

By the Committees on Community Affairs; and Ethics and Elections; and Senator Baxley

578-02723-19

2019268c2

1 A bill to be entitled
2 An act relating to voting methods; amending s. 97.021,
3 F.S.; revising the definition of the term "voter
4 interface device"; amending s. 101.56075, F.S.;
5 authorizing voting to be conducted using a voter
6 interface device that produces a voter-verifiable
7 paper output; amending s. 102.166, F.S.; revising
8 requirements for Department of State rules regarding
9 manual recounts of certain ballots; providing an
10 effective date.

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

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14 Section 1. Subsection (41) of section 97.021, Florida
15 Statutes, is amended to read:

16 97.021 Definitions.—For the purposes of this code, except
17 where the context clearly indicates otherwise, the term:

18 (41) "Voter interface device" means any device that
19 communicates voting instructions and ballot information to a
20 voter and allows the voter to select and vote for candidates and
21 issues. A voter interface device may not be used to tabulate
22 votes. Any vote tabulation must be based upon a subsequent scan
23 of the marked marksense ballot or the voter-verifiable paper
24 output after the voter interface device process has been
25 completed.

26 Section 2. Section 101.56075, Florida Statutes, is amended
27 to read:

28 101.56075 Voting methods.—For the purpose of designating
29 ballot selections,

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30 ~~(1) Except as provided in subsection (2), all voting must~~
31 ~~shall be by marksense ballot, using~~ utilizing a marking device
32 or a voter interface device that produces a voter-verifiable
33 paper output and for the purpose of designating ballot
34 selections.

35 ~~(2) Persons with disabilities may vote on a voter interface~~
36 ~~device that meets the voting system accessibility requirements~~
37 ~~for individuals with disabilities pursuant to s. 301 of the~~
38 ~~federal Help America Vote Act of 2002 and s. 101.56062.~~

39 ~~(3) By 2020, persons with disabilities shall vote on a~~
40 ~~voter interface device that meets the voter accessibility~~
41 ~~requirements for individuals with disabilities under s. 301 of~~
42 ~~the federal Help America Vote Act of 2002 and s. 101.56062 which~~
43 ~~are consistent with subsection (1) of this section.~~

44 Section 3. Paragraph (b) of subsection (4) of section
45 102.166, Florida Statutes, is amended to read:

46 102.166 Manual recounts of overvotes and undervotes.-

47 (4)

48 (b) The Department of State shall adopt specific rules for
49 the federal write-in absentee ballot and for each certified
50 voting system prescribing what constitutes a "clear indication
51 on the ballot that the voter has made a definite choice." The
52 rules shall be consistent, to the extent practicable, and may
53 not:

54 1. Authorize the use of any electronic or electromechanical
55 reading device to review a hybrid voting system ballot that is
56 produced using a voter interface device and that contains both
57 machine-readable fields and machine-printed text of the contest
58 titles and voter selections, unless the printed text is

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59 illegible;

60 2. Exclusively provide that the voter must properly mark or
61 designate his or her choice on the ballot; or

62 ~~3.2.~~ Contain a catch-all provision that fails to identify
63 specific standards, such as "any other mark or indication
64 clearly indicating that the voter has made a definite choice."

65 Section 4. This act shall take effect January 1, 2020.