

By the Procedural & Redistricting Council and 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.
6 101.5608, F.S.; providing procedures to be
7 followed after a vote tabulation device rejects
8 a ballot; amending s. 101.5612, F.S.; providing
9 standards and requirements for the testing of
10 electronic or electromechanical voting systems;
11 providing recordkeeping requirements; amending
12 s. 101.5614, F.S.; removing references to the
13 canvassing of returns at central or regional
14 locations, to conform; revising requirements
15 for the transmission of precinct returns;
16 providing for adoption of security guidelines
17 by rule; amending s. 101.292, F.S.; modifying
18 the definition of "voting equipment,"
19 applicable to purchasing requirements, to
20 remove provisions relating to voting machines;
21 amending s. 104.30, F.S.; prohibiting any
22 unauthorized person from unlawfully possessing
23 any voting system or component thereof;
24 prohibiting any person from tampering or
25 attempting to tamper with or destroying any
26 voting system or equipment with the intention
27 of interfering with the election process or the
28 results thereof; providing penalties; removing
29 references to voting machines, to conform;
30 amending ss. 98.471, 100.071, 100.361, 101.21,
31 101.24, 101.34, 101.341, 101.43, 101.49,

1 101.58, 101.64, 101.71, 101.75, 102.012,
2 102.021, 102.141, 102.166, 103.101, and 138.05,
3 F.S.; removing provisions relating to voting
4 systems that use voting machines or paper
5 ballots and revising references to conform to
6 changes made by the act; repealing ss. 101.141,
7 101.181, 101.191, and 101.5609, F.S., relating
8 to the specifications and form of ballots, to
9 conform; repealing ss. 101.011, 101.27, 101.28,
10 101.29, 101.32, 101.33, 101.35, 101.36, 101.37,
11 101.38, 101.39, 101.40, 101.445, 101.45,
12 101.46, 101.47, 101.54, 101.55, and 101.56,
13 F.S., relating to voting systems that use
14 voting machines or paper ballots, to conform;
15 requiring the Division of Elections to provide
16 the Governor and Legislature a progress report
17 on the upgrading of county voting systems;
18 providing that funding for implementation of
19 the act shall be as provided for in the General
20 Appropriations Act; providing effective dates.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (1) and
25 subsections (2), (29), and (30) of section 97.021, Florida
26 Statutes, are amended to read:

27 97.021 Definitions.--For the purposes of this code,
28 except where the context clearly indicates otherwise, the
29 term:

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

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

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

8 ~~(a) "Voting machines," except when reference is made~~
9 ~~to write-in ballots, means that portion of the printed strips~~
10 ~~of cardboard, paper, or other material that is within the~~
11 ~~ballot frames containing the names of candidates, or a~~
12 ~~statement of a proposed constitutional amendment or other~~
13 ~~question or proposition submitted to the electorate at any~~
14 ~~election.~~

15 (a)(b) "Paper ballots" means that printed sheet of
16 paper, used in conjunction with an electronic or
17 electromechanical vote tabulation voting system, containing
18 the names of candidates, or a statement of proposed
19 constitutional amendments or other questions or propositions
20 submitted to the electorate at any election, on which sheet of
21 paper an elector casts his or her vote.

22 (b)(c) "Electronic or electromechanical devices" means
23 a ballot which is voted by the process of electronically
24 designating punching or marking with a marking device for
25 tabulation by automatic tabulating equipment or data
26 processing equipment.

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

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1 (30) "Voting system" means a method of casting and
2 processing votes that functions wholly or partly by use of
3 ~~mechanical~~, electromechanical, or electronic apparatus or by
4 use of paper ballots and includes, but is not limited to, the
5 procedures for casting and processing votes and the programs,
6 operating manuals, ~~tabulating cards~~, printouts, and other
7 software necessary for the system's operation.

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

10 98.471 Use of precinct register at polls.--The
11 precinct register, as prescribed in s. 98.461, may be used at
12 the polls in lieu of the registration books for the purpose of
13 identifying the elector at the polls prior to allowing him or
14 her to vote. The clerk or inspector shall require each
15 elector, upon entering the polling place, to present a Florida
16 driver's license, a Florida identification card issued under
17 s. 322.051, or another form of picture identification approved
18 by the Department of State. The elector shall sign his or her
19 name in the space provided, and the clerk or inspector shall
20 compare the signature with that on the identification provided
21 by the elector and enter his or her initials in the space
22 provided and allow the elector to vote if the clerk or
23 inspector is satisfied as to the identity of the elector. If
24 the elector fails to furnish the required identification, or
25 if the clerk or inspector is in doubt as to the identity of
26 the elector, such clerk or inspector shall follow the
27 procedure prescribed in s. 101.49. ~~The precinct register may~~
28 ~~also contain the information set forth in s. 101.47(8) and, if~~
29 ~~so, the inspector shall follow the procedure required in s.~~
30 ~~101.47, except that the identification provided by the elector~~
31 ~~shall be used for the signature comparison.~~

1 Section 3. Paragraph (a) of subsection (1) of section
2 100.071, Florida Statutes, is amended to read:

3 100.071 Grouping of candidates on primary ballots.--

4 (1)(a) Where two or more similar offices are to be
5 filled in the same election, the names of candidates shall be
6 placed or printed upon the ballot ~~or voting machine~~ in groups
7 or districts; that is, if two or more members of the
8 Legislature or two or more members of a governing board are to
9 be elected from the same geographical area, then the
10 candidates' names shall be placed or printed on the ballot ~~or~~
11 ~~voting machines~~ in groups or districts, as the case may be.

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

14 100.361 Municipal recall.--

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

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

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

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

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

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

31

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

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

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

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

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

1 board of county commissioners, and such other county and
2 district offices as are involved in the general election, in
3 the order fixed by the Department of State, followed, in the
4 year of their election, by "Party Offices," and thereunder the
5 offices of state and county party executive committee members.
6 ~~When a write-in candidate has qualified for any office, a~~
7 ~~subheading "Write-in Candidate for ...(name of office)..."~~
8 ~~shall be provided followed by a blank space in which to write~~
9 ~~the name of the candidate. With respect to write-in~~
10 candidates, if two or more candidates are seeking election to
11 one office, only one blank space shall be provided.

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

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

27 (3)(a)~~(4)~~ The names of the candidates of the party
28 which received the highest number of votes for Governor in the
29 last election in which a Governor was elected shall be placed
30 first under the heading for each office on the general
31 election ballot, together with an appropriate abbreviation of

1 party name; the names of the candidates of the party which
2 received the second highest vote for Governor shall be second
3 under the heading for each office, together with an
4 appropriate abbreviation of the party name.

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

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

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

16 (5) The primary election ballot shall be arranged so
17 that the offices of Governor and Lieutenant Governor are
18 joined in a single voting space to allow each elector to cast
19 a single vote for the joint candidacies for Governor and
20 Lieutenant Governor, if applicable.

21 (6) The general election ballot shall be arranged so
22 that the offices of President and Vice President are joined in
23 a single voting space to allow each elector to cast a single
24 vote for the joint candidacies for President and Vice
25 President and so that the offices of Governor and Lieutenant
26 Governor are joined in a single voting space to allow each
27 elector to cast a single vote for the joint candidacies for
28 Governor and Lieutenant Governor.

29 (7)~~(6)~~ Except for justices or judges seeking
30 retention, the names of unopposed candidates shall not appear
31

1 on the general election ballot. Each unopposed candidate
2 shall be deemed to have voted for himself or herself.

3 (8)(a) The Department of State shall adopt rules
4 prescribing a uniform primary and general election ballot for
5 each certified voting system. The rules shall incorporate the
6 requirements set forth in this section and shall prescribe
7 additional matters and forms which include, without
8 limitation:

9 1. Clear and unambiguous ballot instructions and
10 directions;

11 2. Individual race layout; and

12 3. Overall ballot layout.

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

16 ~~(7) The same requirement as to the type, size, and~~
17 ~~kind of printing of official ballots in primary elections as~~
18 ~~provided in s. 101.141(5) shall govern the printing of~~
19 ~~official ballots in general elections.~~

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

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

28 Section 6. Section 101.21, Florida Statutes, is
29 amended to read:

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

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

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

15 Section 7. Section 101.24, Florida Statutes, is
16 amended to read:

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

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

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

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

21 Section 9. Section 101.34, Florida Statutes, is
22 amended to read:

23 101.34 Custody of voting system ~~machines~~.--The
24 supervisor of elections shall be the custodian of the voting
25 system ~~machines~~ in the county ~~using them~~, and he or she shall
26 appoint deputies necessary to prepare and supervise the voting
27 system ~~machines~~ prior to and during elections. The
28 compensation for such deputies shall be paid by the supervisor
29 of elections.

30 Section 10. Section 101.341, Florida Statutes, is
31 amended to read:

1 101.341 Prohibited activities by voting system ~~machine~~
2 custodians and deputy custodians.--

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

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

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

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

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

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1 subscribed before one of the inspectors or clerks of the
2 election who is authorized to administer the oath. Whenever
3 the affidavit is made and filed with the clerk or inspector,
4 the person shall then be permitted ~~admitted to the voting~~
5 ~~machine~~ to cast his or her vote, but if the person fails or
6 refuses to make out or file such affidavit, then he or she
7 shall not be permitted to vote.

8 Section 13. Subsections (4), (5), and (8) of section
9 101.5603, Florida Statutes, are amended to read:

10 101.5603 Definitions relating to Electronic Voting
11 Systems Act.--As used in this act, the term:

12 (4) "Electronic or electromechanical voting system"
13 means a system of casting votes by use of voting devices or
14 marking devices and counting ballots by employing automatic
15 tabulating equipment or data processing equipment, and the
16 term includes touchscreen systems.

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

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

26 Section 14. Section 101.5604, Florida Statutes, is
27 amended to read:

28 101.5604 Adoption of system; procurement of equipment;
29 commercial tabulations.--The board of county commissioners of
30 any county, at any regular meeting or a special meeting called
31 for the purpose, may, upon consultation with the supervisor of

1 elections, adopt, purchase or otherwise procure, and provide
2 for the use of any electronic or electromechanical voting
3 system approved by the Department of State in all or a portion
4 of the election precincts of that county. Thereafter the
5 electronic or electromechanical voting system may be used for
6 voting at all elections for public and party offices and on
7 all measures and for receiving, registering, and counting the
8 votes thereof in such election precincts as the governing body
9 directs. Any electronic or electromechanical voting system
10 used by the county must be a precinct tabulation voting
11 system.~~Any such board may contract for the tabulation of~~
12 ~~votes at a location within the county when there is no~~
13 ~~suitable tabulating equipment available which is owned by the~~
14 ~~county.~~

15 Section 15. Subsections (3) and (10) of section
16 101.5606, Florida Statutes, are amended, and subsections (13)
17 and (14) are added to said section, to read:

18 101.5606 Requirements for approval of systems.--No
19 electronic or electromechanical voting system shall be
20 approved by the Department of State unless it is so
21 constructed that:

22 (3)(a) The automatic tabulating equipment will be set
23 to reject all votes for any office or measure when the number
24 of votes therefor exceeds the number which the voter is
25 entitled to cast or when the voter is not entitled to cast a
26 vote for the office or measure.

27 (b) The automatic tabulating equipment will be set to
28 reject a ballot which the tabulating equipment reads as a
29 ballot with no votes cast.

30 (10) It is capable of automatically producing precinct
31 totals in printed and electronic format for use in producing

1 countywide totals, marked, or punched form, or a combination
2 thereof.

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

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

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

7 101.56062 Voting system loan program; use; rule.--

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

11 (2) The department is authorized to make and
12 administer loans to eligible counties for the purpose of
13 purchasing voting systems and ancillary equipment needed to
14 record and tabulate a vote in each precinct for any election
15 held by the county supervisor of elections.

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

18 (4) The department is authorized to adopt rules
19 pursuant to ss. 120.536(1) and 120.54 to administer this
20 section. Such rules shall set forth a priority system for
21 loans based on county need. The priority system shall give
22 special consideration to the following:

23 (a) The county millage rate;

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

26 (c) The financial health of the county;

27 (d) The financial ability of the county to repay the
28 loan;

29 (e) The median household income of the county
30 population;

31 (f) Poverty rate estimates;

1 (g) Per capita income level; and
2 (h) Any other reliably documented measures of
3 disadvantage status.
4 (5)(a) If a county defaults under the terms of its
5 loan agreement, the department shall so certify to the
6 Comptroller, who shall forward the amount delinquent to the
7 department from any unobligated funds due to the county under
8 any revenue-sharing or tax-sharing fund established by the
9 state, except as otherwise provided by the State Constitution.
10 Certification of delinquency shall not limit the department
11 from pursuing other remedies available for default on a loan,
12 including accelerating loan repayments.
13 (b) The department may impose a penalty for delinquent
14 loan payments in the amount of 5 percent of the amount due, in
15 addition to charging the cost to handle and process the debt.
16 Penalty interest shall accrue on any amount due and payable
17 beginning on the 30th day following the date upon which
18 payment is due.
19 (6) The department is authorized to terminate or
20 rescind a financial assistance agreement when the county fails
21 to comply with the terms and conditions of the agreement.
22 (7) A county that has secured a loan pursuant to this
23 section and meets any of the conditions set forth in s.
24 218.503(1)(a)-(d) may petition the Governor for suspension of
25 payment of the loan principle and, if applicable, unpaid
26 penalties. The Governor is authorized to suspend any payment
27 of a loan secured pursuant to this section, including any
28 unpaid penalties, for any county that has fulfilled the
29 requirements of this subsection.
30
31

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

4 101.5607 Department of State to maintain voting system
5 information; prepare software.--

6 (1)

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

12 Section 18. Effective July 1, 2001, paragraph (b) of
13 subsection (2) of section 101.5608, Florida Statutes, is
14 amended to read:

15 101.5608 Voting by electronic or electromechanical
16 method; procedures.--

17 (2) When an electronic or electromechanical voting
18 system utilizes a ballot card or paper ballot, the following
19 procedures shall be followed:

20 (b) Any voter who spoils his or her ballot or makes an
21 error may return the ballot to the election official and
22 secure another ballot, except that in no case shall a voter be
23 furnished more than three ballots. If the vote tabulation
24 device has rejected a ballot, the ballot shall be considered
25 spoiled and a new ballot shall be provided to the voter. The
26 election official, without examining the original ballot,
27 shall state the possible reasons for the rejection and direct
28 the voter to the instruction model provided at the precinct
29 pursuant to s. 101.5611.A spoiled ballot shall be preserved,
30 without examination, in an envelope provided for that purpose.

31

1 The stub shall be removed from the ballot and placed in an
2 envelope.

3 Section 19. 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 20. 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) The results of ~~if~~ ballots are tabulated at~~
30 ~~precinct regional locations, the results of such election may~~
31 ~~be transmitted via dedicated teleprocessing lines to the main~~

1 computer system for the purpose of compilation of complete
2 returns. The security guidelines for transmission of returns
3 ~~by dedicated teleprocessing lines~~ shall conform to rules
4 adopted by the 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 21. 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 22. 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 2. I may not be in the precinct of my residence during
2 the hours the polls are open for voting on election day.
- 3 3. I am an inspector, a poll worker, a deputy voting
4 system machine custodian, a deputy sheriff, a supervisor of
5 elections, or a deputy supervisor who is assigned to a
6 different precinct than that in which I am registered.
- 7 4. On account of the tenets of my religion, I cannot
8 attend the polls on the day of the general, special, or
9 primary election.
- 10 5. I have changed my permanent residency to another
11 county in Florida within the time period during which the
12 registration books are closed for the election. I understand
13 that I am allowed to vote only for national and statewide
14 offices and on statewide issues.
- 15 6. I have changed my permanent residency to another
16 state and am unable under the laws of such state to vote in
17 the general election. I understand that I am allowed to vote
18 only for President and Vice President.
- 19 7. I am unable to attend the polls on election day and
20 am voting this ballot in person at the office of, and under
21 the supervision of, the county supervisor of elections.
- 22
- 23 ...(Voter's Signature)...
- 24
- 25 ...(Last four digits of voter's social security number)...
- 26 Note: Your Signature Must Be Witnessed By Either:
- 27 a. A Notary or Officer Defined in Item 6.b. of the
28 Instruction Sheet.
- 29
- 30 Sworn to (or affirmed) and subscribed before me this
31 day of, ...(year)...., by ...(name of person

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 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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

1 ~~.....COUNTY, FLORIDA~~
 2
 3 Precinct No. ~~.....~~
 4
 5 ~~...(Date)...~~
 6
 7 ~~...(Signature of Voter).....~~ ~~...(Initials of Issuing~~
 8 ~~Official)...~~
 9
 10 Stub No. 1
 11
 12 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
 13 ~~PRIMARY BALLOT~~
 14
 15 No. ~~.....~~ ~~.....~~ Party
 16 ~~.....COUNTY, FLORIDA~~
 17
 18 Precinct No. ~~.....~~
 19
 20 ~~...(Date)...~~
 21
 22 ~~.....(Initials of Issuing Official)...~~
 23
 24 Stub No. 2
 25
 26 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
 27 ~~PRIMARY BALLOT~~
 28
 29 ~~..... Party~~
 30 ~~.....COUNTY, FLORIDA~~
 31

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31

Precinct No.

...(Date)...

~~Place a cross (X) in the blank space to the right of the name
of the presidential candidate for whom you wish to vote,~~

~~For President~~

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

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

~~or place a cross (X) in the blank space to the right of the
name of the delegate(s) for whom you wish to vote.~~

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

Section 30. Section 104.30, Florida Statutes, is amended to read:

104.30 Voting systems ~~machine~~; unlawful possession; tampering.--

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

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

1 Section 31. 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 32. Effective July 1, 2001, sections 101.141,
15 101.181, 101.191, and 101.5609, Florida Statutes, are
16 repealed.

17 Section 33. 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 34. The Division of Elections of the
22 Department of State shall provide a report to the Governor,
23 the President of the Senate, and the Speaker of the House of
24 Representatives by November 15, 2001, detailing the progress
25 that each county required by this act to upgrade a voting
26 system has made toward the implementation of such system. This
27 section shall take effect July 1, 2001.

28 Section 35. Funding for the implementation of this act
29 shall be as provided for in the 2001-2002 General
30 Appropriations Act. This section shall take effect July 1,
31 2001.

1 Section 36. Except as otherwise provided herein, this
2 act shall take effect September 2, 2002.
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