

ENROLLED

CS/HB 537, Engrossed 2

2007 Legislature

1                   A bill to be entitled  
 2           An act relating to elections; amending s. 97.021, F.S.;  
 3           redefining the term "third-party registration  
 4           organization"; amending s. 97.0575, F.S.; revising fines  
 5           applicable to violations of requirements relating to  
 6           third-party voter registrations; amending s. 103.121,  
 7           F.S.; revising the dates relating to the presidential  
 8           preference primary; amending s. 101.75, F.S.; authorizing  
 9           municipalities to move their election date by ordinance to  
 10          coincide with the presidential preference primary;  
 11          amending s. 101.151, F.S.; authorizing the use of ballot-  
 12          on-demand technology to produce certain marksense ballots;  
 13          creating s. 101.56075, F.S.; requiring all voting to be by  
 14          marksense ballot; providing an exemption for voters with  
 15          disabilities; requiring voter interface devices for  
 16          individuals with disabilities by a specified date;  
 17          amending s. 101.5612, F.S.; requiring the use of certain  
 18          marksense ballots for pre-election testing; amending s.  
 19          101.591, F.S.; requiring post-election, random audits of  
 20          voting systems; providing general audit procedures;  
 21          mandating that audit results be reported to the Department  
 22          of State; prescribing requirements for audit reports;  
 23          granting rulemaking authority to the department to adopt  
 24          detailed, uniform audit procedures and a standard audit  
 25          reporting form; providing procedures for the purchase of  
 26          new voting systems and ballot equipment and the  
 27          disposition of existing touchscreen voting systems for  
 28          certain counties; authorizing the Department of State to

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337 marksense absentee ballots. Not later than 30 days before an  
 338 election, the Secretary of State may also authorize in writing  
 339 the use of ballot-on-demand technology for the production of  
 340 election-day ballots.

341 Section 6. Effective July 1, 2008, section 101.56075,  
 342 Florida Statutes, is created to read:

343 101.56075 Voting methods.--

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

347 (2) Persons with disabilities may vote on a voter  
 348 interface device that meets the voting system accessibility  
 349 requirements for individuals with disabilities pursuant to  
 350 section 301 of the federal Help America Vote Act of 2002 and s.  
 351 101.56062.

352 (3) By 2012, persons with disabilities shall vote on a  
 353 voter interface device that meets the voter accessibility  
 354 requirements for individuals with disabilities under section 301  
 355 of the federal Help America Vote Act of 2002 and s. 101.56062,  
 356 which are consistent with subsection (1) of this section.

357 Section 7. Effective July 1, 2008, subsection (5) is added  
 358 to section 101.5612, Florida Statutes, to read:

359 101.5612 Testing of tabulating equipment.--

360 (5) Any tests involving marksense ballots pursuant to this  
 361 section shall employ pre-printed ballots, if pre-printed ballots  
 362 will be used in the election, and ballot-on-demand ballots, if  
 363 ballot-on-demand technology will be used to produce ballots in  
 364 the election, or both.

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365 Section 8. Effective July 1, 2008, section 101.591,  
 366 Florida Statutes, is amended to read:

367 (Substantial rewording of section. See  
 368 s. 101.591, F.S., for present text.)  
 369 101.591 Voting system audit.--

370 (1) Immediately following the certification of each  
 371 election, the county canvassing board or the local board  
 372 responsible for certifying the election shall conduct a manual  
 373 audit of the voting systems used in randomly selected precincts.

374 (2) The audit shall consist of a public manual tally of  
 375 the votes cast in one randomly selected race that appears on the  
 376 ballot. The tally sheet shall include election-day, absentee,  
 377 early voting, provisional, and overseas ballots, in at least 1  
 378 percent but no more than 2 percent of the precincts chosen at  
 379 random by the county canvassing board or the local board  
 380 responsible for certifying the election. If 1 percent of the  
 381 precincts is less than one entire precinct, the audit shall be  
 382 conducted using at least one precinct chosen at random by the  
 383 county canvassing board or the local board responsible for  
 384 certifying the election. Such precincts shall be selected at a  
 385 publicly-noticed canvassing board meeting.

386 (3) The canvassing board shall post a notice of the audit,  
 387 including the date, time, and place, in four conspicuous places  
 388 in the county and on the home page of the county supervisor of  
 389 elections web site.

390 (4) The audit must be completed and the results made  
 391 public no later than 11:59 p.m. on the 7th day following  
 392 certification of the election by the county canvassing board or

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393 the local board responsible for certifying the election.

394 (5) Within 15 days after completion of the audit, the  
 395 county canvassing board or the board responsible for certifying  
 396 the election shall provide a report with the results of the  
 397 audit to the Department of State in a standard format as  
 398 prescribed by the department. The report shall contain, but is  
 399 not limited to, the following items:

400 (a) The overall accuracy of audit.

401 (b) A description of any problems or discrepancies  
 402 encountered.

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

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

406 Section 9. Effective upon this act becoming a law, the  
 407 Department of State shall adopt rules to implement the  
 408 provisions of s. 101.591, Florida Statutes, as amended by  
 409 section 8 which prescribe detailed audit procedures for each  
 410 voting system, which shall be uniform to the extent practicable,  
 411 along with the standard form for audit reports.

412 Section 10. Effective upon this act becoming a law:

413 (1) Notwithstanding ss. 101.292-101.295 and s. 101.5604,  
 414 Florida Statutes, as a condition of the state purchasing optical  
 415 scan voting equipment and ballot-on-demand equipment to replace  
 416 touchscreen equipment as provided in section 11, each recipient  
 417 county hereby authorizes the Secretary of State to act as its  
 418 agent to negotiate the purchase of new equipment and the sale,  
 419 exchange, or other disposition of existing touchscreen voting  
 420 equipment that is not necessary to conduct voting for