

SENATE BILL 200

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2004 Regular Session
4r1263
CF 4r2000

By: **Senators McFadden, Conway, Della, Gladden, Hughes, and Jones**

Introduced and read first time: January 27, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voting System - Baltimore City**

3 FOR the purpose of exempting Baltimore City from the requirement to use a certain
4 voting system; providing that a voting system certified for use in Baltimore City
5 as of a certain date and any upgrades to the voting system are deemed certified
6 for certain purposes; exempting Baltimore City from certain provisions
7 concerning a uniform statewide voting system under certain circumstances; and
8 generally relating to the use of a voting system in Baltimore City.

9 BY repealing and reenacting, with amendments,

10 Article - Election Law

11 Section 9-101 and 9-102

12 Annotated Code of Maryland

13 (2003 Volume and 2003 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Election Law

16 Section 9-103

17 Annotated Code of Maryland

18 (2003 Volume and 2003 Supplement)

19 BY repealing and reenacting, with amendments,

20 Chapter 564 of the Acts of the General Assembly of 2001

21 Section 5(a)

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

Article - Election Law

1
2 9-101.

3 (a) The State Board, in consultation with the local boards, shall select and
4 certify a voting system for voting in polling places and a voting system for absentee
5 voting.

6 (b) (1) THIS SUBSECTION DOES NOT APPLY TO BALTIMORE CITY.

7 (2) The voting system selected and certified for voting in polling places
8 [and the voting system selected and certified for absentee voting] shall be used in all
9 counties.

10 (C) THE VOTING SYSTEM SELECTED AND CERTIFIED FOR ABSENTEE VOTING
11 SHALL BE USED IN ALL COUNTIES.

12 [(c)] (D) The State Board shall acquire:

13 (1) the voting system selected and certified for voting in polling places;
14 and

15 (2) the voting system selected and certified for absentee voting.

16 9-102.

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

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

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

23 (1) the voting system will:

24 (i) protect the secrecy of the ballot;

25 (ii) protect the security of the voting process;

26 (iii) count and record all votes accurately;

27 (iv) accommodate any ballot used under this article;

28 (v) protect all other rights of voters and candidates; and

29 (vi) be capable of creating a paper record of all votes cast in order
30 that an audit trail is available in the event of a recount;

31 (2) the voting system has been:

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

3 (ii) shown by the testing laboratory to meet the performance and
4 test standards for electronic voting systems established by the Federal Election
5 Commission; and

6 (3) the public interest will be served by the certification of the voting
7 system.

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

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

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

13 (3) the cost of implementing the system;

14 (4) the efficiency of the system;

15 (5) the likelihood that the system will malfunction;

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

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

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

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

20 (10) accessibility for all voters with disabilities recognized by the
21 Americans with Disabilities Act; and

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

23 (e) (1) The State Board shall adopt regulations relating to requirements for
24 each voting system selected and certified under § 9-101 of this subtitle.

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

27 (i) a description of the voting system;

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

31 (iii) local election officials' responsibility for management of the
32 system;

- 1 (iv) the actions required to assure the security of the voting system;
- 2 (v) the supplies and equipment required;
- 3 (vi) the storage, delivery, and return of the supplies and equipment
4 necessary for the operation of the voting system;
- 5 (vii) standards for training election officials in the operation and use
6 of the voting system;
- 7 (viii) before each election and for all ballot styles to be used, testing
8 by the members of the local board to ensure the accuracy of tallying, tabulation, and
9 reporting of the vote, and observing of that testing by representatives of political
10 parties and of candidates who are not affiliated with political parties;
- 11 (ix) the number of voting stations or voting booths required in each
12 polling place, in relation to the number of registered voters assigned to the polling
13 place;
- 14 (x) the practices and procedures in each polling place appropriate
15 to the operation of the voting system;
- 16 (xi) assuring ballot accountability in systems using a document
17 ballot;
- 18 (xii) the actions required to tabulate votes; and
- 19 (xiii) postelection review and audit of the system's output.
- 20 (3) Certification of a voting system is not effective until the regulations
21 applicable to the voting system have been adopted.

22 (F) A VOTING SYSTEM CERTIFIED FOR USE IN BALTIMORE CITY ON JANUARY
23 1, 2004, AND ANY UPGRADE TO THE VOTING SYSTEM REQUIRED TO COMPLY WITH
24 FEDERAL LAW SHALL BE DEEMED CERTIFIED FOR PURPOSES OF THIS SUBTITLE.

25 9-103.

26 (a) The State Board:

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

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

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

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Chapter 564 of the Acts of 2001

2 SECTION 5. AND BE IT FURTHER ENACTED, That:

3 (a) (1) IF THE VOTING SYSTEM USED IN BALTIMORE CITY IS UPGRADED TO
4 COMPLY WITH REQUIREMENTS OF FEDERAL LAW, PARAGRAPH (2) OF THIS
5 SUBSECTION, AS IT RELATES TO THE REQUIREMENT TO IMPLEMENT A UNIFORM
6 STATEWIDE VOTING SYSTEM BY JULY 1, 2006, DOES NOT APPLY TO BALTIMORE CITY.

7 (2) A county that has purchased a voting system for voting at polling
8 places within the last 10 years and before December 31, 2000 is not required to
9 implement the uniform statewide voting system for voting at polling places provided
10 for under this Act until July 1, 2006, and is not required to pay a share of the cost of
11 acquiring and operating the uniform statewide voting system for voting at polling
12 places until the system is implemented in the county[; and].

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2004.