
By: Delegates Curran and Getty

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Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 1996

CHAPTER ____

1 AN ACT concerning

2 ~~Election Laws - Lever Voting Machines - Prohibition~~ Computerized Voting Systems -
3 Study

4 FOR the purpose of ~~prohibiting the use of lever voting machines after a certain date;~~
5 ~~repealing provisions relating to the use of lever voting machines; prohibiting the~~
6 ~~State Administrative Board of Election Laws from certifying a lever voting system~~
7 ~~after a certain date; providing for a delayed effective date; and generally relating to~~
8 ~~voting systems authorized under the Election Law~~ requiring the Department of
9 Fiscal Services to conduct a study of computerized voting systems and fiscal aspects
10 of their acquisition and use; requiring the results of the study to be reported to the
11 General Assembly by a certain date; and generally relating to a study of the use of
12 computerized voting systems.

13 ~~BY~~ repealing and reenacting, with amendments,

14 ~~Article 33—Election Code~~
15 ~~Section 1-1(a)(1A), 1A-1(3), 16-1, 16-2(a), 16-3, 16-5(e-1), 16-10, 16-12, 16-13,~~
16 ~~16-15, 16-16, 16-17, 16B-2(b), 24-10, and 24-19~~
17 ~~Annotated Code of Maryland~~
18 ~~(1993 Replacement Volume and 1995 Supplement)~~

19 ~~BY~~ repealing

20 ~~Article 33—Election Code~~
21 ~~Section 16-5(e), 16-8, 16-9, and 16-11~~
22 ~~Annotated Code of Maryland~~
23 ~~(1993 Replacement Volume and 1995 Supplement)~~

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

2

1 (a) The Department of Fiscal Services shall conduct a study of:

2 (1) The various types of computerized voting systems in the marketplace;

3 (2) The cost of those systems;

4 (3) Any savings that would result from the use of those systems in
5 jurisdictions that do not currently use computerized voting systems; and

6 (4) Options for financing the costs of those systems.

7 (b) The Department shall report the results of the study to the General Assembly,
8 in accordance with § 2-1312 of the State Government Article, not later than December
9 31, 1996.

10 **~~Article 33 - Election Code~~**

11 ~~4-1.~~

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

14 (1A) "Ballot" or "ballots" means paper ballots, ballots consisting of one or
15 more punchcards, absentee ballots, or the labels which appear on the face of [voting
16 machines] A VOTING SYSTEM, whichever in context would be appropriate.

17 ~~1A-1.~~

18 (3) In accordance with the provisions of subtitle "Voting Systems",
19 reviewing, approving, certifying, and decertifying voting systems, including specific models
20 of a system, and adopting rules and regulations governing the review, approval,
21 certification, decertification, and use of voting systems; provided, however, [any voting
22 system for which there was authorization in law immediately prior to July 1, 1978, is
23 certified and may not be decertified by the Board] THAT THE STATE BOARD MAY NOT
24 CERTIFY A MECHANICAL LEVER VOTING MACHINE SYSTEM;

25 ~~46-1.~~

26 (a) The boards shall use a certified voting system in all elections conducted in
27 accordance with the provisions of this article and under such rules and regulations as the
28 State Administrative Board of Election Laws may deem advisable or necessary. Except as
29 otherwise provided by law, a local board may use only one voting system in any election
30 unless authorized in writing by the State Administrative Board of Election Laws. The
31 boards may purchase, rent, lease or otherwise acquire certified voting systems and related
32 equipment as may be required to implement the provisions of this subsection. In the event
33 of the leasing, rental or other acquisition of a voting system and related equipment, it
34 shall be exempt from State, county or municipal taxation.

35 (b) At least one voting [machine] STATION shall be furnished for each unit of
36 four hundred voters, and an additional [machine] STATION for every fractional part of
37 such unit; in the case of special elections, however, the board in its discretion may
38 determine the number of [machines] VOTING STATIONS to be furnished to each
39 precinct polling place.

1 (c) The boards shall use the powers conferred upon them for the acquisition of
 2 ~~voting [machines] SYSTEMS~~, and shall acquire or have available the necessary number of
 3 ~~voting [machines] SYSTEMS~~ for use at all elections; the county commissioners or county
 4 councils or the Mayor and City Council of Baltimore shall provide for the payment of
 5 ~~[such machines] THE SYSTEMS~~.

6 (d) The boards in the counties shall have the power to rent or lease voting
 7 ~~[machines] SYSTEMS~~ to any educational institution, municipal corporation, special tax
 8 area, or other political subdivision in that county, for use in any election or referendum
 9 ~~vote in the educational institution, municipal corporation, special tax area, or other~~
 10 ~~political subdivision. The rental or lease shall be on such terms and conditions as may be~~
 11 ~~determined by the board. The board shall account for and pay over to the board of county~~
 12 ~~commissioners or county council all moneys received in payment for rentals or leases~~
 13 ~~made under this section, within thirty days after the receipt thereof. Every municipal~~
 14 ~~corporation, special tax area or other political subdivision in the State is hereby~~
 15 ~~authorized and empowered to rent or lease voting [machines] SYSTEMS in this manner,~~
 16 ~~and to use the same in any election or referendum vote within its corporate limits or~~
 17 ~~boundaries, any law, ordinance or resolution to the contrary notwithstanding.~~

18 ~~16-2.~~

19 (a) Whenever the board in any county shall decide to purchase voting [machines]
 20 SYSTEMS, the board of county commissioners or county council thereof may borrow funds
 21 for such purchase and issue individual notes, bonds or evidences of indebtedness for the
 22 repayment of the funds and of interest thereon.

23 ~~16-3.~~

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

29 ~~(b) Every voting [machine] SYSTEM acquired or used in accordance with this~~
 30 ~~article shall:~~

31 ~~(1) Provide facilities for voting for such candidates as may be nominated and~~
 32 ~~upon such questions as may be submitted;~~

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

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

38 ~~(4) Permit each voter to vote at any election, for any person and for any~~
 39 ~~office for whom and for which he is entitled to vote, and to vote for as many persons for~~
 40 ~~an office as he is entitled to vote for, and to vote for or against any question which~~
 41 ~~appears upon a ballot label;~~

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

4 ~~16-5.~~

5 ~~{(e) (1) The names of all candidates of a political party shall appear on the~~
6 ~~ballots in adjacent rows or columns containing generally the names of candidates~~
7 ~~nominated by such party.~~

8 ~~(2) In primary elections the names of candidates seeking nomination by a~~
9 ~~particular party shall be segregated in adjacent rows or columns by parties.~~

10 ~~(3) In both primary and general elections, the candidates of the majority~~
11 ~~party shall be placed in the first rows or columns, the principal minority party shall be in~~
12 ~~the succeeding rows or columns to be followed by other parties in order of highest voter~~
13 ~~registration, and thereafter independents.~~

14 ~~(4) The provisions of this subsection shall apply to ballots on lever voting~~
15 ~~machines.]~~

16 ~~{(e-1)} (E) (1) In general elections, the names of all candidates of a political party~~
17 ~~within a contest shall appear in adjacent voting positions on the ballot containing~~
18 ~~generally the names of candidates nominated by such party.~~

19 ~~(2) On general election ballots, the names of the candidates of the majority~~
20 ~~party shall be placed in the first voting position or positions within a contest, the names of~~
21 ~~candidates of the principal minority party shall be placed in the succeeding voting~~
22 ~~position or positions within that contest, to be followed by other political parties in order~~
23 ~~of highest voter registration, and thereafter independents.~~

24 ~~(3) In primary elections, the names of the candidates seeking nomination~~
25 ~~shall be segregated by party.~~

26 ~~{(4) The provisions of this subsection shall apply to all ballots other than~~
27 ~~voting machine ballots, including absentee ballots.]~~

28 ~~16-8.~~

29 ~~(a) Each board shall appoint a custodian of voting machines and a deputy~~
30 ~~custodian whose duty it shall be to prepare the machines for use. Each custodian, after~~
31 ~~assuming his office shall take a training course in the operation and repair of voting~~
32 ~~machines at the factory of the manufacturer of the machines used; and each deputy~~
33 ~~custodian shall take a training course in making minor repairs to such machines as soon~~
34 ~~as possible after assuming his duties. Additional custodians may be employed as may from~~
35 ~~time to time be necessary.~~

36 ~~(b) The custodian and deputy custodians of voting machines shall have the voting~~
37 ~~machines prepared for election purposes as hereinafter provided and perform such other~~
38 ~~duties as may be prescribed by the board.]~~

1 ~~16-9.~~

2 (a) ~~The custodians and deputy custodians shall prepare all machines for use at~~
3 ~~any election and shall have the machines ready by not later than seven days prior to the~~
4 ~~date of the election.~~

5 (b) ~~On or before the fifteenth day preceding an election, the board shall mail to~~
6 ~~the chairman of the city or county committee, as the case may be, of each political party~~
7 ~~as defined in § 1-1(a)(15) and to each candidate who is not a candidate or nominee of a~~
8 ~~political party, a written notice stating the times when and the place or places where the~~
9 ~~machines for use in the several polling places in the city or county will be prepared for use~~
10 ~~as above provided. At such times and places, one representative of each of the political~~
11 ~~parties, certified by the respective chairmen of the city or county committees of the~~
12 ~~parties, and one representative of each candidate who is not a candidate or nominee of a~~
13 ~~political party, shall be entitled to be present and be entitled to see that the machines are~~
14 ~~in proper condition and order for use.~~

15 (c) ~~Each member of the board, the custodian and deputy custodians thereof shall~~
16 ~~make and sign a certificate in writing, and request each party representative present at~~
17 ~~the preparation of the machine to attest to the same, which shall be filed with the board~~
18 ~~stating (1) the identifying number or other designation of the voting machines; (2) that~~
19 ~~each registering counter of the machine was set at zero (000); (3) the number appearing~~
20 ~~on the exposed counter which registers every consecutive operation of the machine; (4)~~
21 ~~the number on the seal with which the machine has been sealed; (5) that the keys for each~~
22 ~~machine have been sealed in separate envelopes identified by the serial number of the~~
23 ~~voting machine; and (6) the date and place of the inspection and preparation of the~~
24 ~~machine and that the proper ballot labels have been installed thereon. Each machine~~
25 ~~sealed as in this section provided shall remain locked and sealed until the time of~~
26 ~~examination immediately preceding the opening of the polls, as hereinafter provided. The~~
27 ~~certificates shall be filed as a permanent record with the board and copies furnished to~~
28 ~~the party representatives and to the State Administrative Board of Election Laws.]~~

29 ~~16-10.~~

30 (a) ~~Each board shall cause to be delivered the proper voting [machine or voting~~
31 ~~machines, furnished with ballots] SYSTEM EQUIPMENT, all electronically reproduced~~
32 ~~precinct registers or binders containing the precinct cards, and equipment boxes,~~
33 ~~containing all equipment and supplies for the conduct of the election, to the polling~~
34 ~~places of the respective election precincts at least one hour before the time set for~~
35 ~~opening the polls at each election[, and shall cause each machine to be set up in the~~
36 ~~proper manner for use in voting. Each machine shall then remain sealed until the~~
37 ~~examination immediately preceding the opening of the polls prescribed by this subtitle].~~

38 In Baltimore City, the board shall deliver to the police commissioner of Baltimore
39 City, not more than three days and not less than one day preceding the election, all
40 electronically reproduced precinct registers or binders containing the precinct cards, and
41 equipment boxes, containing all equipment and supplies for the conduct of the election.
42 The police commissioner shall give a receipt therefor, and shall deliver or cause the same
43 to be delivered to the judges of election of the respective precincts at or before the
44 opening of the polls on the day of election. The board shall keep a record of the time
45 when these deliveries are made by them and of the particulars thereof.

7

1 (b) The board shall provide ample protection against tampering with and damage
2 to the voting [machine] SYSTEM EQUIPMENT, and, for such purpose, the board or any
3 of the judges or custodians of the polling places shall and may call upon any police officer
4 to furnish such assistance as may be necessary. It shall be the duty of police officers to
5 furnish such assistance when so requested by the board, or by any judge or custodian.

6 [(c) The board shall furnish, at the expense of the city or county, as the case may
7 be, and deliver with each voting machine:

8 (1) Diagrams of sample ballots, of suitable size, representing such part of
9 the face of the voting machine as will be in use in the election and accompanied by
10 illustrated directions for voting on the machine. Such diagram shall be posted in a
11 prominent position within the polling place.

12 (2) A mechanically operated model of a portion of the face of a voting
13 machine, for instruction of the voters. Such model shall be placed in a prominent position
14 within the polling place.

15 (3) A seal, for sealing the machine after the polls are closed, unless the
16 construction of the machine is such that the machine is automatically locked and sealed
17 when the results are exposed; an envelope for the return of the keys, if the construction
18 of the voting machine shall permit their separate return; and such other election
19 materials and supplies as may be necessary, or as may be required by law.] THE STATE
20 ADMINISTRATIVE BOARD OF ELECTION LAWS SHALL PROVIDE BY REGULATION FOR
21 THE PROVISION OF DIAGRAMS, MODELS, OR DIRECTIONS FOR THE USE OF VOTING
22 SYSTEMS.

23 [(d) The board shall also deliver sufficient general return or tally sheets, and
24 duplicate return sheets, or statements of votes cast. The general return or tally sheet, and
25 duplicate return sheet, or statement of votes cast shall be printed to conform with the
26 type of voting machine used. The designating number and letter, if any, on the counter for
27 each candidate shall be printed thereon opposite the candidate's name.]

28 ~~[16-11.~~

29 (a) The board shall deliver the keys which unlock the operating mechanism and
30 the registering counters or counter compartment of the voting machine, to one of the
31 judges not earlier than noon of the Saturday preceding an election, nor later than three
32 quarters of an hour before the time set for the opening of the polls, and shall take his
33 receipt therefor. The keys shall be enclosed in a sealed envelope, on which shall be
34 written or printed: (1) the number of the voting machines; (2) the name or designation of
35 the precinct; (3) the number of the seal; and (4) the number registered on the protective
36 counter or device as reported by the custodian.

37 (b) The judges shall meet at their respective polls on election day at least one-half
38 hour before the opening of the polls, and shall one-half hour before the opening of the
39 polls inspect the equipment furnished. If at least two judges of opposite party affiliation
40 are present: (1) they shall open the envelope containing the keys to each voting machine
41 and shall, except in the case of machines so constructed as to furnish a printed or
42 photographic record of the setting of the counters and the numbers registered thereon by
43 voting, unlock the counter compartment to ascertain whether the tabulating devices are

1 all set at zero (000), whether the numbered seal on the operating lever is unbroken, and
 2 that the number thereon is identical with the number certified on the envelope containing
 3 the keys; (2) they shall also compare the number appearing on the dial of the exposed
 4 counter designed to register every consecutive operation of the machine with the reading
 5 thereof noted on the envelope containing the keys. If the machine is so constructed as to
 6 furnish a printed or photographic record of the setting of the vote registering counters as
 7 they appear prior to the opening of the polls the counter compartment shall not be
 8 opened nor shall the counters be exposed to view and the printed or photographic record
 9 shall be examined in the same manner as provided in this subsection for the examination
 10 of counters to ascertain that all are set at zero (000). The judges shall also inspect the face
 11 of every machine to make sure the proper ballot labels are in proper places and that the
 12 machine is otherwise ready for use; and (3) they shall inspect the paper roll for a label or
 13 line that has been signed by the voting machine custodian and indicates the date of the
 14 election. If a label or line is not visible, one of the judges shall draw a line, from side to
 15 side, upon the paper roll and date it with the election date. All judges inspecting the
 16 machine shall place their initials on the line.

17 (c) If after such an inspection the judges shall find the machine to be in proper
 18 order, they shall sign a certificate to that effect, which shall be returned to the board with
 19 other equipment; and after signing such certificate they shall remove the metal seal on
 20 the operating lever at the time set for the opening of the polls, and said lever shall then
 21 be operated only by duly qualified voters for the purpose of registering their respective
 22 votes.

23 (d) The machine shall remain locked against voting until the polls are opened,
 24 and shall not be operated except by voters in voting. Should it be necessary, in the opinion
 25 of a custodian making a repair or adjustment to a machine in use while the polls are open,
 26 he shall be authorized to test vote the same provided such is accomplished in the presence
 27 of two election judges, one from the majority party and one from the principal minority
 28 party. A written record of such test vote shall be made as set forth in subsection (c) of this
 29 section and otherwise in accordance with such regulations as a local board may prescribe.

30 (e) If any counter is found not to register zero (000), the judges shall immediately
 31 notify the custodian, or the board who shall, if practicable, adjust or cause the counters to
 32 be adjusted at zero (000); but if it shall be found impracticable for the custodian or other
 33 person authorized by the board to arrive in time so as to adjust such counter before the
 34 time set for opening the polls, the judges shall immediately make a written record of the
 35 designation or designating letter or number of each counter, together with the numbers
 36 registered thereon, hereinbelow called the initial numbers, and shall sign and post the
 37 same upon the wall of the polling place, where it shall remain until the polls are closed;
 38 if the machine is so constructed as to furnish a printed or photographic record of the
 39 setting of the counters and the numbers registered thereon by voting and if it shall be
 40 found impracticable for the custodian or other person authorized by the board to arrive in
 41 time so as to adjust such counter before the time set for opening the polls there shall be
 42 posted as above provided in lieu of the written record of the judges the printed or
 43 photographic record of the counter setting furnished by the machine. In filling out the
 44 return of the election, if the final number of such counter is greater than the initial
 45 number, the election officers shall subtract the initial number from the final number and
 46 enter the difference on the returns as the vote for the candidate or on the question

1 represented by such counter; if the final number of such counter is less than the initial
2 number, the judges shall add one thousand to the final number and shall subtract the
3 initial number from the sum so ascertained, and shall enter upon the returns, as the vote
4 for the candidate or on the question represented by such counter the final number plus
5 one thousand less the initial number.

6 (f) The exterior of the voting machine, and every part of the polling place shall be
7 in plain view of the judges and watchers. Every voting machine shall be located in the
8 polling place, in such a position that, unless its construction shall require otherwise, the
9 ballot can be seen plainly by the judges and watchers when the machine is not occupied by
10 a voter. The judges shall not themselves be, nor allow any other person to be, in any
11 position that will permit one to see or ascertain how a voter votes, or how he has voted.
12 The said judges, or one of them, shall inspect the face of the machine at frequent
13 intervals, to see that the ballot labels are in their proper places, and that the machine has
14 not been damaged or tampered with.

15 (g) During an election, the door or other covering of the compartment containing
16 the counters of the machine, shall not be unlocked or opened, or the counters exposed,
17 except by the action of the proper custodian of voting machines for good and sufficient
18 reason, statement of which shall be made in writing and signed by him and attested by the
19 signatures of the judges, or except upon the written order of the board for good and
20 sufficient reason which shall be stated in the order. No repairs or adjustments shall be
21 made to any voting machine during an election unless made by a custodian or deputy
22 custodian, for good and sufficient reason and a complete statement shall be prepared for
23 each repair or adjustment made. Such statement shall contain information as to the
24 repairs made, the reason for the malfunction of the machine, the duration of the period
25 of time that the machine is out of order and shall be filed as a permanent record, the
26 original in the custody of the board, one copy to the custodian and one to one of the
27 attesting judges.

28 (h) In primary elections, before a voter is admitted to the voting machine, it shall
29 be adjusted by the judge in charge thereof, so that such voter shall only be able to vote for
30 the candidates or offices of that party with which he is affiliated.

31 (i) As used in this section and § 16-12 of this subtitle, the word "judges" shall
32 refer to a combination of judges which shall, at all times, include judges affiliated with the
33 majority party and the principal minority party.]

34 16-12.

35 (a) [With the aid of the diagrams authorized in § 16-10(c)(1) of this article and
36 the mechanically operated model, the judges, if requested by the voter, shall instruct each
37 such voter, before he enters the voting machine booth, regarding the operation of the
38 machine, and shall give the voter opportunity personally to operate the model.

39 (b)] Any voter who requires assistance to vote by reason of blindness, disability, or
40 inability to read the English language or write may be given assistance by a person of the
41 voter's choice, not to include the voter's employer or agent of that employer or officer or
42 agent of the voter's union.

1 ~~[(c)] (B) (1) Assistance in marking their ballots or operating a voting~~
 2 ~~[machine] SYSTEM shall be given to voters who shall declare under oath to the judges~~
 3 ~~that by reason of blindness, disability, or inability to read the English language or write~~
 4 ~~they are unable without assistance to mark their ballots or operate the voting [machine]~~
 5 ~~SYSTEM. No ballot shall be marked under this section or voting [machine] SYSTEM~~
 6 ~~operated until a majority of the judges shall be satisfied of the truth of the fact stated in~~
 7 ~~such affidavit. Upon making and filing with the judges such affidavit, the voter shall retire~~
 8 ~~to [one of said booths or voting machines] A VOTING STATION with any person of the~~
 9 ~~voter's choice, not to include the voter's employer or agent of that employer or officer or~~
 10 ~~agent of the voter's union, or with two judges of opposite political parties. Then and there~~
 11 ~~the person whom the voter has selected, or in case the voter has selected no one, one of~~
 12 ~~said judges in the presence of the other, shall mark the ballot or operate the voting~~
 13 ~~[machine] SYSTEM as such voter shall direct. The only assistance which it shall be lawful~~
 14 ~~for said person or for the said judges to give the voter is to mark the ballot or operate the~~
 15 ~~voting [machine] SYSTEM, as the voter shall direct, without prompting or suggestion~~
 16 ~~from them, or either of them.~~

17 ~~(2) If, however, any voter, after entering the voting [machine booth]~~
 18 ~~STATION, shall ask for further instructions concerning the manner of voting, then two of~~
 19 ~~the judges of opposite political parties shall give him such instructions, but no such judge~~
 20 ~~shall, in any manner, request, or suggest, or seek to persuade or induce any such voter to~~
 21 ~~vote any particular ticket, or for any particular candidate, or for or against any particular~~
 22 ~~question. After giving such instructions, the judges shall retire, and the voter shall~~
 23 ~~forthwith vote.~~

24 ~~[(d)] (C) A voter may not be accompanied into a voting [booth or voting~~
 25 ~~machine] STATION by any person over the age of five years unless the affidavit required~~
 26 ~~by subsection (c) has been accepted by the election judges.~~

27 46-13.

28 ~~No voter shall remain within the voting [machine booth] STATION longer than four~~
 29 ~~minutes, if there are other voters awaiting an opportunity to register their vote, except~~
 30 ~~that an additional three minutes shall be allowed if there are constitutional amendments~~
 31 ~~or referenda to be voted upon.~~

32 46-15.

33 ~~(a) The polls shall be officially closed at 8 p.m. except that all qualified voters who~~
 34 ~~are then waiting in line to vote shall be permitted to do so by the judges.~~

35 ~~[(b) When the last such voter in the polling place has voted, the judges shall~~
 36 ~~immediately lock and seal the operating lever or mechanism of the machine, or of each~~
 37 ~~machine, if more than one, so that the voting and counting mechanism will be prevented~~
 38 ~~from operation, and they shall then sign a certificate stating:~~

39 ~~(1) That the machine has been locked against voting and sealed;~~

40 ~~(2) The number of voters, as shown on the public counters;~~

41 ~~(3) The number on the seal which they have placed upon the machine;~~

42 ~~(4) The number registered on the protective counter or device; and~~

11

1 (5) ~~The number or other designation of the voting machine.~~

2 ~~(e)] (B) The judges shall then compare the number of voters, as [shown by the~~
3 ~~counter of the machine] APPROPRIATE FOR THE VOTING SYSTEM, with the number of~~
4 ~~those who have voted as shown by the voting authority cards.~~

5 ~~16-16.~~

6 ~~[(a)] The judges, in the presence of any candidate, the duly accredited watchers,~~
7 ~~and all other persons who may be lawfully within the polling place, shall [then proceed as~~
8 ~~follows to] tabulate the votes cast[.] IN THE MANNER PRESCRIBED BY REGULATION~~
9 ~~BY THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS.~~

10 ~~{(1) (i) On machines that do not furnish a printed or photographic record~~
11 ~~of the setting of the counters and the numbers registered thereon by voting, the judges~~
12 ~~shall make visible the registering counters, and, for that purpose, shall unlock and open~~
13 ~~the doors or other covering concealing the same, giving full view of all of the counter~~
14 ~~numbers. The judges, under the scrutiny of the watchers, and in the order of the offices~~
15 ~~as their titles are arranged on the machine, shall read and announce, in distinct tones, the~~
16 ~~designation or designating number and letter of each counter for each candidate's name,~~
17 ~~the result as shown by the counter numbers, and/or the designation or designating~~
18 ~~numbers or letters on each counter, and the result as shown by the counter numbers for~~
19 ~~and against each question voted on.~~

20 ~~(ii) The counters shall not be read consecutively along the party rows~~
21 ~~or columns, but shall always be read along the office columns or rows, completing the~~
22 ~~canvass on each machine for each office or question before proceeding to the next.~~

23 ~~(iii) The vote as registered shall be entered by the judges, in ink, on~~
24 ~~duplicate statement of votes cast, or return sheets, which, after the canvass is completed,~~
25 ~~shall be signed by the judges.~~

26 ~~(iv) If more than one voting machine is used in any precinct, the votes~~
27 ~~registered on each machine shall be ascertained in like manner, and separately entered in~~
28 ~~appropriate spaces on the duplicate statements of votes cast, or returnsheets.~~

29 ~~(v) The total vote cast for each candidate, and for and against each~~
30 ~~question, shall then be computed and entered on the duplicate statements of votes cast,~~
31 ~~or return sheets.~~

32 ~~(2) (i) In the case of all machines so constructed as to furnish a printed or~~
33 ~~photographic record of the total vote registered on the various counters, it shall not be~~
34 ~~required that the counter department be opened and the counters exposed to view but the~~
35 ~~printed or photographic record shall be considered as the official return sheets for that~~
36 ~~machine. In the case of such machines, immediately following the closing of the polls and~~
37 ~~after the last voter has voted the judges shall immediately lock and seal each machine as~~
38 ~~hereinbefore provided and shall then cause the machine to produce the printed or~~
39 ~~photographic records thereon and shall thereupon proceed as in the case of ordinary~~
40 ~~voting machines, except to the extent to which the furnishing of the printed or~~
41 ~~photographic record makes such steps unnecessary.~~

1 (ii) ~~In the event of a mechanical failure of the printing or photographic~~
 2 ~~mechanism in any machine equipped with such mechanism for recording the setting of the~~
 3 ~~counters and the numbers registered thereon, the procedure to be followed from and~~
 4 ~~after such failure, whenever such failure occurs, shall be the same as in the case of~~
 5 ~~machines not equipped with such mechanism.~~

6 (3) ~~If the label or line that was visible before the polls opened is now~~
 7 ~~invisible, one judge shall draw and date a new line on the paper roll and all judges~~
 8 ~~canvassing the machine shall initial the line. The paper roll shall be left intact in the~~
 9 ~~voting machine.~~

10 (b) ~~(1) When the canvass of all voting machines in the polling place has been~~
 11 ~~completed, the judges shall then prepare in ink, a general return sheet (sometimes called~~
 12 ~~a tally sheet) reporting the vote registered on each machine, the vote cast for each~~
 13 ~~candidate, the vote cast for and against each question, the number of voters who have~~
 14 ~~voted, as shown by the list of voters, and the number who have voted on each machine, as~~
 15 ~~shown by the public counters, and also the number registered on the protective counter or~~
 16 ~~device on each machine immediately prior to the opening of the polls and immediately~~
 17 ~~after the closing thereof and the sealing of the machine. The number or other designation~~
 18 ~~of each machine used shall also be entered thereon, whereupon a general return sheet~~
 19 ~~(sometimes called a tally sheet) shall be signed by all of the judges.~~

20 (2) ~~In the case of primary elections, separate sets of return sheets in~~
 21 ~~duplicate may be prepared for each party, or the tabulations for each party may be~~
 22 ~~entered on one set of return sheets, in duplicate, said choice of returns to be in the~~
 23 ~~discretion of the board.~~

24 (3) ~~The registering counters of the voting machines shall remain exposed to~~
 25 ~~view until the said returns and all other reports have been fully completed.~~

26 (c) ~~(1) Except in Montgomery County polling places for any election at which~~
 27 ~~the use of electronically tabulated punchcard ballots has been authorized by the State~~
 28 ~~Administrative Board of Election Laws pursuant to § 16A-1 of this article, the~~
 29 ~~proclamation of the result of the votes cast shall be announced distinctly and audibly by~~
 30 ~~one of the judges, who shall read the names of each candidate, the designation or~~
 31 ~~designating numbers and letters of his counters and the vote registered on each counter,~~
 32 ~~and also the vote cast for and against each question submitted.~~

33 (2) ~~During such proclamation ample opportunity shall be given to any~~
 34 ~~person lawfully present to compare the results so announced with the counter dials of the~~
 35 ~~machine, or the printed or photographic record thereof in the case of machines so~~
 36 ~~constructed as to furnish a printed or photographic record of the setting of the counters~~
 37 ~~and the numbers registered thereon by voting which have furnished the same, and any~~
 38 ~~necessary corrections shall then and there be made by the judges, after which the doors or~~
 39 ~~other cover of the voting machine shall be closed and locked.~~

40 (d) ~~The return sheets shall be signed by each of the judges. If any judge shall~~
 41 ~~decline to sign such return, he shall state his reason therefor in writing, and a copy~~
 42 ~~thereof signed by himself shall be enclosed with such return. Each of the return sheets~~
 43 ~~shall be enclosed in an envelope, along with a printed or photographic record of the~~
 44 ~~setting of the counter and the numbers registered thereon from each mechanical voting~~

13

1 machine which furnishes printed or photographic records. The envelope shall then be
2 sealed and each of the judges shall write his name across the fold of the envelope.

3 (1) One of the envelopes shall be directed to the clerk of the circuit court of
4 the county; and

5 (2) One to the county commissioners or county council of the county or to
6 the Mayor of the City of Baltimore, as the case may be; and

7 (3) The envelope containing the general return sheet, or tally sheet, shall be
8 directed to the board.

9 (e) The judges shall promptly deliver the keys of the voting machine, or of each
10 voting machine, as the case may be, enclosed in a sealed envelope, to the official
11 authorized by law to receive the same, if the construction of the voting machine shall
12 permit their separate return. Said envelope shall have endorsed thereon a certification of
13 the election officers, stating the number of the machine, the precinct where it has been
14 used, the number on the seal, the number on the protective counter or device at the close
15 of the polls and a statement that the certificate is correct in all respects.

16 (f) The judges of the several precincts shall, immediately upon completion of the
17 tabulation of the vote, report the unofficial result to the board and also the time when the
18 tabulation of the vote was completed.

19 (g) Immediately after the vote has been ascertained, the statement thereof may be
20 posted on the door of the polling place.

21 (h) As soon as possible after the completion of the count, the board shall have the
22 voting machine properly boxed or securely covered and removed to a place of storage to
23 be designated by the board.]

24 16-17.

25 After the proceedings [set forth in] ~~REQUIRED UNDER § 16-16~~ of this article, two
26 of the judges, each representing a different political party, shall take into their possession
27 [the registers, or the binder containing the registration cards for the precinct and shall
28 take charge of the statements of the votes cast, sealed up in their envelopes as aforesaid,
29 and the meeting of the judges shall then be dissolved. Thereupon, the judges shall
30 forthwith or, at the discretion of the board, not later than twelve o'clock noon on the day
31 following the election deliver the registers or the binder containing the registration cards
32 to the board, and the statements to the respective officers to whom they are addressed as
33 aforesaid, or to the duly designated agents of these officers, and shall take receipts
34 therefor. No judge required to obtain a receipt as herein provided shall receive pay for his
35 services unless he produces that receipt] ~~ANY MATERIALS REQUIRED BY REGULATION
36 TO BE RETURNED TO THE BOARD. THE STATE ADMINISTRATIVE BOARD OF
37 ELECTION LAWS SHALL ADOPT REGULATIONS FOR THE HANDLING AND DELIVERY
38 OF POLLING PLACE MATERIALS.~~

39 16B-2.

40 (b) (1) The State Board may not approve any voting system unless it meets the
41 standards in subsection (a) of this section and the public interest will be served by
42 approval of the system.

14

1 ~~(2) In determining if the voting system meets the required standards and~~
2 ~~would serve the public interest, the State Board shall consider, among other factors:~~

3 ~~(i) The commercial availability of the system and its replacement~~
4 ~~parts and components;~~

5 ~~(ii) The efficiency of the system;~~

6 ~~(iii) The likelihood of mechanical breakdown;~~

7 ~~(iv) The system's ease of understanding to the voter;~~

8 ~~(v) The convenience of voting afforded by the system;~~

9 ~~(vi) The timeliness of the tabulation and reporting of election returns;~~

10 ~~(vii) The potential for an alternative means of verifying the tabulation;~~
11 ~~and~~

12 ~~(viii) The cost of implementing the system.~~

13 ~~(3) A voting system approved hereunder need not satisfy the requirements~~
14 ~~of §§ 14-1, 16-1(b), 16-3, 16-5, [16-11,] and 16-16 if the State Board finds that those~~
15 ~~requirements are inappropriate to the system under consideration and compliance~~
16 ~~therewith is not necessary to protect the rights of voters and candidates.~~

17 24-10.

18 ~~Every person convicted of an offense under this section shall be adjudged guilty of~~
19 ~~a felony, and shall be punished by imprisonment in the penitentiary for not less than one~~
20 ~~nor more than five years. Such offenses shall be as follows:~~

21 ~~(1) If any person shall knowingly or willfully cause or permit any vote to be~~
22 ~~recorded on a voting [machine] SYSTEM at any time other than when duly admitted [to~~
23 ~~the voting machine] to cast his ballot in the election district or precinct in which he is~~
24 ~~entitled to vote; or~~

25 ~~(2) If any person other than a judge shall at any election, knowingly and~~
26 ~~wilfully put, or cause to be put, any ballot or ballots, or other paper having the semblance~~
27 ~~thereof, into any box used at such election for the reception of votes; or~~

28 ~~(3) If any judge of election shall knowingly or wilfully cause or permit any~~
29 ~~ballot or ballots to be in said box at the opening of the polls, and before the voting shall~~
30 ~~have begun; or~~

31 ~~(4) If any judge shall knowingly, wilfully or fraudulently put any ballot or~~
32 ~~other paper having the semblance thereof in any such box at any such election, unless the~~
33 ~~same shall be offered by a voter whose name shall have been found and kept upon the~~
34 ~~registry, as hereinbefore provided, or who shall be entitled to vote under this article; or~~

35 ~~(5) If any judge or other officer or person shall fraudulently during the~~
36 ~~canvass of ballots in any manner change, substitute or alter any ballot taken from the~~
37 ~~ballot box then being canvassed, or from any ballot box which has not been canvassed, or~~
38 ~~shall remove any ballot or semblance thereof from or add any ballot or semblance thereof~~

15

1 to the ballots taken from the ballot box then being canvassed, or from any ballot box
2 which has not been canvassed.

3 ~~24-19.~~

4 Any judge or other person who shall tamper with, or damage, or attempt to damage,
5 any voting [machine] EQUIPMENT to be used or being used in any election, or who shall
6 prevent, or attempt to prevent, the correct operation of such [machine]EQUIPMENT, or
7 any unauthorized person who shall make or have in his possession a key to a voting
8 machine to be used or being used in an election, shall be guilty of a misdemeanor, and,
9 upon conviction thereof, shall be sentenced to undergo imprisonment for not more than
10 one year, or to pay a fine not exceeding one thousand dollars (\$1,000), or both, in the
11 discretion of the court.

12 ~~SECTION 2. AND BE IT FURTHER ENACTED, That any reference in the law to~~
13 ~~"voting machine" shall be deemed to refer to a voting system; however, if such a~~
14 ~~construction would be unreasonable, the reference shall be void.~~

15 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
16 ~~January 1, 1998.~~

17 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
18 ~~June 1, 1996.~~