

By Senator Dockery

15-1317-07

See HB 213

1 A bill to be entitled

2 An act relating to electronic voting system

3 paper records; providing a short title;

4 amending s. 101.295, F.S.; providing that

5 removal of a paper record from polling places

6 in certain circumstances is a felony; providing

7 penalties; amending s. 101.5606, F.S.;

8 requiring electronic voting systems to produce

9 a voter-verifiable paper record; providing

10 minimum requirements for electronic voting

11 systems producing paper records; amending s.

12 102.141, F.S.; revising a provision relating to

13 discrepancies between overall election returns

14 and counters of the precinct tabulators

15 involving touchscreen ballots; requiring each

16 county canvassing board to conduct a random

17 audit of electronic voting system results;

18 providing an effective date.

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

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22 Section 1. This act may be cited as the "Trust in

23 Elections Act."

24 Section 2. Subsection (3) is added to section 101.295,

25 Florida Statutes, to read:

26 101.295 Penalties for violation.--

27 (3) Any unauthorized person who removes from a polling

28 place a paper record produced by an electronic voting device

29 commits a felony of the third degree, punishable as provided

30 in s. 775.082, s. 775.083, or s. 775.084.

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1 Section 3. Subsection (16) is added to section
2 101.5606, Florida Statutes, to read:

3 101.5606 Requirements for approval of systems.--No
4 electronic or electromechanical voting system shall be
5 approved by the Department of State unless it is so
6 constructed that:

7 (16) It produces a voter-verifiable paper record that
8 is suitable for a manual audit and is equivalent or superior
9 to the paper record of a paper ballot box system such that the
10 voting system, at minimum:

11 (a) Produces a permanent paper record, each individual
12 paper record of which is made available for inspection and
13 verification by the voter at the time the vote is cast and
14 preserved within the polling place in the manner in which all
15 other paper ballots are preserved within the polling place on
16 election day for later use in any manual audit.

17 (b) Provides the voter with an opportunity to correct
18 any error made by the system before the permanent record is
19 preserved for use in any manual audit.

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21 The voter-verified paper record produced under this subsection
22 shall be available as an official public record pursuant to
23 chapter 119 and shall be the official record used for any
24 recount conducted with respect to any election in which the
25 system is used.

26 Section 4. Paragraph (b) of subsection (6) of section
27 102.141, Florida Statutes, is amended, and paragraph (e) is
28 added to that subsection, to read:

29 102.141 County canvassing board; duties.--

30 (6) If the unofficial returns reflect that a candidate
31 for any office was defeated or eliminated by one-half of a

1 | percent or less of the votes cast for such office, that a
2 | candidate for retention to a judicial office was retained or
3 | not retained by one-half of a percent or less of the votes
4 | cast on the question of retention, or that a measure appearing
5 | on the ballot was approved or rejected by one-half of a
6 | percent or less of the votes cast on such measure, the board
7 | responsible for certifying the results of the vote on such
8 | race or measure shall order a recount of the votes cast with
9 | respect to such office or measure. The Elections Canvassing
10 | Commission is the board responsible for ordering federal,
11 | state, and multicounty recounts. A recount need not be ordered
12 | with respect to the returns for any office, however, if the
13 | candidate or candidates defeated or eliminated from contention
14 | for such office by one-half of a percent or less of the votes
15 | cast for such office request in writing that a recount not be
16 | made.

17 | (b) Each canvassing board responsible for conducting a
18 | recount where touchscreen ballots were used shall examine the
19 | counters on the precinct tabulators to ensure that the total
20 | of the returns on the precinct tabulators equals the overall
21 | election return. If there is a discrepancy between the overall
22 | election return and the counters of the precinct tabulators,
23 | the voter-verified paper records required under s.
24 | 101.5606(16) counters of the precinct tabulators shall be used
25 | and presumed correct and such votes shall be canvassed
26 | accordingly.

27 | (e) Prior to certification of the official results of
28 | each election to the Department of State, each county
29 | canvassing board shall conduct an audit of results of votes
30 | cast on electronic voting systems used in the county. This
31 | audit must be conducted by randomly selecting by lot at least

1 4 percent and not more than 6 percent of the electronic voting
2 devices used in that county, and, for each device, comparing
3 the results recorded electronically with the results from the
4 official paper records. The result of this comparison by
5 manual audit must be released as a public record by the county
6 canvassing board before the certification of the official
7 results to the Department of State.

8 Section 5. This act shall take effect July 1, 2007.
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