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By: **Delegates Arnick and Kittleman (Special Committee on Voting Systems  
and Election Procedures in Maryland)**

Rules suspended

Introduced and read first time: March 17, 2001

Rules suspended

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Uniform Statewide Voting Systems**

3 FOR the purpose of requiring the State Board of Elections, in consultation with the  
4 local boards, to select a uniform statewide voting system for voting in polling  
5 places and a uniform statewide voting system for absentee voting; repealing a  
6 certain requirement that the State Board adopt regulations for the review,  
7 certification, and decertification of voting systems used by local boards;  
8 requiring the State Board to adopt regulations relating to requirements for  
9 uniform statewide voting systems; repealing certain provisions relating to the  
10 certification and decertification of certain voting systems; repealing a certain  
11 provision relating to the requirement of the State Board to notify local boards  
12 with respect to the certification of the voting systems used by the local boards;  
13 making the inapplicability of certain provisions concerning mechanical lever  
14 voting machines subject to a certain contingency; and generally relating to  
15 uniform statewide voting systems.

16 BY repealing and reenacting, with amendments,  
17 Article 33 - Election Code  
18 Section 9-102, and 9-105 through 9-107  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 2000 Supplement)

21 BY repealing  
22 Article 33 - Election Code  
23 Section 9-101, 9-103, and 9-104  
24 Annotated Code of Maryland  
25 (1997 Replacement Volume and 2000 Supplement)

26 BY adding to  
27 Article 33 - Election Code  
28 Section 9-101

1 Annotated Code of Maryland  
2 (1997 Replacement Volume and 2000 Supplement)

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

5 **Article 33 - Election Code**

6 [9-101.

7 (a) A local board may not use a voting system in an election conducted under  
8 this article unless the voting system has been certified in accordance with this  
9 subtitle.

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

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

14 (2) Use a single voting system for absentee voting and a single different  
15 voting system for voting in polling places.]

16 9-101.

17 (A) THE STATE BOARD, IN CONSULTATION WITH THE LOCAL BOARDS, SHALL  
18 SELECT A VOTING SYSTEM FOR VOTING IN POLLING PLACES AND A VOTING SYSTEM  
19 FOR ABSENTEE VOTING.

20 (B) THE VOTING SYSTEM SELECTED FOR VOTING IN POLLING PLACES AND  
21 THE VOTING SYSTEM SELECTED FOR ABSENTEE VOTING SHALL BE USED IN ALL  
22 JURISDICTIONS.

23 9-102.

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

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

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

30 (1) The voting system will:

31 (i) Protect the secrecy of the ballot;

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

33 (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] SELECTION of  
10 the voting system.

11 [(d)] (C) In determining whether a voting system meets the required  
12 standards, the 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)] (D) (1) The State Board shall adopt regulations relating to  
26 requirements for [each certified] THE voting system[, including a voting system  
27 deemed certified under subsection (f) of this section, governing its operation and use]  
28 SELECTED UNDER § 9-101 OF THIS SUBTITLE.

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

31 (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) Except as provided in paragraph (2) of this subsection, a voting  
28 system authorized by law before July 1, 1978, including the use of paper ballots, shall  
29 be deemed certified.

30 (2) On or after January 1, 2002, a voting system that uses mechanical  
31 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) of  
5 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) Except as provided in paragraph (2) of this subsection, a voting  
16 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 mechanical  
19 lever voting machine.]

20 [9-104.

21 The State Board shall notify the local boards of each system that is:

22 (1) Under review for possible certification;

23 (2) Under review for possible decertification;

24 (3) Certified; or

25 (4) Decertified.]

26 [9-105.] 9-103.

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

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

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

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

1           (3)       The local board shall pay to the governing body of the county, within  
2 30 days of receipt, the proceeds of the lease.

3 [9-106.] 9-104.

4       (a)       The governing body of a county may borrow money to fund the purchase of  
5 a voting system through the issuance of individual notes, bonds, or evidences of  
6 indebtedness.

7       (b)       (1)       When a county governing body issues general obligation bonds to  
8 purchase a voting system, the bonds may be issued without regard to any limitations  
9 on the borrowing power of the county.

10           (2)       The bonds of each issue shall be dated, shall bear interest at such  
11 rate or rates, and shall mature at the time or times, as determined by the governing  
12 body of the county. They may be made redeemable before maturity at the option of the  
13 governing body at the price or prices and under the terms and conditions fixed by the  
14 governing body prior to the issuance of the bonds. The governing body shall determine  
15 the form of the bonds, including any interest coupons to be attached to them, and  
16 shall fix the denomination or denominations of the bonds and the place or places of  
17 payment of principal and interest, which may be at any bank or trust company in or  
18 outside the State. The bonds shall be signed by the officer or officers of the county  
19 issuing them, the seal of the county shall be affixed to them and attested in the  
20 manner, and any coupons attached to them shall bear the facsimile signature of the  
21 officer as the governing body determines. In case any officer whose signature or a  
22 facsimile of whose signature appears on any bonds or coupons shall cease to hold the  
23 office before the delivery of the bonds, the signature or facsimile shall nevertheless be  
24 valid and sufficient for all purposes the same as if he had remained in office until  
25 delivery. All bonds issued under the provisions of this section shall have and are  
26 hereby declared to have all the qualities and incidents of negotiable instruments  
27 under the Maryland Uniform Commercial Code. The bonds may be issued in coupon  
28 or in registered form, or both, as the governing body determines, and provision may  
29 be made for the registration of any coupon bonds as to principal alone and also as to  
30 both principal and interest, and for the reconversion into coupon bonds of any bonds  
31 registered as to both principal and interest. The governing body may sell the bonds in  
32 the manner, either at public or private sale, for the price it may determine to be for  
33 the best interest of the county. The provisions of Article 31, §§ 9 through 11 of the  
34 Code do not apply to bonds issued under the provisions of this section.

35           (3)       The entire proceeds from the sale of bonds issued under the  
36 provisions of this section, after payment of all costs and expenses incurred in  
37 connection with the preparation, sale, and delivery of the bonds, shall be used solely  
38 for the payment of the cost of the voting system for the purchase of which the bonds  
39 are issued. Any balance remaining after the purchase of the voting system shall be  
40 used to pay the interest on or to redeem any of the bonds.

41           (4)       In order to pay the principal of and interest on the bonds when and as  
42 they become due and payable, the governing body is authorized and directed to levy,  
43 in each year in which any of the bonds are outstanding, upon the taxable basis of said

1 county a tax sufficient in rate and amount (i) if the bonds are issued in series  
2 maturing at stated periods and a portion of the principal is made payable annually, to  
3 pay the interest and the portion of the principal payable in that year; or (ii) if the  
4 bonds are not issued in series, but are payable or redeemable in whole at a fixed rate  
5 of maturity, to pay the interest on the bonds in that year and to produce a sum  
6 sufficient to accumulate a sinking fund for the redemption and payment of the bonds  
7 at maturity. The proceeds of the levy when collected and paid shall be used only for  
8 the purposes for which the levy was made; however, if the interest on the bonds  
9 matures before the levy, or before a sufficient amount of taxes levied for the purpose  
10 of paying the interest is collected, the governing body may pay the interest out of the  
11 proceeds of the sale of the bonds.

12 (c) The bonds issued, their transfer, and the income from them shall be  
13 exempt from the State, county, or municipal taxation.

14 [9-107.] 9-105.

15 (a) On or after January 1, 2002, a county may not use mechanical lever voting  
16 machines to conduct elections.

17 (b) Until January 1, 2002, if a county uses mechanical lever voting machines  
18 to conduct elections, the members of the local board:

19 (1) Shall appoint a voting machine custodian and a deputy custodian;  
20 and

21 (2) May employ additional deputy custodians.

22 (c) The voting machine custodian and deputy custodians shall have the duties,  
23 and complete any training program, specified in regulations adopted by the State  
24 Board.

25 (D) THE PROVISIONS OF THIS SECTION DO NOT APPLY IN A COUNTY UNTIL A  
26 STATEWIDE UNIFORM VOTING SYSTEM IS SELECTED BY THE STATE BOARD UNDER  
27 THE PROVISIONS OF §§ 9-101 AND 9-102 OF THIS SUBTITLE AND THE LOCAL BOARD IN  
28 THE COUNTY HAS ACQUIRED THE VOTING SYSTEM.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 2001.