
By: **Delegates Cardin, Bartlett, Bromwell, Cadden, Gilleland, Healey,
Kaiser, King, Marriott, McKee, Morhaim, Myers, and Zirkin**

Introduced and read first time: January 13, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voting Systems - Adequate Voter Verification Process**

3 FOR the purpose of requiring that certain voting systems incorporate an adequate
4 voter verification process that includes certain features; requiring that each
5 voter's ballot choices, once cast, be preserved in a certain manner; providing that
6 in the event of a manual recount of election results, local boards of election shall
7 conduct the recount using certain records; specifying that certain ballots are
8 official records; requiring the State Board of Elections to conduct a comparison
9 of certain ballots in a random sampling of election districts; and generally
10 relating to an adequate voter verification process for the votes cast by voters
11 using certain voting systems.

12 BY repealing and reenacting, without amendments,
13 Article - Election Law
14 Section 1-101(s)
15 Annotated Code of Maryland
16 (2003 Volume and 2004 Supplement)

17 BY adding to
18 Article - Election Law
19 Section 9-106
20 Annotated Code of Maryland
21 (2003 Volume and 2004 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Election Law**

25 1-101.

26 (s) (1) "Document ballot" means a ballot used with a voting system in which
27 the voter individually is issued a ballot on which to indicate one or more votes.

1 (2) "Document ballot" includes:

2 (i) a machine-read ballot, such as an optically scanned ballot; and

3 (ii) a hand-counted paper ballot.

4 9-106.

5 (A) (1) A VOTING SYSTEM THAT DOES NOT USE A DOCUMENT BALLOT SHALL
6 INCORPORATE AN ADEQUATE VOTER VERIFICATION PROCESS THAT WILL:

7 (I) ALLOW EACH VOTER TO INSPECT, VERIFY, AND CORRECT THE
8 VOTER'S BALLOT CHOICES BEFORE THE BALLOT IS CAST; AND

9 (II) FOR EACH VOTER, PRESERVE WITHIN THE POLLING PLACE IN A
10 DISTINCT MANNER A RECORD OF THE BALLOT CHOICES CAST BY THAT VOTER AT
11 THE ELECTION.

12 (2) IN THE EVENT THAT A MANUAL RECOUNT OF THE ELECTION
13 RESULTS IS REQUIRED, THE LOCAL BOARD SHALL CONDUCT THE RECOUNT USING
14 THE BALLOT CHOICES OF EACH VOTER AS PRESERVED UNDER THE VOTER
15 VERIFICATION PROCESS.

16 (B) EACH BALLOT PRESERVED UNDER THE VOTER VERIFICATION PROCESS IS
17 AN OFFICIAL RECORD.

18 (C) IN A RANDOM SAMPLING OF 2% OF THE TOTAL NUMBER OF PRECINCTS
19 WITHIN EACH LEGISLATIVE DISTRICT, THE STATE BOARD SHALL COMPARE THE
20 RECORDED RESULTS OF THE VOTER VERIFICATION PROCESS AGAINST THE
21 ELECTRONICALLY RECORDED RESULTS IN THOSE DISTRICTS TO VERIFY THAT THE
22 ELECTRONICALLY RECORDED RESULTS EQUAL THE RESULTS OF THE VOTER
23 VERIFICATION PROCESS.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
25 each election occurring on or after July 1, 2006, that is required to be conducted in
26 accordance with the Election Law Article.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall
28 allocate the resources required to implement the requirements of this Act, including
29 any gift received by the State for the purposes of this Act under § 2-201 of the State
30 Finance and Procurement Article, or, except for federal funds received by the State to
31 implement the requirements of the Help America Vote Act 2002, any federal or other
32 funds or grant received by the State in accordance with federal and State law for the
33 purposes of this Act by fiscal year 2007.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2005.