

By Senator Bernard

24-01615-25

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1 A bill to be entitled
2 An act relating to access to testing of tabulating
3 equipment; amending s. 101.5612, F.S.; requiring that
4 designated experts be allowed to observe certain tests
5 being conducted and votes being counted; providing an
6 effective date.

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

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10 Section 1. Subsection (2) of section 101.5612, Florida
11 Statutes, is amended to read:

12 101.5612 Testing of tabulating equipment.—

13 (2) On any day not more than 25 days before the
14 commencement of early voting as provided in s. 101.657, the
15 supervisor of elections shall have the automatic tabulating
16 equipment publicly tested to ascertain that the equipment will
17 correctly count the votes cast for all offices and on all
18 measures. If the ballots to be used at the polling place on
19 election day are not available at the time of the testing, the
20 supervisor may conduct an additional test not more than 10 days
21 before election day. Public notice of the time and place of the
22 test must ~~shall~~ be given at least 48 hours prior thereto by
23 publication on the county website as provided in s. 50.0311, on
24 the supervisor of elections' website, or once in one or more
25 newspapers of general circulation in the county. If the
26 applicable website becomes unavailable or if there is no
27 newspaper of general circulation in the county, the notice must
28 be posted in at least four conspicuous places in the county. The
29 supervisor or the municipal elections official may, at the time

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30 of qualifying, give written notice of the time and location of
31 the public preelection test to each candidate qualifying with
32 that office and obtain a signed receipt that the notice has been
33 given. The Department of State shall give written notice to each
34 statewide candidate at the time of qualifying, or immediately at
35 the end of qualifying, that the voting equipment will be tested
36 and advise each candidate to contact the county supervisor of
37 elections as to the time and location of the public preelection
38 test. The supervisor or the municipal elections official shall,
39 at least 30 days before the commencement of early voting as
40 provided in s. 101.657, send written notice by certified mail to
41 the county party chair of each political party and to all
42 candidates for other than statewide office whose names appear on
43 the ballot in the county and who did not receive written
44 notification from the supervisor or municipal elections official
45 at the time of qualifying, stating the time and location of the
46 public preelection test of the automatic tabulating equipment.
47 The canvassing board shall convene, and each member of the
48 canvassing board shall certify to the accuracy of the test. For
49 the test, the canvassing board may designate one member to
50 represent it. The test is ~~shall be~~ open to representatives of
51 the political parties, the press, and the public. Each political
52 party may designate one person with expertise in the computer
53 field who is ~~shall be~~ allowed in the central counting room when
54 all tests are being conducted and when the official votes are
55 being counted. The designated expert must be allowed to observe
56 the tests being conducted and the votes being counted. The
57 designee may not interfere with the normal operation of the
58 canvassing board.

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Section 2. This act shall take effect July 1, 2025.