

By Senator Klein

30-1269-06

1                                   A bill to be entitled

2           An act relating to voting systems; amending s.

3           101.5606, F.S.; providing additional criteria

4           governing approval of certain voting systems by

5           the Department of State; requiring that a

6           system produce a paper record meeting specified

7           criteria; providing for preservation of and

8           access to such a record; providing for use of

9           such record in a recount of certain elections;

10          prohibiting a system that contains or uses

11          software or a source code that is not disclosed

12          to the department; providing for inspection of

13          a disclosed source code by a citizen;

14          prohibiting a system that contains a wireless

15          communication device; prohibiting a system that

16          contains or uses software or hardware that is

17          not certified to meet specified criteria;

18          providing for accreditation by the department

19          of a laboratory that may issue such

20          certification; providing an effective date.

21

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

23

24           Section 1. Subsections (16), (17), (18), and (19) are

25 added to section 101.5606, Florida Statutes, to read:

26           101.5606 Requirements for approval of systems.--No

27 electronic or electromechanical voting system shall be

28 approved by the Department of State unless it is so

29 constructed that:

30           (16) It produces a voter-verifiable paper record that

31 is suitable for a manual audit and is equivalent or superior

1 to the paper record of a paper ballot box system such that the  
2 voting system, at minimum:

3 (a) Produces a permanent paper record, each individual  
4 paper record of which is made available for inspection and  
5 verification by the voter at the time the vote is cast and  
6 preserved within the polling place in the manner in which all  
7 other paper ballots are preserved within the polling place on  
8 election day for later use in any manual audit.

9 (b) Provides the voter with an opportunity to correct  
10 any error made by the system before the permanent record is  
11 preserved for use in any manual audit. The voter-verified  
12 paper record produced under this subsection shall be available  
13 as an official record pursuant to chapter 119, and shall be  
14 the official record used for any recount conducted with  
15 respect to any election in which the system is used.

16 (17) It contains or uses only software whose presence  
17 and source code has been disclosed to the department. The  
18 department shall make such disclosed source code available for  
19 inspection by any citizen upon request.

20 (18) It does not contain any wireless communication  
21 device.

22 (19) It contains or uses only software and hardware  
23 that is certified by laboratories accredited by the department  
24 as meeting the requirements of subsections (17) and (18).

25 Section 2. This act shall take effect July 1, 2006.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

SENATE SUMMARY

Provides additional criteria governing approval of voting systems by the Department of State. Requires a paper record meeting specified criteria. Provides for preservation and access to such record and use of such record in a recount. Prohibits a voting system with undisclosed software or a wireless communication device. Requires disclosure of software codes and provides for access to disclosed codes. Requires certification of software or hardware by a laboratory that the department has accredited.