

1 A bill to be entitled
2 An act relating to preservation of ballots and digital
3 images of ballots; amending s. 102.166, F.S.;
4 providing that each supervisor of elections shall
5 require the preservation of certain ballots and
6 digital images of ballots for a certain period;
7 requiring certain person to release copies of digital
8 images of ballots to parties of a recount; providing
9 an effective date.

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

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13 Section 1. Subsection (1) of section 102.166, Florida
14 Statutes, is amended to read:

15 102.166 Manual recounts of overvotes and undervotes.—

16 (1) If the second set of unofficial returns pursuant to s.
17 102.141 indicates that a candidate for any office was defeated
18 or eliminated by one-quarter of a percent or less of the votes
19 cast for such office, that a candidate for retention to a
20 judicial office was retained or not retained by one-quarter of a
21 percent or less of the votes cast on the question of retention,
22 or that a measure appearing on the ballot was approved or
23 rejected by one-quarter of a percent or less of the votes cast
24 on such measure, a manual recount of the overvotes and
25 undervotes cast in the entire geographic jurisdiction of such

26 office or ballot measure shall be ordered unless:

27 (a) The candidate or candidates defeated or eliminated
28 from contention by one-quarter of 1 percent or fewer of the
29 votes cast for such office request in writing that a recount not
30 be made; or

31 (b) The number of overvotes and undervotes is fewer than
32 the number of votes needed to change the outcome of the
33 election.

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35 The Secretary of State is responsible for ordering a manual
36 recount for federal, state, and multicounty races. The county
37 canvassing board or local board responsible for certifying the
38 election is responsible for ordering a manual recount for all
39 other races. A manual recount consists of a recount of marksense
40 ballots or of digital images of those ballots by a person. Each
41 supervisor of elections shall require the preservation of all
42 marksense ballots and digital images of those ballots for a
43 period of at least 22 months after an election. The county
44 canvassing board or local board responsible for ordering a
45 manual recount in cooperation with the supervisor of elections
46 and any third party contracted to conduct an independent ballot
47 image audit shall release copies of all digital images of the
48 ballots to all parties of a recount.

49 Section 2. This act shall take effect July 1, 2021.