

A bill to be entitled

An act relating to electronic voting system paper records; providing a short title; amending s. 101.295, F.S.; providing that removal of a paper record from polling places in certain circumstances is a felony; providing penalties; amending s. 101.5606, F.S.; requiring electronic voting systems to produce a voter-verifiable paper record; providing minimum requirements for electronic voting systems producing paper records; amending s. 102.141, F.S.; revising a provision relating to discrepancies between overall election returns and counters of the precinct tabulators involving touchscreen ballots; requiring each county canvassing board to conduct a random audit of electronic voting system results; providing an effective date.

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

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

Section 2. Subsection (3) is added to section 101.295, Florida Statutes, to read:

101.295 Penalties for violation.--

(3) Any unauthorized person who removes from a polling place a paper record produced by an electronic voting device commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

HB 213

2007

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

30 101.5606 Requirements for approval of systems.--No
 31 electronic or electromechanical voting system shall be approved
 32 by the Department of State unless it is so constructed that:

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

37 (a) Produces a permanent paper record, each individual
 38 paper record of which is made available for inspection and
 39 verification by the voter at the time the vote is cast and
 40 preserved within the polling place in the manner in which all
 41 other paper ballots are preserved within the polling place on
 42 election day for later use in any manual audit.

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

46
 47 The voter-verified paper record produced under this subsection
 48 shall be available as an official public record pursuant to
 49 chapter 119 and shall be the official record used for any
 50 recount conducted with respect to any election in which the
 51 system is used.

52 Section 4. Paragraph (b) of subsection (6) of section
 53 102.141, Florida Statutes, is amended, and paragraph (e) is
 54 added to that subsection, to read:

55 102.141 County canvassing board; duties.--

HB 213

2007

56 (6) If the unofficial returns reflect that a candidate for
57 any office was defeated or eliminated by one-half of a percent
58 or less of the votes cast for such office, that a candidate for
59 retention to a judicial office was retained or not retained by
60 one-half of a percent or less of the votes cast on the question
61 of retention, or that a measure appearing on the ballot was
62 approved or rejected by one-half of a percent or less of the
63 votes cast on such measure, the board responsible for certifying
64 the results of the vote on such race or measure shall order a
65 recount of the votes cast with respect to such office or
66 measure. The Elections Canvassing Commission is the board
67 responsible for ordering federal, state, and multicounty
68 recounts. A recount need not be ordered with respect to the
69 returns for any office, however, if the candidate or candidates
70 defeated or eliminated from contention for such office by one-
71 half of a percent or less of the votes cast for such office
72 request in writing that a recount not be made.

73 (b) Each canvassing board responsible for conducting a
74 recount where touchscreen ballots were used shall examine the
75 counters on the precinct tabulators to ensure that the total of
76 the returns on the precinct tabulators equals the overall
77 election return. If there is a discrepancy between the overall
78 election return and the counters of the precinct tabulators, the
79 voter-verified paper records required under s. 101.5606(16)
80 ~~counters of the precinct tabulators~~ shall be used and presumed
81 correct and such votes shall be canvassed accordingly.

82 (e) Prior to certification of the official results of each
83 election to the Department of State, each county canvassing

HB 213

2007

84 board shall conduct an audit of results of votes cast on
85 electronic voting systems used in the county. This audit must
86 be conducted by randomly selecting by lot at least 4 percent and
87 not more than 6 percent of the electronic voting devices used in
88 that county, and, for each device, comparing the results
89 recorded electronically with the results from the official paper
90 records. The result of this comparison by manual audit must be
91 released as a public record by the county canvassing board
92 before the certification of the official results to the
93 Department of State.

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