

By Senator Torres

15-01084-21

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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 requiring each supervisor of elections to preserve
5 certain ballots and digital images of ballots for a
6 specified period following an election subject to a
7 manual recount; providing an effective date.

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

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

13 102.166 Manual recounts of overvotes and undervotes.—

14 (1) If the second set of unofficial returns pursuant to s.
15 102.141 indicates that a candidate for any office was defeated
16 or eliminated by one-quarter of a percent or less of the votes
17 cast for such office, that a candidate for retention to a
18 judicial office was retained or not retained by one-quarter of a
19 percent or less of the votes cast on the question of retention,
20 or that a measure appearing on the ballot was approved or
21 rejected by one-quarter of a percent or less of the votes cast
22 on such measure, a manual recount of the overvotes and
23 undervotes cast in the entire geographic jurisdiction of such
24 office or ballot measure shall be ordered unless:

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

29 (b) The number of overvotes and undervotes is fewer than

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30 the number of votes needed to change the outcome of the
31 election.

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33 The Secretary of State is responsible for ordering a manual
34 recount for federal, state, and multicounty races. The county
35 canvassing board or local board responsible for certifying the
36 election is responsible for ordering a manual recount for all
37 other races. A manual recount consists of a recount of marksense
38 ballots or of digital images of those ballots by a person. Each
39 supervisor of elections shall require the preservation of all
40 marksense ballots and digital images of those ballots for a
41 period of at least 22 months after an election.

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