

Bill No. CS for SB 1500

Amendment No. ____ Barcode 570786

CHAMBER ACTION

Senate

House

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Senator Posey moved the following amendment:

Senate Amendment (with title amendment)

On page 48, line 13 to page 49, line 7, delete those lines

Section 1. Subsections (2) and (6) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.--

(2) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absentee electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ~~ss. s.~~ 101.048, 101.049, and 101.6925. Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. Public notice of the time and place at which the county canvassing board shall meet to canvass the absentee electors' ballots and provisional ballots shall be given at least 48 hours prior thereto by publication once in one or more newspapers of

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1 general circulation in the county or, if there is no newspaper
2 of general circulation in the county, by posting such notice
3 in at least four conspicuous places in the county. As soon as
4 the absentee electors' ballots and the provisional ballots are
5 canvassed, the board shall proceed to publicly canvass the
6 vote given each candidate, nominee, constitutional amendment,
7 or other measure submitted to the electorate of the county, as
8 shown by the returns then on file in the office of the
9 supervisor of elections and the office of the county court
10 judge.

11 (6) If the unofficial returns reflect that a candidate
12 for any office was defeated or eliminated by one-half of a
13 percent or less of the votes cast for such office, that a
14 candidate for retention to a judicial office was retained or
15 not retained by one-half of a percent or less of the votes
16 cast on the question of retention, or that a measure appearing
17 on the ballot was approved or rejected by one-half of a
18 percent or less of the votes cast on such measure, the board
19 responsible for certifying the results of the vote on such
20 race or measure shall order a recount of the votes cast with
21 respect to such office or measure. A recount need not be
22 ordered with respect to the returns for any office, however,
23 if the candidate or candidates defeated or eliminated from
24 contention for such office by one-half of a percent or less of
25 the votes cast for such office request in writing that a
26 recount not be made.

27 (a) In counties with voting systems that use paper
28 ballots, each canvassing board responsible for conducting a
29 recount shall put each ballot through automatic tabulating
30 equipment and determine whether the returns correctly reflect
31 the votes cast. If any paper ballot is physically damaged so

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1 that it cannot be properly counted by the automatic tabulating
2 equipment during the recount, a true duplicate shall be made
3 of the damaged ballot pursuant to the procedures in s.
4 101.5614(5). Immediately before the start of the recount and
5 after completion of the count, a test of the tabulating
6 equipment shall be conducted as provided in s. 101.5612. If
7 the test indicates no error, the recount tabulation of the
8 ballots cast shall be presumed correct and such votes shall be
9 canvassed accordingly. If an error is detected, the cause
10 therefor shall be ascertained and corrected and the recount
11 repeated, as necessary. The canvassing board shall immediately
12 report the error, along with the cause of the error and the
13 corrective measures being taken, to the Department of State.
14 No later than 11 days after the election, the canvassing board
15 shall file a separate incident report with the Department of
16 State, detailing the resolution of the matter and identifying
17 any measures that will avoid a future recurrence of the error.

18 (b) In counties with voting systems that do not use
19 paper ballots, each canvassing board responsible for
20 conducting a recount shall examine the counters on the
21 precinct tabulators to ensure that the total of the returns on
22 the precinct tabulators equals the overall election return. If
23 there is a discrepancy between the overall election return and
24 the counters of the precinct tabulators, the counters of the
25 precinct tabulators shall be presumed correct and such votes
26 shall be canvassed accordingly.

27 (c) The canvassing board shall submit a second set of
28 unofficial returns to the Department of State for each
29 federal, statewide, state, or multicounty office or ballot
30 measure no later than noon on the third day after any election
31 in which a recount was conducted pursuant to this subsection.

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1 | If the canvassing board is unable to complete the recount
 2 | prescribed in this subsection by the deadline, the second set
 3 | of unofficial returns submitted by the canvassing board shall
 4 | be identical to the initial unofficial returns and the
 5 | submission shall also include a detailed explanation of why it
 6 | was unable to timely complete the recount. However, the
 7 | canvassing board shall complete the recount prescribed in this
 8 | subsection, along with any manual recount prescribed in s.
 9 | 102.166, and certify election returns in accordance with the
 10 | requirements of this chapter.

11 | (d) The Department of State shall adopt detailed rules
 12 | prescribing additional recount procedures for each certified
 13 | voting system which shall be uniform to the extent
 14 | practicable.

15 |
16 | and insert:

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19 | ===== T I T L E A M E N D M E N T =====

20 | And the title is amended as follows:

21 | On page 4, line 1, after the semicolon

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23 | insert:

24 | directing the Department of State to adopt
25 | uniform rules for machine recounts;

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