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(PRE-FILED)

CF 6lr1424

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

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CHAPTER \_\_\_\_

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.

1 16-3.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (12) Be provided with a lock or locks, by means of which, immediately after  
10 the polls are closed, or the operation of the machine for an election is completed, all  
11 movement of the registering mechanism is absolutely prevented while themachine is  
12 locked;

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

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

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

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

21 (17) Be safely transportable; AND

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

25 16-4.

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

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

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

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

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

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

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

7 (e) The State Board shall assure delivery to each board, within 4 days of  
8 certification, of a copy of the arrangement and contents it has certified for that county  
9 pursuant to subsection (d) of this section. THE STATE BOARD MAY PROVIDETHIS  
10 INFORMATION TO A BOARD ELECTRONICALLY.

11 (f) (1) (i) Not later than the 5th day following certification as prescribed in  
12 subsection (d) or any later date established by the Court of Appeals of Maryland, in  
13 extraordinary circumstances upon petition of the State Board, the arrangement and  
14 contents for all ballots to be used in that election, showing the offices, names of  
15 candidates, constitutional amendments and questions, shall be prepared by each board,  
16 using the arrangement prescribed by the State Board, and placed on display at the offices  
17 of the board in a manner that is accessible to the public between the hours of 9 a.m. and  
18 4 p.m.

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

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

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

26 (4) (i) 1. Judicial relief from the arrangement and contents prepared  
27 by the board or to correct any other error discernible at that time maybe sought, within  
28 2 days after the expiration of the 3-day period, upon the sworn petition of any registered  
29 voter filed with the circuit court for any county.

30 2. The court may require the board:

31 A. To correct an error;

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

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

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

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

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

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

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

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

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

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

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

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

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