

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 893

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Ross” and substitute “Ross, Frick, Ivey, Howard, Kaiser, Walker, and Stukes”; strike beginning with “authorizing” in line 3 down through “requirements;” in line 8 and substitute “specifying that certain requirements for the selection and certification of a statewide voting system are subject to certain provisions of law; requiring the State Board of Elections to take certain actions if at the time of procurement of a voting system there is not commercially available a voting system that satisfies certain requirements; requiring the State Board to select and certify a voting system that satisfies certain requirements with specified exceptions; requiring the State Board to provide only one voting machine in each polling place on election day that is accessible to voters with disabilities and available for use by all voters; providing that a voting machine that is accessible to voters with disabilities is not required to provide a certain paper record; requiring the State Board to certify and deploy one voting machine in each polling place that provides a certain paper record and is shown by a certain laboratory to meet certain accessibility requirements for voters with disabilities within a certain time; requiring the State Board to discontinue use of any voting machines that do not provide a certain paper record within a certain time; altering the application of a certain prior Act; requiring the State Board to notify the Department of Legislative Services no later than a certain number of days after the first election in which voting machines are used that meet certain requirements; providing for the termination of this Act a certain number of days after receipt of certain notice;”; in line 13, after “Section” insert “9-101 and”; and after line 15, insert:

“BY repealing and reenacting, with amendments,

Chapter 547 of the Acts of the General Assembly of 2007

Section 2

(Over)

BY repealing and reenacting, with amendments,
Chapter 548 of the Acts of the General Assembly of 2007
Section 2”.

AMENDMENT NO. 2

On page 1, after line 18, insert:

“9-101.

(A) THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO § 9-102(J)
OF THIS SUBTITLE.

[(a)](B) The State Board, in consultation with the local boards, shall select and certify a voting system for voting in polling places and a voting system for absentee voting.

[(b)](C) The voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting shall be used in all counties.

[(c)](D) The State Board shall acquire:

(1) the voting system selected and certified for voting in polling places;
and

(2) the voting system selected and certified for absentee voting.”.

AMENDMENT NO. 3

On page 2, strike beginning with “OR” in line 26 down through “DIRECTORS” in line 27.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 18 through 24, inclusive, and substitute:

“(J) (1) THIS SUBSECTION APPLIES ONLY IF, AT THE TIME OF PROCUREMENT OF A VOTING SYSTEM, THERE IS NOT A COMMERCIALY AVAILABLE VOTING SYSTEM THAT SATISFIES ALL THE REQUIREMENTS OF THIS SECTION.

(2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE BOARD SHALL SELECT, CERTIFY, AND DEPLOY A VOTING SYSTEM THAT SATISFIES ALL THE REQUIREMENTS OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (D)(2)(I) OF THIS SECTION, A VOTING SYSTEM SELECTED AND CERTIFIED UNDER THIS SUBSECTION SHALL HAVE BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION OR THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS.

(III) NOTWITHSTANDING SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, A VOTING SYSTEM SELECTED AND CERTIFIED IS NOT REQUIRED TO COMPLY WITH THE ACCESSIBILITY STANDARDS OF THE VOLUNTARY VOTING SYSTEM GUIDELINES UNDER THE HELP AMERICA VOTE ACT.

(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE STATE BOARD SHALL PROVIDE ONLY ONE VOTING MACHINE IN EACH POLLING PLACE ON ELECTION DAY THAT IS:

1. ACCESSIBLE TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH SUBSECTION (F)(2) OF THIS SECTION; AND

(Over)

2. AVAILABLE FOR USE BY ALL VOTERS.

(II) A VOTING MACHINE UNDER THIS PARAGRAPH IS NOT REQUIRED TO PROVIDE A VOTER-VERIFIABLE PAPER RECORD IN ACCORDANCE WITH SUBSECTION (D)(1)(VII) OF THIS SECTION.

(4) WITHIN 2 YEARS AFTER A VOTING MACHINE THAT PROVIDES A VOTER-VERIFIABLE PAPER RECORD HAS BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION AND SHOWN BY THE TESTING LABORATORY TO MEET THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, THE STATE BOARD SHALL:

(I) CERTIFY AND DEPLOY ONE SUCH MACHINE IN EACH POLLING PLACE; AND

(II) DISCONTINUE USE UNDER PARAGRAPH (3) OF THIS SUBSECTION OF ANY VOTING MACHINES THAT DO NOT PROVIDE A VOTER-VERIFIABLE PAPER RECORD.

Chapter 547 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to each election [occurring on or after January 1, 2010] BEGINNING WITH THE 2010 GUBERNATORIAL PRIMARY ELECTION, that is required to be conducted in accordance with the Election Law Article.

Chapter 548 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to each election [occurring on or after January 1, 2010] BEGINNING WITH THE 2010 GUBERNATORIAL PRIMARY ELECTION, that is required to be conducted in accordance with the Election Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) The State Board of Elections shall notify the Department of Legislative Services no later than 15 days after the first election in which voting machines are used that:

(i) produce a voter-verifiable paper record; and

(ii) were examined by an independent testing laboratory this is approved by the U.S. Election Assistance Commission and shown by the testing laboratory to meet the requirements of § 9-102(f)(3) and (h)(1) of the Election Law Article.

(2) Five days after the Department of Legislative Services receives notice under paragraph (1) of this section, this Act shall be abrogated and of no further force and effect.”.

and in line 25, strike “2.” and substitute “3.”.