

By Senator Powell

30-00636A-20

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1 A bill to be entitled
2 An act relating to election security measures;
3 creating s. 101.5617, F.S.; prohibiting the use of
4 electronic poll books that are not approved by the
5 Department of State beginning with the 2022 primary
6 election; requiring the department to adopt rules that
7 meet certain minimum criteria; defining the term
8 "risk-limiting audit"; establishing the risk-limiting
9 audit pilot program to be administered by the
10 department; requiring a participating county to submit
11 a report to the department following completion of the
12 audit; requiring the department to submit a report to
13 the Governor and the Legislature by a specified date;
14 providing an effective date.

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

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18 Section 1. Section 101.5617, Florida Statutes, is created
19 to read:

20 101.5617 Electronic poll book approval.—

21 (1) Beginning with the 2022 primary election and each
22 election thereafter, an electronic poll book may not be used as
23 a precinct register unless it is approved for such use by the
24 department.

25 (2) The department shall adopt rules for the approval of an
26 electronic poll book which provide that the electronic poll
27 book, at a minimum, must:

28 (a) Be secure from unauthorized intrusion.

29 (b) Contain all information required to be included in a

30-00636A-20

20201840__

30 precinct register under s. 98.461(2).

31 (c) Be compatible with the statewide voter registration
32 system and securely transmit changes to a voter's voting history
33 to the voter registration system.

34 (d) Be compatible with a form or device provided by the
35 supervisor to capture an elector's signature in accordance with
36 s. 101.5608(1).

37 Section 2. Risk-limiting audit pilot program.—

38 (1) As used in this section, the term "risk-limiting audit"
39 means an audit protocol that makes use of statistical methods to
40 manually check a sample of ballots or voter-verifiable paper
41 output from a voter interface device and is designed to limit to
42 acceptable levels the risk of certifying a preliminary election
43 outcome that constitutes an incorrect outcome.

44 (2) The Department of State shall conduct a pilot program
45 for the 2020 general election to assess the effectiveness of
46 risk-limiting audits as opposed to the post-election auditing
47 methods provided under existing law. In consultation with the
48 Florida State Association of Supervisors of Elections, the
49 department shall designate at least five but not more than seven
50 counties for participation in the pilot program. To the extent
51 possible, the department shall endeavor to select counties of
52 varying sizes that use various voting systems for participation
53 in the pilot program. Participation by a county in the pilot
54 program is voluntary.

55 (3) A county that participates in the pilot program shall
56 conduct a public risk-limiting audit following completion of the
57 voting system audit required under s. 101.591, Florida Statutes.
58 Within 15 days after completion of the risk-limiting audit, the

30-00636A-20

20201840__

59 supervisor of elections of a participating county shall submit a
60 report to the Department of State detailing the results of the
61 risk-limiting audit and the procedures and methods followed in
62 conducting the audit.

63 (4) By October 1, 2021, the Department of State shall
64 submit a report detailing the results of the pilot program to
65 the Governor, the President of the Senate, the Speaker of the
66 House of Representatives, and the chairs of the legislative
67 committees having jurisdiction over election law. Additionally,
68 the report must address the effectiveness and efficiency of the
69 risk-limiting audit as compared with the audits conducted in the
70 same election pursuant to s. 101.591, Florida Statutes.

71 Section 3. This act shall take effect July 1, 2020.