

(PRE-FILED)

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By: **Senators Harris, Astle, Brochin, Giannetti, Greenip, Grosfeld, Hooper,  
and Teitelbaum**

Requested: August 20, 2004

Introduced and read first time: January 12, 2005

Assigned to: Education, Health, and Environmental Affairs

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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;  
9 providing for the application of this Act; requiring the Governor to allocate  
10 certain resources to implement the requirements of this Act; and generally  
11 relating to voting systems.

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

17 BY adding to  
18 Article - Election Law  
19 Section 9-107  
20 Annotated Code of Maryland  
21 (2003 Volume and 2004 Supplement)

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

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**Article - Election Law**

2 1-101.

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

5 (2) "Document ballot" includes:

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

7 (ii) a hand-counted paper ballot.

8 9-107.

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

12 (2) THE VOTER-VERIFIED PAPER RECORD SHALL BE PRESERVED  
13 WITHIN THE POLLING PLACE IN THE MANNER THAT ALL OTHER DOCUMENT  
14 BALLOTS ARE PRESERVED WITHIN THE POLLING PLACE ON ELECTION DAY FOR  
15 LATER USE IN A MANUAL RECOUNT.

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

20 (C) THE VOTER-VERIFIED PAPER RECORD PRODUCED UNDER SUBSECTION (A)  
21 OF THIS SECTION SHALL BE AVAILABLE AS AN OFFICIAL RECORD AND SHALL BE THE  
22 OFFICIAL RECORD USED FOR A RECOUNT CONDUCTED WITH RESPECT TO AN  
23 ELECTION WHEN THE SYSTEM IS USED.

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

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

33 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall  
34 allocate the resources required to implement the requirements of this Act, including  
35 any gift received by the State for the purposes of this Act under § 2-201 of the State  
36 Finance and Procurement Article, and, except for federal funds received by the State  
37 to implement the requirements of the Help America Vote Act 2002, any federal or

1 other special funds or grant received by the State in accordance with federal and  
2 State law for the purposes of this Act.

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