

799-121AXA-21

Bill No. CS for SB 618, 1st Eng.

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

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

Representative(s) Cusack and Wiles offered the following:

Amendment to Amendment (870849) (with title amendment)

On page 24, between lines 4 and 5, of the amendment

insert:

Section 25. Clear indication of voter's choice on a ballot.--

(1) The standards to determine voter intent in a manual recount as provided specifically by s. 102.166, Florida Statutes, are as provided in this section.

(2) The following are guidelines for determining on an optical scan voting system whether or not there is a clear indication on the ballot that the voter has made a definite choice:

(a) Ballots must be marked in pen or pencil.

(b) If a ballot is marked with a color or device that does not permit an accurate machine count, that vote shall count.

(c) If a voter circles the oval or arrow next to a candidate or issue, the vote for that candidate or issue shall

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1 count.

2 (d) If a voter circles or underlines the name of a
3 candidate, the vote shall count for that candidate.

4 (e) If a voter circles or underlines the name of a
5 party next to a candidate's name, the vote shall count for
6 that candidate.

7 (f) If there is an "X," a check mark, a diagonal,
8 horizontal, or vertical mark, a plus sign, an asterisk, a
9 star, or any other mark that is substantially contained in the
10 oval, touching the oval or arrow, or within the blank space
11 between the head and tail of the arrow that clearly indicates
12 the voter intended the oval or arrow to be marked, that vote
13 shall count.

14 (g) If a voter marks more candidates than there are
15 positions to be elected for that office, the votes for the
16 candidates of that office shall not count.

17 (h) If a voter marks fewer candidates than there are
18 offices, the votes for all of those candidates shall count.

19 (i) If a voter does not mark a candidate or issue, the
20 votes for other candidates or issues on the same ballot that
21 are validly marked shall be counted.

22 (j) If a voter attempts to correct the ballot in a way
23 that is clearly evident in the space where the voter could
24 indicate a ballot choice by completing the target area, and
25 the voter has clearly and properly voted for another candidate
26 or issue, the vote for the clearly and properly voted
27 candidate or issue shall count.

28 (k) If a voter has indicated in a clear fashion that a
29 mistake has been made and has attempted to correct it, by
30 either an "X" or equivalent mark to cross out a choice, and
31 the voter has clearly and properly voted for another candidate

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1 or issue, the vote for the clearly and properly voted
2 candidate or issue shall count.

3 (l) If the voter has made one or more stray marks that
4 are clearly unrelated to the voter's intent to vote for a
5 candidate or issue and the marks are visible in the read area
6 of the ballot, the marks shall not invalidate the ballot.

7 (m) If the voter writes on the ballot in a way that
8 interferes with the ability of the automatic tabulating
9 equipment to correctly read the ballot, and the writing is
10 clearly unrelated to the voter's intent to vote for a
11 candidate or issue, the writings shall not invalidate the
12 ballot.

13 (n) An otherwise valid vote cast for a write-in
14 candidate shall not be invalid if the voting position on the
15 ballot marked "WRITE-IN CANDIDATE" for that office has not
16 been marked by the marking device.

17 (o) A name written on the secrecy envelope or
18 elsewhere on the ballot that is not the name of a qualified
19 write-in candidate for that office or is otherwise invalid
20 shall not be considered a write-in vote for the purposes of
21 determining if an office has been overvoted.

22 (p) If a voter casts a vote on the ballot and also
23 provides for a write-in candidate, it shall be treated as
24 follows:

25 1. If a voter casts a vote on a ballot and writes in
26 the same candidate in the write-in area, the vote shall count
27 for that candidate.

28 2. If a voter casts a vote on a ballot and writes in a
29 different candidate in the write-in area, it shall be counted
30 as an overvote with neither candidate getting credit for a
31 vote.

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1 3. If a voter writes in the name of a person who is
2 not a qualified write-in candidate, it shall be treated as if
3 the write-in area was left blank for all purposes.

4 (q) Any abbreviation, misspelling, or other minor
5 variation in the form of the name of a candidate must be
6 disregarded in determining the validity of the ballot if it
7 can reasonably be determined that the write-in vote is for a
8 write-in candidate who has qualified for that office.

9 (r) Where Florida law requires that a candidate, such
10 as that of Governor, must run on a tandem ticket for an
11 office, the write-in of the last name of the candidate for
12 Governor shall be sufficient to cast a write-in vote for the
13 tandem office. This includes candidates for President and
14 Vice President who have filed the oath for write-in candidates
15 and a list of electors equal to the number of Senators and
16 Representatives that Florida has in Congress. The write-in of
17 the last name of the candidate for President shall be
18 sufficient to cast a write-in ballot for this type of tandem
19 office.

20 (s) If an absentee ballot is signed by the voter in a
21 way that identifies the voter, the ballot shall count.
22 However, the ballot must be duplicated to protect the
23 integrity of the voter's ballot.

24 (3) The following are guidelines for determining on a
25 direct recording voting system whether or not there is a clear
26 indication on the ballot that the voter has made a definite
27 choice:

28 (a) Any abbreviation, misspelling, or other minor
29 variation in the form of the name of a candidate must be
30 disregarded in determining the validity of the ballot if it
31 can reasonably be determined that the write-in vote is for a

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1 write-in candidate who has qualified for that office.
2 (b) Where Florida law requires that a candidate, such
3 as that of Governor, must run on a tandem ticket for an
4 office, the write-in of the last name of the candidate for
5 Governor shall be sufficient to cast a write-in vote for the
6 tandem office. This includes candidates for President and
7 Vice President who have filed the oath for write-in candidates
8 and a list of electors equal to the number of Senators and
9 Representatives that Florida has in Congress. The write-in of
10 the last name of the candidate for President shall be
11 sufficient to cast a write-in ballot for this type of tandem
12 office.

13 (c) If a voter fails to electronically cast his or her
14 ballot after voting, that ballot shall be cancelled.

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

18 And the title is amended as follows:

19 On page 26, line 28, after the semicolon of the
20 amendment

22 insert:

23 providing standards for determining the clear
24 indication of a voter's choice on a ballot;

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