

By Senator Powell

30-00470-17

2017426__

1 A bill to be entitled
2 An act relating to voting system audits; amending s.
3 101.591, F.S.; requiring certain entities responsible
4 for election certification to conduct an audit of
5 voting systems before certifying an election;
6 requiring the entities to certify an election
7 immediately following the completion of the audit;
8 conforming provisions to changes made by the act;
9 amending s. 101.5911, F.S., relating to rulemaking
10 authority for voting system audit procedures, to
11 conform; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 101.591, Florida Statutes, is amended to
16 read:

17 101.591 Voting system audit.—

18 (1) Before ~~Immediately following~~ the certification of each
19 election, the county canvassing board or the local board
20 responsible for certifying the election shall conduct a manual
21 audit or an automated, independent audit of the voting systems
22 used in randomly selected precincts. Immediately following the
23 completion of the manual audit or the automated, independent
24 audit, the county canvassing board or the local board
25 responsible for certifying the election shall certify each
26 election.

27 (2) (a) A manual audit shall consist of a public manual
28 tally of the votes cast in one randomly selected race that
29 appears on the ballot. The tally sheet shall include election-
30 day, vote-by-mail, early voting, provisional, and overseas
31 ballots, in at least 1 percent but no more than 2 percent of the
32 precincts chosen at random by the county canvassing board or the

30-00470-17

2017426__

33 local board responsible for certifying the election. If 1
34 percent of the precincts is less than one entire precinct, the
35 audit shall be conducted using at least one precinct chosen at
36 random by the county canvassing board or the local board
37 responsible for certifying the election. Such precincts shall be
38 selected at a publicly noticed canvassing board meeting.

39 (b) An automated audit shall consist of a public automated
40 tally of the votes cast across every race that appears on the
41 ballot. The tally sheet shall include election day, vote-by-
42 mail, early voting, provisional, and overseas ballots in at
43 least 20 percent of the precincts chosen at random by the county
44 canvassing board or the local board responsible for certifying
45 the election. Such precincts shall be selected at a publicly
46 noticed canvassing board meeting.

47 (c) The division shall adopt rules for approval of an
48 independent audit system which provide that the system, at a
49 minimum, must be:

50 1. Completely independent of the primary voting system.

51 ~~2. Fast enough to produce final audit results within the~~
52 ~~timeframe prescribed in subsection (4).~~

53 ~~2.3.~~ Capable of demonstrating that the ballots of record
54 have been accurately adjudicated by the audit system.

55 (3) The canvassing board shall post a notice of the audit,
56 including the date, time, and place, in four conspicuous places
57 in the county and on the home page of the county supervisor of
58 elections website.

59 ~~(4) The audit must be completed and the results made public~~
60 ~~no later than 11:59 p.m. on the 7th day following certification~~
61 ~~of the election by the county canvassing board or the local~~

30-00470-17

2017426__

62 ~~board responsible for certifying the election.~~

63 (4)~~(5)~~ Within 15 days after completion of the audit, the
64 county canvassing board or the board responsible for certifying
65 the election shall provide a report with the results of the
66 audit to the Department of State in a standard format as
67 prescribed by the department. The report shall contain, but is
68 not limited to, the following items:

69 (a) The overall accuracy of audit.

70 (b) A description of any problems or discrepancies
71 encountered.

72 (c) The likely cause of such problems or discrepancies.

73 (d) Recommended corrective action with respect to avoiding
74 or mitigating such circumstances in future elections.

75 (5)~~(6)~~ If a manual recount is undertaken pursuant to s.
76 102.166, the canvassing board is not required to perform the
77 audit provided for in this section.

78 Section 2. Section 101.5911, Florida Statutes, is amended
79 to read:

80 101.5911 Rulemaking authority for voting system audit
81 procedures.—Effective upon this act becoming a law, the
82 Department of State shall adopt rules to implement the
83 provisions of s. 101.591, ~~as amended by s. 8, chapter 2007-30,~~
84 ~~Laws of Florida,~~ which prescribe detailed audit procedures for
85 each voting system, which shall be uniform to the extent
86 practicable, along with the standard form for audit reports.

87 Section 3. This act shall take effect July 1, 2017.