

Article - Election Law

[Previous][Next]

§9–102. IN EFFECT

(a) In this section, a “voter–verifiable paper record” includes:

(1) a paper ballot prepared by the voter for the purpose of being read by a precinct–based optical scanner;

(2) a paper ballot prepared by the voter to be mailed to the applicable local board, whether mailed from a domestic or an overseas location; and

(3) a paper ballot created through the use of a ballot marking device.

(b) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

(c) The State Board shall periodically review and evaluate alternative voting systems.

(d) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

(i) protect the secrecy of the ballot;

(ii) protect the security of the voting process;

(iii) count and record all votes accurately;

(iv) accommodate any ballot used under this article;

(v) protect all other rights of voters and candidates;

(vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and

(vii) provide a voter–verifiable paper record that:

1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;

2. is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and

3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time;

(2) the voting system has been:

(i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and

(ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission; and

(3) the public interest will be served by the certification of the voting system.

(e) In determining whether a voting system meets the required standards, the State Board shall consider:

(1) the commercial availability of the system and its replacement parts and components;

(2) the availability of continuing service for the system;

(3) the cost of implementing the system;

(4) the efficiency of the system;

(5) the likelihood that the system will malfunction;

(6) the system's ease of understanding for the voter;

(7) the convenience of voting afforded by the system;

(8) the timeliness of the tabulation and reporting of election returns;

(9) the potential for an alternative means of verifying the tabulation;

(10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and

(11) any other factor that the State Board considers relevant.

(f) A voting system selected, certified, and implemented under this section shall:

(1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;

(2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual

display; and

(3) comply with both the Americans with Disabilities Act, P.L. 101–336, and the Help America Vote Act, P.L. 107–252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(g) (1) At least one voting system in each polling place on election day shall provide access for voters with disabilities in compliance with subsection (f) of this section.

(2) The State Board shall ensure that adequate backup equipment is available and contingency plans are established to ensure compliance with paragraph (1) of this subsection.

(h) Before the selection of a voting system, the State Board shall:

(1) ensure that an accessible voting system conforms to the access requirements of the Voluntary Voting System Guidelines developed in accordance with the Help America Vote Act in effect at the time of selection; and

(2) conduct an accessibility and usability evaluation of the voting system to assess its accessibility and usability by voters with disabilities, including:

(i) a public demonstration of the system; and

(ii) an evaluation by individuals representing a cross-section of voters with disabilities.

(i) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

(i) a description of the voting system;

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment

necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

(j) (1) This subsection applies only if, at the time of procurement of a voting system, there is not a commercially 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 at least 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

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) (i) The State Board shall certify and deploy a voting machine that provides a voter-verifiable paper record within 2 years after a determination that:

1. the voting machine 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;

2. the voting machine is compatible with the voting system selected and certified for voting in polling places in the State; and

3. the voting machine meets the State certification requirements under this section.

(ii) On certification and deployment of a voting machine that provides a voter-verifiable paper record in accordance with subparagraph (i) of this paragraph, the State Board shall discontinue the use of any voting machine that does not provide a voter-verifiable paper record.

9-102. ** CONTINGENCY – NOT IN EFFECT – CHAPTER 428 OF 2009 **

(a) In this section, a “voter-verifiable paper record” includes:

(1) a paper ballot prepared by the voter for the purpose of being read by a precinct-based optical scanner;

(2) a paper ballot prepared by the voter to be mailed to the applicable local board, whether mailed from a domestic or an overseas location; and

(3) a paper ballot created through the use of a ballot marking device.

(b) The State Board shall adopt regulations for the review, certification, and decertification of voting systems.

(c) The State Board shall periodically review and evaluate alternative voting systems.

(d) The State Board may not certify a voting system unless the State Board determines that:

(1) the voting system will:

- (i) protect the secrecy of the ballot;
- (ii) protect the security of the voting process;
- (iii) count and record all votes accurately;
- (iv) accommodate any ballot used under this article;
- (v) protect all other rights of voters and candidates;
- (vi) be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount; and
- (vii) provide a voter-verifiable paper record that:

- 1. is an individual document that is physically separated from any other similar document and not part of a continuous roll;

- 2. is sufficiently durable to withstand repeated handling for the purposes of mandatory random audits and recounts; and

- 3. uses ink that does not fade, smear, or otherwise degrade and obscure or obliterate the paper record over time;

- (2) the voting system has been:

- (i) examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission; and

- (ii) shown by the testing laboratory to meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission; and

- (3) the public interest will be served by the certification of the voting system.

- (e) In determining whether a voting system meets the required standards, the State Board shall consider:

- (1) the commercial availability of the system and its replacement parts and components;

- (2) the availability of continuing service for the system;

- (3) the cost of implementing the system;

- (4) the efficiency of the system;

- (5) the likelihood that the system will malfunction;

- (6) the system's ease of understanding for the voter;
- (7) the convenience of voting afforded by the system;
- (8) the timeliness of the tabulation and reporting of election returns;
- (9) the potential for an alternative means of verifying the tabulation;
- (10) accessibility for all voters with disabilities recognized by the Americans with Disabilities Act; and
- (11) any other factor that the State Board considers relevant.

(f) A voting system selected, certified, and implemented under this section shall:

(1) provide access to voters with disabilities that is equivalent to access afforded voters without disabilities without creating a segregated ballot for voters with disabilities;

(2) ensure the independent, private casting, inspection, verification, and correction of secret ballots by voters with disabilities in an accessible media by both visual and nonvisual means, including synchronized audio output and enhanced visual display; and

(3) comply with both the Americans with Disabilities Act, P.L. 101–336, and the Help America Vote Act, P.L. 107–252, including accessibility standards adopted as part of the Voluntary Voting System Guidelines pursuant to the Help America Vote Act.

(g) (1) At least one voting system in each polling place on election day shall provide access for voters with disabilities in compliance with subsection (f) of this section.

(2) The State Board shall ensure that adequate backup equipment is available and contingency plans are established to ensure compliance with paragraph (1) of this subsection.

(h) Before the selection of a voting system, the State Board shall:

(1) ensure that an accessible voting system conforms to the access requirements of the Voluntary Voting System Guidelines developed in accordance with the Help America Vote Act in effect at the time of selection; and

(2) conduct an accessibility and usability evaluation of the voting system to assess its accessibility and usability by voters with disabilities, including:

(i) a public demonstration of the system; and

(ii) an evaluation by individuals representing a cross-section of voters with disabilities.

(i) (1) The State Board shall adopt regulations relating to requirements for each voting system selected and certified under § 9–101 of this subtitle.

(2) The regulations shall specify the procedures necessary to assure that the standards of this title are maintained, including:

(i) a description of the voting system;

(ii) a public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;

(iii) local election officials' responsibility for management of the system;

(iv) the actions required to assure the security of the voting system;

(v) the supplies and equipment required;

(vi) the storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;

(vii) standards for training election officials in the operation and use of the voting system;

(viii) before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;

(ix) the number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;

(x) the practices and procedures in each polling place appropriate to the operation of the voting system;

(xi) assuring ballot accountability in systems using a document ballot;

(xii) the actions required to tabulate votes; and

(xiii) postelection review and audit of the system's output.

(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.

[Previous][Next]