

Bill No. CS for SB 2086

Barcode 272370

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following **amendment to amendment** (912202):

**Senate Amendment**

On page 101, line 14, through  
page 103, line 15, delete those lines

and insert: ballot measure.

(2)~~(a)~~ If the second set of unofficial returns pursuant to s. 102.141 indicates that a candidate for any office was defeated or eliminated by between one-quarter and one-half of a percent of the votes cast for such office, that a candidate for retention to judicial office was retained or not retained by between one-quarter and one-half of a percent of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by between one-quarter and one-half of a percent of the votes cast on such measure, any such candidate, the political party of such candidate, or any political committee that supports or opposes such ballot measure is entitled to a manual recount of the overvotes and undervotes cast in the entire geographic

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1 jurisdiction of such office or ballot measure, provided that a  
2 request for a manual recount is made by 5 p.m. on the third  
3 day after the election.

4 (b) For federal, statewide, state, and multicounty  
5 races and ballot issues, requests for a manual recount shall  
6 be made in writing to the state Elections Canvassing  
7 Commission. For all other races and ballot issues, requests  
8 for a manual recount shall be made in writing to the county  
9 canvassing board.

10 (c) Upon receipt of a proper and timely request, the  
11 Elections Canvassing Commission or county canvassing board  
12 shall immediately order a manual recount of overvotes and  
13 undervotes in all affected jurisdictions.

14 (3)(a) Any hardware or software used to identify and  
15 sort overvotes and undervotes for a given race or ballot  
16 measure must be certified by the Department of State as part  
17 of the voting system pursuant to s. 101.015. Any such hardware  
18 or software must be capable of simultaneously counting votes.  
19 ~~For certified voting systems, the department shall certify~~  
20 ~~such hardware or software by July 1, 2002. If the department~~  
21 ~~is unable to certify such hardware or software for a certified~~  
22 ~~voting system by July 1, 2002, the department shall adopt~~  
23 ~~rules prescribing procedures for identifying and sorting such~~  
24 ~~overvotes and undervotes. The department's rules may provide~~  
25 ~~for the temporary use of hardware or software whose sole~~  
26 ~~function is identifying and sorting overvotes and undervotes.~~

27 ~~(b) This subsection does not preclude the department~~  
28 ~~from certifying hardware or software after July 1, 2002.~~

29 ~~(b)(c)~~ Overvotes and undervotes shall be identified  
30 and sorted while recounting ballots pursuant to s. 102.141, if  
31 the hardware or software for this purpose has been certified

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1 or the department's rules so provide.

2 (4) Any manual recount shall be open to the public.

3 (5)(a) A vote for a candidate or ballot measure shall  
4 be counted if there is a clear indication on the ballot that  
5 the voter has made a definite choice.

6 (b) The Department of State shall adopt specific rules  
7 for each certified voting system prescribing what constitutes  
8 a "clear indication on the ballot that the voter has made a  
9 definite choice." The rules may not:

10 1. Exclusively provide that the voter must properly  
11 mark or designate his or her choice on the ballot; or

12 2. Contain a catch-all provision that fails to  
13 identify specific standards, such as "any other mark or  
14 indication clearly indicating that the voter has made a  
15 definite choice."

16 (6) Procedures for a manual recount are as follows:  
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