

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Eskamani offered the following:

**Amendment (with title amendment)**

Remove lines 920-1398 and insert:

**Section 14. Subsection (1) of section 101.151, Florida Statutes, is amended to read:**

101.151 Specifications for ballots.—

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

(b) Polling places and early voting sites may employ a ballot-on-demand production system to print individual ~~marksense~~

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14 ballots, including provisional ballots, for eligible voters  
15 ~~electors~~. Ballot-on-demand technology may be used to produce  
16 ~~marksense~~ vote-by-mail, early voting, and election-day ballots.

17 **Section 15. Subsection (4) of section 101.5606, Florida**  
18 **Statutes, is amended to read:**

19 101.5606 Requirements for approval of systems.—No  
20 electronic or electromechanical voting system shall be approved  
21 by the Department of State unless it is so constructed that:

22 (4) ~~For systems using marksense ballots,~~ It accepts a  
23 rejected ballot pursuant to subsection (3) if a voter chooses to  
24 cast the ballot, but records no vote for any office that has  
25 been overvoted or undervoted.

26 **Section 16. Section 101.56075, Florida Statutes, is**  
27 **amended to read:**

28 101.56075 Voting methods.—For the purpose of designating  
29 ballot selections, all voting must be by official ~~marksense~~  
30 ballot, using a pen compatible with or recommended for use with  
31 the voting system. Persons with disabilities may vote using  
32 ~~marking device or~~ a voter interface device that produces a  
33 voter-verifiable paper output and meets the voter accessibility  
34 requirements for individuals with disabilities under s. 301 of  
35 the federal Help America Vote Act of 2002 and s. 101.56062.

36 **Section 17. Subsections (1), (2), and (3) of section**  
37 **101.5608, Florida Statutes, are amended to read:**

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38 101.5608 Voting at the polls ~~by electronic or~~  
39 ~~electromechanical method~~; procedures.—

40 (1) Each voter ~~elector~~ desiring to vote shall be  
41 identified to the clerk or inspector of the election as a duly  
42 qualified voter ~~elector~~ of such election and shall sign his or  
43 her name on the precinct register or other form or device  
44 provided by the supervisor. The inspector shall compare the  
45 signature with the signature on the identification provided by  
46 the voter ~~elector~~. If the inspector is reasonably sure that the  
47 person is entitled to vote, the inspector shall provide the  
48 person with a ballot.

49 (2) When an electronic or electromechanical voting system  
50 utilizes a ballot ~~card or marksense ballot~~, the following  
51 procedures must ~~shall~~ be followed to vote:

52 (a) After receiving a ballot from an inspector, the voter  
53 ~~elector~~ shall, without leaving the polling place, retire to a  
54 booth or compartment and mark the ballot. After marking his or  
55 her ballot, the voter ~~elector~~ shall place the ballot in a  
56 secrecy envelope so that the ballot will be deposited in the  
57 tabulator without exposing the voter's choices.

58 (b) Any voter who spoils his or her ballot or makes an  
59 error may return the ballot to the election official and secure  
60 another ballot, except that in no case shall a voter be  
61 furnished more than three ballots. If the vote tabulation device  
62 has rejected a ballot, the ballot must ~~shall~~ be considered

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63 spoiled and a new ballot must ~~shall~~ be provided to the voter  
64 unless the voter chooses to cast the rejected ballot. The  
65 election official, without examining the original ballot, shall  
66 state the possible reasons for the rejection and ~~shall~~ provide  
67 instruction to the voter pursuant to s. 101.5611. A spoiled  
68 ballot must ~~shall~~ be preserved, without examination, in an  
69 envelope provided for that purpose. The stub must ~~shall~~ be  
70 removed from the ballot and placed in an envelope.

71 (c) The supervisor of elections shall prepare for each  
72 polling place at least one ballot box to contain the ballots of  
73 a particular precinct, and each ballot box must ~~shall~~ be plainly  
74 marked with the name of the precinct for which it is intended.

75 (3) The Department of State shall promulgate rules  
76 regarding voting procedures to be used when an electronic or  
77 electromechanical voting system is of a type which does not  
78 utilize a ballot ~~card or marksense ballot~~.

79 **Section 18. Subsection (5) of section 101.5612, Florida**  
80 **Statutes, is amended to read:**

81 101.5612 Testing of tabulating equipment.—

82 (5) Any tests involving ~~marksense~~ ballots pursuant to this  
83 section shall employ test ballots created by the supervisor of  
84 elections using actual ballots that have been printed for the  
85 election. If ballot-on-demand ballots will be used in the  
86 election, the supervisor shall also create test ballots using  
87 the ballot-on-demand technology that will be used to produce

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88 ballots in the election, using the same paper stock as will be  
89 used for ballots in the election.

90 **Section 19. Section 101.591, Florida Statutes, is amended**  
91 **to read:**

92 101.591 Voting system automated independent vote  
93 validation process; system approval; procedures ~~audit.~~-

94 (1) ~~Before~~ ~~Immediately following~~ the certification of each  
95 election, the county canvassing board or the local board  
96 responsible for certifying the election shall conduct a ~~manual~~  
97 ~~audit or~~ an automated, independent vote validation ~~audit~~ of the  
98 voting systems used in all ~~randomly selected~~ precincts.

99 ~~(2)(a) A manual audit shall consist of a public manual~~  
100 ~~tally of the votes cast in one randomly selected race that~~  
101 ~~appears on the ballot. The tally sheet shall include election-~~  
102 ~~day, vote by mail, early voting, provisional, and overseas~~  
103 ~~ballots, in at least 1 percent but no more than 2 percent of the~~  
104 ~~precincts chosen at random by the county canvassing board or the~~  
105 ~~local board responsible for certifying the election. If 1~~  
106 ~~percent of the precincts is less than one entire precinct, the~~  
107 ~~audit shall be conducted using at least one precinct chosen at~~  
108 ~~random by the county canvassing board or the local board~~  
109 ~~responsible for certifying the election. Such precincts shall be~~  
110 ~~selected at a publicly noticed canvassing board meeting.~~

111 ~~(2)(a)(b)~~ An automated independent vote validation process  
112 must ~~audit~~ shall consist of an a public automated verification

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113 of the tally of the votes cast across every race that appears on  
114 the ballot. The tally sheet ~~must shall~~ include all valid  
115 election day, vote-by-mail, early voting, provisional, and  
116 overseas ballots received by the start of the vote validation  
117 process in all at least 20 percent of the precincts chosen at  
118 random by the county canvassing board or the local board  
119 responsible for certifying the election. Such precincts shall be  
120 selected at a publicly noticed canvassing board meeting.

121 (b) ~~(e)~~ The division shall adopt rules for approval of an  
122 automated independent vote validation process ~~audit system~~ which  
123 provide that the process ~~system~~, at a minimum, must be:

124 1. Completely independent of the primary voting system.

125 2. Fast enough to produce final vote validation ~~audit~~  
126 results within the timeframe prescribed in subsection (4).

127 3. Capable of demonstrating that the ballots of record  
128 have been accurately adjudicated by the automated independent  
129 vote validation process in agreement with the vote tabulation  
130 system and is capable of allowing the canvassing board to  
131 manually adjudicate ballots needing review. A canvassing board  
132 is not precluded from reviewing a digital image of a ballot  
133 corresponding to a physical paper ballot in conducting its  
134 review ~~audit system~~.

135 (3) The canvassing board shall publish ~~post~~ a notice of  
136 the automated independent vote validation process ~~audit~~,  
137 including the date, time, and place such process will occur, on

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138 the county website as provided in s. 50.0311, on the supervisor  
139 of election's website, or once in one or more newspapers of  
140 general circulation in the county in which the process will  
141 occur. Such process must be open to the public, ~~in four~~  
142 ~~conspicuous places in the county and on the home page of the~~  
143 ~~county supervisor of elections website.~~

144 (4) The automated independent vote validation process  
145 ~~audit~~ must be completed and the results made public before the  
146 certification of the election by each county canvassing board  
147 and in accordance with s. 102.141 ~~no later than 11:59 p.m. on~~  
148 ~~the 7th day following certification of the election by the~~  
149 ~~county canvassing board or the local board responsible for~~  
150 ~~certifying the election.~~

151 (5) By December 15 of each general election year, the  
152 county canvassing board or the board responsible for certifying  
153 the election shall provide a report with the results of the  
154 automated independent vote validation process ~~audit~~ to the  
155 Department of State in a standard format as prescribed by the  
156 department under s. 101.5911. Each county's ~~The~~ report must be  
157 consolidated into one report and included with the overvote and  
158 undervote report required under s. 101.595(1). The report must,  
159 at a minimum, shall contain all of, ~~but is not limited to,~~ the  
160 following ~~items~~:

161 (a) The overall agreement ~~accuracy~~ of the automated  
162 independent vote validation process ~~audit~~.

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163 (b) A description of any problems or differences  
164 ~~discrepancies~~ encountered during the automated independent vote  
165 validation process.

166 (c) The likely cause of such problems or differences  
167 ~~discrepancies~~.

168 (d) Any recommended corrective action with respect to  
169 avoiding or mitigating such circumstances in future elections.

170 (6) The department shall consolidate the county automated  
171 independent vote validation results and include the results as  
172 part of the post-general election report submitted to the  
173 Governor, the President of the Senate, and the Speaker of the  
174 House of Representatives by February 15 of each year following a  
175 general election as required under ss. 101.595(3) and  
176 102.141(11) If a manual recount is undertaken pursuant to s.  
177 102.166, the canvassing board is not required to perform the  
178 audit provided for in this section.

179 **Section 20. Section 101.5911, Florida Statutes, is amended**  
180 **to read:**

181 101.5911 Rulemaking authority for automated independent  
182 vote validation process approval; voting system audit  
183 procedures. Effective upon this act becoming a law, The  
184 department of State shall adopt rules to implement the  
185 provisions of s. 101.591, as amended by s. 8, chapter 2007-30,  
186 Laws of Florida, which provides for the testing and approval of  
187 an automated independent vote validation process, and prescribes

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188 ~~prescribe~~ detailed automated independent vote validation audit  
189 procedures for each voting system, which must ~~shall~~ be uniform  
190 to the extent practicable, along with the standard form for  
191 automated independent vote validation process audit reports.

192 **Section 21. Subsections (1) and (3) of section 101.595,**  
193 **Florida Statutes, are amended to read:**

194 101.595 Analysis of overvotes and undervotes ~~reports of~~  
195 ~~voting problems.-~~

196 (1) No later than December 15 of each general election  
197 year, the supervisor of elections in each county shall report to  
198 the Department of State the total number of overvotes and  
199 undervotes in the "President and Vice President" or "Governor  
200 and Lieutenant Governor" race that appears first on the ballot  
201 or, if neither appears, the first race appearing on the ballot  
202 pursuant to s. 101.151(2), along with the likely reasons for  
203 such overvotes and undervotes and other information as may be  
204 useful in evaluating the performance of the voting system and  
205 identifying problems with ballot design and instructions which  
206 may have contributed to voter confusion. This report must be  
207 consolidated into one report with the automated independent vote  
208 validation audit report required under s. 101.591(6) ~~s.~~  
209 ~~101.591(5)~~.

210 (3) The Department of State shall submit the overvote and  
211 undervote analysis required under subsection (2) as part of the  
212 post-general election report to the Governor, the President of

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213 the Senate, and the Speaker of the House of Representatives by  
214 February 15 of each year following a general election as  
215 required under ss. 101.591(6) and 102.141(11).

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**T I T L E A M E N D M E N T**

218 Remove lines 98-125 and insert:  
219 counted; amending ss. 101.151, 101.5606, 101.5608, and  
220 101.5612, F.S.; conforming provisions to changes made  
221 by the act; amending s. 101.56075, F.S.; requiring  
222 voting be completed on an official ballot using a pen  
223 or marker; amending s. 101.591, F.S.; removing  
224 provisions relating to the performance of a manual  
225 audit; requiring the county canvassing board or other  
226 local board responsible for certifying an election to  
227 conduct an automated, independent vote validation of  
228 voting systems used in all precincts; providing the  
229 process for conducting such automated, independent  
230 vote validation; requiring the canvassing board to  
231 publish a specified notice on the county's website,  
232 the supervisor's website, or in certain newspapers;  
233 requiring that the vote validation be completed and  
234 made public before the certification of the election;  
235 providing reporting requirements for county canvassing  
236 boards; requiring the results of the vote validation  
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238 | be included in a specified report submitted to the  
239 | Governor and Legislature by a specified date each  
240 | year; amending s. 101.5911, F.S.; requiring the  
241 | Department of State to adopt certain rules; amending  
242 | s. 101.595, F.S.; revising certain reporting  
243 | requirements for the Department of State; amending s.  
244 | 102.111, F.S.;

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