

By the Committee on Ethics and Elections; and Senator Clary

313-1523-01

1 A bill to be entitled
2 An act relating to elections; amending ss.
3 101.5614, 101.68, 102.071, F.S.; prohibiting
4 release of election results until the polls
5 close in all parts of the state; providing an
6 effective date.

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

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10 Section 1. Subsection (8) of section 101.5614, Florida
11 Statutes, is amended to read:

12 101.5614 Canvass of returns.--

13 (8) The return printed by the automatic tabulating
14 equipment, to which has been added the return of write-in,
15 absentee, and manually counted votes, shall constitute the
16 official return of the election. Upon completion of the
17 count, the returns shall be open to the public; however, no
18 returns shall be made public until the polls have closed in
19 all counties in the state. A copy of the returns may be
20 posted at the central counting place or at the office of the
21 supervisor of elections in lieu of the posting of returns at
22 individual precincts.

23 Section 2. Paragraph (a) of subsection (2) of section
24 101.68, Florida Statutes, is amended to read:

25 101.68 Canvassing of absentee ballot.--

26 (2)(a) The county canvassing board may begin the
27 canvassing of absentee ballots at 7 a.m. on the fourth day
28 before the election, but not later than noon on the day
29 following the election. In addition, for any county using
30 electronic tabulating equipment, the processing of absentee
31 ballots through such tabulating equipment may begin upon the

1 opening of the polls on election day. However,
2 notwithstanding any such authorization to begin canvassing or
3 otherwise processing absentee ballots early, no result or
4 tabulation of absentee ballots shall be made until after the
5 close of the polls in every county in the state on election
6 day.

7 Section 3. Section 102.071, Florida Statutes, is
8 amended to read:

9 102.071 Tabulation of votes and proclamation of
10 results where ballots are used.--The election board shall post
11 at the polls, for the benefit of the public, the results of
12 the voting for each office or other item on the ballot as the
13 count is completed; however, no results shall be made public
14 until the polls have closed in all counties in the state.

15 Upon completion of all counts in all races, triplicate
16 certificates of the results shall be drawn up by the
17 inspectors and clerk at each precinct upon a form provided by
18 the supervisor of elections which shall contain the name of
19 each person voted for, for each office, and the number of
20 votes cast for each person for such office; and, if any
21 question is submitted, the certificate shall also contain the
22 number of votes cast for and against the question. The
23 certificate shall be signed by the inspectors and clerk, and
24 one of the certificates shall be delivered without delay by
25 one of the inspectors, securely sealed, to the supervisor for
26 immediate publication; the duplicate copy of the certificate
27 shall be delivered to the county court judge; and the
28 remaining copy shall be enclosed in the ballot box together
29 with the oaths of inspectors and clerks. All the ballot
30 boxes, ballots, ballot stubs, memoranda, and papers of all
31 kinds used in the election shall also be transmitted, sealed

1 by the inspectors, with the certificates of result of the
2 election to be filed in the supervisor's office. Registration
3 books and the poll lists shall not be placed in the ballot
4 boxes but shall be returned to the supervisor.

5 Section 4. This act shall take effect January 1, 2002.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
8 COMMITTEE SUBSTITUTE FOR
9 SB 748

10 The committee substitute provides that no results may be
11 released prior to the close of the polls in all counties of
12 the state. Polls will continue to remain open from 7 a.m.
13 until 7 p.m., based on the customary time in use in the county
14 seat.

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