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By: **Senator Miller**

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Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

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CHAPTER\_\_\_\_\_

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:

- 1           (1)     The voting system will:
- 2                   (i)     Protect the secrecy of the ballot;
- 3                   (ii)    Protect the security of the voting process;
- 4                   (iii)  Count and record all votes accurately;
- 5                   (iv)   Accommodate any ballot used under this article; and
- 6                   (v)    Protect all other rights of voters and candidates;
- 7           (2)     The voting system has been:
- 8                   (i)     Examined by an independent testing laboratory that is
- 9 approved by the National Association of State Election Directors; and
- 10                  (ii)    Shown by the testing laboratory to meet the performance and
- 11 test standards for electronic voting systems established by the Federal Election
- 12 Commission; and
- 13           (3)     The public interest will be served by the certification of the voting
- 14 system.
- 15    (d)     In determining whether a voting system meets the required standards, the
- 16 State Board shall consider:
- 17           (1)     The commercial availability of the system and its replacement parts
- 18 and components;
- 19           (2)     The availability of continuing service for the system;
- 20           (3)     The cost of implementing the system;
- 21           (4)     The efficiency of the system;
- 22           (5)     The likelihood of breakdown;
- 23           (6)     The system's ease of understanding for the voter;
- 24           (7)     The convenience of voting afforded by the system;
- 25           (8)     The timeliness of the tabulation and reporting of election returns;
- 26           (9)     The potential for an alternative means of verifying the tabulation;
- 27           (10)    Accessibility for disabled voters; and
- 28           (11)    Any other factor that the State Board considers relevant.

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

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

6 (i) A description of the voting system;

7 (ii) A public information program by the local board, at the time of  
8 introduction of a new voting system, to be directed to all voters, candidates, campaign  
9 groups, schools, and news media in the county;

10 (iii) Local election officials' responsibility for management of the  
11 system;

12 (iv) The actions required to assure the security of the voting system;

13 (v) The supplies and equipment required;

14 (vi) The storage, delivery, and return of the supplies and equipment  
15 necessary for the operation of the voting system;

16 (vii) Standards for training election officials in the operation and use  
17 of the voting system;

18 (viii) Before each election and for all ballot styles to be used, testing  
19 by the members of the local board to ensure the accuracy of tallying, tabulation, and  
20 reporting of the vote, and observing of that testing by representatives of political  
21 parties and of candidates who are not affiliated with political parties;

22 (ix) The number of voting stations or voting booths required in each  
23 polling place, in relation to the number of registered voters assigned to the polling  
24 place;

25 (x) The practices and procedures in each polling place appropriate  
26 to the operation of the voting system;

27 (xi) Assuring ballot accountability in systems using a document  
28 ballot;

29 (xii) The actions required to tabulate votes; and

30 (xiii) Postelection review and audit of the system's output.

31 (3) Certification of a voting system is not effective until the regulations  
32 applicable to the voting system have been adopted.

33 (f) (1) [A ] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
34 A voting system authorized by law before July 1, 1978, including the use of paper  
35 ballots, shall be deemed certified.

1 (2) ON OR AFTER JANUARY 1, 2002, A VOTING SYSTEM THAT USES  
2 MECHANICAL LEVER MACHINES MAY NOT BE DEEMED CERTIFIED.

3 9-103.

4 (a) The State Board:

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

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

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

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

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

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

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

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

24 9-107.

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

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

29 (1) Shall appoint a voting machine custodian and a deputy custodian;  
30 and

31 (2) May employ additional deputy custodians.

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

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