CHAMBER ACTION

Senate   House

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 1       Comm: RCS        .
    04/17/2007 06:02 PM   .
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11 The Committee on Ethics and Elections (Jones) recommended the

12 following amendment:

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

15   Delete everything after the enacting clause

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17 and insert:

18   Section 1. Section 101.5603, Florida Statutes, is

19 amended to read:

20   101.5603 Definitions relating to Electronic Voting

21 Systems Act.--As used in this act, the term:

22   (1) "Audit data" for a touchscreen voting device

23 consists of time-stamped recorded information that documents

24 the activities that occurred on the voting device in order to

25 verify or reconstruct the events without compromising the

26 ballot or voter secrecy. The audit data also includes the

27 electronic record of the random sequence of ballots cast by

28 voters who used that voting device.

29   (2)(1) "Automatic tabulating equipment" includes

30 apparatus necessary to automatically examine, count, and

31 record votes.

1   (3)(2) "Ballot" means the card, tape, or other media

2 vehicle upon which the elector's choices are recorded.

3   (4)(3) "Ballot information" means the material

4 containing the names of offices and candidates and the

5 questions to be voted on.

6   (5) "Direct recording electronic voting method" means

7 an electronic voting method that uses electronic components

8 for the functions of ballot presentation, vote selection, vote

9 capture, vote recording, and tabulation which are logically

10 and physically integrated into a single unit. The unit may

11 include peripheral equipment such as a printer for zero and

12 results tapes and headphones. A direct recording electronic

13 voting method produces a tabulation of the voting data stored

14 in a removable memory component and in printed hard copy.

15   (6)(4) "Electronic or electromechanical voting system"

16 means a system of casting votes by use of voting devices or

17 marking devices and counting ballots by employing automatic

18 tabulating equipment or data processing equipment, and the

19 term includes touchscreen systems.

20   (7)(5) "Marking device" means any approved device for

21 marking a ballot with ink or other substance, including, but

22 not limited to, a pen, pencil, marker, or other device, which

23 will enable the ballot to be tabulated by means of automatic

24 tabulating equipment.

25   (8)(6) "Secrecy envelope" means an opaque device, used

26 for enclosing a marked ballot, which conceals the voter's

27 choices.

28   (9)(7) "Software" means the programs and routines used

29 to employ and control the capabilities of data processing

30 hardware, including, without limitation, operating systems,

31 compilers, assemblers, utilities, library routines,

1 maintenance routines, applications, and computer networking

2 programs.

3   (10) "Voter-verifiable paper audit record" means the

4 individual permanent paper record produced by a direct

5 recording electronic voting method which records each

6 selection on the ballot and allows the voter to confirm his or

7 her selections before the ballot is cast.

8   (11)(8) "Voting device" means an apparatus by which

9 votes are registered electronically.

10   Section 2. Section 101.5606, Florida Statutes, is

11 amended to read:

12   101.5606 Requirements for approval of systems.--An No

13 electronic or electromechanical voting system shall not be

14 approved by the Department of State unless it is so

15 constructed that:

16   (1) It permits and requires voting in secrecy.

17   (2) It permits each elector to vote at any election

18 for all persons and offices for whom and for which the elector

19 is lawfully entitled to vote, and no others; to vote for as

20 many persons for an office as the elector is entitled to vote

21 for; and to vote for or against any question upon which the

22 elector is entitled to vote.

23   (3) It immediately rejects a ballot when where the

24 number of votes for an office or measure exceeds the number

25 which the voter is entitled to cast or where the tabulating

26 equipment reads the ballot as a ballot with no votes cast.

27   (4) For systems using marksense ballots, it accepts a

28 rejected ballot pursuant to subsection (3) if a voter chooses

29 to cast the ballot, but records no vote for any office that

30 has been overvoted or undervoted.

31   (5) It is capable of correctly counting votes.

1   (6) It permits each voter at a primary election to

2   vote only for the candidates seeking nomination by the

3   political party in which the such voter is registered, for any

4   candidate for nonpartisan office, and for any question upon

5   which the voter is entitled to vote.

6   (7) At presidential elections it permits each elector,

7   by one operation, to vote for all presidential electors of a

8   party or for all presidential electors of candidates for

9   President and Vice President with no party affiliation.

10   (8) It provides a method for write-in voting.

11   (9) It is capable of accumulating a count of the

12   specific number of ballots tallied for a precinct,

13   accumulating total votes by candidate for each office, and

14   accumulating total votes for and against each question and

15   issue of the ballots tallied for a precinct.

16   (10) It is capable of tallying votes from ballots of

17   different political parties from the same precinct, in the

18   case of a primary election.

19   (11) It is capable of automatically producing precinct

20   totals in printed or, marked, or punched form, or a

21   combination thereof.

22   (12) If it is of a type that presents a ballot and

23   records votes electronically, makes a paper record for each

24   vote cast available. The voter verifiable paper audit record

25   must be linked to individual ballot images that have a unique

26   ascending or descending identifier.

27   (13)(12) If it is of a type that records which

28   registers votes electronically, it will permit each voter to

29   change his or her vote for any candidate or upon any question

30   appearing on the official ballot up to the time that the voter

31   takes the final step to record register his or her vote and to

4

1 have the vote counted ~~computed~~.

2   (14)~~(13)~~ It is capable of providing records from which

3 the operation of the voting system may be audited.

4   (15)~~(14)~~ It uses a precinct-count tabulation system.

5   (16)~~(15)~~ It does not use an apparatus or device for

6 the piercing of ballots by the voter.

7   (17) It provides standardized reporting of election

8 results as determined by the Department of State. The

9 Department of State shall adopt rules providing for reporting

10 election results.

11   Section 3. Section 101.56062, Florida Statutes, is

12 amended to read:

13   101.56062 Standards for accessible voting systems.--

14   (1) Notwithstanding anything in this chapter to the

15 contrary, each voting system certified by the Department of

16 State for use in local, state, and federal elections must

17 include the capability to install accessible voter interface

18 devices in the system configuration which will allow the

19 system to meet the following minimum standards:

20   (a) The voting system must provide a tactile input or

21 audio input device, or both.

22   (b) The voting system must provide a method by which

23 voters can confirm any tactile or audio input by having the

24 capability of audio output using synthetic or recorded human

25 speech that is reasonably phonetically accurate.

26   (c) Any operable controls on the input device which

27 are needed for voters who are visually impaired must be

28 discernible tactilely without actuating the keys.

29   ~~(d) Audio and visual access approaches must be able to~~

30 ~~work both separately and simultaneously.~~

31   (d)~~(e)~~ If a nonaudio access approach is provided, the

1 | system may not require color perception. The system must use

2 | black text or graphics, or both, on white background or white

3 | text or graphics, or both, on black background, unless the

4 | office of the Secretary of State approves other high-contrast

5 | color combinations that do not require color perception.

6 | (e)(f) Any voting system that requires any visual

7 | perception must offer the election official who programs the

8 | system, prior to its being sent to the polling place, the

9 | capability to set the font size, as it appears to the voter,

10 | from a minimum of 14 points to a maximum of 24 points.

11 | (g) The voting system must provide audio information,

12 | including any audio output using synthetic or recorded human

13 | speech or any auditory feedback tones that are important for

14 | the use of the audio approach, through at least one mode, by

15 | handset or headset, in enhanced auditory fashion (increased

16 | amplification), and must provide incremental volume control

17 | with output amplification up to a level of at least 97 dB SPL.

18 | (h) For transmitted voice signals to the voter, the

19 | voting system must provide a gain adjustable up to a minimum

20 | of 20 dB with at least one intermediate step of 12 dB of gain.

21 | (i) For the safety of others, if the voting system has

22 | the possibility of exceeding 120 dB SPL, then a mechanism must

23 | be included to reset the volume automatically to the voting

24 | system's default volume level after every use, for example

25 | when the handset is replaced, but not before. Also, universal

26 | precautions in the use and sharing of headsets should be

27 | followed.

28 | (f)(j) If sound cues and audible information such as

29 | "beeps" are used, there must be simultaneous corresponding

30 | visual cues and information.

31 | (g)(k) Controls and operable mechanisms must be

1 operable with one hand, including operability with a closed

2 fist, and operable without tight grasping, pinching, or

3 twisting of the wrist.

4   (h)(1) The force required to operate or activate the

5 controls must be no greater than 5 pounds of force.

6   (i)(m) Voting booths must have voting controls at a

7 minimum height of 36 inches above the finished floor with a

8 minimum knee clearance of 27 inches high, 30 inches wide, and

9 19 inches deep, or the accessible voter interface devices must

10 be designed so as to allow their use on top of a table to meet

11 these requirements. Tabletop installations must include

12 adequate privacy.

13   (j)(n) Any audio ballot must provide the voter with

14 the following functionalities:

15   1. After the initial instructions that the system

16 requires election officials to provide to each voter, the

17 voter should be able to independently operate the voter

18 interface through the final step of casting a ballot without

19 assistance.

20   2. The voter must be able to determine the races that

21 he or she is allowed to vote in and to determine which

22 candidates are available in each race.

23   3. The voter must be able to determine how many

24 candidates may be selected in each race.

25   4. The voter must be able to have confidence that the

26 physical or vocal inputs given to the system have selected the

27 candidates that he or she intended to select.

28   5. The voter must be able to review the candidate

29 selections that he or she has made.

30   6. Prior to the act of casting the ballot, the voter

31 must be able to change any selections previously made and

1 confirm a new selection.

2   7.   The system must communicate to the voter the fact

3 that the voter has failed to vote in a race or has failed to

4 vote the number of allowable candidates in any race and

5 require the voter to confirm his or her intent to undervote

6 before casting the ballot.

7   8.   The system must prevent the voter from overvoting

8 any race.

9   9.   The voter must be able to input a candidate's name

10 in each race that allows a write-in candidate.

11   10. The voter must be able to review his or her

12 write-in input to the interface, edit that input, and confirm

13 that the edits meet the voter's intent.

14   11. There must be a clear, identifiable action that

15 the voter takes to "cast" the ballot. The system must make

16 clear to the voter how to take this action so that the voter

17 has minimal risk of taking the action accidentally but, when

18 the voter intends to cast the ballot, the action can be easily

19 performed.

20   12. Once the ballot is cast, the system must confirm

21 to the voter that the action has occurred and that the voter's

22 process of voting is complete.

23   13. Once the ballot is cast, the system must preclude

24 the voter from modifying the ballot cast or voting or casting

25 another ballot.

26

27 The functionalities required in this paragraph for

28 certification may be satisfied by either the voting device or

29 by the entire voting system.

30   (2) Such voting system must include at least one

31 accessible voter interface device installed in each polling

1 place which meets the requirements of this section, except for

2 paragraph (1)(d).

3   (3) The Department of State may adopt rules in

4 accordance with s. 120.54 which are necessary to administer

5 this section.

6   Section 4. Effective July 1, 2008, section 101.56075,

7 Florida Statutes, is created to read:

8   101.56075 Voting methods.--

9   (1) Except as provided in subsection (2), all voting

10 at early voting sites and at polling places on election day

11 shall be by marksense ballot tabulated at the polling

12 location.

13   (2) In each polling place and early voting site, there

14 shall be at least one accessible voter interface device that

15 meets the requirements of s. 101.56062.

16   Section 5. Effective July 1, 2008, section 101.591,

17 Florida Statutes, is amended to read:

18   101.591 Voting system audit.--

19   (1) Immediately following each certification of

20 election, the supervisor of elections shall conduct a manual

21 audit in randomly selected precincts of the voting systems

22 used in the election as follows:

23   (a) The audit shall consist of a public manual tally

24 of the votes cast for the first statewide race or issue on

25 that ballot. If the election does not contain a statewide race

26 or issue, the audit shall consist of a public tally of the

27 first countywide, or in the instance of a municipal election,

28 the first municipal race or issue on that ballot. The tally

29 shall include election day, absentee, early voting,

30 provisional, and overseas ballots in 2 percent of the

31 precincts chosen at random by the county canvassing board or

1 the local board responsible for certifying the election. If 2

2 percent of the precincts are less than one whole precinct, the

3 audit shall be conducted in one precinct chosen at random by

4 the county canvassing board or the local board responsible for

5 certifying the election. Such precincts shall be selected at a

6 publicly noticed meeting of the county canvassing board or the

7 local board responsible for certifying the election.

8   (b) When selecting precincts, the county canvassing

9 board or the local board responsible for certifying the

10 election shall choose additional precincts to provide

11 alternative precincts if there was a malfunction of a

12 voter-verifiable paper record for a precinct. In the course of

13 the audit, if the precinct being audited shows a malfunction

14 in the voter-verifiable paper audit record, the canvassing

15 board shall audit the next alternative precinct.

16   (c) The audit shall be conducted using the marksense

17 ballots and the voter-verifiable paper audit records of

18 ballots cast by means of direct-recording electronic voting.

19   (d) The supervisor of elections shall provide public

20 notice before the beginning of the audit by posting notice in

21 four conspicuous places in the county.

22   (e) The audit must be completed no later than the end

23 of the 9th day following certification of the election by the

24 county canvassing board.

25   (2) Within 15 days after completing the audit, the

26 supervisor of elections shall provide a report to the

27 department on the results of the audit of a county, state, or

28 federal election in a standard format as prescribed by the

29 department. An audit report for all other elections in the

30 county shall be maintained by the supervisor of elections.

31   (3) The department shall adopt rules to provide

1 uniform procedures for conducting audits under this section.

2   (1) The Legislature, upon specific appropriation and

3 directive, may provide for an independent audit of the voting

4 system in any county. Within 30 days after completing the

5 audit, the person conducting the audit shall furnish a copy of

6 the audit to the supervisor of elections and the board of

7 county commissioners.

8   (2) An audit conducted pursuant to subsection (1)

9 shall consist of a study and evaluation of the voting system

10 used during any primary, general, municipal, or presidential

11 preference primary election to provide reasonable assurance

12 that the system is properly controlled, can accurately count

13 votes, provides adequate safeguards against unauthorized

14 manipulation and fraud, and complies with the requirements of

15 law and rules of the Department of State.

16   Section 6. Effective July 1, 2008, subsection (1) of

17 section 102.166, Florida Statutes, is amended to read:

18   102.166 Manual recounts.--

19   (1) If the second set of unofficial returns pursuant

20 to s. 102.141 indicates that a candidate for any office was

21 defeated or eliminated by one-quarter of a percent or less of

22 the votes cast for such office, that a candidate for retention

23 to a judicial office was retained or not retained by

24 one-quarter of a percent or less of the votes cast on the

25 question of retention, or that a measure appearing on the

26 ballot was approved or rejected by one-quarter of a percent or

27 less of the votes cast on such measure, the board responsible

28 for certifying the results of the vote on such race or measure

29 shall order a manual recount of the overvotes and undervotes

30 cast in the entire geographic jurisdiction of such office or

31 ballot measure. A manual recount may not be ordered, however,

1 if the number of overvotes, undervotes, and provisional

2 ballots is fewer than the number of votes needed to change the

3 outcome of the election. A manual recount of votes recorded on

4 a direct recording electronic voting method shall be conducted

5 using the voter-verifiable paper audit record. For those

6 machines equipped with a voter-verifiable paper audit record

7 for the purposes of s. 101.56075(2), the voter-verifiable

8 paper audit record shall be considered the official ballot for

9 the manual recount. If there is a malfunction involving the

10 voter-verifiable paper audit record, the supervisor of

11 elections shall generate audit data. The supervisor of

12 elections shall compare the audit data and the

13 voter-verifiable paper audit record to determine any

14 discrepancies. If there are discrepancies, the supervisor

15 shall use the audit data as the official record for those

16 discrepancies only.

17   Section 7. Subsection (35) of section 97.021, Florida

18 Statutes, is amended to read:

19   97.021 Definitions.--For the purposes of this code,

20 except where the context clearly indicates otherwise, the

21 term:

22   (35) "Tactile input device" means a device that

23 provides information to a voting system by means of a voter

24 touching the device, such as a keyboard, and that complies

25 with the requirements of s. 101.56026(1)(g) and (h) s.

26 101.56062(1)(k) and (1).

27   Section 8. The sum of $35,678,060 is appropriated from

28 the Grants and Donations Trust Fund to the Division of

29 Elections within the Department of State for the purpose of

30 implementing the provisions of this act.

31   Section 9. Except as otherwise expressly provided in

1 this act, this act shall take effect July 1, 2007.

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

5 And the title is amended as follows:

6   Delete everything before the enacting clause

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8 and insert:

9   A bill to be entitled

10   An act relating to electronic voting systems;

11   amending s. 101.5603, F.S.; providing

12   definitions relating to electronic voting

13   systems; amending s. 101.5606, F.S.; providing

14   additional capabilities that an electronic

15   voting system must possess before being

16   approved for use; amending s. 101.56062, F.S.;

17   revising standards for accessible voting

18   systems; creating s. 101.56075, F.S.; providing

19   requirements for voting methods at polling

20   places; amending s. 101.591, F.S.; revising

21   procedures for audits of voting machines;

22   amending s. 102.166, F.S.; revising methods for

23   manual recounts of ballots; amending s. 97.021,

24   F.S.; revising cross-references; providing an

25   appropriation; providing effective dates.

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