
By: **Senator Miller**

Introduced and read first time: February 4, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Voting Systems**

3 FOR the purpose of prohibiting the State Board of Elections from certifying certain
4 mechanical lever voting systems on or after a certain date; prohibiting a county
5 from using certain mechanical lever voting systems on or after a certain date;
6 and generally relating to the use of certain voting systems to conduct elections.

7 BY repealing and reenacting, with amendments,
8 Article 33 - Election Code
9 Section 9-102, 9-103, and 9-107
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 Supplement)

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

14 **Article 33 - Election Code**

15 9-102.

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

18 (b) The State Board shall periodically review certified voting systems and
19 evaluate alternative voting systems.

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

- 22 (1) The voting system will:
- 23 (i) Protect the secrecy of the ballot;
 - 24 (ii) Protect the security of the voting process;
 - 25 (iii) Count and record all votes accurately;

1 (iv) Accommodate any ballot used under this article; and

2 (v) Protect all other rights of voters and candidates;

3 (2) The voting system has been:

4 (i) Examined by an independent testing laboratory that is
5 approved by the National Association of State Election Directors; and

6 (ii) Shown by the testing laboratory to meet the performance and
7 test standards for electronic voting systems established by the Federal Election
8 Commission; and

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

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

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

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

16 (3) The cost of implementing the system;

17 (4) The efficiency of the system;

18 (5) The likelihood of breakdown;

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

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

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

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

23 (10) Accessibility for disabled voters; and

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

25 (e) (1) The State Board shall adopt regulations relating to requirements for
26 each certified voting system, including a voting system deemed certified under
27 subsection (f) of this section, governing its operation and use.

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

30 (i) A description of the voting system;

- 1 (ii) A public information program by the local board, at the time of
2 introduction of a new voting system, to be directed to all voters, candidates, campaign
3 groups, schools, and news media in the county;
- 4 (iii) Local election officials' responsibility for management of the
5 system;
- 6 (iv) The actions required to assure the security of the voting system;
- 7 (v) The supplies and equipment required;
- 8 (vi) The storage, delivery, and return of the supplies and equipment
9 necessary for the operation of the voting system;
- 10 (vii) Standards for training election officials in the operation and use
11 of the voting system;
- 12 (viii) Before each election and for all ballot styles to be used, testing
13 by the members of the local board to ensure the accuracy of tallying, tabulation, and
14 reporting of the vote, and observing of that testing by representatives of political
15 parties and of candidates who are not affiliated with political parties;
- 16 (ix) The number of voting stations or voting booths required in each
17 polling place, in relation to the number of registered voters assigned to the polling
18 place;
- 19 (x) The practices and procedures in each polling place appropriate
20 to the operation of the voting system;
- 21 (xi) Assuring ballot accountability in systems using a document
22 ballot;
- 23 (xii) The actions required to tabulate votes; and
- 24 (xiii) Postelection review and audit of the system's output.
- 25 (3) Certification of a voting system is not effective until the regulations
26 applicable to the voting system have been adopted.
- 27 (f) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
28 A voting system authorized by law before July 1, 1978, including the use of paper
29 ballots, shall be deemed certified.
- 30 (2) ON OR AFTER JANUARY 1, 2002, A VOTING SYSTEM THAT USES
31 MECHANICAL LEVER MACHINES MAY NOT BE DEEMED CERTIFIED.
- 32 9-103.
- 33 (a) The State Board:

1 (1) May decertify a voting system previously certified if the State Board
2 determines that the system no longer merits certification; and

3 (2) Shall decertify a previously certified voting system if the voting
4 system no longer meets one or more of the standards in § 9-102 (c)(1)(i) through (iii)
5 of this subtitle.

6 (b) The State Board shall determine the effective date and conditions of the
7 decertification.

8 (c) Decertification under this section does not apply to a county if its local
9 board has acted in reliance upon the certification of the system involved and the
10 decertification would have a significant and adverse impact, unless:

11 (1) The local board and the governing body of the county consent to the
12 decertification; or

13 (2) The State Board determines that the system no longer meets the
14 standards set forth in § 9-102 (c)(1)(i) through (iii) of this subtitle.

15 (d) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
16 A voting system that is deemed certified under § 9-102(f) of this subtitle may not be
17 decertified by the State Board.

18 (2) ON JANUARY 1, 2002, THE STATE BOARD SHALL DECERTIFY A
19 MECHANICAL LEVER VOTING MACHINE.

20 9-107.

21 (A) ON OR AFTER JANUARY 1, 2002, A COUNTY MAY NOT USE MECHANICAL
22 LEVER VOTING MACHINES TO CONDUCT ELECTIONS.

23 [(a)] (B) [If] UNTIL JANUARY 1, 2002, IF a county uses mechanical lever voting
24 machines to conduct elections, the members of the local board:

25 (1) Shall appoint a voting machine custodian and a deputy custodian;
26 and

27 (2) May employ additional deputy custodians.

28 [(b)] (C) The voting machine custodian and deputy custodians shall have the
29 duties, and complete any training program, specified in regulations adopted by the
30 State Board.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1999.