

Bill No. SB 962

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Proposed Committee Substitute by the Committee on Ethics and Elections

1                                   A bill to be entitled  
2           An act relating to voting systems; amending s.  
3           101.151, F.S.; authorizing the use of  
4           ballot-on-demand technology to produce certain  
5           marksense ballots; creating s. 101.56075, F.S.;  
6           requiring all voting to be by marksense ballot;  
7           providing an exemption for voters with  
8           disabilities; amending s. 101.5612, F.S.;  
9           requiring the use of certain marksense ballots  
10          for pre-election testing; amending s. 101.591,  
11          F.S.; requiring post-election, random audits of  
12          voting systems; providing general audit  
13          procedures; mandating that audit results be  
14          reported to the Department of State;  
15          prescribing requirements for audit reports;  
16          granting rulemaking authority to the department  
17          to adopt detailed, uniform audit procedures and  
18          a standard audit reporting form; providing  
19          procedures for the purchase of new voting  
20          systems and ballot equipment and the  
21          disposition of existing touchscreen voting  
22          systems for certain counties; authorizing the  
23          Department of State to purchase optical scan  
24          voting equipment and ballot-on-demand equipment  
25          for certain counties; appropriating funds for  
26          such purpose; providing effective dates.

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

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30           Section 1. Subsection (1) of section 101.151, Florida  
31 Statutes, is amended to read:

1           101.151 Specifications for ballots.--

2           (1)(a) Marksense ballots shall be printed on paper of  
3 such thickness that the printing cannot be distinguished from  
4 the back and shall meet the specifications of the voting  
5 system that will be used to tabulate the ballots.

6           (b) Early voting sites may employ a ballot-on-demand  
7 production system to print individual marksense ballots,  
8 including provisional ballots, for eligible electors pursuant  
9 to s. 101.657. Ballot-on-demand technology may be used to  
10 produce marksense absentee ballots. Not later than 30 days  
11 before an election, the Secretary of State may also authorize  
12 in writing the use of ballot-on-demand technology for the  
13 production of election-day ballots.

14           Section 2. Section 101.56075, Florida Statutes, is  
15 created to read:

16           101.56075 Voting methods.--

17           (1) Except as provided in subsection (2), all voting  
18 shall be by marksense ballot utilizing a marking device for  
19 the purpose of designating ballot selections.

20           (2) Persons with disabilities may vote on a voter  
21 interface device that meets the voting system accessibility  
22 requirements for individuals with disabilities pursuant to  
23 section 301 of the federal Help America Vote Act of 2002 and  
24 s. 101.56062.

25           Section 3. Subsection (5) of section 101.5612, Florida  
26 Statutes, is created to read:

27           101.5612 Testing of tabulating equipment.--

28           (5) Any tests involving marksense ballots pursuant to  
29 this section shall employ pre-printed ballots, if pre-printed  
30 ballots will be used in the election, and ballot-on-demand  
31 ballots, if ballot-on-demand technology will be used to

1 produce ballots in the election, or both.

2 Section 4. Section 101.591, Florida Statutes, is  
3 amended to read:

4 (Substantial rewording of section. See s. 101.591,  
5 F.S., for present text.)

6 101.591 Voting system audit.--

7 (1) Immediately following the certification of each  
8 election, the county canvassing board or the local board  
9 responsible for certifying the election shall conduct a manual  
10 audit of the voting systems used in randomly selected  
11 precincts.

12 (2) The audit shall consist of a public manual tally  
13 of the votes cast in the "President and Vice President" or  
14 "Governor and Lieutenant Governor" race that appears at the  
15 top of the ballot or, if neither appears, the first race  
16 appearing on the ballot pursuant to s. 101.151(2), or, in the  
17 case of a purely municipal election, the first municipal race  
18 or issue on that ballot. The tally shall include election-day,  
19 absentee, early voting, provisional, and overseas ballots, in  
20 at least one percent but no more than two percent of the  
21 precincts chosen at random by the county canvassing board or  
22 the local board responsible for certifying the election. If  
23 one percent of the precincts is less than one entire precinct,  
24 the audit shall be conducted using at least one precinct  
25 chosen at random by the county canvassing board or the local  
26 board responsible for certifying the election. Such precincts  
27 shall be selected at a publicly-noticed canvassing board  
28 meeting.

29 (3) The canvassing board shall post a notice of the  
30 audit, including the date, time, and place, in four  
31 conspicuous places in the county and on the home page of the

1 county supervisor of elections web site.

2 (4) The audit must be completed and the results made  
3 public no later than 11:59 p.m. on the 9th day following  
4 certification of the election by the county canvassing board  
5 or the local board responsible for certifying the election.

6 (5) Within 15 days after completion of the audit, the  
7 county canvassing board or the board responsible for  
8 certifying the election shall provide a report with the  
9 results of the audit to the Department of State in a standard  
10 format as prescribed by the department. The report shall  
11 contain, but is not limited to, the following items:

12 (a) The overall accuracy of audit.

13 (b) A description of any problems or discrepancies  
14 encountered.

15 (c) The likely cause of such problems or  
16 discrepancies.

17 (d) Recommended corrective action with respect to  
18 avoiding or mitigating such circumstances in future elections.

19 Section 5. Effective upon becoming a law, the  
20 Department of State shall adopt rules to implement the  
21 provisions of section 4 of this act that prescribe detailed  
22 audit procedures for each voting system, which shall be  
23 uniform to the extent practicable, along with the standard  
24 form for audit reports.

25 Section 6. Effective upon becoming a law, an  
26 unnumbered section of Florida Statutes is created to read:

27 (1) Notwithstanding ss. 101.292-101.295 and s.  
28 101.5604 of the Florida Statutes, as a condition of the State  
29 purchasing optical scan voting equipment and ballot-on-demand  
30 equipment to replace touchscreen equipment as provided in  
31 section 7 of this Act, each recipient county hereby authorizes

1 the Secretary of State to act as its agent to negotiate the  
 2 purchase of new equipment and the sale, exchange, or other  
 3 disposition of existing touchscreen voting equipment that is  
 4 not necessary to conduct voting for individuals with  
 5 disabilities. Further, each such county hereby designates the  
 6 Secretary of State as the authorized recipient of all proceeds  
 7 realized from the sale, exchange, or other disposition of the  
 8 voting equipment up to and including the state's cost to fund  
 9 the county's new equipment. The Secretary shall deposit the  
 10 proceeds in the Grants and Donations Trust Fund within 60 days  
 11 of the sale, exchange, or other disposition.

12 (2) A county commission may choose to opt-out of this  
 13 state funding scheme by filing a notice to that effect with  
 14 the Department of State no later than June 30, 2007. Any  
 15 county choosing to opt-out shall continue to be governed by  
 16 the provisions of ss. 101.292-101.295 and s. 101.5604 of the  
 17 Florida Statutes with respect to the purchase of new voting  
 18 systems and equipment.

19 Section 7. Effective July 1, 2007, an unnumbered  
 20 section of Florida Statutes created to read:

21 (1) The Department of State is authorized to purchase:

22 (a) Election-day optical scan voting equipment, for  
 23 the following counties: Broward, Charlotte, Collier,  
 24 Hillsborough, Indian River, Lake, Lee, Martin, Miami-Dade,  
 25 Nassau, Palm Beach, Pasco, Pinellas, Sarasota, and Sumter.

26 (b) Ballot-on-demand equipment for use at early voting  
 27 sites, including optical scan tabulators, for the following  
 28 counties: Bay, Brevard, Broward, Charlotte, Clay, Collier,  
 29 Escambia, Hillsborough, Indian River, Jackson, Lake, Lee,  
 30 Levy, Marion, Martin, Miami-Dade, Nassau, Okaloosa, Orange,  
 31 Osceola, Palm Beach, Pasco, Pinellas, Santa Rosa, Sarasota,

1 St. Johns, Sumter, Taylor, and Washington.

2 (2) The sum of \$27,861,850 is appropriated from the  
3 Grants and Donations Trust Fund to the Division of Elections  
4 within the Department of State for the purpose of implementing  
5 the provisions of this section.

6 Section 8. Except as otherwise expressly provided in  
7 this act, this act shall take effect July 1, 2008.

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