

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Smith offered the following:

Amendment (with title amendment)

On page 18, line 5 through page 40, line 31,
remove from the bill: all of said lines

and insert in lieu thereof:

Section 16. Effective July 1, 2001, paragraph (b) of
subsection (1) of section 101.5607, Florida Statutes, is
amended to read:

101.5607 Department of State to maintain voting system
information; prepare software.--

(1)

(b) Within 24 hours after the completion of any logic
and accuracy test conducted pursuant to s. 101.5612(1), the
supervisor of elections shall send by certified mail to the
Department of State a copy of the tabulation program which was
used in the logic and accuracy testing.

Section 17. Effective July 1, 2001, paragraph (b) of
subsection (2) of section 101.5608, Florida Statutes, is
amended to read:

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1 101.5608 Voting by electronic or electromechanical
2 method; procedures.--

3 (2) When an electronic or electromechanical voting
4 system utilizes a ballot card or paper ballot, the following
5 procedures shall be followed:

6 (b) Any voter who spoils his or her ballot or makes an
7 error may return the ballot to the election official and
8 secure another ballot, except that in no case shall a voter be
9 furnished more than three ballots. If the vote tabulation
10 device has rejected a ballot, the ballot shall be considered
11 spoiled and a new ballot shall be provided to the voter. The
12 election official, without examining the original ballot,
13 shall state the possible reasons for the rejection and direct
14 the voter to the instruction model provided at the precinct
15 pursuant to s. 101.5611.A spoiled ballot shall be preserved,
16 without examination, in an envelope provided for that purpose.
17 The stub shall be removed from the ballot and placed in an
18 envelope.

19 Section 18. Effective July 1, 2001, section 101.5612,
20 Florida Statutes, is amended to read:

21 101.5612 Testing of tabulating equipment.--

22 (1) All electronic or electromechanical voting systems
23 shall be thoroughly tested at the conclusion of maintenance
24 and programming. Tests shall be sufficient to determine that
25 the voting system is properly programmed, the election is
26 correctly defined on the voting system, and all of the voting
27 system input, output, and communication devices are working
28 properly.

29 (2)~~(1)~~ On any day not more than 10 days prior to the
30 election day, the supervisor of elections shall have the
31 automatic tabulating equipment publicly tested to ascertain

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1 that the equipment will correctly count the votes cast for all
2 offices and on all measures. Public notice of the time and
3 place of the test shall be given at least 48 hours prior
4 thereto by publication once in one or more newspapers of
5 general circulation in the county or, if there is no newspaper
6 of general circulation in the county, by posting such notice
7 in at least four conspicuous places in the county. The
8 supervisor or the municipal elections official may, at the
9 time of qualifying, give written notice of the time and
10 location of such public ~~the~~ preelection test to each candidate
11 qualifying with that office and obtain a signed receipt that
12 such notice has been given. The Department of State shall
13 give written notice to each statewide candidate at the time of
14 qualifying, or immediately at the end of qualifying, that the
15 voting equipment will be tested and advise each such candidate
16 to contact the county supervisor of elections as to the time
17 and location of the public preelection test ~~pretest~~. The
18 supervisor or the municipal elections official shall, at least
19 15 days prior to an election, send written notice by certified
20 mail to the county party chair of each political party and to
21 all candidates for other than statewide office whose names
22 appear on the ballot in the county and who did not receive
23 written notification from the supervisor or municipal
24 elections official at the time of qualifying, stating the time
25 and location of the public preelection test of the automatic
26 tabulating equipment. The canvassing board shall convene, and
27 each member of the canvassing board shall certify to the
28 accuracy of the test. For the test, the canvassing board may
29 designate one member to represent it. The test shall be open
30 to representatives of the political parties, the press, and
31 the public. Each political party may designate one person

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1 with expertise in the computer field who shall be allowed in
2 the central counting room when all tests are being conducted
3 and when the official votes are being counted. Such designee
4 shall not interfere with the normal operation of the
5 canvassing board.

6 (3) For electronic or electromechanical voting systems
7 configured to tabulate absentee ballots at a central or
8 regional site, the public testing shall be conducted by
9 processing a preaudited group of ballots so produced as to
10 record a predetermined number of valid votes for each
11 candidate and on each measure and to include one or more
12 ballots for each office which have activated voting positions
13 in excess of the number allowed by law in order to test the
14 ability of the automatic tabulating equipment to reject such
15 votes. If any error is detected, the cause therefor shall be
16 corrected and an errorless count shall be made before the
17 automatic tabulating equipment is approved. The test shall be
18 repeated and errorless results achieved immediately before the
19 start of the official count of the ballots and again after the
20 completion of the official count. The programs and ballots
21 used for testing shall be sealed and retained under the
22 custody of the county canvassing board.

23 (4)(a)1. For electronic or electromechanical voting
24 systems configured to include electronic or electromechanical
25 tabulation devices which are distributed to the precincts, all
26 or a sample of the devices to be used in the election shall be
27 publicly tested. If a sample is to be tested, the sample
28 shall consist of a random selection of at least 5 percent or
29 10 of the devices, whichever is greater. The test shall be
30 conducted by processing a group of ballots, causing the device
31 to output results for the ballots processed, and comparing the

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1 output of results to the results expected for the ballots
2 processed. The group of ballots shall be produced so as to
3 record a predetermined number of valid votes for each
4 candidate and on each measure and to include for each office
5 one or more ballots which have activated voting positions in
6 excess of the number allowed by law in order to test the
7 ability of the tabulating device to reject such votes.

8 2. If any tested tabulating device is found to have an
9 error in tabulation, it shall be deemed unsatisfactory. For
10 each device deemed unsatisfactory, the canvassing board shall
11 take steps to determine the cause of the error, shall attempt
12 to identify and test other devices that could reasonably be
13 expected to have the same error, and shall test a number of
14 additional devices sufficient to determine that all devices
15 are satisfactory. Upon deeming any device unsatisfactory, the
16 canvassing board may require all devices to be tested or may
17 declare that all devices are unsatisfactory.

18 3. If the operation or output of any tested tabulation
19 device, such as spelling or the order of candidates on a
20 report, is in error, such problem shall be reported to the
21 canvassing board. The canvassing board shall then determine
22 if the reported problem warrants its deeming the device
23 unsatisfactory.

24 (b) At the completion of testing under this
25 subsection, the canvassing board or its representative, the
26 representatives of the political parties, and the candidates
27 or their representatives who attended the test shall witness
28 the resetting of each device that passed to a preelection
29 state of readiness and the sealing of each device that passed
30 in such a manner as to secure its state of readiness until the
31 opening of the polls.

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1 (c) The canvassing board or its representative shall
2 execute a written statement setting forth the tabulation
3 devices tested, the results of the testing, the protective
4 counter numbers, if applicable, of each tabulation device, the
5 number of the seal securing each tabulation device at the
6 conclusion of testing, any problems reported to the board as a
7 result of the testing, and whether each machine tested is
8 satisfactory or unsatisfactory.

9 (d) Any tabulating device deemed unsatisfactory shall
10 be reprogrammed, repaired, or replaced and shall be made
11 available for retesting. Such device must be determined by
12 the canvassing board or its representative to be satisfactory
13 before it may be used in any election. The canvassing board
14 or its representative shall announce at the close of the first
15 testing the date, place, and time that any unsatisfactory
16 device will be retested or may, at the option of the board,
17 notify by telephone each person who was present at the first
18 testing as to the date, place, and time that the retesting
19 will occur.

20 (e) Records must be kept of all preelection testing of
21 electronic or electromechanical tabulation devices used in any
22 election. Such records are to be present and available for
23 inspection and reference during public preelection testing by
24 any person in attendance during such testing. The need of the
25 canvassing board for access to such records during the testing
26 shall take precedence over the need of other attendees to
27 access such records so that the work of the canvassing board
28 will not be delayed or hindered. Records of testing must
29 include, for each device, the name of each person who tested
30 the device and the date, place, time, and results of each
31 test. Records of testing shall be retained as part of the

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1 official records of the election in which any device was used.

2 ~~(2) The test shall be conducted by processing a~~
3 ~~preaudited group of ballots so produced as to record a~~
4 ~~predetermined number of valid votes for each candidate and on~~
5 ~~each measure and shall include for each office one or more~~
6 ~~ballots which have votes in excess of the number allowed by~~
7 ~~law in order to test the ability of the automatic tabulating~~
8 ~~equipment to reject such votes. If any error is detected, the~~
9 ~~cause therefor shall be ascertained and corrected and an~~
10 ~~errorless count shall be made before the automatic tabulating~~
11 ~~equipment is approved. The test shall be repeated immediately~~
12 ~~before the start of the official count of the ballots in the~~
13 ~~same manner as set forth above. After the completion of the~~
14 ~~count, the test shall be repeated. The programs and ballots~~
15 ~~used shall be sealed and retained under the custody of the~~
16 ~~county canvassing board.~~

17 Section 19. Subsections (1), (2), (3), and (7) of
18 section 101.5614, Florida Statutes, are amended to read:

19 101.5614 Canvass of returns.--

20 (1)(a) In precincts in which an electronic or
21 electromechanical voting system is used, as soon as the polls
22 are closed, the election board shall secure the voting devices
23 against further voting. The election board shall thereafter
24 open the ballot box in the presence of members of the public
25 desiring to witness the proceedings and count the number of
26 voted ballots, unused ballots, and spoiled ballots to
27 ascertain whether such number corresponds with the number of
28 ballots issued by the supervisor. If there is a difference,
29 this fact shall be reported in writing to the county
30 canvassing board with the reasons therefor if known. The total
31 number of voted ballots shall be entered on the forms

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1 provided. The proceedings of the election board at the
2 precinct after the polls have closed shall be open to the
3 public; however, no person except a member of the election
4 board shall touch any ballot or ballot container or interfere
5 with or obstruct the orderly count of the ballots.

6 ~~(b) In lieu of opening the ballot box at the precinct,~~
7 ~~the supervisor may direct the election board to keep the~~
8 ~~ballot box sealed and deliver it to a central or regional~~
9 ~~counting location. In this case, the election board shall~~
10 ~~count the stubs removed from the ballots to determine the~~
11 ~~number of voted ballots.~~

12 ~~(2)(a) If the ballots are to be tallied at a central~~
13 ~~location or at no more than three regional locations, the~~
14 ~~election board shall place all ballots that have been cast and~~
15 ~~the unused, void, and defective ballots in the container or~~
16 ~~containers provided for this purpose, which shall be sealed~~
17 ~~and delivered forthwith to the central or regional counting~~
18 ~~location or other designated location by two inspectors who~~
19 ~~shall not, whenever possible, be of the same political party.~~
20 ~~The election board shall certify that the ballots were placed~~
21 ~~in such container or containers and each container was sealed~~
22 ~~in its presence and under its supervision, and it shall~~
23 ~~further certify to the number of ballots of each type placed~~
24 ~~in the container or containers.~~

25 ~~(2)(b) If ballots are to be counted at the precincts,~~
26 ~~such ballots shall be counted pursuant to rules adopted by The~~
27 ~~Department of State, which rules shall, in accordance with s.~~
28 ~~101.015, adopt rules that provide safeguards which conform as~~
29 ~~nearly as practicable to the safeguards provided in the~~
30 ~~procedures for the counting of votes at a precinct and at a~~
31 ~~central or regional location.~~

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1 ~~(3)(a) All proceedings at the central or regional~~
2 ~~counting location or other designated location shall be under~~
3 ~~the direction of the county canvassing board and shall be open~~
4 ~~to the public, but no person except a person employed and~~
5 ~~authorized for the purpose shall touch any ballot or ballot~~
6 ~~container, any item of automatic tabulating equipment, or any~~
7 ~~return prior to its release. If the ballots are tabulated at~~
8 ~~regional locations, one member of the canvassing board or a~~
9 ~~person designated by the board to represent it shall be~~
10 ~~present at each location during the testing of the counting~~
11 ~~equipment and the tabulation of the ballots.~~

12 (3)(b) The results of ~~if~~ ballots are tabulated at
13 ~~precinct regional~~ locations, the results of such election may
14 be transmitted ~~via dedicated teleprocessing lines~~ to the main
15 computer system for the purpose of compilation of complete
16 returns. The security guidelines for transmission of returns
17 ~~by dedicated teleprocessing lines~~ shall conform to rules
18 adopted by the Department of State pursuant to s. 101.015.

19 (7) Absentee ballots may be counted by automatic
20 tabulating equipment if they have been ~~punched or~~ marked in a
21 manner which will enable them to be properly counted by such
22 equipment.

23 Section 20. Section 101.58, Florida Statutes, is
24 amended to read:

25 101.58 Supervising and observing registration and
26 election processes.--The Department of State may, at any time
27 it deems fit, ~~upon~~ upon the petition of 5 percent of the
28 registered electors ~~or~~ upon the petition of any candidate,
29 county executive committee chair, state committeeman or
30 committeewoman, or state executive committee chair, appoint
31 one or more deputies whose duties shall be to observe and

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1 examine the registration and election processes and the
2 condition, custody, and operation of the voting system and
3 equipment ~~machines~~ in any county or municipality. The deputy
4 shall have access to all registration books and records as
5 well as any other records or procedures relating to the voting
6 process. The deputy may supervise preparation of the election
7 machines and procedures for election, and it shall be unlawful
8 for any person to obstruct the deputy in the performance of
9 his or her duty. The deputy shall file with the Department of
10 State a report of his or her findings and observations of the
11 registration and election processes in the county or
12 municipality, and a copy of the report shall also be filed
13 with the clerk of the circuit court of said county. The
14 compensation of such deputies shall be fixed by the Department
15 of State; and costs incurred under this section shall be paid
16 from the annual operating appropriation made to the Department
17 of State.

18 Section 21. Subsection (1) of section 101.64, Florida
19 Statutes, is amended to read:

20 101.64 Delivery of absentee ballots; envelopes;
21 form.--

22 (1) The supervisor shall enclose with each absentee
23 ballot two envelopes: a secrecy envelope, into which the
24 absent elector shall enclose his or her marked ballot; and a
25 mailing envelope, into which the absent elector shall then
26 place the secrecy envelope, which shall be addressed to the
27 supervisor and also bear on the back side a certificate in
28 substantially the following form:

29
30 Note: Please Read Instructions Carefully Before
31 Marking Ballot and Completing Voter's Certificate.

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VOTER'S CERTIFICATE

I,, am a qualified and registered voter of
County, Florida. I understand that if I commit or attempt to
commit any fraud in connection with voting, vote a fraudulent
ballot, or vote more than once in an election, I can be
convicted of a felony of the third degree and fined up to
\$5,000 and/or imprisoned for up to 5 years. I also understand
that failure to sign this certificate and have my signature
witnessed will invalidate my ballot. I am entitled to vote an
absentee ballot for one of the following reasons:

1. I am unable without another's assistance to attend the polls.
2. I may not be in the precinct of my residence during the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting ~~system machine~~ custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot attend the polls on the day of the general, special, or primary election.
5. I have changed my permanent residency to another county in Florida within the time period during which the registration books are closed for the election. I understand that I am allowed to vote only for national and statewide offices and on statewide issues.
6. I have changed my permanent residency to another state and am unable under the laws of such state to vote in the general election. I understand that I am allowed to vote only for President and Vice President.

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WITNESS:

...(Signature of Witness)...

...(Printed Name of Witness)...

...(Voter I.D. Number of Witness and County of Registration)...

...(Address)...

...(City/State)...

Section 22. Subsection (2) of section 101.71, Florida Statutes, is amended to read:

101.71 Polling place.--

(2) Notwithstanding the provisions of subsection (1), whenever the supervisor of elections of any county determines that the accommodations for holding any election at a polling place designated for any precinct in the county are unavailable or are inadequate for the expeditious and efficient housing and handling of voting and voting paraphernalia, ~~including voting machines where used,~~ the supervisor may provide, not less than 30 days prior to the holding of an election, that the voting place for such precinct shall be moved to another site which shall be accessible to the public on election day in said precinct or, if such is not available, to another site which shall be accessible to the public on election day in a contiguous precinct. If such action of the supervisor results in the voting place for two or more precincts being located for the purposes of an election in one building, the voting places for the several precincts involved shall be established and

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1 maintained separate from each other in said building. When
2 any supervisor moves any polling place pursuant to this
3 subsection, the supervisor shall, not more than 30 days or
4 fewer than 7 days prior to the holding of an election, give
5 notice of the change of the polling place for the precinct
6 involved, with clear description of the voting place to which
7 changed, at least once in a newspaper of general circulation
8 in said county. A notice of the change of the polling place
9 involved shall be mailed, at least 14 days prior to an
10 election, to each registered elector or to each household in
11 which there is a registered elector.

12 Section 23. Subsection (1) of section 101.75, Florida
13 Statutes, is amended to read:

14 101.75 Municipal elections; change of dates for
15 cause.--

16 (1) In any municipality, when the date of the
17 municipal election falls on the same date as any statewide or
18 county election and the voting devices of the voting system
19 used in the county ~~machines~~ are not available for both
20 elections, the municipality may provide that the municipal
21 election may be held within 30 days prior to or subsequent to
22 the statewide or county election.

23 Section 24. Subsections (4), (7), (8), and (9) of
24 section 102.012, Florida Statutes, are amended to read:

25 102.012 Inspectors and clerks to conduct elections.--

26 (4)(a) The election board of each precinct shall
27 attend the polling place by 6 a.m. of the day of the election
28 and shall arrange the furniture, stationery, and voting
29 equipment.

30 (b) An election board shall conduct the voting,
31 beginning and closing at the time set forth in s. 100.011. If

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1 more than one board has been appointed, the second board
2 shall, upon the closing of the polls, come on duty and count
3 the votes cast. In such case, the first board shall turn over
4 to the second board all closed ballot boxes, registration
5 books, and other records of the election at the time the
6 boards change. The second board shall continue counting until
7 the count is complete or until 7 a.m. the next morning, and,
8 if the count is not completed at that time, the first board
9 that conducted the election shall again report for duty and
10 complete the count. The second board shall turn over to the
11 first board all ballots counted, all ballots not counted, and
12 all registration books and other records and shall advise the
13 first board as to what has transpired in tabulating the
14 results of the election.

15 ~~(7) For any precinct using voting machines, there~~
16 ~~shall be one election board appointed, plus an additional~~
17 ~~inspector for each machine in excess of one; however, the~~
18 ~~supervisor of elections may appoint a greater number of~~
19 ~~additional inspectors than required by this subsection.~~

20 (7)~~(8)~~ The supervisor of elections shall conduct
21 training for inspectors, clerks, and deputy sheriffs prior to
22 each first primary, general, and special election for the
23 purpose of instructing such persons in their duties and
24 responsibilities as election officials. A certificate may be
25 issued by the supervisor of elections to each person
26 completing such training. No person shall serve as an
27 inspector, clerk, or deputy sheriff for an election unless
28 such person has completed the training as required. A person
29 who has attended previous training conducted within 2 years of
30 the election may be appointed by the supervisor to fill a
31 vacancy on election day. If no person with prior training is

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1 available to fill such vacancy, the supervisor of elections
2 may fill such vacancy in accordance with the provisions of
3 subsection ~~(8)(9)~~ from among persons who have not received
4 the training required by this section.

5 (8)~~(9)~~ In the case of absence or refusal to act on the
6 part of any inspector or clerk at any precinct on the day of
7 an election, the supervisor shall appoint a replacement who
8 meets the qualifications prescribed in subsection (2). The
9 inspector or clerk so appointed shall be a member of the same
10 political party as the clerk or inspector whom he or she
11 replaces.

12 Section 25. Subsection (2) of section 102.021, Florida
13 Statutes, is amended to read:

14 102.021 Compensation of inspectors, clerks, and deputy
15 sheriffs.--

16 (2) Inspectors and clerks of election and deputy
17 sheriffs serving at the precincts may receive compensation and
18 travel expenses, as provided in s. 112.061, for attending the
19 poll worker training required by s. 102.012~~(8)~~.

20 Section 26. Subsections (3) and (4) of section
21 102.141, Florida Statutes, are amended to read:

22 102.141 County canvassing board; duties.--

23 (3) The canvass, except the canvass of absentee
24 electors' returns, shall be made from the returns and
25 certificates of the inspectors as signed and filed by them
26 with the county court judge and supervisor, respectively, and
27 the county canvassing board shall not change the number of
28 votes cast for a candidate, nominee, constitutional amendment,
29 or other measure submitted to the electorate of the county,
30 respectively, in any polling place, as shown by the returns.
31 All returns shall be made to the board on or before noon of

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1 the day following any primary, general, special, or other
2 election. If the returns from any precinct are missing, if
3 there are any omissions on the returns from any precinct, or
4 if there is an obvious error on any such returns, the
5 canvassing board shall order a recount of the returns from
6 such precinct. Before canvassing such returns, the canvassing
7 board shall examine the ~~counters on the machines or the~~
8 tabulation of the ballots cast in such precinct and determine
9 whether the returns correctly reflect the votes cast. If
10 there is a discrepancy between the returns and the ~~counters of~~
11 ~~the machines or the~~ tabulation of the ballots cast, the
12 ~~counters of such machines or the~~ tabulation of the ballots
13 cast shall be presumed correct and such votes shall be
14 canvassed accordingly.

15 (4) If the returns for any office reflect that a
16 candidate was defeated or eliminated by one-half of a percent
17 or less of the votes cast for such office, that a candidate
18 for retention to a judicial office was retained or not
19 retained by one-half of a percent or less of the votes cast on
20 the question of retention, or that a measure appearing on the
21 ballot was approved or rejected by one-half of a percent or
22 less of the votes cast on such measure, the board responsible
23 for certifying the results of the vote on such race or measure
24 shall order a recount of the votes cast with respect to such
25 office or measure. A recount need not be ordered with respect
26 to the returns for any office, however, if the candidate or
27 candidates defeated or eliminated from contention for such
28 office by one-half of a percent or less of the votes cast for
29 such office request in writing that a recount not be made.
30 Each canvassing board responsible for conducting a recount
31 shall examine the ~~counters on the machines or the~~ tabulation

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1 of the ballots cast in each precinct in which the office or
2 issue appeared on the ballot and determine whether the returns
3 correctly reflect the votes cast. If there is a discrepancy
4 between the returns and the ~~counters of the machines or the~~
5 tabulation of the ballots cast, the ~~counters of such machines~~
6 ~~or the~~ tabulation of the ballots cast shall be presumed
7 correct and such votes shall be canvassed accordingly.

8 Section 27. Subsection (3) of section 102.166, Florida
9 Statutes, is amended to read:

10 102.166 Protest of election returns; procedure.--

11 (3) Before canvassing the returns of the election, the
12 canvassing board shall+

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

15 ~~(b) When voting machines are used, examine the~~
16 ~~counters on the machines of nonprinter machines or the~~
17 ~~printer-pac on printer machines. If there is a discrepancy~~
18 ~~between the returns and the counters of the machines or the~~
19 ~~printer-pac, the counters of such machines or the printer-pac~~
20 ~~shall be presumed correct.~~

21 ~~(c) When electronic or electromechanical equipment is~~
22 ~~used, the canvassing board shall examine precinct records and~~
23 ~~election returns. If there is a clerical error, such error~~
24 ~~shall be corrected by the county canvassing board. If there is~~
25 ~~a discrepancy which could affect the outcome of an election,~~
26 ~~the canvassing board may recount the ballots on the automatic~~
27 ~~tabulating equipment.~~

28 Section 28. Effective July 1, 2001, subsections (8)
29 and (9) of section 103.101, Florida Statutes, are amended to
30 read:

31 103.101 Presidential preference primary.--

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

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

6
7 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
8 ~~PRIMARY BALLOT~~

9
10 ~~No. Party~~

11 ~~....COUNTY, FLORIDA~~

12
13 ~~Precinct No.~~

14
15 ~~...(Date)...~~

16
17 ~~...(Signature of Voter)...~~ ~~...(Initials of Issuing~~
18 ~~Official)...~~

19
20 ~~Stub No. 1~~

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

24
25 ~~No. Party~~

26 ~~....COUNTY, FLORIDA~~

27
28 ~~Precinct No.~~

29
30 ~~...(Date)...~~

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1 ~~...(Initials of Issuing Official)...~~
2
3 ~~Stub No. 2~~
4
5 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
6 ~~PRIMARY BALLOT~~
7
8 ~~.... Party~~
9 ~~....COUNTY, FLORIDA~~
10
11 ~~Precinct No.~~
12
13 ~~...(Date)...~~
14
15 ~~Place a cross (X) in the blank space to the right of the name~~
16 ~~of the presidential candidate for whom you wish to vote,~~
17
18 ~~For President~~
19
20 ~~...(Name of Candidate)...~~
21
22 ~~...(Name of Candidate)...~~
23
24 ~~or place a cross (X) in the blank space to the right of the~~
25 ~~name of the delegate(s) for whom you wish to vote.~~
26
27 ~~...(Name of Delegate)...~~ ~~...(Name of Candidate)...~~
28 Section 29. Section 104.30, Florida Statutes, is
29 amended to read:
30 104.30 Voting systems ~~machine~~; unlawful possession;
31 tampering.--

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1 (1) Any unauthorized person who unlawfully has
2 possession of any voting system or component ~~machine or key~~
3 thereof commits ~~is guilty of~~ a misdemeanor of the first
4 degree, punishable as provided in s. 775.082 or s. 775.083.

5 (2) Any person who tampers or attempts to tamper with
6 or destroy any voting system or equipment ~~machine~~ with the
7 intention of interfering with the election process or the
8 results thereof commits ~~is guilty of~~ a felony of the third
9 degree, punishable as provided in s. 775.082, s. 775.083, or
10 s. 775.084.

11 Section 30. Section 138.05, Florida Statutes, is
12 amended to read:

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

24 Section 31. Effective July 1, 2001, sections 101.141,
25 101.181, 101.191, and 101.5609, Florida Statutes, are
26 repealed.

27 Section 32. Sections 101.011, 101.27, 101.28, 101.29,
28 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39,
29 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and
30 101.56, Florida Statutes, are repealed.

31 Section 33. The Division of Elections of the

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1 Department of State shall provide a report to the Governor,
2 the President of the Senate, and the Speaker of the House of
3 Representatives by November 15, 2001, detailing the progress
4 that each county required by this act to upgrade a voting
5 system has made toward the implementation of such system. This
6 section shall take effect July 1, 2001.

7 Section 34. (1) There is appropriated from the
8 General Revenue Fund to the Division of Elections, Department
9 of State, for fiscal year 2001-2002, the amount of \$29,895,000
10 to carry out the provisions of this act. The Division shall
11 provide to the supervisor of elections office in each county
12 required to acquire a new voting system by this act, funds to
13 implement the provisions of this act. Each county shall
14 receive \$7500 per precinct, based on the number of precincts
15 in the county certified by the Department of State for the
16 2000 general election. It is the intent of the Legislature to
17 fully fund the acquisition of the voting systems, including
18 voting systems for additional precincts created because of
19 reapportionment. To that end, the Division of Elections,
20 Department of State, shall monitor the acquisition of voting
21 systems by the counties, and if the amount appropriated proves
22 insufficient to fully fund the acquisition, the Division shall
23 recommend a supplemental appropriation in an amount sufficient
24 to fully fund such acquisition.

25 (2) There is appropriated from the General Revenue
26 Fund to the Division of Elections, Department of State, for
27 fiscal year 2002-2003, the amount of \$14,212,500, to carry out
28 the provisions of this subsection. The Division shall
29 distribute to each county that already had a voting system in
30 compliance with the requirements of this act on the date it
31 became a law, the amount of \$7500 per precinct, based on the

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1 number of precincts in the county certified by the Department
2 of State for the 2000 general election.

3 (3) This section shall take effect July 1, 2001.
4
5

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

7 And the title is amended as follows:

8 On page 1, line 26, through page 3, line 20,
9 remove from the title of the bill: all of said lines

10

11 and insert in lieu thereof:

12 electromechanical voting systems; amending s.
13 101.5607, F.S.; conforming a cross reference;
14 amending s. 101.5608, F.S.; providing
15 procedures to be followed after a vote
16 tabulation device rejects a ballot; amending s.
17 101.5612, F.S.; providing standards and
18 requirements for the testing of electronic or
19 electromechanical voting systems; providing
20 recordkeeping requirements; amending s.
21 101.5614, F.S.; removing references to the
22 canvassing of returns at central or regional
23 locations, to conform; revising requirements
24 for the transmission of precinct returns;
25 providing for adoption of security guidelines
26 by rule; amending s. 101.292, F.S.; modifying
27 the definition of "voting equipment,"
28 applicable to purchasing requirements, to
29 remove provisions relating to voting machines;
30 amending s. 104.30, F.S.; prohibiting any
31 unauthorized person from unlawfully possessing

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1 any voting system or component thereof;
2 prohibiting any person from tampering or
3 attempting to tamper with or destroying any
4 voting system or equipment with the intention
5 of interfering with the election process or the
6 results thereof; providing penalties; removing
7 references to voting machines, to conform;
8 amending ss. 98.471, 100.071, 100.361, 101.21,
9 101.24, 101.34, 101.341, 101.43, 101.49,
10 101.58, 101.64, 101.71, 101.75, 102.012,
11 102.021, 102.141, 102.166, 103.101, and 138.05,
12 F.S.; removing provisions relating to voting
13 systems that use voting machines or paper
14 ballots and revising references to conform to
15 changes made by the act; repealing ss. 101.141,
16 101.181, 101.191, and 101.5609, F.S., relating
17 to the specifications and form of ballots, to
18 conform; repealing ss. 101.011, 101.27, 101.28,
19 101.29, 101.32, 101.33, 101.35, 101.36, 101.37,
20 101.38, 101.39, 101.40, 101.445, 101.45,
21 101.46, 101.47, 101.54, 101.55, and 101.56,
22 F.S., relating to voting systems that use
23 voting machines or paper ballots, to conform;
24 requiring the Division of Elections to provide
25 the Governor and Legislature a progress report
26 on the upgrading of county voting systems;
27 providing for funding for implementation of the
28 act; providing effective dates.
29
30
31