

# SENATE BILL 89

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(PRE-FILED)

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By: **Senator Kagan**

Requested: September 26, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Elections – Certification of Voting Systems – Standards**

3 FOR the purpose of altering the standards for certification of a voting system by the State  
4 Board of Elections to include a requirement that the voting system accommodate  
5 multiple methods of voting, including ranked choice voting; and generally relating to  
6 standards for the certification of voting systems by the State Board of Elections.

7 BY repealing and reenacting, without amendments,

8 Article – Election Law

9 Section 9–102(b), (c), and (e)

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Election Law

14 Section 9–102(d)

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2019 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Election Law**

20 9–102.

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 systems.

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

4 (1) the voting system will:

5 (i) protect the secrecy of the ballot;

6 (ii) protect the security of the voting process;

7 (iii) count and record all votes accurately;

8 (iv) accommodate any ballot used under this article;

9 (V) ACCOMMODATE MULTIPLE METHODS OF VOTING,  
10 INCLUDING RANKED CHOICE VOTING;

11 [(v)] (VI) protect all other rights of voters and candidates;

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

15 [(vii)] (VIII) provide a voter-verifiable paper record that:

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

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

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

22 (2) the voting system has been:

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

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

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

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

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

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

6 (3) the cost of implementing the system;

7 (4) the efficiency of the system;

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

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2020.