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By: **Delegates Cardin, Bartlett, Bromwell, Cadden, Gilleland, Healey,  
Kaiser, King, Marriott, McKee, Morhaim, Myers, and Zirkin**

Introduced and read first time: January 13, 2005

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Voting Systems - Adequate Voter Verification Process**

3 FOR the purpose of requiring that certain voting systems incorporate an adequate  
4 voter verification process that includes certain features; requiring that each  
5 voter's ballot choices, once cast, be preserved in a certain manner; providing that  
6 in the event of a manual recount of election results, local boards of election shall  
7 conduct the recount using certain records; specifying that certain ballots are  
8 official records; requiring the State Board of Elections to conduct a comparison  
9 of certain ballots in a random sampling of election districts; requiring the  
10 Governor to allocate the resources required to implement the requirements of  
11 this Act; and generally relating to an adequate voter verification process for the  
12 votes cast by voters using certain voting systems.

13 BY repealing and reenacting, without amendments,  
14 Article - Election Law  
15 Section 1-101(s)  
16 Annotated Code of Maryland  
17 (2003 Volume and 2004 Supplement)

18 BY adding to  
19 Article - Election Law  
20 Section 9-106  
21 Annotated Code of Maryland  
22 (2003 Volume and 2004 Supplement)

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

3 **Article - Election Law**

4 1-101.

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

7 (2) "Document ballot" includes:

8 (i) a machine-read ballot, such as an optically scanned ballot; and

9 (ii) a hand-counted paper ballot.

10 9-106.

11 (A) (1) A VOTING SYSTEM THAT DOES NOT USE A DOCUMENT BALLOT SHALL  
12 INCORPORATE AN ADEQUATE VOTER VERIFICATION PROCESS THAT ~~WILL~~:

13 (I) WILL ALLOW EACH VOTER TO INSPECT, VERIFY, AND CORRECT  
14 THE VOTER'S BALLOT CHOICES BEFORE THE BALLOT IS CAST; AND

15 (II) FOR EACH VOTER, WILL PRESERVE WITHIN THE POLLING  
16 PLACE IN A DISTINCT MANNER A RECORD OF THE BALLOT CHOICES CAST BY THAT  
17 VOTER AT THE ELECTION; AND

18 (III) HAS THE CAPABILITY OF AUDITING EACH BALLOT.

19 (2) IN THE EVENT THAT A MANUAL RECOUNT OF THE ELECTION  
20 RESULTS IS REQUIRED, THE LOCAL BOARD SHALL CONDUCT THE RECOUNT USING  
21 THE BALLOT CHOICES OF EACH VOTER AS PRESERVED UNDER THE VOTER  
22 VERIFICATION PROCESS.

23 (B) EACH BALLOT PRESERVED UNDER THE VOTER VERIFICATION PROCESS IS  
24 AN OFFICIAL RECORD.

25 (C) IN A RANDOM SAMPLING OF 2% OF THE TOTAL NUMBER OF PRECINCTS  
26 WITHIN EACH LEGISLATIVE DISTRICT, THE STATE BOARD SHALL COMPARE THE  
27 RECORDED RESULTS OF THE VOTER VERIFICATION PROCESS AGAINST THE  
28 ELECTRONICALLY RECORDED RESULTS IN THOSE DISTRICTS TO VERIFY THAT THE  
29 ELECTRONICALLY RECORDED RESULTS EQUAL THE RESULTS OF THE VOTER  
30 VERIFICATION PROCESS.

31 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to~~  
32 ~~each election occurring on or after July 1, 2006, that is required to be conducted in~~  
33 ~~accordance with the Election Law Article.~~

1 SECTION ~~3~~. 2. AND BE IT FURTHER ENACTED, That the Governor shall  
2 allocate the resources required to implement the requirements of this Act, including  
3 any gift received by the State for the purposes of this Act under § 2-201 of the State  
4 Finance and Procurement Article, or, except for federal funds received by the State to  
5 implement the requirements of the Help America Vote Act 2002, any federal or other  
6 funds or grant received by the State in accordance with federal and State law for the  
7 purposes of this Act by fiscal year 2007.

8 SECTION 4. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2005.