
4 different precinct than that in which he or she is registered
5 to vote.

6 (c) On account of the tenets of his or her religion,
7 cannot attend the polls on the day of the general, special, or
8 primary election.

9 (d) May not be in the precinct of his or her residence
10 during the hours the polls are open for voting on the day of
11 the election.

12 (e) Has changed his or her residency to another county
13 in this state within the time period during which the
14 registration books are closed for the election for which the
15 ballot is requested.

16 (f) Has changed his or her residency to another state
17 and is ineligible under the laws of that state to vote in the
18 general election; however, this pertains only to presidential
19 ballots.

20 (2) "Ballot" or "official ballot" when used in
21 reference to:

22 ~~(a) "Voting machines," except when reference is made
23 to write-in ballots, means that portion of the printed strips
24 of cardboard, paper, or other material that is within the
25 ballot frames containing the names of candidates, or a
26 statement of a proposed constitutional amendment or other
27 question or proposition submitted to the electorate at any
28 election.~~

29 (a)(b) "Paper ballots" means that printed sheet of
30 paper, used in conjunction with an electronic or
31 electromechanical vote tabulation voting system, containing

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1 the names of candidates, or a statement of proposed
2 constitutional amendments or other questions or propositions
3 submitted to the electorate at any election, on which sheet of
4 paper an elector casts his or her vote.

5 (b)(e) "Electronic or electromechanical devices" means
6 a ballot that ~~which~~ is voted by the process of electronically
7 designating, including by touchscreen, punching or marking
8 with a marking device for tabulation by automatic tabulating
9 equipment or data processing equipment.

10 (18) "Overvote" means that the elector marks or
11 designates more names than there are persons to be elected to
12 an office or designates more than one answer to a ballot
13 question, and the tabulator records no vote for the office or
14 question.

15 (29) "Undervote" means that the elector does not
16 properly designate any choice for an office or ballot
17 question, and the tabulator records no vote for the office or
18 question.

19 (30)(29) "Voting booth" or "booth" means that booth or
20 enclosure wherein an elector casts his or her ballot, ~~be it a~~
21 ~~paper ballot, a voting machine ballot, or a ballot cast for~~
22 tabulation by an electronic or electromechanical device.

23 (31)(30) "Voting system" means a method of casting and
24 processing votes that functions wholly or partly by use of
25 ~~mechanical, electromechanical, or~~ electronic apparatus or by
26 use of paper ballots and includes, but is not limited to, the
27 procedures for casting and processing votes and the programs,
28 operating manuals, tabulating cards, printouts, and other
29 software necessary for the system's operation.

30 Section 2. Section 101.151, Florida Statutes, is
31 amended to read:

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1 101.151 Specifications for ballots ~~general election~~
2 ~~ballot.--In counties in which voting machines are not used,~~
3 ~~and in other counties for use as absentee ballots not designed~~
4 ~~for tabulation by an electronic or electromechanical voting~~
5 ~~system, the general election ballot shall conform to the~~
6 ~~following specifications:~~

7 (1) Paper ballots ~~The ballot~~ shall be printed on paper
8 of such thickness that the printing cannot be distinguished
9 from the back.

10 ~~(2) Across the top of the ballot shall be printed~~
11 ~~"Official Ballot, General Election," beneath which shall be~~
12 ~~printed the county, the precinct number, and the date of the~~
13 ~~election. The precinct number, however, shall not be required~~
14 ~~for absentee ballots. Above the caption of the ballot shall~~
15 ~~be two stubs with a perforated line between the stubs and~~
16 ~~between the lower stub and the top of the ballot. The top~~
17 ~~stub shall be stub No. 1 and shall have printed thereon,~~
18 ~~"General Election, Official Ballot," and then shall appear the~~
19 ~~name of the county, the precinct number, and the date of the~~
20 ~~election. On the left side shall be a blank line under which~~
21 ~~shall be printed "Signature of Voter." On the right side~~
22 ~~shall be "Initials of Issuing Official," above which there~~
23 ~~shall be a blank line. The second stub shall be the same,~~
24 ~~except there shall not be a space for signature of the~~
25 ~~elector. Both stubs No. 1 and No. 2 on ballots for each~~
26 ~~precinct shall be prenumbered consecutively, beginning with~~
27 ~~"No. 1." However, a second stub shall not be required for~~
28 ~~absentee ballots.~~

29 ~~(2)(3)(a) Beneath the caption and preceding the names~~
30 ~~of candidates shall be the following words: "To vote for a~~
31 ~~candidate whose name is printed on the ballot, place a cross~~

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1 ~~(X) mark in the blank space at the right of the name of the~~
2 ~~candidate for whom you desire to vote. To vote for a write-in~~
3 ~~candidate, write the name of the candidate in the blank space~~
4 ~~provided for that purpose."~~ The ballot shall have headings
5 under which shall appear the names of the offices and names of
6 duly nominated candidates for the respective offices in the
7 following order: the heading "~~Electors for~~ President and Vice
8 President" and thereunder the names of the candidates for
9 President and Vice President of the United States nominated by
10 the political party that ~~which~~ received the highest vote for
11 Governor in the last general election of the Governor in this
12 state, ~~above which shall appear the name of said party.~~ Then
13 shall appear the names of other candidates for President and
14 Vice President of the United States who have been properly
15 nominated. Votes cast for write-in candidates for President
16 and Vice President shall be counted as votes cast for the
17 presidential electors supporting such candidates. Then shall
18 follow the heading "Congressional" and thereunder the offices
19 of United States Senator and Representative in Congress; then
20 the heading "State" and thereunder the offices of Governor and
21 Lieutenant Governor, Secretary of State, Attorney General,
22 Comptroller, Treasurer, Commissioner of Education,
23 Commissioner of Agriculture, state attorney, and public
24 defender, together with the names of the candidates for each
25 office and the title of the office which they seek; then the
26 heading "Legislative" and thereunder the offices of state
27 senator and state representative; then the heading "County"
28 and thereunder clerk of the circuit court, clerk of the county
29 court (when authorized by law), sheriff, property appraiser,
30 tax collector, district superintendent of schools, and
31 supervisor of elections. Thereafter follows: members of the

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1 board of county commissioners, and such other county and
2 district offices as are involved in the general election, in
3 the order fixed by the Department of State, followed, in the
4 year of their election, by "Party Offices," and thereunder the
5 offices of state and county party executive committee members.
6 ~~When a write-in candidate has qualified for any office, a~~
7 ~~subheading "Write-in Candidate for ...(name of office)..."~~
8 ~~shall be provided followed by a blank space in which to write~~
9 ~~the name of the candidate.~~ In addition to the names printed on
10 the ballot, a blank space shall be provided under each heading
11 for an office for which a write-in candidate has qualified.

12 With respect to write-in candidates, if two or more candidates
13 are seeking election to one office, only one blank space shall
14 be provided.

15 (b) ~~Immediately following the name of each office on~~
16 ~~the ballot shall be printed, "Vote for One."~~ When more than
17 one candidate is nominated for office, the candidates for such
18 office shall qualify and run in a group or district, and the
19 group or district number shall be printed beneath the name of
20 the office. Each nominee of a political party chosen in the
21 primary shall appear on the general election ballot in the
22 same numbered group or district as on the primary election
23 ballot. ~~The name of the office shall be printed over each~~
24 ~~numbered group or district and each numbered group or district~~
25 ~~shall be clearly separated from the next numbered group or~~
26 ~~district, the same as in the case of single offices.~~
27 ~~Following the group or district number shall be printed the~~
28 ~~words, "Vote for One," and the names of the candidates in the~~
29 ~~respective groups or districts shall be arranged thereunder.~~

30 (c) If in any election all the offices as set forth in
31 paragraph (a) are not involved, those offices to be filled

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1 shall be arranged on the ballot in the order named.

2 (3)(a)~~(4)~~ The names of the candidates of the party
3 that ~~which~~ received the highest number of votes for Governor
4 in the last election in which a Governor was elected shall be
5 placed first under the heading for each office on the general
6 election ballot, together with an appropriate abbreviation of
7 party name; the names of the candidates of the party that
8 ~~which~~ received the second highest vote for Governor shall be
9 second under the heading for each office, together with an
10 appropriate abbreviation of the party name.

11 (b)~~(5)~~ Minor political party candidates and candidates
12 with no party affiliation shall have their names appear on the
13 general election ballot following the names of recognized
14 political parties, in the same order as they were certified.

15 (4)(a) The names of candidates for each office shall
16 be arranged alphabetically as to surnames on a primary
17 election ballot.

18 (b) When two or more candidates running for the same
19 office on a primary election ballot have the same or a similar
20 surname, the word "incumbent" shall appear next to the
21 incumbent's name.

22 (5) The primary election ballot shall be arranged so
23 that the offices of Governor and Lieutenant Governor are
24 joined in a single voting space to allow each elector to cast
25 a single vote for the joint candidacies for Governor and
26 Lieutenant Governor, if applicable.

27 (6) The general election ballot shall be arranged so
28 that the offices of President and Vice President are joined in
29 a single voting space to allow each elector to cast a single
30 vote for the joint candidacies for President and Vice
31 President and so that the offices of Governor and Lieutenant

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1 Governor are joined in a single voting space to allow each
2 elector to cast a single vote for the joint candidacies for
3 Governor and Lieutenant Governor.

4 ~~(7)(6)~~ Except for justices or judges seeking
5 retention, the names of unopposed candidates shall not appear
6 on the general election ballot. Each unopposed candidate
7 shall be deemed to have voted for himself or herself.

8 (8)(a) The Department of State shall adopt rules
9 prescribing a uniform primary and general election ballot for
10 each certified voting system. The rules shall incorporate the
11 requirements set forth in this section and shall prescribe
12 additional matters and forms that include, without limitation:

13 1. Clear and unambiguous ballot instructions and
14 directions;

15 2. Individual race layout; and

16 3. Overall ballot layout.

17 (b) The department rules shall graphically depict a
18 sample uniform primary and general election ballot form for
19 each certified voting system.

20 ~~(7) The same requirement as to the type, size, and~~
21 ~~kind of printing of official ballots in primary elections as~~
22 ~~provided in s. 101.141(5) shall govern the printing of~~
23 ~~official ballots in general elections.~~

24 ~~(8) Should the above directions for complete~~
25 ~~preparation of the ballot be insufficient, the Department of~~
26 ~~State shall determine and prescribe any additional matter or~~
27 ~~form. Not less than 60 days prior to a general election, the~~
28 ~~Department of State shall mail to each supervisor of elections~~
29 ~~the format of the ballot to be used for the general election.~~

30 ~~(9) The provisions of s. 101.141(7) shall be~~
31 ~~applicable in printing of said ballot.~~

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1 Section 3. Effective August 1, 2002, section 101.341,
2 Florida Statutes, is amended to read:

3 101.341 Prohibited activities by voting system ~~machine~~
4 custodians and deputy custodians.--

5 (1) No voting system ~~machine~~ custodian or deputy
6 custodian or other employee of the supervisor of elections,
7 which employee's duties are primarily involved with the
8 preparation, maintenance, or repair of voting equipment, may
9 ~~shall~~ accept employment or any form of consideration from any
10 person or business entity involved in the purchase, repair, or
11 sale of voting equipment unless such employment has the prior
12 written approval of the supervisor of elections of the county
13 by which such person is employed.

14 (2) Any person violating the provisions of this
15 section is guilty of a misdemeanor of the first degree,
16 punishable as provided by s. 775.082 or s. 775.083. Such
17 person shall also be subject to immediate discharge from his
18 or her position.

19 Section 4. Effective August 1, 2002, section 101.49,
20 Florida Statutes, is amended to read:

21 101.49 Procedure of election officers where signatures
22 differ.--

23 (1) Whenever any clerk or inspector, upon a just
24 comparison of the signature, shall doubt that the handwriting
25 affixed to a signature identification slip of any elector who
26 presents himself or herself at the polls to vote is the same
27 as the signature of the elector affixed in the registration
28 book, the clerk or inspector shall deliver to the person an
29 affidavit which shall be in substantially the following form:

30

31 STATE OF FLORIDA,

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1 COUNTY OF

2 I do solemnly swear (or affirm) that my name is;
3 that I am years old; that I was born in the State of
4; that I am registered to vote, and at the time I
5 registered I resided on Street, in the municipality of
6, County of, State of Florida; that I am a qualified
7 voter of the county and state aforesaid and have not voted in
8 this election.

9(Signature of voter)...

10 Sworn to and subscribed before me this day of
11, A. D. ...(year)....

12(Clerk or inspector of election)...

13 Precinct No.

14 County of

15

16 (2) The person shall fill out, in his or her own
17 handwriting or with assistance from a member of the election
18 board, the form and make an affidavit to the facts stated in
19 the filled-in form; such affidavit shall then be sworn to and
20 subscribed before one of the inspectors or clerks of the
21 election who is authorized to administer the oath. Whenever
22 the affidavit is made and filed with the clerk or inspector,
23 the person shall then be admitted ~~to the voting machine~~ to
24 cast his or her vote, but if the person fails or refuses to
25 make out or file such affidavit, then he or she shall not be
26 permitted to vote.

27 Section 5. Effective August 1, 2002, subsections (5)
28 and (8) of section 101.5603, Florida Statutes, are amended to
29 read:

30 101.5603 Definitions relating to Electronic Voting
31 Systems Act.--As used in this act, the term:

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1 (5) "Marking device" means ~~either an approved~~
2 ~~apparatus used for the piercing of ballots by the voter or any~~
3 approved device for marking a ballot with ink or other
4 substance which will enable the ballot to be tabulated by
5 means of automatic tabulating equipment.

6 (8) "Voting device" means ~~either an apparatus in which~~
7 ~~ballots are inserted and used in connection with a marking~~
8 ~~device for the piercing of ballots by the voter or an~~
9 apparatus by which votes are registered electronically.

10 Section 6. Effective August 1, 2002, section 101.5604,
11 Florida Statutes, is amended to read:

12 101.5604 Adoption of system; procurement of equipment;
13 commercial tabulations.--The board of county commissioners of
14 any county, at any regular meeting or a special meeting called
15 for the purpose, may, upon consultation with the supervisor of
16 elections, adopt, purchase or otherwise procure, and provide
17 for the use of any electronic or electromechanical voting
18 system approved by the Department of State in all or a portion
19 of the election precincts of that county. Thereafter the
20 electronic or electromechanical voting system may be used for
21 voting at all elections for public and party offices and on
22 all measures and for receiving, registering, and counting the
23 votes thereof in such election precincts as the governing body
24 directs. Any electronic or electromechanical voting system
25 used by the county shall be a precinct tabulation voting
26 system.~~Any such board may contract for the tabulation of~~
27 ~~votes at a location within the county when there is no~~
28 ~~suitable tabulating equipment available which is owned by the~~
29 ~~county.~~

30 Section 7. Effective August 1, 2002, section 101.5606,
31 Florida Statutes, is amended to read:

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1 101.5606 Requirements for approval of systems.--
2 (1) No electronic or electromechanical voting system
3 shall be approved by the Department of State unless it is so
4 constructed that:
5 (a)~~(1)~~ It permits and requires voting in secrecy.
6 (b)~~(2)~~ It permits each elector to vote at any election
7 for all persons and offices for whom and for which the elector
8 is lawfully entitled to vote, and no others; to vote for as
9 many persons for an office as the elector is entitled to vote
10 for; and to vote for or against any question upon which the
11 elector is entitled to vote.
12 (c)~~(3)~~ The automatic tabulating equipment will be set
13 to reject all votes for any office or measure when a race or
14 measure is overvoted or when every race and measure on the
15 ballot is undervoted ~~the number of votes therefor exceeds the~~
16 ~~number which the voter is entitled to cast or when the voter~~
17 ~~is not entitled to cast a vote for the office or measure.~~
18 (d)~~(4)~~ It is capable of correctly counting votes.
19 (e)~~(5)~~ It permits each voter at a primary election to
20 vote only for the candidates seeking nomination by the
21 political party in which such voter is registered, for any
22 candidate for nonpartisan office, and for any question upon
23 which the voter is entitled to vote.
24 (f)~~(6)~~ At presidential elections it permits each
25 elector, by one operation, to vote for all presidential
26 electors of a party or for all presidential electors of
27 candidates for President and Vice President with no party
28 affiliation.
29 (g)~~(7)~~ It provides a method for write-in voting.
30 (h)~~(8)~~ It is capable of accumulating a count of the
31 specific number of ballots tallied for a precinct,

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1 accumulating total votes by candidate for each office, and
2 accumulating total votes for and against each question and
3 issue of the ballots tallied for a precinct.

4 (i)~~(9)~~ It is capable of tallying votes from ballots of
5 different political parties from the same precinct, in the
6 case of a primary election.

7 (j)~~(10)~~ It is capable of automatically producing
8 precinct totals in printed, marked, or punched form, or a
9 combination thereof.

10 (k)~~(11)~~ If it is of a type which registers votes
11 electronically, it will permit each voter to change his or her
12 vote for any candidate or upon any question appearing on the
13 official ballot up to the time that the voter takes the final
14 step to register his or her vote and to have the vote
15 computed.

16 (l)~~(12)~~ It is capable of providing records from which
17 the operation of the voting system may be audited.

18 (m) It uses a precinct-count tabulation system.

19 (2) A voting system that uses an apparatus or device
20 for the piercing of ballots by the voter may not be used in
21 this state.

22 Section 8. Effective August 1, 2002, subsections (2),
23 (3), and (7) of section 101.5614, Florida Statutes, are
24 amended to read:

25 101.5614 Canvass of returns.--

26 ~~(2)(a) If the ballots are to be tallied at a central~~
27 ~~location or at no more than three regional locations, the~~
28 ~~election board shall place all ballots that have been cast and~~
29 ~~the unused, void, and defective ballots in the container or~~
30 ~~containers provided for this purpose, which shall be sealed~~
31 ~~and delivered forthwith to the central or regional counting~~

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1 ~~location or other designated location by two inspectors who~~
2 ~~shall not, whenever possible, be of the same political party.~~
3 ~~The election board shall certify that the ballots were placed~~
4 ~~in such container or containers and each container was sealed~~
5 ~~in its presence and under its supervision, and it shall~~
6 ~~further certify to the number of ballots of each type placed~~
7 ~~in the container or containers.~~

8 ~~(b) If ballots are to be counted at the precincts,~~
9 ~~such ballots shall be counted pursuant to rules adopted by the~~
10 ~~Department of State, which rules shall provide safeguards~~
11 ~~which conform as nearly as practicable to the safeguards~~
12 ~~provided in the procedures for the counting of votes at a~~
13 ~~central location.~~

14 ~~(2)(3)(a) All proceedings at any the central or~~
15 ~~regional counting location or other designated location shall~~
16 ~~be under the direction of the county canvassing board and~~
17 ~~shall be open to the public, but no person except a person~~
18 ~~employed and authorized for the purpose shall touch any ballot~~
19 ~~or ballot container, any item of automatic tabulating~~
20 ~~equipment, or any return prior to its release. If the ballots~~
21 ~~are tabulated at regional locations, one member of the~~
22 ~~canvassing board or a person designated by the board to~~
23 ~~represent it shall be present at each location during the~~
24 ~~testing of the counting equipment and the tabulation of the~~
25 ~~ballots.~~

26 ~~(3)(b) Results of if ballots are tabulated at precinct~~
27 ~~regional locations, the results of such election may be~~
28 ~~transmitted via dedicated teleprocessing lines to the main~~
29 ~~computer system for the purpose of compilation of complete~~
30 ~~returns. The security guidelines for transmission of returns~~
31 ~~by dedicated teleprocessing lines shall conform to rules~~

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1 adopted by the Department of State pursuant to s. 101.015.

2 (7) Absentee ballots may be counted by automatic
3 tabulating equipment if they have been ~~punched or~~ marked in a
4 manner that which will enable them to be properly counted by
5 such equipment.

6 Section 9. Section 101.595, Florida Statutes, is
7 created to read:

8 101.595 Analysis and reports of voter error.--

9 (1) No later than December 15 of each general election
10 year, the supervisor of elections in each county shall review
11 the ballots having overvotes and undervotes and report the
12 number of each to the Department of State, along with the
13 likely reasons for the errors and other information as may be
14 useful in evaluating the performance of the voting system and
15 identifying problems with ballot design and instructions which
16 may have contributed to voter confusion.

17 (2) The Department of State, upon receipt of such
18 information, shall prepare a public report on the performance
19 of each type of voting system. The report must contain, but
20 is not limited to, the following information:

21 (a) The overall error rate for each system used in the
22 election;

23 (b) An identification of problems with the ballot
24 design or instructions which may have contributed to voter
25 confusion; and

26 (c) Recommendations for correcting any problems
27 identified.

28 (3) The Department of State shall submit the report to
29 the Governor, the President of the Senate, and the Speaker of
30 the House of Representatives by January 31 of each year
31 following a general election.

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1 Section 10. Effective upon this act becoming a law,
2 the Division of Elections shall review the voting systems
3 certification standards and ensure that new technologies are
4 available for selection by boards of county commissioners
5 which meet the requirements for voting systems and meet user
6 standards. The Division of Elections shall continuously review
7 the voting systems certification standards to ensure that new
8 technologies are appropriately certified for all elections in
9 a timely manner. The division shall also develop methods to
10 determine the will of the public with respect to voting
11 systems.

12 Section 11. Subsections (8) and (9) of section
13 103.101, Florida Statutes, are amended to read:

14 103.101 Presidential preference primary.--

15 (8) All names of candidates or delegates shall be
16 listed as directed by the Department of State. ~~The ballot as~~
17 ~~prescribed in this section shall be used.~~

18 ~~(9) The presidential preference primary ballot shall~~
19 ~~be in substantially the following form:~~

20
21 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
22 ~~PRIMARY BALLOT~~

23
24 ~~No. Party~~

25 ~~....COUNTY, FLORIDA~~

26
27 ~~Precinct No.~~

28
29 ~~...(Date)...~~

30
31 ~~...(Signature of Voter)...~~

~~...(Initials of Issuing~~

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1 ~~Official)...~~
2
3 ~~Stub No. 1~~
4
5 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
6 ~~PRIMARY BALLOT~~
7
8 ~~No. Party~~
9 ~~....COUNTY, FLORIDA~~
10
11 ~~Precinct No.~~
12
13 ~~...(Date)...~~
14
15 ~~...(Initials of Issuing Official)...~~
16
17 ~~Stub No. 2~~
18
19 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
20 ~~PRIMARY BALLOT~~
21
22 ~~.... Party~~
23 ~~....COUNTY, FLORIDA~~
24
25 ~~Precinct No.~~
26
27 ~~...(Date)...~~
28
29 ~~Place a cross (X) in the blank space to the right of the name~~
30 ~~of the presidential candidate for whom you wish to vote,~~
31

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1 ~~For President~~

2

3 ~~...(Name of Candidate)...~~

4

5 ~~...(Name of Candidate)...~~

6

7 ~~or place a cross (X) in the blank space to the right of the~~

8 ~~name of the delegate(s) for whom you wish to vote.~~

9

10 ~~...(Name of Delegate)...~~ ~~...(Name of Candidate)...~~

11 Section 12. Effective August 1, 2002, subsection (3)
12 of section 100.361, Florida Statutes, is amended to read:

13 100.361 Municipal recall.--

14 (3) BALLOTS.--The ballots at the recall election shall
15 conform to the following: With respect to each person whose
16 removal is sought, the question shall be submitted: "Shall
17 be removed from the office of by recall?"

18 Immediately following each question there shall be printed on
19 the ballots the two propositions in the order here set forth:

20 "... (name of person)... should be removed from office."

21 "... (name of person)... should not be removed from
22 office."

23

24 ~~Immediately to the right of each of the propositions shall be~~
25 ~~placed a square on which the electors, by making a crossmark~~
26 ~~(X), may vote either of the propositions. Voting machines or~~
27 ~~electronic or electromechanical equipment may be used.~~

28 Section 13. Effective August 1, 2002, section 101.21,
29 Florida Statutes, is amended to read:

30 101.21 Official ballots; number; printing; payment.--

31 ~~(1) Where applicable In any county in which voting~~

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1 ~~machines are not used~~, the supervisor of elections shall
2 determine the actual number of ballots to be printed. The
3 printing and delivery of ballots and cards of instruction
4 shall, in a municipal election, be paid for by the
5 municipality, and in all other elections by the county.

6 ~~(2) In any county in which voting machines are used,~~
7 ~~one set of official ballots shall be provided for each machine~~
8 ~~plus a number of sets equal to 5 percent of the total number~~
9 ~~of machines; one set shall be inserted or placed in or upon~~
10 ~~each machine, and the remainder of the sets shall be retained~~
11 ~~in the custody of the supervisor, unless it shall become~~
12 ~~necessary during the election to make use of same upon or in~~
13 ~~the machines.~~

14 Section 14. Effective August 1, 2002, section 101.24,
15 Florida Statutes, is amended to read:

16 101.24 Ballot boxes and ballots.--The supervisor of
17 elections, ~~except where voting machines are used~~, shall
18 prepare for each polling place one ballot box of sufficient
19 size to contain all the ballots of the particular precinct,
20 and the ballot box shall be plainly marked with the name of
21 the precinct for which it is intended. An additional ballot
22 box, if necessary, may be supplied to any precinct. Before
23 each election, the supervisor shall place in the ballot box or
24 ballot transfer container as many ballots as are required in
25 s. 101.21. After securely sealing the ballot box or ballot
26 transfer container, the supervisor shall send the ballot box
27 or ballot transfer container to the clerk or inspector of
28 election of the precinct in which it is to be used. The clerk
29 or inspector shall be placed under oath or affirmation to
30 perform his or her duties faithfully and without favor or
31 prejudice to any political party.

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1 Section 15. Effective August 1, 2002, section 101.292,
2 Florida Statutes, is amended to read:

3 101.292 Definitions; ss. 101.292-101.295.--As used in
4 ss. 101.292-101.295, the following terms shall have the
5 following meanings:

6 (1) "Governing body" means the board of county
7 commissioners of a county or any other governing body
8 empowered by general or special act or local ordinance to
9 purchase or sell voting equipment.

10 (2) "Voting equipment" means ~~new or used voting~~
11 ~~machines and materials, parts, or other equipment necessary~~
12 ~~for the maintenance or improvement of voting machines, the~~
13 ~~individual or combined retail value of which is in excess of~~
14 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~
15 ~~287.017. The term "voting equipment" also includes~~ electronic
16 or electromechanical voting systems, voting devices, and
17 automatic tabulating equipment as defined in s. 101.5603, as
18 well as materials, parts, or other equipment necessary for the
19 operation and maintenance of such systems and devices, the
20 individual or combined retail value of which is in excess of
21 the threshold amount for CATEGORY TWO purchases provided in s.
22 287.017.

23 (3) "Purchase" means a contract for the purchase,
24 lease, rental, or other acquisition of voting equipment.

25 Section 16. Effective August 1, 2002, section 101.43,
26 Florida Statutes, is amended to read:

27 101.43 Substitute ballot.--When ~~voting machines are~~
28 ~~used and~~ the required official ballots for a precinct are not
29 delivered in time to be used on election day, or after
30 delivery, are lost, destroyed or stolen, the clerk or other
31 officials whose duty it is to provide ballots for use at such

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1 election, in lieu of the official ballots, shall have
2 substitute ballots prepared, conforming as nearly as possible
3 to the official ballots, and the board of election shall
4 substitute these ballots to be used in the same manner as the
5 official ballots would have been used at the election.

6 Section 17. Effective August 1, 2002, section 101.58,
7 Florida Statutes, is amended to read:

8 101.58 Supervising and observing registration and
9 election processes.--The Department of State may, at any time
10 it deems fit; upon the petition of 5 percent of the registered
11 electors; or upon the petition of any candidate, county
12 executive committee chair, state committeeman or
13 committeewoman, or state executive committee chair, appoint
14 one or more deputies whose duties shall be to observe and
15 examine the registration and election processes and the
16 condition, custody, and operation of voting systems and
17 equipment ~~machines~~ in any county or municipality. The deputy
18 shall have access to all registration books and records as
19 well as any other records or procedures relating to the voting
20 process. The deputy may supervise preparation of the voting
21 equipment ~~election machines~~ and procedures for election, and
22 it shall be unlawful for any person to obstruct the deputy in
23 the performance of his or her duty. The deputy shall file with
24 the Department of State a report of his or her findings and
25 observations of the registration and election processes in the
26 county or municipality, and a copy of the report shall also be
27 filed with the clerk of the circuit court of said county. The
28 compensation of such deputies shall be fixed by the Department
29 of State; and costs incurred under this section shall be paid
30 from the annual operating appropriation made to the Department
31 of State.

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1 Section 18. Effective August 1, 2002, subsection (2)
2 of section 101.71, Florida Statutes, is amended to read:

3 101.71 Polling place.--

4 (2) Notwithstanding the provisions of subsection (1),
5 whenever the supervisor of elections of any county determines
6 that the accommodations for holding any election at a polling
7 place designated for any precinct in the county are
8 unavailable or are inadequate for the expeditious and
9 efficient housing and handling of voting and voting
10 paraphernalia, ~~including voting machines where used,~~the
11 supervisor may provide, not less than 30 days prior to the
12 holding of an election, that the voting place for such
13 precinct shall be moved to another site which shall be
14 accessible to the public on election day in said precinct or,
15 if such is not available, to another site which shall be
16 accessible to the public on election day in a contiguous
17 precinct. If such action of the supervisor results in the
18 voting place for two or more precincts being located for the
19 purposes of an election in one building, the voting places for
20 the several precincts involved shall be established and
21 maintained separate from each other in said building. When
22 any supervisor moves any polling place pursuant to this
23 subsection, the supervisor shall, not more than 30 days or
24 fewer than 7 days prior to the holding of an election, give
25 notice of the change of the polling place for the precinct
26 involved, with clear description of the voting place to which
27 changed, at least once in a newspaper of general circulation
28 in said county. A notice of the change of the polling place
29 involved shall be mailed, at least 14 days prior to an
30 election, to each registered elector or to each household in
31 which there is a registered elector.

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1 Section 19. Effective August 1, 2002, subsection (3)
2 of section 102.166, Florida Statutes, is amended to read:

3 102.166 Protest of election returns; procedure.--

4 (3) Before canvassing the returns of the election, the
5 canvassing board shall+

6 ~~(a) When paper ballots are used, examine the~~
7 ~~tabulation of the paper ballots cast.~~

8 ~~(b) When voting machines are used, examine the~~
9 ~~counters on the machines of nonprinter machines or the~~
10 ~~printer-pac on printer machines. If there is a discrepancy~~
11 ~~between the returns and the counters of the machines or the~~
12 ~~printer-pac, the counters of such machines or the printer-pac~~
13 ~~shall be presumed correct.~~

14 ~~(c) When electronic or electromechanical equipment is~~
15 ~~used, the canvassing board shall~~ examine precinct records and
16 election returns. If there is a clerical error, such error
17 shall be corrected by the county canvassing board. If there is
18 a discrepancy which could affect the outcome of an election,
19 the canvassing board may recount the ballots on the automatic
20 tabulating equipment.

21 Section 20. Section 104.30, Florida Statutes, is
22 amended to read:

23 104.30 Voting system ~~machine~~; unlawful possession;
24 tampering.--

25 (1) Any unauthorized person who unlawfully has
26 possession of any voting system, components,~~machine~~ or key
27 thereof is guilty of a misdemeanor of the first degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 (2) Any person who tampers or attempts to tamper with
30 or destroy any voting system or equipment ~~machine~~ with the
31 intention of interfering with the election process or the

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1 results thereof is guilty of a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.

4 Section 21. Effective August 1, 2002, section 138.05,
5 Florida Statutes, is amended to read:

6 138.05 Form of ballot.--The clerk of the circuit court
7 of any county in this state, when the names of the towns,
8 villages, and cities required in s. 138.04 have been furnished
9 him or her, shall have printed, at the expense of the county,
10 a suitable ballot to be used in the ~~said~~ election, the ~~said~~
11 ballot to contain, in alphabetical order, the names of all
12 such towns, villages, and cities, and no other places shall be
13 printed on the ~~said~~ ballots; ~~provided, that in counties where~~
14 ~~the use of voting machines is now or may hereafter be~~
15 ~~authorized by law, the requirements of this section shall,~~
16 ~~insofar as practicable, be adapted to the use of said voting~~
17 ~~machines.~~

18 Section 22. Paragraph (c) of subsection (1) of section
19 582.18, Florida Statutes, is amended to read:

20 582.18 Election of supervisors of each district.--

21 (1)

22 (c) The names of all nominees on behalf of whom such
23 nominating petitions have been filed shall appear upon ballots
24 in accordance with the general election laws. All qualified
25 electors residing within the district shall be eligible to
26 vote in such election. The candidates who receive the largest
27 number of the votes cast from each group of candidates, ~~as~~
28 ~~provided in s. 100.071,~~ in such election shall be the elected
29 supervisors from such group for such district. In the case of
30 a newly created district participating in a regular election
31 for the first time, three groups of candidates shall be

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1 elected for terms of 4 years, and two groups shall be elected
2 for initial terms of 2 years. Each candidate elected shall
3 assume office on the first Tuesday after the first Monday in
4 January following the election.

5 Section 23. Section 100.341, Florida Statutes, is
6 amended to read:

7 100.341 Bond referendum ballot.--The ballots used in
8 bond referenda shall include a ~~be on plain white paper with~~
9 printed description of the issuance of bonds to be voted on as
10 prescribed by the authority calling the referendum. A separate
11 statement of each issue of bonds to be approved, giving the
12 amount of the bonds and interest rate thereon, together with
13 other details necessary to inform the electors, shall be
14 printed on the ballots in connection with the question "For
15 Bonds" and "Against Bonds."

16 Section 24. Sections 100.071, 101.141, 101.181,
17 101.191, 101.251, 101.5609, and 102.012(7), Florida Statutes,
18 are repealed.

19 Section 25. Effective August 1, 2002, sections
20 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34,
21 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445,
22 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida
23 Statutes, are repealed.

24 Section 26. Funds provided in the 2001-2002 General
25 Appropriations Act for Voting Systems Assistance shall be
26 appropriated to the Division of Elections, Department of
27 State, to be distributed to the counties to implement the
28 provisions of this act.

29 Section 27. Except as otherwise expressly provided in
30 this act, this act shall take effect January 1, 2002.

31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled
7 An act relating to voting systems; amending s.
8 97.021, F.S.; modifying and creating
9 definitions; amending s. 101.151, F.S.;
10 modifying specifications for ballots; requiring
11 the Department of State to adopt rules
12 prescribing uniform ballots; repealing ss.
13 100.071, 101.141, 101.181, 101.191, 101.251,
14 101.5609, F.S., relating to the specification
15 and form of ballots, to conform; amending s.
16 103.101, F.S., to conform; amending s. 582.18,
17 F.S.; conforming a cross-reference; creating s.
18 101.595, F.S.; requiring supervisors of
19 elections and the Department of State to report
20 on overvotes and undervotes following the
21 general election; requiring the Division of
22 Elections to review the voting systems
23 certification standards to ensure that new
24 technologies are available and appropriately
25 certified for use; amending s. 101.5603, F.S.;
26 deleting references to punchcard marking and
27 voting devices; amending s. 101.5604, F.S.;
28 providing for the use of precinct tabulation
29 electronic or electromechanical voting systems
30 in each county; amending s. 101.5606, F.S.;
31 providing additional requirements for

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1 electronic and electromechanical voting
2 systems; prohibiting the use of punchcard
3 voting systems; amending s. 101.5614, F.S.;
4 removing references to canvassing returns at
5 central or regional locations, to conform;
6 amending s. 100.341, F.S.; eliminating a
7 requirement that a bond referendum ballot be on
8 white paper; amending ss. 100.361, 101.21,
9 101.24, 101.292, 101.341, 101.43, 101.49,
10 101.58, 101.71, 102.166, 104.30, 138.05, F.S.;
11 removing provisions relating to voting machines
12 and updating references, to conform; repealing
13 ss. 101.011, 101.27, 101.28, 101.29, 101.32,
14 101.33, 101.34, 101.35, 101.36, 101.37, 101.38,
15 101.39, 101.40, 101.445, 101.45, 101.46,
16 101.47, 101.54, 101.55, 101.56, 102.012(7),
17 F.S., relating to voting machines, to conform;
18 providing an appropriation from the
19 appropriations act to implement provisions of
20 the bill; providing effective dates.

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