

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 833

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Mechanical Lever Voting Machines” and substitute “Statewide Voting System”; strike beginning with “extending” in line 3 down through “machines” in line 6 and substitute “requiring the State Board of Elections, in consultation with the local boards of elections, to select a certain voting system for certain purposes; requiring the voting systems selected to be used in all jurisdictions; altering the requirement for the State Board to adopt regulations relating to the selection of voting systems; altering the requirements for certain voting systems; repealing certain provisions of law relating to the certification and decertification of voting systems; providing that certain provisions of law concerning the prohibition on the use of mechanical lever voting machines on or after a certain date do not apply unless a certain statewide voting system is developed and implemented; and generally relating to voting systems in the State”; after line 6, insert:

“BY repealing

Article 33 - Election Code

Section 9-103 and 9-104

Annotated Code of Maryland

(1997 Replacement Volume and 2000 Supplement)

BY renumbering

Article 33 - Election Code

Section 9-106 to be Section 9-104

Annotated Code of Maryland

(1997 Replacement Volume and 2000 Supplement)”;

strike in its entirety line 9 and substitute “Section 9-101, 9-102, 9-105, and 9-107”; and after line 11, insert:

(Over)

“SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9-103 and 9-104 of Article 33 - Election Code of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 9-106 of Article 33 - Election Code of the Annotated Code of Maryland be renumbered to be Section 9-104.”; in line 12, strike “1.” and substitute “3.”; and strike beginning with “BE” in line 12 down through “MARYLAND” in line 13 and substitute “AND BE IT FURTHER ENACTED”.

On page 2, in line 12, strike “2.” and substitute “4.”.

AMENDMENT NO. 2

On page 1, after line 14, insert:

“9-101.

(a) [A local board may not use a voting system in an election conducted under this article unless the voting system has been certified in accordance with this subtitle] THE STATE BOARD, IN CONSULTATION WITH THE LOCAL BOARDS, SHALL SELECT A VOTING SYSTEM FOR VOTING IN POLLING PLACES AND A VOTING SYSTEM FOR ABSENTEE VOTING.

(b) [Except as otherwise provided by law or authorized in writing by the State Board, a local board shall either:

(1) Use a single voting system for both absentee voting and voting in polling places; or

(2) Use a single voting system for absentee voting and a single different voting system for voting in polling places] THE VOTING SYSTEM SELECTED FOR VOTING IN POLLING PLACES AND THE VOTING SYSTEM SELECTED FOR ABSENTEE VOTING SHALL BE USED IN ALL JURISDICTIONS.”;

after line 15 insert:

“(a) [The State Board shall adopt regulations for the review, certification, and decertification of voting systems.]”

“(b) [The State Board shall periodically review [certified voting systems] and evaluate alternative voting systems.]”

“(c) (B) [The State Board may not [certify] SELECT a voting system unless the State Board determines that:

(1) [The voting system will:

(i) [Protect the secrecy of the ballot;

(ii) [Protect the security of the voting process;

(iii) [Count and record all votes accurately;

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

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

(VI) [BE CAPABLE OF CREATING A PAPER RECORD OF ALL VOTES CAST IN ORDER THAT AN AUDIT TRAIL IS AVAILABLE IN THE EVENT OF A RECOUNT;

(2) [The voting system has been:

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

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

(Over)

(3) The public interest will be served by the [certification] SELECTION of the voting system.

[(d)] (C) In determining whether a voting system meets the required standards, the State Board shall consider:

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

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

(3) The cost of implementing the system;

(4) The efficiency of the system;

(5) The likelihood of breakdown;

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

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

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

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

(10) Accessibility for disabled voters; and

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

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

(2) The regulations shall specify the procedures necessary to assure that the

standards of this title are maintained, including:

- (i) A description of the voting system;
- (ii) A public information program by the local board, at the time of introduction of a new voting system, to be directed to all voters, candidates, campaign groups, schools, and news media in the county;
- (iii) Local election officials' responsibility for management of the system;
- (iv) The actions required to assure the security of the voting system;
- (v) The supplies and equipment required;
- (vi) The storage, delivery, and return of the supplies and equipment necessary for the operation of the voting system;
- (vii) Standards for training election officials in the operation and use of the voting system;
- (viii) Before each election and for all ballot styles to be used, testing by the members of the local board to ensure the accuracy of tallying, tabulation, and reporting of the vote, and observing of that testing by representatives of political parties and of candidates who are not affiliated with political parties;
- (ix) The number of voting stations or voting booths required in each polling place, in relation to the number of registered voters assigned to the polling place;
- (x) The practices and procedures in each polling place appropriate to the operation of the voting system;
- (xi) Assuring ballot accountability in systems using a document ballot;
- (xii) The actions required to tabulate votes; and

(Over)

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

[(3) Certification of a voting system is not effective until the regulations applicable to the voting system have been adopted.]”;

and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 3

On page 1, strike in their entirety lines 21 through 26, inclusive, and substitute:

“[9-105.] 9-103.

(a) [(1) Members of a local board, in consultation with the election director, may select a voting system.

(2)] Acquisition of a voting system shall be by purchase, lease, or rental and shall be exempt from State, county, or municipal taxation.

(b) (1) A local board may lease a voting system to any governmental or nongovernmental entity within the county.

(2) The local board shall determine the terms and conditions of the lease.

(3) The local board shall pay to the governing body of the county, within 30 days of receipt, the proceeds of the lease.”.

AMENDMENT NO. 4

On page 2, in line 2, strike “On” and substitute “EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, ON”; in lines 2 and 4, in each instance, strike the brackets; in lines 2 and 4, in each instance, strike “2004”; and after line 11, insert:

“(D) THE PROVISIONS OF THIS SECTION DO NOT APPLY UNLESS A

STATEWIDE UNIFORM VOTING SYSTEM IS DEVELOPED AND IMPLEMENTED.”.