

By Representative Diaz de la Portilla

1                                   A bill to be entitled  
2           An act relating to elections; providing a short  
3           title; amending s. 97.055, F.S.; eliminating  
4           the book-closing period for voter registration;  
5           providing for registration and changes in  
6           registration at the polls on election day;  
7           amending ss. 97.021, 97.053, 97.071, 98.065,  
8           98.081, 98.231, 101.045, 101.64, and 101.663,  
9           F.S., to conform; amending s. 101.657, F.S.;  
10          requiring the office of the supervisor of  
11          elections and any branch office to be open on  
12          the Saturday prior to any statewide election or  
13          other election held in conjunction therewith,  
14          for the purpose of allowing early in-person  
15          absentee voting for that election; amending ss.  
16          97.057 and 97.058, F.S.; requiring supervisors  
17          of elections to provide assistance necessary to  
18          ensure the timely forwarding of completed voter  
19          registration applications processed or received  
20          by the Department of Highway Safety and Motor  
21          Vehicles and voter registration agencies;  
22          creating s. 101.005, F.S.; providing for a  
23          uniform statewide voting system and ballots;  
24          providing rulemaking authority to the  
25          Department of State to implement and adopt  
26          standards for the system, including ballot  
27          requirements; amending ss. 102.111 and 102.112,  
28          F.S.; providing that county returns submitted  
29          to the Department of State after the required  
30          deadline must be ignored and the results shown  
31          by the returns on file certified; amending s.

1 102.141, F.S.; requiring a manual recount of  
2 all ballots in all counties for any election in  
3 which a candidate for statewide or  
4 multidistrict office was defeated or eliminated  
5 by one-half of a percent or less of the votes  
6 cast for such office; amending s. 102.166,  
7 F.S.; defining the terms "error in the vote  
8 tabulation" and "affect the outcome of the  
9 election" for purposes of establishing the  
10 grounds for conducting a manual recount that is  
11 not automatically required; requiring all  
12 manual recounts to be open to the public and  
13 follow certain procedures; creating s.  
14 102.1665, F.S.; providing standards for the  
15 manual recount of punchcard ballots; providing  
16 effective dates.

17

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

19

20 Section 1. This act may be cited as the "Florida Fair  
21 Elections Act of 2001."

22

23 Section 2. Section 97.055, Florida Statutes, is  
24 amended to read:

25

26 97.055 Registration period open books; registration at  
27 the polls ~~when closed for an election.--~~

28

29 (1) The registration books shall remain open for  
30 purposes of registration and changes in registration as  
31 authorized in this code and may not ~~must~~ be closed on the 29th  
~~day~~ before any each election; and any person who is eligible  
under s. 97.041 may register to vote or update a voter  
registration at any time and in any manner authorized in this

1 ~~code, including on the day of an election must remain closed~~  
2 ~~until after that election. If an election is called and there~~  
3 ~~are fewer than 29 days before that election, the registration~~  
4 ~~books must be closed immediately. When the registration books~~  
5 ~~are closed for an election, voter registration and party~~  
6 ~~changes must be accepted but only for the purpose of~~  
7 ~~subsequent elections. However, party changes received between~~  
8 ~~the book-closing date of the first primary election and the~~  
9 ~~date of the second primary election are not effective until~~  
10 ~~after the second primary election.~~

11       (2) Any person eligible under s. 97.041 who wishes to  
12 register to vote or update a voter registration on the day of  
13 an election may do so at the polls, while the polls are open,  
14 by completing a voter registration application to provide the  
15 required information. However, if the person has previously  
16 attempted to register either by mail or through the division,  
17 a driver license office, a voter registration agency, or an  
18 armed forces recruitment office and that registration has not  
19 been received by the supervisor in time to include the  
20 person's name on the registration books or precinct register  
21 for that election, the person shall, prior to completing the  
22 voter registration application at the polls, inform the  
23 supervisor, deputy supervisor, or other authorized  
24 registration official of the prior attempt to register. Any  
25 such prior registration or update of such a registration  
26 received by the supervisor after the election shall be  
27 considered obviated or superseded by the registration or  
28 update of a registration at the polls on the day of that  
29 election.~~In computing the 29-day period for the closing of~~  
30 ~~the registration books, the day of the election is excluded~~  
31 ~~and all other days are included. If the 29th day preceding an~~

1 ~~election falls on a Sunday or a legal holiday, the~~  
2 ~~registration books must be closed on the next day that is not~~  
3 ~~a Sunday or a legal holiday.~~

4 Section 3. Subsections (1) and (9) of section 97.021,  
5 Florida Statutes, are amended to read:

6 97.021 Definitions.--For the purposes of this code,  
7 except where the context clearly indicates otherwise, the  
8 term:

9 (1) "Absent elector" means any registered and  
10 qualified voter who:

11 (a) Is unable without another's assistance to attend  
12 the polls.

13 (b) Is an inspector, a poll worker, a deputy voting  
14 machine custodian, a deputy sheriff, a supervisor of  
15 elections, or a deputy supervisor who is assigned to a  
16 different precinct than that in which he or she is registered  
17 to vote.

18 (c) On account of the tenets of his or her religion,  
19 cannot attend the polls on the day of the general, special, or  
20 primary election.

21 (d) May not be in the precinct of his or her residence  
22 during the hours the polls are open for voting on the day of  
23 the election.

24 ~~(e) Has changed his or her residency to another county~~  
25 ~~in this state within the time period during which the~~  
26 ~~registration books are closed for the election for which the~~  
27 ~~ballot is requested.~~

28 (e)(f) Has changed his or her residency to another  
29 state and is ineligible under the laws of that state to vote  
30 in the general election; however, this pertains only to  
31 presidential ballots.

1           (9) "Election costs" shall include, but not be limited  
2 to, expenditures for all paper supplies such as envelopes,  
3 instructions to voters, affidavits, reports, ballot cards,  
4 ballot booklets for absentee voters, postage, notices to  
5 voters; advertisements for ~~registration book closings~~, testing  
6 of voting equipment, sample ballots, and polling places; forms  
7 used to qualify candidates; polling site rental and equipment  
8 delivery and pickup; data processing time and supplies;  
9 election records retention; and labor costs, including those  
10 costs uniquely associated with absentee ballot preparation,  
11 poll workers, and election night canvass.

12           Section 4. Subsection (4) of section 97.053, Florida  
13 Statutes, is amended to read:

14           97.053 Acceptance of voter registration  
15 applications.--

16           (4) The registration date for a valid initial voter  
17 registration application that has been mailed and bears a  
18 clear postmark is the date of the postmark. If an initial  
19 voter registration application that has been mailed does not  
20 bear a postmark or if the postmark is unclear, the  
21 registration date is the date the registration is received by  
22 any supervisor or the division, ~~unless it is received within 5~~  
23 ~~days after the closing of the books for an election, excluding~~  
24 ~~Saturdays, Sundays, and legal holidays, in which case the~~  
25 ~~registration date is the book-closing date.~~

26           Section 5. Subsection (3) of section 97.071, Florida  
27 Statutes, is amended to read:

28           97.071 Registration identification card.--

29           (3) In the case of a change of name, address, or party  
30 affiliation, the supervisor must issue the voter a new  
31 registration identification card. However, a registration

1 identification card indicating a party affiliation change made  
2 between the ~~book-closing~~ date for the first primary election  
3 and the date of the second primary election may not be issued  
4 until after the second primary election.

5 Section 6. Subsection (5) of section 98.065, Florida  
6 Statutes, is amended to read:

7 98.065 Registration list maintenance programs.--

8 (5) The supervisor must designate as inactive all  
9 voters who have been sent an address confirmation final notice  
10 and who have not returned the postage prepaid preaddressed  
11 return form within 30 days. A voter on the inactive list must  
12 be allowed to vote and to change the voter's name or address  
13 of legal residence at the polls ~~pursuant to s. 101.045~~. Names  
14 on the inactive list may not be used to calculate the number  
15 of signatures needed on any petition or the quantity of voting  
16 equipment needed.

17 Section 7. Subsections (1) and (3) of section 98.081,  
18 Florida Statutes, are amended to read:

19 98.081 Names removed from registration books;  
20 restrictions on reregistering; recordkeeping; restoration of  
21 erroneously or illegally removed names.--

22 (1) Any person who requested that his or her name be  
23 removed from the registration books between the ~~book-closing~~  
24 date of the first primary and the date of the second primary  
25 may not register in a different political party until after  
26 the date of the second primary election.

27 (3) When the name of any elector has been erroneously  
28 or illegally removed from the registration books, the name of  
29 the elector shall be restored by the supervisor upon  
30 satisfactory proof, ~~even though the registration period for~~  
31 ~~that election is closed.~~

1           Section 8. Section 98.231, Florida Statutes, is  
2 amended to read:

3           98.231 Supervisor of elections to furnish Department  
4 of State number of registered electors.--The supervisor of  
5 each county, not less than ~~within~~ 15 days ~~after the closing of~~  
6 ~~registration books~~ prior to the election, shall, for the  
7 county and for each legislative and congressional district in  
8 which such county or any portion thereof is located, advise  
9 the Department of State of the total number of registered  
10 electors of each political party in which any elector has  
11 registered and the number of electors registered as  
12 independents or without party affiliation.

13           Section 9. Section 101.045, Florida Statutes, is  
14 amended to read:

15           101.045 Electors must be registered in precinct;  
16 provisions for residence or name change.--

17           (1) No person shall be permitted to vote in any  
18 election precinct or district other than the one in which the  
19 person has his or her legal residence and in which the person  
20 is registered. However, a person temporarily residing outside  
21 the county shall be registered in the precinct in which the  
22 main office of the supervisor, as designated by the  
23 supervisor, is located when the person has no permanent  
24 address in the county and it is the person's intention to  
25 remain a resident of Florida and of the county in which he or  
26 she is registered to vote. Such persons who are registered in  
27 the precinct in which the main office of the supervisor, as  
28 designated by the supervisor, is located and who are residing  
29 outside the county with no permanent address in the county  
30 shall not be registered electors of a municipality and  
31

1 therefore shall not be permitted to vote in any municipal  
2 election.

3 (2)(a) An elector who moves from the precinct within  
4 the county in which the elector is registered may be permitted  
5 to vote in the precinct to which he or she has moved his or  
6 her legal residence, or ~~provided such elector completes an~~  
7 ~~affirmation in substantially the following form:~~

8

9 Change of Legal Residence of Registered  
10 Voter

11

12 ~~Under penalties for false swearing, I, ... (Name of voter) ...,~~  
13 ~~swear (or affirm) that the former address of my legal~~  
14 ~~residence was ... (Address of legal residence) ... in the~~  
15 ~~municipality of ..., in ... County, Florida, and I was~~  
16 ~~registered to vote in the ... precinct of ... County,~~  
17 ~~Florida; that I have not voted in the precinct of my former~~  
18 ~~registration in this election; that I now reside at~~  
19 ~~... (Address of legal residence) ... in the Municipality of~~  
20 ~~..., in ... County, Florida, and am therefore eligible to~~  
21 ~~vote in the ... precinct of ... County, Florida; and I~~  
22 ~~further swear (or affirm) that I am otherwise legally~~  
23 ~~registered and entitled to vote.~~

24

25 ~~... (Signature of voter whose address of legal residence has~~  
26 ~~changed) ...~~

27

28 ~~(b)~~ an elector whose name changes because of marriage  
29 or other legal process may be permitted to vote, provided such  
30 elector completes ~~an affirmation in substantially the~~  
31 ~~following form:~~

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~~Change of Name of Registered  
Voter~~

~~Under penalties for false swearing, I, ... (New name of  
voter) ..., swear (or affirm) that my name has been changed  
because of marriage or other legal process. My former name and  
address of legal residence appear on the registration books of  
precinct .... as follows:~~

~~Name.....~~

~~Address.....~~

~~Municipality.....~~

~~County.....~~

~~Florida, Zip.....~~

~~My present name and address of legal residence are as follows:~~

~~Name.....~~

~~Address.....~~

~~Municipality.....~~

~~County.....~~

~~Florida, Zip.....~~

~~and I further swear (or affirm) that I am otherwise legally  
registered and entitled to vote.~~

~~.....(Signature of voter whose name has changed)...~~

~~(c) Such affirmation, when completed and presented at  
the precinct in which such elector is entitled to vote, shall  
entitle such elector to vote as provided in this subsection.  
Upon receipt of an affirmation certifying a change in address  
of legal residence or name, the supervisor shall as soon as  
practicable make the necessary changes in the registration~~

1 ~~records of the county to indicate the change in address of~~  
2 ~~legal residence or name of such elector.~~

3 ~~(d) Instead of the affirmation contained in paragraph~~  
4 ~~(a) or paragraph (b), an elector may complete a voter~~  
5 registration application that indicates the change of ~~name or~~  
6 ~~change of~~ address of legal residence or change of name.

7 ~~(b)(e)~~ A request for an absentee ballot pursuant to s.  
8 101.62 which indicates that the elector has had a change of  
9 address of legal residence from that in the supervisor's  
10 records shall be sufficient as the notice to the supervisor of  
11 change of address of legal residence required by this section.  
12 Upon receipt of such request for an absentee ballot from an  
13 elector who has changed his or her address of legal residence,  
14 the supervisor shall provide the elector with the proper  
15 ballot for the precinct in which the elector then has his or  
16 her legal residence.

17 (3) When an elector's name does not appear on the  
18 registration books or precinct register of the election  
19 precinct in which the elector claims to be ~~is~~ registered and  
20 when the elector cannot present a valid registration  
21 identification card, the elector may have his or her name  
22 restored by completing a voter registration application to  
23 provide the required information indicating eligibility under  
24 s. 97.041 ~~if the supervisor is otherwise satisfied that the~~  
25 ~~elector is validly registered, that the elector's name has~~  
26 ~~been erroneously omitted from the books, and that the elector~~  
27 ~~is entitled to have his or her name restored.~~ The supervisor,  
28 ~~if he or she is satisfied as to the elector's previous~~  
29 ~~registration,~~ shall then allow such person to vote and shall  
30 thereafter issue a duplicate registration identification card.  
31

1 Section 10. Subsection (1) of section 101.64, Florida  
2 Statutes, is amended to read:

3 101.64 Delivery of absentee ballots; envelopes;  
4 form.--

5 (1) The supervisor shall enclose with each absentee  
6 ballot two envelopes: a secrecy envelope, into which the  
7 absent elector shall enclose his or her marked ballot; and a  
8 mailing envelope, into which the absent elector shall then  
9 place the secrecy envelope, which shall be addressed to the  
10 supervisor and also bear on the back side a certificate in  
11 substantially the following form:

12  
13 Note: Please Read Instructions Carefully Before  
14 Marking Ballot and Completing Voter's Certificate.

15 VOTER'S CERTIFICATE

16 I, . . . ., am a qualified and registered voter of . . . .  
17 County, Florida. I understand that if I commit or attempt to  
18 commit any fraud in connection with voting, vote a fraudulent  
19 ballot, or vote more than once in an election, I can be  
20 convicted of a felony of the third degree and fined up to  
21 \$5,000 and/or imprisoned for up to 5 years. I also understand  
22 that failure to sign this certificate and have my signature  
23 witnessed will invalidate my ballot. I am entitled to vote an  
24 absentee ballot for one of the following reasons:

- 25  
26 1. I am unable without another's assistance to attend  
27 the polls.  
28 2. I may not be in the precinct of my residence during  
29 the hours the polls are open for voting on election day.  
30 3. I am an inspector, a poll worker, a deputy voting  
31 machine custodian, a deputy sheriff, a supervisor of

1 elections, or a deputy supervisor who is assigned to a  
2 different precinct than that in which I am registered.

3 4. On account of the tenets of my religion, I cannot  
4 attend the polls on the day of the general, special, or  
5 primary election.

6 ~~5. I have changed my permanent residency to another~~  
7 ~~county in Florida within the time period during which the~~  
8 ~~registration books are closed for the election. I understand~~  
9 ~~that I am allowed to vote only for national and statewide~~  
10 ~~offices and on statewide issues.~~

11 5.6. I have changed my permanent residency to another  
12 state and am unable under the laws of such state to vote in  
13 the general election. I understand that I am allowed to vote  
14 only for President and Vice President.

15 6.7. I am unable to attend the polls on election day  
16 and am voting this ballot in person at the office of, and  
17 under the supervision of, the county supervisor of elections.

18  
19 ... (Voter's Signature) ...

20  
21 ... (Last four digits of voter's social security number) ...

22 Note: Your Signature Must Be Witnessed By Either:

23 a. A Notary or Officer Defined in Item 6.b. of the  
24 Instruction Sheet.

25  
26 Sworn to (or affirmed) and subscribed before me this  
27 .... day of ....., ...(year)..., by ...(name of person  
28 making statement).... My commission expires this .... day of  
29 ....., ...(year)....

30 ... (Signature of Official) ...

31 ... (Print, Type, or Stamp Name) ...



1 county of his or her new residence prior to being allowed to  
2 vote in any election and may not vote, either in person or by  
3 absentee ballot, in the county of his or her former residence  
4 ~~after the books in the county to which the elector has changed~~  
5 ~~his or her residence are closed for any general, primary, or~~  
6 ~~special election shall be permitted to vote absentee in the~~  
7 ~~county of his or her former residence in that election for~~  
8 ~~President and Vice President, United States Senator, statewide~~  
9 ~~offices, and statewide issues. Such person shall not be~~  
10 ~~permitted to vote in the county of the person's former~~  
11 ~~residence after the general election.~~

12 (2) An elector registered in this state who moves his  
13 or her permanent residence to another state and who is  
14 prohibited by the laws of that state from voting for the  
15 offices of President and Vice President of the United States  
16 may ~~shall~~ be permitted to vote absentee in the county of his  
17 or her former residence for those offices.

18 Section 12. Subsection (1) of section 101.657, Florida  
19 Statutes, is amended to read:

20 101.657 Voting absentee ballots in person; early  
21 voting.--

22 (1)(a) Notwithstanding s. 97.021(1), any qualified and  
23 registered elector who is unable to attend the polls on  
24 election day may pick up and vote an absentee ballot in person  
25 at the office of, and under the supervision of, the supervisor  
26 of elections. Before receiving the ballot, the elector must  
27 present a Florida driver's license, a Florida identification  
28 card issued under s. 322.051, or another form of picture  
29 identification approved by the Department of State. If the  
30 elector fails to furnish the required identification, or if  
31 the supervisor is in doubt as to the identity of the elector,

1 the supervisor must follow the procedure prescribed in s.  
2 101.49.

3 (b) The office of the supervisor of elections and each  
4 branch office must be open from 9 a.m. until 5 p.m., using the  
5 customary time in standard use in the locality, on the  
6 Saturday prior to any statewide election or other election  
7 held in conjunction therewith, for the purpose of permitting  
8 any qualified and registered elector to cast an absentee  
9 ballot for that election on a day prior to the election that  
10 is not a standard workday and that might, therefore, be more  
11 convenient. Notwithstanding s. 97.021(1), such electors shall  
12 be considered absent electors voting in person as otherwise  
13 authorized in this section.

14 Section 13. Subsection (4) of section 97.057, Florida  
15 Statutes, is amended to read:

16 97.057 Voter registration by the Department of Highway  
17 Safety and Motor Vehicles.--

18 (4) The Department of Highway Safety and Motor  
19 Vehicles must forward completed voter registration  
20 applications within 5 days after receipt to the supervisor of  
21 the county where the office that processed or received that  
22 application is located, and the supervisor shall provide the  
23 office any assistance necessary to ensure the timely  
24 forwarding of such applications.

25 Section 14. Subsection (6) of section 97.058, Florida  
26 Statutes, is amended to read:

27 97.058 Voter registration agencies.--

28 (6) A voter registration agency must forward completed  
29 voter registration applications within 5 days after receipt to  
30 the supervisor of the county where the agency that processed  
31 or received that application is located, and the supervisor

1 shall provide the office any assistance necessary to ensure  
2 the timely forwarding of such applications.

3 Section 15. Effective upon this act becoming a law,  
4 section 101.005, Florida Statutes, is created to read:

5 101.005 Uniform statewide voting system and ballots.--

6 (1) Notwithstanding any other provision of law to the  
7 contrary, there shall be a uniform statewide voting system,  
8 beginning with the primary and general elections to be held in  
9 2004. The uniform statewide voting system shall be the most  
10 reliable, accurate, and secure marksense or optical scan  
11 voting system using precinct tabulation which has been  
12 certified by the department as of September 30, 2003; and such  
13 system may be updated for subsequent elections as needed.

14 (2) The ballots used by the uniform statewide voting  
15 system shall be uniform, to the extent practicable, and must  
16 be approved by the department prior to use in any election.

17 (3) The department may adopt rules pursuant to ss.  
18 120.536(1) and 120.54 necessary to implement this section and  
19 to specify both the standards for the uniform statewide voting  
20 system, including those relating to software, hardware,  
21 accuracy, and security, and the requirements for the ballots  
22 used by such system, including those relating to the order and  
23 manner of arrangement of the names of candidates and issues in  
24 order to ensure consistency and those relating to the  
25 placement of the voting squares in order to eliminate  
26 confusion as to which name or issue a square belongs.

27 Section 16. Subsection (1) of section 102.111, Florida  
28 Statutes, is amended to read:

29 102.111 Elections Canvassing Commission.--

30 (1) Immediately after certification of any election by  
31 the county canvassing board, the results shall be forwarded to

1 the Department of State concerning the election of any federal  
2 or state officer. The Governor, the Secretary of State, and  
3 the Director of the Division of Elections shall be the  
4 Elections Canvassing Commission. The Elections Canvassing  
5 Commission shall, as soon as the official results are compiled  
6 from all counties, certify the returns of the election and  
7 determine and declare who has been elected for each office. In  
8 the event that any member of the Elections Canvassing  
9 Commission is unavailable to certify the returns of any  
10 election, such member shall be replaced by a substitute member  
11 of the Cabinet as determined by the Director of the Division  
12 of Elections. If the county returns are not received by the  
13 Department of State by the deadline set forth in s. 102.112(1)  
14 ~~5 p.m. of the seventh day following an election~~, all missing  
15 returns ~~counties~~ shall be ignored, and the results shown by  
16 the returns on file shall be certified.

17 Section 17. Subsection (1) of section 102.112, Florida  
18 Statutes, is amended to read:

19 102.112 Deadline for submission of county returns to  
20 the Department of State; penalties.--

21 (1) The county canvassing board or a majority thereof  
22 shall file the county returns for the election of a federal or  
23 state officer with the Department of State immediately after  
24 certification of the election results. Returns must be filed  
25 by 5 p.m. on the 7th day following the first primary and  
26 general election and by 3 p.m. on the 3rd day following the  
27 second primary. ~~If the returns are not received by the~~  
28 ~~department by the time specified, such returns may be ignored~~  
29 ~~and the results on file at that time may be certified by the~~  
30 ~~department.~~

31

1           Section 18. Subsection (4) of section 102.141, Florida  
2 Statutes, is amended to read:

3           102.141 County canvassing board; duties.--

4           (4)(a)1. If the returns ~~for any office~~ reflect that a  
5 candidate for an office other than a statewide or multicounty  
6 office was defeated or eliminated by one-half of a percent or  
7 less of the votes cast for such office, that a candidate for  
8 retention to a judicial office was retained or not retained by  
9 one-half of a percent or less of the votes cast on the  
10 question of retention, or that a measure appearing on the  
11 ballot was approved or rejected by one-half of a percent or  
12 less of the votes cast on such measure, the board responsible  
13 for certifying the results of the vote on such race or measure  
14 shall order a recount of the votes cast with respect to such  
15 office or measure.

16           2. If the returns reflect that a candidate for a  
17 statewide or multicounty office was defeated or eliminated by  
18 one-half of a percent or less of the votes cast for such  
19 office, each board responsible for certifying the results of  
20 the vote on such race shall order a manual recount of all  
21 ballots cast for such office.

22           (b) A recount need not be ordered with respect to the  
23 returns for any office, however, if the candidate or  
24 candidates defeated or eliminated from contention for such  
25 office by one-half of a percent or less of the votes cast for  
26 such office request in writing that a recount not be made.

27           (c) Each canvassing board responsible for conducting a  
28 recount other than a manual recount of all ballots shall  
29 examine the counters on the machines or the tabulation of the  
30 ballots cast in each precinct in which the office or issue  
31 appeared on the ballot and determine whether the returns

1 correctly reflect the votes cast. If there is a discrepancy  
2 between the returns and the counters of the machines or the  
3 tabulation of the ballots cast, the counters of such machines  
4 or the tabulation of the ballots cast shall be presumed  
5 correct and such votes shall be canvassed accordingly.

6 Section 19. Section 102.166, Florida Statutes, is  
7 amended to read:

8 102.166 Protest of election returns; procedure.--

9 (1)(a) Any candidate for nomination or election, or  
10 any elector qualified to vote in the election related to such  
11 candidacy, shall have the right to protest the returns of the  
12 election as being erroneous by filing with the appropriate  
13 canvassing board a sworn, written protest.

14 (b)~~(2)~~ Such protest shall be filed with the canvassing  
15 board prior to the time the canvassing board certifies the  
16 results for the office being protested or within 5 days after  
17 midnight of the date the election is held, whichever occurs  
18 later.

19 (2)~~(3)~~ Before canvassing the returns of the election,  
20 the canvassing board shall:

21 (a) When paper ballots are used, examine the  
22 tabulation of the paper ballots cast.

23 (b) When voting machines are used, examine the  
24 counters on the machines of nonprinter machines or the  
25 printer-pac on printer machines. If there is a discrepancy  
26 between the returns and the counters of the machines or the  
27 printer-pac, the counters of such machines or the printer-pac  
28 shall be presumed correct.

29 (c) When electronic or electromechanical equipment is  
30 used, the canvassing board shall examine precinct records and  
31 election returns. If there is a clerical error, such error

1 shall be corrected by the county canvassing board. If there is  
2 a discrepancy which could affect the outcome of an election,  
3 the canvassing board may recount the ballots on the automatic  
4 tabulating equipment.

5 (3)~~(4)~~(a) Any candidate whose name appeared on the  
6 ballot, any political committee that supports or opposes an  
7 issue which appeared on the ballot, or any political party  
8 whose candidates' names appeared on the ballot may file a  
9 written request with the county canvassing board for a manual  
10 recount not otherwise required under s. 102.141(4). The  
11 written request shall contain a statement of the reason the  
12 manual recount is being requested.

13 (b) Such request must be filed with the canvassing  
14 board prior to the time the canvassing board certifies the  
15 results for the office being protested or within 72 hours  
16 after midnight of the date the election was held, whichever  
17 occurs later.

18 (c) The county canvassing board may authorize the ~~a~~  
19 manual recount. If the ~~a~~ manual recount is authorized, the  
20 county canvassing board shall make a reasonable effort to  
21 notify each candidate whose race is being recounted of the  
22 time and place of such recount.

23 (d) The manual recount must include at least three  
24 precincts and at least 1 percent of the total votes cast for  
25 such candidate or issue. In the event there are less than  
26 three precincts involved in the election, all precincts shall  
27 be counted. The person who requested the recount shall choose  
28 three precincts to be recounted, and, if other precincts are  
29 recounted, the county canvassing board shall select the  
30 additional precincts.

31

1           ~~(e)(5)~~ If the manual recount indicates an error in the  
2 vote tabulation which could affect the outcome of the  
3 election, the county canvassing board shall:  
4           ~~1.(a)~~ Correct the error and recount the remaining  
5 precincts with the vote tabulation system;  
6           ~~2.(b)~~ Request the Department of State to verify the  
7 tabulation software; or  
8           ~~3.(c)~~ Manually recount all ballots.  
9           ~~(f)~~ For purposes of this section:  
10           1. "Error in the vote tabulation" means a counting  
11 error in which the vote tabulation system fails to count  
12 properly marked marksense or properly punched punchcard  
13 ballots.  
14           2. "Affect the outcome of the election" means to be of  
15 a magnitude sufficient to make a difference as to which  
16 candidate wins the election.  
17           ~~(4)(6)~~ Any manual recount under this section or s.  
18 102.141(4) shall be open to the public.  
19           ~~(5)(7)~~ Procedures for a manual recount under this  
20 section or s. 102.141(4) are as follows:  
21           (a) The county canvassing board shall appoint as many  
22 counting teams of at least two electors as is necessary to  
23 manually recount the ballots. A counting team must have, when  
24 possible, members of at least two political parties. A  
25 candidate involved in the race shall not be a member of the  
26 counting team.  
27           (b) If a counting team is unable to determine a  
28 voter's intent in casting a ballot, the ballot shall be  
29 presented to the county canvassing board for it to determine  
30 the voter's intent.  
31

1           ~~(6)(a)(8)~~ If the county canvassing board determines  
2 the need to verify the tabulation software, the county  
3 canvassing board shall request in writing that the Department  
4 of State verify the software.

5           ~~(b)(9)~~ When the Department of State verifies such  
6 software, the department shall:

7           1.~~(a)~~ Compare the software used to tabulate the votes  
8 with the software filed with the Department of State pursuant  
9 to s. 101.5607; and

10           2.~~(b)~~ Check the election parameters.

11           ~~(c)(10)~~ The Department of State shall respond to the  
12 county canvassing board within 3 working days.

13           Section 20. Section 102.1665, Florida Statutes, is  
14 created to read:

15           102.1665 Standards for manual recount of punchcard  
16 ballots.--

17           (1)(a) Except as otherwise provided in subsection (2),  
18 in any manual count conducted under this code or pursuant to  
19 court order, a vote on a ballot on which a voter indicates a  
20 vote by punching a hole in the ballot may not be counted  
21 unless:

22           1. At least two corners of the chad are detached;

23           2. Light is visible through the hole;

24           3. An indentation on the chad from the stylus or other  
25 object is present and indicates a clearly ascertainable intent  
26 of the voter to vote; or

27           4. The chad reflects by other means a clearly  
28 ascertainable intent of the voter to vote.

29           (b) For purposes of this section, the term "chad"  
30 means a small paper disk or square formed when a hole is  
31 punched in a punchcard ballot.

1           (2) Any clearly ascertainable intent of the voter on a  
2 punchcard ballot supersedes any provision of subsection (1)  
3 that would prevent the ballot from being counted.

4           Section 21. Except as otherwise provided herein, this  
5 act shall take effect January 1, 2002.

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HOUSE SUMMARY

Creates the "Florida Fair Elections Act of 2001."

Eliminates the book-closing period for voter registration, and provides for registration and changes in registration at the polls on election day.

Requires the office of the supervisor of elections and each branch office to be open on the Saturday prior to any statewide election or other election held in conjunction therewith, for the purpose of allowing early in-person absentee voting for that election.

Requires supervisors of elections to provide assistance necessary to ensure the timely forwarding of completed voter registration applications processed or received by the Department of Highway Safety and Motor Vehicles and voter registration agencies.

Provides for a uniform statewide voting system and ballots, beginning with the primary and general elections to be held in 2004, and requires the voting system to be a marksense or optical scan system with precinct tabulation. Provides rulemaking authority to the Department of State to implement and adopt standards for the system, including ballot requirements.

Provides that county returns submitted to the Department of State after the required deadline must be ignored and the results shown by the returns on file certified.

Requires a manual recount of all ballots in all counties for any election in which a candidate for statewide or multidistrict office was defeated or eliminated by one-half of a percent or less of the votes cast for such office. Defines the terms "error in the vote tabulation" and "affect the outcome of the election" for purposes of establishing the grounds for conducting a manual recount that is not automatically required. Requires all manual recounts to be open to the public and follow certain procedures. Provides standards for the manual recount of punchcard ballots.