

Bill No. CS for SB 1500

Amendment No. ____ Barcode 933420

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Posey moved the following amendment:

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13 **Senate Amendment (with title amendment)**

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

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17 and insert:

18 Section 23. Subsections (2) and (6) of section
19 102.141, Florida Statutes, are amended to read:

20 102.141 County canvassing board; duties.--

21 (2) The county canvassing board shall meet in a
22 building accessible to the public in the county where the
23 election occurred at a time and place to be designated by the
24 supervisor of elections to publicly canvass the absentee
25 electors' ballots as provided for in s. 101.68 and provisional
26 ballots as provided by ss. ~~s.~~ 101.048, 101.049, and 101.6925.

27 Provisional ballots cast pursuant to s. 101.049 shall be
28 canvassed in a manner that votes for candidates and issues on
29 those ballots can be segregated from other votes. Public
30 notice of the time and place at which the county canvassing
31 board shall meet to canvass the absentee electors' ballots and

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1 provisional ballots shall be given at least 48 hours prior
2 thereto by publication once in one or more newspapers of
3 general circulation in the county or, if there is no newspaper
4 of general circulation in the county, by posting such notice
5 in at least four conspicuous places in the county. As soon as
6 the absentee electors' ballots and the provisional ballots are
7 canvassed, the board shall proceed to publicly canvass the
8 vote given each candidate, nominee, constitutional amendment,
9 or other measure submitted to the electorate of the county, as
10 shown by the returns then on file in the office of the
11 supervisor of elections and the office of the county court
12 judge.

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

29 (a) In counties with voting systems that use paper
30 ballots, each canvassing board responsible for conducting a
31 recount shall put each ballot through automatic tabulating

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

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

29 (c) The canvassing board shall submit a second set of
30 unofficial returns to the Department of State for each
31 federal, statewide, state, or multicounty office or ballot

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1 | measure no later than noon on the third day after any election
2 | in which a recount was conducted pursuant to this subsection.
3 | If the canvassing board is unable to complete the recount
4 | prescribed in this subsection by the deadline, the second set
5 | of unofficial returns submitted by the canvassing board shall
6 | be identical to the initial unofficial returns and the
7 | submission shall also include a detailed explanation of why it
8 | was unable to timely complete the recount. However, the
9 | canvassing board shall complete the recount prescribed in this
10 | subsection, along with any manual recount prescribed in s.
11 | 102.166, and certify election returns in accordance with the
12 | requirements of this chapter.

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

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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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