

SENATE BILL 393

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2004 Regular Session
4r2690
CF HB 53

By: **Senators Harris and Greenip**

Introduced and read first time: February 4, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voting Systems - Voter-Verified Paper Records**

3 FOR the purpose of requiring that certain voting systems produce a paper record of a
4 voter's ballot choices and provide the voter with an opportunity to inspect the
5 paper record; requiring that the paper records be preserved at the polling place
6 in a certain manner so that the paper records may later be used in a manual
7 recount if necessary; requiring the State Board of Elections to conduct a
8 comparison of certain ballots in a random sampling of election districts; and
9 generally relating to voting systems.

10 BY repealing and reenacting, without amendments,

11 Article - Election Law

12 Section 1-101(s)

13 Annotated Code of Maryland

14 (2003 Volume and 2003 Supplement)

15 BY adding to

16 Article - Election Law

17 Section 9-107

18 Annotated Code of Maryland

19 (2003 Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Election Law**

23 1-101.

24 (s) (1) "Document ballot" means a ballot used with a voting system in which
25 the voter individually is issued a ballot on which to indicate one or more votes.

26 (2) "Document ballot" includes:

- 1 (i) a machine-read ballot, such as an optically scanned ballot or
2 punchcard ballot; and
- 3 (ii) a hand-counted paper ballot.

4 9-107.

5 (A) (1) ANY VOTING SYSTEM THAT DOES NOT USE A DOCUMENT BALLOT
6 SHALL PRODUCE A PAPER RECORD THAT SHALL BE MADE AVAILABLE FOR
7 INSPECTION AND VERIFICATION BY THE VOTER AT THE TIME THE VOTE IS CAST.

8 (2) THE VOTER-VERIFIED PAPER RECORD SHALL BE PRESERVED
9 WITHIN THE POLLING PLACE IN THE MANNER THAT ALL OTHER DOCUMENT
10 BALLOTS ARE PRESERVED WITHIN THE POLLING PLACE ON ELECTION DAY FOR
11 LATER USE IN ANY MANUAL RECOUNT.

12 (B) A VOTER WHO RECEIVES A VOTER-VERIFIED PAPER RECORD IN
13 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION MAY REVIEW THE
14 PERMANENT PAPER RECORD AND CORRECT ANY ERROR MADE BY THE SYSTEM
15 BEFORE THE PAPER RECORD IS PRESERVED FOR USE IN ANY MANUAL RECOUNT.

16 (C) THE VOTER-VERIFIED PAPER RECORD PRODUCED UNDER SUBSECTION (A)
17 OF THIS SECTION SHALL BE AVAILABLE AS AN OFFICIAL RECORD AND SHALL BE THE
18 OFFICIAL RECORD USED FOR ANY RECOUNT CONDUCTED WITH RESPECT TO ANY
19 ELECTION WHEN THE SYSTEM IS USED.

20 (D) IN A RANDOM SAMPLING OF 2% OF THE TOTAL NUMBER OF PRECINCTS
21 WITHIN EACH LEGISLATIVE DISTRICT THAT PRODUCE VOTER-VERIFIED PAPER
22 RECORDS, THE STATE BOARD SHALL COMPARE THE VOTER-VERIFIED PAPER
23 RECORDS AGAINST THE ELECTRONICALLY RECORDED RESULTS IN THOSE DISTRICTS
24 TO VERIFY THAT THE ELECTRONICALLY RECORDED RESULTS EQUAL THE
25 VOTER-VERIFIED PAPER RECORDS.

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