

By: Delegates Curran, Taylor, Cummings, Hurson, Busch, Guns, Hixson, Rawlings, and Vallario

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Electronic Ballots**

3 FOR the purpose of authorizing the use of electronic ballot voting systems or audio ballot
4 voting systems in the State; defining a certain term; and generally relating to the use
5 of electronic ballot voting systems.

6 BY repealing and reenacting, with amendments,
7 Article 33 - Election Code
8 Section 1-1(a)(1A), 16-3, and 16-4
9 Annotated Code of Maryland
10 (1993 Replacement Volume and 1995 Supplement)

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

13 **Article 33 - Election Code**

14 1-1.

15 (a) As used in this article the following terms shall have the meanings indicated
16 unless a contrary meaning is clearly intended from the context in which the term appears:

17 (1A) "Ballot" or "ballots" means paper ballots, ballots consisting of one or
18 more punchcards, absentee ballots, [or] the labels which appear on the face of voting
19 machines, OR ELECTRONIC BALLOTS , whichever in context would be appropriate.

20 16-3.

21 (a) The use of voting machines [so] constructed [as] to furnish a printed or
22 photographic record of the setting of the counters and the numbers registered thereon by
23 voting is [hereby specifically] authorized, provided[,] that the machine is constructed to
24 furnish at least as many printed or photographic copies as the number of return sheets
25 required by § 16-16 of this article.

26 (B) ELECTRONIC VOTING SYSTEMS THAT INCORPORATE AN ELECTRONIC
27 MEANS OF CONTROLLING INDIVIDUAL ELECTRONIC BALLOTS AND COLLECTING
28 EACH VOTER'S CHOICES ARE AUTHORIZED FOR USE IN THE STATE.

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1 [(b)] (C) Every voting machine acquired or used in accordance with this article
2 shall:

3 (1) Provide facilities for voting for such candidates as may benominated and
4 upon such questions as may be submitted;

5 (2) Permit each voter, in one operation, to vote for all the candidates of one
6 party for presidential electors;

7 (3) Permit each voter, at other than primary and special primary elections,
8 to vote a ticket selected from the nominees of any and all parties and from independent
9 nomination and to write in the name of a candidate not included on the official ballot;

10 (4) Permit each voter to vote at any election, for any person and for any
11 office for whom and for which he is entitled to vote, and to vote for as many persons for
12 an office as he is entitled to vote for, and to vote for or against anyquestion which
13 appears upon a ballot label;

14 (5) Preclude each voter from voting for more persons for any office than he
15 is entitled to vote for, and from voting for any candidate for the sameoffice or upon any
16 question more than once;

17 (6) Be capable of adjustment by election officers, so as to permit each voter
18 at a primary election to vote only for the candidates seeking nomination by the political
19 party with which he is affiliated, if he is affiliated with a politicalparty, and so as to
20 preclude him from voting for the candidates seeking nomination by any political party
21 with which he is not affiliated;

22 (7) Permit each voter to change his vote for any candidate, or upon any
23 question appearing upon the ballot labels, up to the time he begins thefinal operation to
24 register his vote;

25 (8) Permit and require voting in absolute secrecy, and shall beso
26 constructed that no person can see or know for whom any other voter hasvoted or is
27 voting, save a voter whom he has assisted or is assisting in voting as prescribed by law;

28 (9) Have voting devices for separate candidates and questions, which shall
29 be arranged in separate parallel rows or columns, so that, at any primary election, one or
30 more adjacent rows or columns may be assigned to the candidates of a party, and shall
31 have parallel office columns or rows transverse thereto;

32 (10) Have a counter, or other device, to be known as a "public counter", the
33 register of which is visible from the outside of the machine, which shall show during any
34 period of voting the total number of voters who have operated the machine during said
35 period of voting, OR IN THE CASE OF AN ELECTRONIC SYSTEM, HAVE A COMPARABLE
36 MEANS OF SECURITY;

37 (11) Have a protective counter, or other device, the register of which cannot
38 be reset, which shall record the cumulative total number of movements of the operating
39 mechanism;

40 (12) Be provided with a lock or locks, by means of which, immediately after
41 the polls are closed, or the operation of the machine for an election is completed, all

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1 movement of the registering mechanism is absolutely prevented while the machine is
2 locked;

3 (13) Be provided with a screen, hood or curtain, which shall conceal the
4 actions of the voter while voting;

5 (14) Be constructed of material of good quality, in a neat and workmanlike
6 manner;

7 (15) When properly operated, register or record correctly and accurately
8 every vote cast;

9 (16) Be so constructed that a voter may readily learn the method of operating
10 it;

11 (17) Be safely transportable; AND

12 (18) Be so constructed and controlled that, during the progress of voting, it
13 shall preclude every person from seeing or knowing the number of votes registered for
14 any candidate, and from tampering with any of the registering mechanism.

15 16-4.

16 (a) Each board shall provide ballots for every election in which any voter in the
17 county or city shall participate, which shall contain:

18 (1) The name of every candidate who has filed or has been nominated in
19 accordance with the provisions of this article; except that in lieu of the names of
20 candidates for the office of elector of President and Vice-President of the United States,
21 the names of the candidates for each political party for the office of President and
22 Vice-President shall be printed thereon; and, when applicable,

23 (2) A description of every constitutional amendment or other question
24 which is to be submitted to the vote of the people.

25 (b) Ballots shall be printed in plain clear type in black ink and, except in primary
26 elections, upon clear white material of such size and shape as to fit the construction of the
27 voting system. For primary elections the ballots may be printed, in the discretion of the
28 boards, upon clear white material or material of different colors.

29 (c) Upon request, a correct list of the names of the candidates for the designated
30 offices shall be furnished by the boards to the candidates or their authorized agents.

31 (d) (1) The form and arrangement of [all] ballots shall be as prescribed by the
32 State Board in accordance with the requirements of this section[;].

33 (2) The State Board shall certify the contents and the arrangement [thereof
34 for] OF THE CONTENTS OF each ballot to be used in each election not later than the 31st
35 day preceding the election or any later date established by the Court of Appeals of
36 Maryland, in extraordinary circumstances, upon petition of the State Board.

37 (e) The State Board shall assure delivery to each board, within 4 days of
38 certification, of a copy of the arrangement and contents it has certified for that county

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1 pursuant to subsection (d) of this section. THE STATE BOARD MAY PROVIDE THIS
2 INFORMATION TO A BOARD ELECTRONICALLY.

3 (f) (1) (i) Not later than the 5th day following certification as prescribed in
4 subsection (d) or any later date established by the Court of Appeals of Maryland, in
5 extraordinary circumstances upon petition of the State Board, the arrangement and
6 contents for all ballots to be used in that election, showing the offices, names of
7 candidates, constitutional amendments and questions, shall be prepared by each board,
8 using the arrangement prescribed by the State Board, and placed on display at the offices
9 of the board in a manner that is accessible to the public between the hours of 9 a.m. and
10 4 p.m.

11 (ii) If the ballot titles of constitutional amendments and questions are
12 certified prior to 25 days before the election, they shall also be placed on display in the
13 manner prescribed in subparagraph (i).

14 (2) The public display prescribed in subparagraph (i) shall last for 5 days.

15 (3) After 3 days of such display and the correction of any noted errors as
16 provided in subsection (h) of this section, and subject to paragraph (4), the board may
17 proceed with the printing of the ballots.

18 (4) (i) 1. Judicial relief from the arrangement and contents prepared
19 by the board or to correct any other error discernible at that time may be sought, within
20 2 days after the expiration of the 3-day period, upon the sworn petition of any registered
21 voter filed with the circuit court for any county.

22 2. The court may require the board:

23 A. To correct an error;

24 B. To show cause why an error should not be corrected; or

25 C. To take any other action required to provide any other relief
26 deemed by the court to be appropriate and consistent with this article.

27 (ii) Except as may be required by subparagraph (i) 2. of this paragraph
28 and subject to subsection (h) of this section, the arrangement prescribed by the board
29 may not be modified after the expiration of the period prescribed in subparagraph (i).

30 (iii) Judicial review pursuant to subparagraph (i) may not delay
31 printing of the ballots unless the court has so ordered within the period prescribed in
32 subparagraph (i).

33 (g) If an error is discovered after the ballots have been printed, the board shall
34 correct the error promptly. If a board fails to make a change requested after printing,
35 judicial relief may be sought, as provided in subsection (f)(4) of this section, not later
36 than the second Monday preceding the election.

37 (h) If, because of an error or a change in circumstances, a board at any time finds
38 it necessary to make a change in a ballot, it shall, with the approval of and pursuant to
39 instructions from the State Board, promptly change the ballots by taking the following
40 action:

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1 (1) If there is sufficient time before printing or for reprinting of the ballot,
2 make the appropriate changes or corrections on the printed ballots.

3 (2) If there is insufficient time for reprinting, and if it is appropriate to the
4 voting system in use, cause to be printed a sufficient number of stickers incorporating the
5 appropriate changes or corrections. The stickers shall be as consistent as possible with the
6 printed ballots and be affixed to the ballots in the appropriate places.

7 (3) If time does not permit the process provided in paragraph (2) of this
8 subsection, or if such a process is inappropriate, take all appropriate measures to notify
9 voters of the change, the procedure to be used by each voter to record a vote, and the
10 procedure to be used by the board for the counting of the ballots.

11 (i) After any change on a ballot pursuant to this section, the board shall
12 immediately take all reasonable steps to notify all candidates for the nomination or office
13 involved and any other persons deemed appropriate by the board.

14 (j) Any change on a ballot in accordance with the provisions of this section shall,
15 to the extent practicable, be consistent with the requirement that ballots be uniform.

16 (k) Any arrangement placed on public display pursuant to subsection (f) of this
17 section shall remain on display through the day of the election and be modified promptly
18 from time to time to reflect any changes made pursuant to this section.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1996.