

By the Committee on Rules, Ethics & Elections and  
Representative Goodlette

1                                   A bill to be entitled  
2           An act relating to voting systems; amending s.  
3           97.021, F.S.; revising certain definitions  
4           applicable to the Florida Election Code to  
5           remove provisions relating to voting systems  
6           that use voting machines or paper ballots and  
7           to restrict such definitions to electronic or  
8           electromechanical voting systems; amending s.  
9           101.151, F.S.; providing general specifications  
10          for ballots; deleting provisions specific to  
11          certain elections and voting systems; requiring  
12          the Department of State to adopt rules  
13          prescribing uniform primary and general  
14          election ballots for each certified voting  
15          system; amending s. 101.5603, F.S.; revising  
16          definitions relating to the Electronic Voting  
17          Systems Act to specify touchscreen voting  
18          systems as electronic or electromechanical  
19          voting systems and to remove provisions  
20          relating to voting machines; amending s.  
21          101.5604, F.S.; requiring any electronic or  
22          electromechanical voting system used by a  
23          county to be a precinct tabulation system;  
24          amending s. 101.5606, F.S.; providing  
25          additional requirements for electronic or  
26          electromechanical voting systems; creating s.  
27          101.56062, F.S.; establishing a loan program  
28          for counties to purchase voting equipment;  
29          providing the term of such loans; providing for  
30          a priority system based on county need;  
31          providing penalties for default or delinquent

1           payments; providing for suspension of payment  
2           of principal and penalties under certain  
3           financial emergency conditions; providing  
4           rulemaking authority; amending s. 101.5607,  
5           F.S.; conforming a cross reference; amending s.  
6           101.5612, F.S.; providing standards and  
7           requirements for the testing of electronic or  
8           electromechanical voting systems; providing  
9           recordkeeping requirements; amending s.  
10          101.5614, F.S.; removing references to the  
11          canvassing of returns at central or regional  
12          locations, to conform; amending s. 101.292,  
13          F.S.; modifying the definition of "voting  
14          equipment," applicable to purchasing  
15          requirements, to remove provisions relating to  
16          voting machines; amending s. 104.30, F.S.;  
17          prohibiting any unauthorized person from  
18          unlawfully possessing any voting system or  
19          component thereof; prohibiting any person from  
20          tampering or attempting to tamper with or  
21          destroying any voting system or equipment with  
22          the intention of interfering with the election  
23          process or the results thereof; providing  
24          penalties; removing references to voting  
25          machines, to conform; amending ss. 98.471,  
26          100.071, 100.361, 101.21, 101.24, 101.34,  
27          101.341, 101.43, 101.49, 101.58, 101.64,  
28          101.71, 101.75, 102.012, 102.021, 102.141,  
29          102.166, 103.101, and 138.05, F.S.; removing  
30          provisions relating to voting systems that use  
31          voting machines or paper ballots and revising

1 references to conform to changes made by the  
2 act; repealing ss. 101.141, 101.181, 101.191,  
3 and 101.5609, F.S., relating to the  
4 specifications and form of ballots, to conform;  
5 repealing ss. 101.011, 101.27, 101.28, 101.29,  
6 101.32, 101.33, 101.35, 101.36, 101.37, 101.38,  
7 101.39, 101.40, 101.445, 101.45, 101.46,  
8 101.47, 101.54, 101.55, and 101.56, F.S.,  
9 relating to voting systems that use voting  
10 machines or paper ballots, to conform;  
11 providing that funding for implementation of  
12 the act shall be as provided for in the General  
13 Appropriations Act; providing effective dates.

14

15 Be It Enacted by the Legislature of the State of Florida:

16

17 Section 1. Paragraph (b) of subsection (1) and  
18 subsections (2), (29), and (30) of section 97.021, Florida  
19 Statutes, are amended to read:

20

21 97.021 Definitions.--For the purposes of this code,  
22 except where the context clearly indicates otherwise, the  
23 term:

24

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

27

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

32

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

1           ~~(a) "Voting machines," except when reference is made~~  
2 ~~to write-in ballots, means that portion of the printed strips~~  
3 ~~of cardboard, paper, or other material that is within the~~  
4 ~~ballot frames containing the names of candidates, or a~~  
5 ~~statement of a proposed constitutional amendment or other~~  
6 ~~question or proposition submitted to the electorate at any~~  
7 ~~election.~~

8           (a)(b) "Paper ballots" means that printed sheet of  
9 paper, used in conjunction with an electronic or  
10 electromechanical vote tabulation voting system, containing  
11 the names of candidates, or a statement of proposed  
12 constitutional amendments or other questions or propositions  
13 submitted to the electorate at any election, on which sheet of  
14 paper an elector casts his or her vote.

15           (b)(c) "Electronic or electromechanical devices" means  
16 a ballot which is voted by the process of electronically  
17 designating ~~punching~~ or marking with a marking device for  
18 tabulation by automatic tabulating equipment or data  
19 processing equipment.

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

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

31

1           Section 2. Section 98.471, Florida Statutes, is  
2 amended to read:

3           98.471 Use of precinct register at polls.--The  
4 precinct register, as prescribed in s. 98.461, may be used at  
5 the polls in lieu of the registration books for the purpose of  
6 identifying the elector at the polls prior to allowing him or  
7 her to vote. The clerk or inspector shall require each  
8 elector, upon entering the polling place, to present a Florida  
9 driver's license, a Florida identification card issued under  
10 s. 322.051, or another form of picture identification approved  
11 by the Department of State. The elector shall sign his or her  
12 name in the space provided, and the clerk or inspector shall  
13 compare the signature with that on the identification provided  
14 by the elector and enter his or her initials in the space  
15 provided and allow the elector to vote if the clerk or  
16 inspector is satisfied as to the identity of the elector. If  
17 the elector fails to furnish the required identification, or  
18 if the clerk or inspector is in doubt as to the identity of  
19 the elector, such clerk or inspector shall follow the  
20 procedure prescribed in s. 101.49. ~~The precinct register may~~  
21 ~~also contain the information set forth in s. 101.47(8) and, if~~  
22 ~~so, the inspector shall follow the procedure required in s.~~  
23 ~~101.47, except that the identification provided by the elector~~  
24 ~~shall be used for the signature comparison.~~

25           Section 3. Paragraph (a) of subsection (1) of section  
26 100.071, Florida Statutes, is amended to read:

27           100.071 Grouping of candidates on primary ballots.--  
28           (1)(a) Where two or more similar offices are to be  
29 filled in the same election, the names of candidates shall be  
30 placed or printed upon the ballot ~~or voting machine~~ in groups  
31 or districts; that is, if two or more members of the

1 Legislature or two or more members of a governing board are to  
2 be elected from the same geographical area, then the  
3 candidates' names shall be placed or printed on the ballot ~~or~~  
4 ~~voting machines~~ in groups or districts, as the case may be.

5 Section 4. Subsection (3) of section 100.361, Florida  
6 Statutes, is amended to read:

7 100.361 Municipal recall.--

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

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

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

15 "... (name of person)... should not be removed from  
16 office."

17

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

22 Section 5. Effective July 1, 2001, section 101.151,  
23 Florida Statutes, is amended to read:

24 101.151 Specifications for ballots ~~general election~~  
25 ~~ballot.--In counties in which voting machines are not used,~~  
26 ~~and in other counties for use as absentee ballots not designed~~  
27 ~~for tabulation by an electronic or electromechanical voting~~  
28 ~~system, the general election ballot shall conform to the~~  
29 ~~following specifications:~~

30

31

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

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

23           (2)(3)(a) ~~Beneath the caption and preceding the names~~  
24 ~~of candidates shall be the following words: "To vote for a~~  
25 ~~candidate whose name is printed on the ballot, place a cross~~  
26 ~~(X) mark in the blank space at the right of the name of the~~  
27 ~~candidate for whom you desire to vote. To vote for a write-in~~  
28 ~~candidate, write the name of the candidate in the blank space~~  
29 ~~provided for that purpose."~~ The ballot shall have headings  
30 under which shall appear the names of the offices and names of  
31 duly nominated candidates for the respective offices in the

1 following order: the heading "~~Electors for~~ President and Vice  
2 President" and thereunder the names of the candidates for  
3 President and Vice President of the United States nominated by  
4 the political party which received the highest vote for  
5 Governor in the last general election of the Governor in this  
6 state, ~~above which shall appear the name of said party.~~ Then  
7 shall appear the names of other candidates for President and  
8 Vice President of the United States who have been properly  
9 nominated. Votes cast for write-in candidates for President  
10 and Vice President shall be counted as votes cast for the  
11 presidential electors supporting such candidates. Then shall  
12 follow the heading "Congressional" and thereunder the offices  
13 of United States Senator and Representative in Congress; then  
14 the heading "State" and thereunder the offices of Governor and  
15 Lieutenant Governor, Secretary of State, Attorney General,  
16 Comptroller, Treasurer, Commissioner of Education,  
17 Commissioner of Agriculture, state attorney, and public  
18 defender, together with the names of the candidates for each  
19 office and the title of the office which they seek; then the  
20 heading "Legislative" and thereunder the offices of state  
21 senator and state representative; then the heading "County"  
22 and thereunder clerk of the circuit court, clerk of the county  
23 court (when authorized by law), sheriff, property appraiser,  
24 tax collector, district superintendent of schools, and  
25 supervisor of elections. Thereafter follows: members of the  
26 board of county commissioners, ~~and~~ such other county and  
27 district offices as are involved in the general election, in  
28 the order fixed by the Department of State, followed, in the  
29 year of their election, by "Party Offices," and thereunder the  
30 offices of state and county party executive committee members.  
31 ~~When a write-in candidate has qualified for any office, a~~



1 ~~subheading "Write in Candidate for ... (name of office)..."~~  
2 ~~shall be provided followed by a blank space in which to write~~  
3 ~~the name of the candidate.~~ With respect to write-in  
4 candidates, if two or more candidates are seeking election to  
5 one office, only one blank space shall be provided.

6 (b) ~~Immediately following the name of each office on~~  
7 ~~the ballot shall be printed, "Vote for One."~~ When more than  
8 one candidate is nominated for office, the candidates for such  
9 office shall qualify and run in a group or district, and the  
10 group or district number shall be printed beneath the name of  
11 the office. ~~The name of the office shall be printed over each~~  
12 ~~numbered group or district and each numbered group or district~~  
13 ~~shall be clearly separated from the next numbered group or~~  
14 ~~district, the same as in the case of single offices.~~  
15 ~~Following the group or district number shall be printed the~~  
16 ~~words, "Vote for One," and the names of the candidates in the~~  
17 ~~respective groups or districts shall be arranged thereunder.~~

18 (c) If in any election all the offices as set forth in  
19 paragraph (a) are not involved, those offices to be filled  
20 shall be arranged on the ballot in the order named.

21 (3)(a)(4) The names of the candidates of the party  
22 which received the highest number of votes for Governor in the  
23 last election in which a Governor was elected shall be placed  
24 first under the heading for each office on the general  
25 election ballot, together with an appropriate abbreviation of  
26 party name; the names of the candidates of the party which  
27 received the second highest vote for Governor shall be second  
28 under the heading for each office, together with an  
29 appropriate abbreviation of the party name.

30 (b)(5) Minor political party candidates and candidates  
31 with no party affiliation shall have their names appear on the

1 general election ballot following the names of recognized  
2 political parties, in the same order as they were certified.

3 (4)(a) The name of candidates for each office shall be  
4 arranged alphabetically as to surnames on a primary election  
5 ballot.

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

10 (5) The primary election ballot shall be arranged so  
11 that the offices of Governor and Lieutenant Governor are  
12 joined in a single voting space to allow each elector to cast  
13 a single vote for the joint candidacies for Governor and  
14 Lieutenant Governor, if applicable.

15 (6) The general election ballot shall be arranged so  
16 that the offices of President and Vice President are joined in  
17 a single voting space to allow each elector to cast a single  
18 vote for the joint candidacies for President and Vice  
19 President and so that the offices of Governor and Lieutenant  
20 Governor are joined in a single voting space to allow each  
21 elector to cast a single vote for the joint candidacies for  
22 Governor and Lieutenant Governor.

23 (7)(6) Except for justices or judges seeking  
24 retention, the names of unopposed candidates shall not appear  
25 on the general election ballot. Each unopposed candidate  
26 shall be deemed to have voted for himself or herself.

27 (8)(a) The Department of State shall adopt rules  
28 prescribing a uniform primary and general election ballot for  
29 each certified voting system. The rules shall incorporate the  
30 requirements set forth in this section and shall prescribe  
31

1 additional matters and forms which include, without  
2 limitation:

3 1. Clear and unambiguous ballot instructions and  
4 directions;

5 2. Individual race layout; and

6 3. Overall ballot layout.

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

10 ~~(7) The same requirement as to the type, size, and~~  
11 ~~kind of printing of official ballots in primary elections as~~  
12 ~~provided in s. 101.141(5) shall govern the printing of~~  
13 ~~official ballots in general elections.~~

14 ~~(8) Should the above directions for complete~~  
15 ~~preparation of the ballot be insufficient, the Department of~~  
16 ~~State shall determine and prescribe any additional matter or~~  
17 ~~form. Not less than 60 days prior to a general election, the~~  
18 ~~Department of State shall mail to each supervisor of elections~~  
19 ~~the format of the ballot to be used for the general election.~~

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

22 Section 6. Section 101.21, Florida Statutes, is  
23 amended to read:

24 101.21 Official ballots; number; printing; payment.--

25 ~~(1) In any county in which voting machines are not~~  
26 ~~used,~~The supervisor of elections shall determine the actual  
27 number of ballots to be printed for an election. The printing  
28 and delivery of ballots and cards of instruction shall, in a  
29 municipal election, be paid for by the municipality, and in  
30 all other elections by the county.

31

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

9           Section 7. Section 101.24, Florida Statutes, is  
10 amended to read:

11           101.24 Ballot boxes and ballots.--The supervisor of  
12 elections, ~~except where voting machines are used,~~ shall  
13 prepare for each polling place one ballot box of sufficient  
14 size to contain all the ballots of the particular precinct,  
15 and the ballot box shall be plainly marked with the name of  
16 the precinct for which it is intended. An additional ballot  
17 box, if necessary, may be supplied to any precinct. Before  
18 each election, the supervisor shall place in the ballot box or  
19 ballot transfer container as many ballots as are required in  
20 s. 101.21. After securely sealing the ballot box or ballot  
21 transfer container, the supervisor shall send the ballot box  
22 or ballot transfer container to the clerk or inspector of  
23 election of the precinct in which it is to be used. The clerk  
24 or inspector shall be placed under oath or affirmation to  
25 perform his or her duties faithfully and without favor or  
26 prejudice to any political party.

27           Section 8. Subsection (2) of section 101.292, Florida  
28 Statutes, is amended to read:

29           101.292 Definitions; ss. 101.292-101.295.--As used in  
30 ss. 101.292-101.295, the following terms shall have the  
31 following meanings:

1           (2) "Voting equipment" means ~~new or used voting~~  
2 ~~machines and materials, parts, or other equipment necessary~~  
3 ~~for the maintenance or improvement of voting machines, the~~  
4 ~~individual or combined retail value of which is in excess of~~  
5 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~  
6 ~~287.017. The term "voting equipment" also includes electronic~~  
7 ~~or electromechanical voting systems, voting devices, and~~  
8 ~~automatic tabulating equipment as defined in s. 101.5603, as~~  
9 ~~well as materials, parts, or other equipment necessary for the~~  
10 ~~operation and maintenance of such systems and devices, the~~  
11 individual or combined retail value of which is in excess of  
12 the threshold amount for CATEGORY TWO purchases provided in s.  
13 287.017.

14           Section 9. Section 101.34, Florida Statutes, is  
15 amended to read:

16           101.34 Custody of voting system ~~machines~~.--The  
17 supervisor of elections shall be the custodian of the voting  
18 system ~~machines~~ in the county ~~using them~~, and he or she shall  
19 appoint deputies necessary to prepare and supervise the voting  
20 system ~~machines~~ prior to and during elections. The  
21 compensation for such deputies shall be paid by the supervisor  
22 of elections.

23           Section 10. Section 101.341, Florida Statutes, is  
24 amended to read:

25           101.341 Prohibited activities by voting system ~~machine~~  
26 custodians and deputy custodians.--

27           (1) No voting system ~~machine~~ custodian or deputy  
28 custodian or other employee of the supervisor of elections,  
29 which employee's duties are primarily involved with the  
30 preparation, maintenance, or repair of voting equipment, shall  
31 accept employment or any form of consideration from any person

1 or business entity involved in the purchase, repair, or sale  
2 of voting equipment unless such employment has the prior  
3 written approval of the supervisor of elections of the county  
4 by which such person is employed.

5 (2) Any person violating the provisions of this  
6 section commits ~~is guilty of~~ a misdemeanor of the first  
7 degree, punishable as provided by s. 775.082 or s. 775.083.  
8 Such person shall also be subject to immediate discharge from  
9 his or her position.

10 Section 11. Section 101.43, Florida Statutes, is  
11 amended to read:

12 101.43 Substitute ballot.--When ~~voting machines are~~  
13 ~~used and~~ the required official ballots for a precinct are not  
14 delivered in time to be used on election day, or after  
15 delivery, are lost, destroyed or stolen, the clerk or other  
16 officials whose duty it is to provide ballots for use at such  
17 election, in lieu of the official ballots, shall have  
18 substitute ballots prepared, conforming as nearly as possible  
19 to the official ballots, and the board of election shall  
20 substitute these ballots to be used in the same manner as the  
21 official ballots would have been used at the election.

22 Section 12. Effective July 1, 2001, section 101.49,  
23 Florida Statutes, is amended to read:

24 101.49 Procedure of election officers where signatures  
25 differ.--

26 (1) Whenever any clerk or inspector, upon a just  
27 comparison of the signatures ~~signature~~, doubts ~~shall doubt~~  
28 that the signature ~~handwriting affixed to a signature~~  
29 ~~identification slip~~ of any elector who presents himself or  
30 herself at the polls to vote is the same as the signature of  
31 the elector affixed in the registration book, the clerk or

1 inspector shall deliver to the person an affidavit which shall  
2 be in substantially the following form:

3

4 STATE OF FLORIDA,

5 COUNTY OF .....

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

13 .....(Signature of voter)...

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

16 .....(Clerk or inspector of election)...

17 Precinct No. ....

18 County of .....

19

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

31

1           Section 13. Subsections (4), (5), and (8) of section  
2 101.5603, Florida Statutes, are amended to read:

3           101.5603 Definitions relating to Electronic Voting  
4 Systems Act.--As used in this act, the term:

5           (4) "Electronic or electromechanical voting system"  
6 means a system of casting votes by use of voting devices or  
7 marking devices and counting ballots by employing automatic  
8 tabulating equipment or data processing equipment, and the  
9 term includes touchscreen systems.

10           (5) "Marking device" means ~~either an approved~~  
11 ~~apparatus used for the piercing of ballots by the voter or any~~  
12 approved device for marking a ballot with ink or other  
13 substance or by touching a screen which will enable the ballot  
14 to be tabulated by means of automatic tabulating equipment.

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

19           Section 14. Section 101.5604, Florida Statutes, is  
20 amended to read:

21           101.5604 Adoption of system; procurement of equipment;  
22 commercial tabulations.--The board of county commissioners of  
23 any county, at any regular meeting or a special meeting called  
24 for the purpose, may, upon consultation with the supervisor of  
25 elections, adopt, purchase or otherwise procure, and provide  
26 for the use of any electronic or electromechanical voting  
27 system approved by the Department of State in all or a portion  
28 of the election precincts of that county. Thereafter the  
29 electronic or electromechanical voting system may be used for  
30 voting at all elections for public and party offices and on  
31 all measures and for receiving, registering, and counting the



1 votes thereof in such election precincts as the governing body  
2 directs. Any electronic or electromechanical voting system  
3 used by the county must be a precinct tabulation voting  
4 system.~~Any such board may contract for the tabulation of~~  
5 ~~votes at a location within the county when there is no~~  
6 ~~suitable tabulating equipment available which is owned by the~~  
7 ~~county.~~

8 Section 15. Subsections (3) and (10) of section  
9 101.5606, Florida Statutes, are amended, and subsections (13)  
10 and (14) are added to said section, to read:

11 101.5606 Requirements for approval of systems.--No  
12 electronic or electromechanical voting system shall be  
13 approved by the Department of State unless it is so  
14 constructed that:

15 (3)(a) The automatic tabulating equipment will be set  
16 to reject all votes for any office or measure when the number  
17 of votes therefor exceeds the number which the voter is  
18 entitled to cast or when the voter is not entitled to cast a  
19 vote for the office or measure.

20 (b) The automatic tabulating equipment will be set to  
21 reject a ballot which the tabulating equipment reads as a  
22 ballot with no votes cast.

23 (10) It is capable of automatically producing precinct  
24 totals in printed or,~~marked,~~ ~~or punched~~ form,~~or a~~  
25 combination thereof.

26 (13) It is a precinct count tabulation system.

27 (14) It does not use a punch card ballot.

28 Section 16. Effective July 1, 2001, section 101.56062,  
29 Florida Statutes, is created to read:

30 101.56062 Voting system loan program; use; rule.--  
31

1           (1) The purpose of this section is to provide  
2 assistance to counties to purchase voting systems necessary to  
3 conduct elections.

4           (2) The department is authorized to make and  
5 administer loans to eligible counties for the purpose of  
6 purchasing voting systems and ancillary equipment needed to  
7 record and tabulate a vote in each precinct for any election  
8 held by the county supervisor of elections.

9           (3) The term of loans made pursuant to this section  
10 shall be interest free and not exceed 10 years.

11           (4) The department is authorized to adopt rules  
12 pursuant to ss. 120.536(1) and 120.54 to administer this  
13 section. Such rules shall set forth a priority system for  
14 loans based on county need. The priority system shall give  
15 special consideration to the following:

16           (a) The county millage rate;

17           (b) Growth in the county's tax base over the last 3  
18 years;

19           (c) The financial health of the county;

20           (d) The financial ability of the county to repay the  
21 loan;

22           (e) The median household income of the county  
23 population;

24           (f) Poverty rate estimates;

25           (g) Per capita income level; and

26           (h) Any other reliably documented measures of  
27 disadvantage status.

28           (5)(a) If a county defaults under the terms of its  
29 loan agreement, the department shall so certify to the  
30 Comptroller, who shall forward the amount delinquent to the  
31 department from any unobligated funds due to the county under

1 any revenue-sharing or tax-sharing fund established by the  
2 state, except as otherwise provided by the State Constitution.  
3 Certification of delinquency shall not limit the department  
4 from pursuing other remedies available for default on a loan,  
5 including accelerating loan repayments.

6 (b) The department may impose a penalty for delinquent  
7 loan payments in the amount of 5 percent of the amount due, in  
8 addition to charging the cost to handle and process the debt.  
9 Penalty interest shall accrue on any amount due and payable  
10 beginning on the 30th day following the date upon which  
11 payment is due.

12 (6) The department is authorized to terminate or  
13 rescind a financial assistance agreement when the county fails  
14 to comply with the terms and conditions of the agreement.

15 (7) A county that has secured a loan pursuant to this  
16 section and meets any of the conditions set forth in s.  
17 218.503(1)(a)-(d) may petition the Governor for suspension of  
18 payment of the loan principle and, if applicable, unpaid  
19 penalties. The Governor is authorized to suspend any payment  
20 of a loan secured pursuant to this section, including any  
21 unpaid penalties, for any county that has fulfilled the  
22 requirements of this subsection.

23 Section 17. Effective July 1, 2001, paragraph (b) of  
24 subsection (1) of section 101.5607, Florida Statutes, is  
25 amended to read:

26 101.5607 Department of State to maintain voting system  
27 information; prepare software.--

28 (1)

29 (b) Within 24 hours after the completion of any logic  
30 and accuracy test conducted pursuant to s. 101.5612~~(1)~~, the  
31 supervisor of elections shall send by certified mail to the

1 Department of State a copy of the tabulation program which was  
2 used in the logic and accuracy testing.

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

5 101.5612 Testing of tabulating equipment.--

6 (1) All electronic or electromechanical voting systems  
7 shall be thoroughly tested at the conclusion of maintenance  
8 and programming. Tests shall be sufficient to determine that  
9 the voting system is properly programmed, the election is  
10 correctly defined on the voting system, and all of the voting  
11 system input, output, and communication devices are working  
12 properly.

13 (2)~~(1)~~ On any day not more than 10 days prior to the  
14 election day, the supervisor of elections shall have the  
15 automatic tabulating equipment publicly tested to ascertain  
16 that the equipment will correctly count the votes cast for all  
17 offices and on all measures. Public notice of the time and  
18 place of the test shall be given at least 48 hours prior  
19 thereto by publication once in one or more newspapers of  
20 general circulation in the county or, if there is no newspaper  
21 of general circulation in the county, by posting such notice  
22 in at least four conspicuous places in the county. The  
23 supervisor or the municipal elections official may, at the  
24 time of qualifying, give written notice of the time and  
25 location of such public ~~the~~ preelection test to each candidate  
26 qualifying with that office and obtain a signed receipt that  
27 such notice has been given. The Department of State shall  
28 give written notice to each statewide candidate at the time of  
29 qualifying, or immediately at the end of qualifying, that the  
30 voting equipment will be tested and advise each such candidate  
31 to contact the county supervisor of elections as to the time

1 and location of the public preelection test ~~pretest~~. The  
2 supervisor or the municipal elections official shall, at least  
3 15 days prior to an election, send written notice by certified  
4 mail to the county party chair of each political party and to  
5 all candidates for other than statewide office whose names  
6 appear on the ballot in the county and who did not receive  
7 written notification from the supervisor or municipal  
8 elections official at the time of qualifying, stating the time  
9 and location of the public preelection test of the automatic  
10 tabulating equipment. The canvassing board shall convene, and  
11 each member of the canvassing board shall certify to the  
12 accuracy of the test. For the test, the canvassing board may  
13 designate one member to represent it. The test shall be open  
14 to representatives of the political parties, the press, and  
15 the public. Each political party may designate one person  
16 with expertise in the computer field who shall be allowed in  
17 the central counting room when all tests are being conducted  
18 and when the official votes are being counted. Such designee  
19 shall not interfere with the normal operation of the  
20 canvassing board.

21 (3) For electronic or electromechanical voting systems  
22 configured to tabulate absentee ballots at a central or  
23 regional site, the public testing shall be conducted by  
24 processing a preaudited group of ballots so produced as to  
25 record a predetermined number of valid votes for each  
26 candidate and on each measure and to include one or more  
27 ballots for each office which have activated voting positions  
28 in excess of the number allowed by law in order to test the  
29 ability of the automatic tabulating equipment to reject such  
30 votes. If any error is detected, the cause therefor shall be  
31 corrected and an errorless count shall be made before the

1 automatic tabulating equipment is approved. The test shall be  
2 repeated and errorless results achieved immediately before the  
3 start of the official count of the ballots and again after the  
4 completion of the official count. The programs and ballots  
5 used for testing shall be sealed and retained under the  
6 custody of the county canvassing board.

7 (4)(a)1. For electronic or electromechanical voting  
8 systems configured to include electronic or electromechanical  
9 tabulation devices which are distributed to the precincts, all  
10 or a sample of the devices to be used in the election shall be  
11 publicly tested. If a sample is to be tested, the sample  
12 shall consist of a random selection of at least 5 percent or  
13 10 of the devices, whichever is greater. The test shall be  
14 conducted by processing a group of ballots, causing the device  
15 to output results for the ballots processed, and comparing the  
16 output of results to the results expected for the ballots  
17 processed. The group of ballots shall be produced so as to  
18 record a predetermined number of valid votes for each  
19 candidate and on each measure and to include for each office  
20 one or more ballots which have activated voting positions in  
21 excess of the number allowed by law in order to test the  
22 ability of the tabulating device to reject such votes.

23 2. If any tested tabulating device is found to have an  
24 error in tabulation, it shall be deemed unsatisfactory. For  
25 each device deemed unsatisfactory, the canvassing board shall  
26 take steps to determine the cause of the error, shall attempt  
27 to identify and test other devices that could reasonably be  
28 expected to have the same error, and shall test a number of  
29 additional devices sufficient to determine that all devices  
30 are satisfactory. Upon deeming any device unsatisfactory, the  
31

1 canvassing board may require all devices to be tested or may  
2 declare that all devices are unsatisfactory.

3 3. If the operation or output of any tested tabulation  
4 device, such as spelling or the order of candidates on a  
5 report, is in error, such problem shall be reported to the  
6 canvassing board. The canvassing board shall then determine  
7 if the reported problem warrants its deeming the device  
8 unsatisfactory.

9 (b) At the completion of testing under this  
10 subsection, the canvassing board or its representative, the  
11 representatives of the political parties, and the candidates  
12 or their representatives who attended the test shall witness  
13 the resetting of each device that passed to a preelection  
14 state of readiness and the sealing of each device that passed  
15 in such a manner as to secure its state of readiness until the  
16 opening of the polls.

17 (c) The canvassing board or its representative shall  
18 execute a written statement setting forth the tabulation  
19 devices tested, the results of the testing, the protective  
20 counter numbers, if applicable, of each tabulation device, the  
21 number of the seal securing each tabulation device at the  
22 conclusion of testing, any problems reported to the board as a  
23 result of the testing, and whether each machine tested is  
24 satisfactory or unsatisfactory.

25 (d) Any tabulating device deemed unsatisfactory shall  
26 be reprogrammed, repaired, or replaced and shall be made  
27 available for retesting. Such device must be determined by  
28 the canvassing board or its representative to be satisfactory  
29 before it may be used in any election. The canvassing board  
30 or its representative shall announce at the close of the first  
31 testing the date, place, and time that any unsatisfactory

1 device will be retested or may, at the option of the board,  
2 notify by telephone each person who was present at the first  
3 testing as to the date, place, and time that the retesting  
4 will occur.

5 (e) Records must be kept of all preelection testing of  
6 electronic or electromechanical tabulation devices used in any  
7 election. Such records are to be present and available for  
8 inspection and reference during public preelection testing by  
9 any person in attendance during such testing. The need of the  
10 canvassing board for access to such records during the testing  
11 shall take precedence over the need of other attendees to  
12 access such records so that the work of the canvassing board  
13 will not be delayed or hindered. Records of testing must  
14 include, for each device, the name of each person who tested  
15 the device and the date, place, time, and results of each  
16 test. Records of testing shall be retained as part of the  
17 official records of the election in which any device was used.

18 ~~(2) The test shall be conducted by processing a~~  
19 ~~preaudited group of ballots so produced as to record a~~  
20 ~~predetermined number of valid votes for each candidate and on~~  
21 ~~each measure and shall include for each office one or more~~  
22 ~~ballots which have votes in excess of the number allowed by~~  
23 ~~law in order to test the ability of the automatic tabulating~~  
24 ~~equipment to reject such votes. If any error is detected, the~~  
25 ~~cause therefor shall be ascertained and corrected and an~~  
26 ~~errorless count shall be made before the automatic tabulating~~  
27 ~~equipment is approved. The test shall be repeated immediately~~  
28 ~~before the start of the official count of the ballots in the~~  
29 ~~same manner as set forth above. After the completion of the~~  
30 ~~count, the test shall be repeated. The programs and ballots~~

31



1 ~~used shall be sealed and retained under the custody of the~~  
2 ~~county canvassing board.~~

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

5 101.5614 Canvass of returns.--

6 (1)~~(a)~~ In precincts in which an electronic or  
7 electromechanical voting system is used, as soon as the polls  
8 are closed, the election board shall secure the voting devices  
9 against further voting. The election board shall thereafter  
10 open the ballot box in the presence of members of the public  
11 desiring to witness the proceedings and count the number of  
12 voted ballots, unused ballots, and spoiled ballots to  
13 ascertain whether such number corresponds with the number of  
14 ballots issued by the supervisor. If there is a difference,  
15 this fact shall be reported in writing to the county  
16 canvassing board with the reasons therefor if known. The total  
17 number of voted ballots shall be entered on the forms  
18 provided. The proceedings of the election board at the  
19 precinct after the polls have closed shall be open to the  
20 public; however, no person except a member of the election  
21 board shall touch any ballot or ballot container or interfere  
22 with or obstruct the orderly count of the ballots.

23 ~~(b) In lieu of opening the ballot box at the precinct,~~  
24 ~~the supervisor may direct the election board to keep the~~  
25 ~~ballot box sealed and deliver it to a central or regional~~  
26 ~~counting location. In this case, the election board shall~~  
27 ~~count the stubs removed from the ballots to determine the~~  
28 ~~number of voted ballots.~~

29 ~~(2)(a) If the ballots are to be tallied at a central~~  
30 ~~location or at no more than three regional locations, the~~  
31 ~~election board shall place all ballots that have been cast and~~

1 ~~the unused, void, and defective ballots in the container or~~  
2 ~~containers provided for this purpose, which shall be sealed~~  
3 ~~and delivered forthwith to the central or regional counting~~  
4 ~~location or other designated location by two inspectors who~~  
5 ~~shall not, whenever possible, be of the same political party.~~  
6 ~~The election board shall certify that the ballots were placed~~  
7 ~~in such container or containers and each container was sealed~~  
8 ~~in its presence and under its supervision, and it shall~~  
9 ~~further certify to the number of ballots of each type placed~~  
10 ~~in the container or containers.~~

11 ~~(2)(b) If ballots are to be counted at the precincts,~~  
12 ~~such ballots shall be counted pursuant to rules adopted by The~~  
13 ~~Department of State, which rules shall, in accordance with s.~~  
14 ~~101.015, adopt rules that provide safeguards which conform as~~  
15 ~~nearly as practicable to the safeguards provided in the~~  
16 ~~procedures for the counting of votes at a precinct and at a~~  
17 ~~central or regional location.~~

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

29 ~~(3)(b) If Ballots are tabulated at precinct regional~~  
30 ~~locations, the results of such election may be transmitted via~~  
31 ~~dedicated teleprocessing lines to the main computer system for~~

1 the purpose of compilation of complete returns. The security  
2 guidelines for transmission of returns by dedicated  
3 teleprocessing lines shall conform to rules adopted by the  
4 Department of State pursuant to s. 101.015.

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

9 Section 20. Section 101.58, Florida Statutes, is  
10 amended to read:

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

1 of State; and costs incurred under this section shall be paid  
2 from the annual operating appropriation made to the Department  
3 of State.

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

6 101.64 Delivery of absentee ballots; envelopes;  
7 form.--

8 (1) The supervisor shall enclose with each absentee  
9 ballot two envelopes: a secrecy envelope, into which the  
10 absent elector shall enclose his or her marked ballot; and a  
11 mailing envelope, into which the absent elector shall then  
12 place the secrecy envelope, which shall be addressed to the  
13 supervisor and also bear on the back side a certificate in  
14 substantially the following form:

15

16 Note: Please Read Instructions Carefully Before  
17 Marking Ballot and Completing Voter's Certificate.

18 VOTER'S CERTIFICATE

19 I, ....., am a qualified and registered voter of ....  
20 County, Florida. I understand that if I commit or attempt to  
21 commit any fraud in connection with voting, vote a fraudulent  
22 ballot, or vote more than once in an election, I can be  
23 convicted of a felony of the third degree and fined up to  
24 \$5,000 and/or imprisoned for up to 5 years. I also understand  
25 that failure to sign this certificate and have my signature  
26 witnessed will invalidate my ballot. I am entitled to vote an  
27 absentee ballot for one of the following reasons:

28

29 1. I am unable without another's assistance to attend  
30 the polls.

31



1 making statement).... My commission expires this .... day of  
2 ....., ...(year)....  
3 .....(Signature of Official)..  
4 .....(Print, Type, or Stamp Name)...  
5 .....(State or Country of Commission)...  
6 Personally Known ..... OR Produced Identification  
7 .....  
8 Type of Identification Produced.....  
9  
10 OR  
11  
12 b. One Witness, who is a registered voter in the  
13 State.  
14  
15 I swear or affirm that the voter signed this Voter's  
16 Certificate in my presence and that, unless certified as an  
17 absentee ballot coordinator, I have not witnessed more than 5  
18 ballots for this election.  
19  
20 WITNESS:  
21  
22 ...(Signature of Witness)...  
23 .....(Printed Name of Witness)...  
24  
25 ...(Voter I.D. Number of Witness and County of Registration)...  
26  
27 ...(Address)...  
28 .....(City/State)...  
29  
30 Section 22. Subsection (2) of section 101.71, Florida  
31 Statutes, is amended to read:

1           101.71 Polling place.--  
2           (2) Notwithstanding the provisions of subsection (1),  
3 whenever the supervisor of elections of any county determines  
4 that the accommodations for holding any election at a polling  
5 place designated for any precinct in the county are  
6 unavailable or are inadequate for the expeditious and  
7 efficient housing and handling of voting and voting  
8 paraphernalia, ~~including voting machines where used,~~the  
9 supervisor may provide, not less than 30 days prior to the  
10 holding of an election, that the voting place for such  
11 precinct shall be moved to another site which shall be  
12 accessible to the public on election day in said precinct or,  
13 if such is not available, to another site which shall be  
14 accessible to the public on election day in a contiguous  
15 precinct. If such action of the supervisor results in the  
16 voting place for two or more precincts being located for the  
17 purposes of an election in one building, the voting places for  
18 the several precincts involved shall be established and  
19 maintained separate from each other in said building. When  
20 any supervisor moves any polling place pursuant to this  
21 subsection, the supervisor shall, not more than 30 days or  
22 fewer than 7 days prior to the holding of an election, give  
23 notice of the change of the polling place for the precinct  
24 involved, with clear description of the voting place to which  
25 changed, at least once in a newspaper of general circulation  
26 in said county. A notice of the change of the polling place  
27 involved shall be mailed, at least 14 days prior to an  
28 election, to each registered elector or to each household in  
29 which there is a registered elector.

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

1           101.75 Municipal elections; change of dates for  
2 cause.--

3           (1) In any municipality, when the date of the  
4 municipal election falls on the same date as any statewide or  
5 county election and the voting devices of the voting system  
6 used in the county ~~machines~~ are not available for both  
7 elections, the municipality may provide that the municipal  
8 election may be held within 30 days prior to or subsequent to  
9 the statewide or county election.

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

12           102.012 Inspectors and clerks to conduct elections.--

13           (4)(a) The election board of each precinct shall  
14 attend the polling place by 6 a.m. of the day of the election  
15 and shall arrange the furniture, stationery, and voting  
16 equipment.

17           **(b)** An election board shall conduct the voting,  
18 beginning and closing at the time set forth in s. 100.011. If  
19 more than one board has been appointed, the second board  
20 shall, upon the closing of the polls, come on duty and count  
21 the votes cast. In such case, the first board shall turn over  
22 to the second board all closed ballot boxes, registration  
23 books, and other records of the election at the time the  
24 boards change. The second board shall continue counting until  
25 the count is complete or until 7 a.m. the next morning, and,  
26 if the count is not completed at that time, the first board  
27 that conducted the election shall again report for duty and  
28 complete the count. The second board shall turn over to the  
29 first board all ballots counted, all ballots not counted, and  
30 all registration books and other records and shall advise the  
31



1 first board as to what has transpired in tabulating the  
2 results of the election.

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

8 (7)~~(8)~~ The supervisor of elections shall conduct  
9 training for inspectors, clerks, and deputy sheriffs prior to  
10 each first primary, general, and special election for the  
11 purpose of instructing such persons in their duties and  
12 responsibilities as election officials. A certificate may be  
13 issued by the supervisor of elections to each person  
14 completing such training. No person shall serve as an  
15 inspector, clerk, or deputy sheriff for an election unless  
16 such person has completed the training as required. A person  
17 who has attended previous training conducted within 2 years of  
18 the election may be appointed by the supervisor to fill a  
19 vacancy on election day. If no person with prior training is  
20 available to fill such vacancy, the supervisor of elections  
21 may fill such vacancy in accordance with the provisions of  
22 subsection(8)~~(9)~~from among persons who have not received  
23 the training required by this section.

24 (8)~~(9)~~ In the case of absence or refusal to act on the  
25 part of any inspector or clerk at any precinct on the day of  
26 an election, the supervisor shall appoint a replacement who  
27 meets the qualifications prescribed in subsection (2). The  
28 inspector or clerk so appointed shall be a member of the same  
29 political party as the clerk or inspector whom he or she  
30 replaces.

31

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

3           102.021 Compensation of inspectors, clerks, and deputy  
4 sheriffs.--

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

9           Section 26. Subsections (3) and (4) of section  
10 102.141, Florida Statutes, are amended to read:

11           102.141 County canvassing board; duties.--

12           (3) The canvass, except the canvass of absentee  
13 electors' returns, shall be made from the returns and  
14 certificates of the inspectors as signed and filed by them  
15 with the county court judge and supervisor, respectively, and  
16 the county canvassing board shall not change the number of  
17 votes cast for a candidate, nominee, constitutional amendment,  
18 or other measure submitted to the electorate of the county,  
19 respectively, in any polling place, as shown by the returns.  
20 All returns shall be made to the board on or before noon of  
21 the day following any primary, general, special, or other  
22 election. If the returns from any precinct are missing, if  
23 there are any omissions on the returns from any precinct, or  
24 if there is an obvious error on any such returns, the  
25 canvassing board shall order a recount of the returns from  
26 such precinct. Before canvassing such returns, the canvassing  
27 board shall examine the ~~counters on the machines or the~~  
28 tabulation of the ballots cast in such precinct and determine  
29 whether the returns correctly reflect the votes cast. If  
30 there is a discrepancy between the returns and the ~~counters of~~  
31 ~~the machines or the~~ tabulation of the ballots cast, the

1 ~~counters of such machines or the~~ tabulation of the ballots  
2 cast shall be presumed correct and such votes shall be  
3 canvassed accordingly.

4 (4) If the returns for any office reflect that a  
5 candidate was defeated or eliminated by one-half of a percent  
6 or less of the votes cast for such office, that a candidate  
7 for retention to a judicial office was retained or not  
8 retained by one-half of a percent or less of the votes cast on  
9 the question of retention, or that a measure appearing on the  
10 ballot was approved or rejected by one-half of a percent or  
11 less of the votes cast on such measure, the board responsible  
12 for certifying the results of the vote on such race or measure  
13 shall order a recount of the votes cast with respect to such  
14 office or measure. A recount need not be ordered with respect  
15 to the returns for any office, however, if the candidate or  
16 candidates defeated or eliminated from contention for such  
17 office by one-half of a percent or less of the votes cast for  
18 such office request in writing that a recount not be made.  
19 Each canvassing board responsible for conducting a recount  
20 shall examine the ~~counters on the machines or the~~ tabulation  
21 of the ballots cast in each precinct in which the office or  
22 issue appeared on the ballot and determine whether the returns  
23 correctly reflect the votes cast. If there is a discrepancy  
24 between the returns and the ~~counters of the machines or the~~  
25 tabulation of the ballots cast, the ~~counters of such machines~~  
26 ~~or the~~ tabulation of the ballots cast shall be presumed  
27 correct and such votes shall be canvassed accordingly.

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

30 102.166 Protest of election returns; procedure.--

31

1 (3) Before canvassing the returns of the election, the  
2 canvassing board shall:

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

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

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

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

21 103.101 Presidential preference primary.--

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

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

27  
28 OFFICIAL PRESIDENTIAL PREFERENCE  
29 PRIMARY BALLOT

30  
31 No. .... Party

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~~....COUNTY, FLORIDA~~

~~Precinct No. ....~~

~~...(Date)...~~

~~...(Signature of Voter).....(Initials of Issuing Official)...~~

~~Stub No. 1~~

~~OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT~~

~~No. .... Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No. ....~~

~~...(Date)...~~

~~...(Initials of Issuing Official)...~~

~~Stub No. 2~~

~~OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT~~

~~.... Party~~

~~....COUNTY, FLORIDA~~

1   Precinct No. ....  
2  
3   ... (Date) ...  
4  
5 ~~Place a cross (X) in the blank space to the right of the name~~  
6 ~~of the presidential candidate for whom you wish to vote,~~  
7  
8 ~~For President~~  
9  
10 ~~... (Name of Candidate) ...~~  
11  
12 ~~... (Name of Candidate) ...~~  
13  
14 ~~or place a cross (X) in the blank space to the right of the~~  
15 ~~name of the delegate(s) for whom you wish to vote.~~  
16  
17 ~~... (Name of Delegate) ...   ... (Name of Candidate) ...~~  
18           Section 29.   Section 104.30, Florida Statutes, is  
19 amended to read:  
20           104.30   Voting systems ~~machine~~; unlawful possession;  
21 tampering.--  
22           (1) Any unauthorized person who unlawfully has  
23 possession of any voting system or component ~~machine or key~~  
24 thereof commits ~~is guilty of~~ a misdemeanor of the first  
25 degree, punishable as provided in s. 775.082 or s. 775.083.  
26           (2) Any person who tampers or attempts to tamper with  
27 or destroy any voting system or equipment ~~machine~~ with the  
28 intention of interfering with the election process or the  
29 results thereof commits ~~is guilty of~~ a felony of the third  
30 degree, punishable as provided in s. 775.082, s. 775.083, or  
31 s. 775.084.

1           Section 30. Section 138.05, Florida Statutes, is  
2 amended to read:

3           138.05 Form of ballot.--The clerk of the circuit court  
4 of any county in this state, when the names of the towns,  
5 villages, and cities required in s. 138.04 have been furnished  
6 him or her, shall have printed, at the expense of the county,  
7 a suitable ballot to be used in said election, said ballot to  
8 contain, in alphabetical order, the names of all such towns,  
9 villages, and cities, and no other places shall be printed on  
10 the said ballots; ~~provided, that in counties where the use of~~  
11 ~~voting machines is now or may hereafter be authorized by law,~~  
12 ~~the requirements of this section shall, insofar as~~  
13 ~~practicable, be adapted to the use of said voting machines.~~

14           Section 31. Effective July 1, 2001, sections 101.141,  
15 101.181, 101.191, and 101.5609, Florida Statutes, are  
16 repealed.

17           Section 32. Sections 101.011, 101.27, 101.28, 101.29,  
18 101.32, 101.33, 101.35, 101.36, 101.37, 101.38, 101.39,  
19 101.40, 101.445, 101.45, 101.46, 101.47, 101.54, 101.55, and  
20 101.56, Florida Statutes, are repealed.

21           Section 33. (1) Funding for the implementation of  
22 this act shall be as provided for in the 2001-2002 General  
23 Appropriations Act.

24           (2) This section shall take effect upon this act  
25 becoming a law.

26           Section 34. Except as otherwise provided herein, this  
27 act shall take effect September 2, 2002.

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HOUSE SUMMARY

Revises certain definitions applicable to the Florida Election Code to remove provisions relating to voting systems that use voting machines or paper ballots and to restrict such definitions to electronic or electromechanical voting systems. Provides general specifications for ballots and deletes provisions specific to certain elections and voting systems. Requires the Department of State to adopt rules prescribing uniform primary and general election ballots for each certified voting system. Revises definitions applicable to the Electronic Voting Systems Act to specify touchscreen voting systems as electronic or electromechanical voting systems and to remove provisions relating to voting machines. Requires any electronic or electromechanical voting system used by a county to be a precinct tabulation system. Provides additional requirements for electronic or electromechanical voting systems. Establishes a loan program for counties to purchase voting equipment, provides the term of such loans, provides for a priority system based on county need, provides penalties for default or delinquent payments, and provides for suspension of payment of principal and penalties under certain financial emergency conditions. Provides rulemaking authority. Provides standards and requirements for the testing of electronic or electromechanical voting systems, including recordkeeping requirements. Modifies the definition of "voting equipment," applicable to purchasing requirements, to remove provisions relating to voting machines. Prohibits any unauthorized person from unlawfully possessing any voting system or component thereof. Prohibits any person from tampering or attempting to tamper with or destroying any voting system or equipment with the intention of interfering with the election process or the results thereof. Provides penalties. Revises various provisions of law to remove provisions relating to voting systems that use voting machines or paper ballots and to revise references to conform to changes made by the act. Repeals provisions of law relating to the specifications and form of ballots, to conform. Repeals provisions of law relating to voting systems that use voting machines or paper ballots, to conform. Provides that funding for implementation of the act shall be as provided for in the General Appropriations Act. See bill for details.