

By: **Senators Dyson, Hollinger, Britt, Brochin, Conway, DeGrange, Frosh, Giannetti, Green, Grosfeld, Kelley, Klausmeier, Middleton, Munson, Pinsky, and Ruben**

Introduced and read first time: January 17, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voting Systems - Independent Verification of Accuracy**

3 FOR the purpose of requiring that all voting systems certified by the State Board of
4 Elections include or accommodate a methodology established by the State Board
5 for the independent verification of the accuracy of the voting system; altering
6 the definition of a certain term; specifying that an independent verification
7 methodology may include certain features; providing for the application of this
8 Act; requiring the Governor to allocate certain resources to implement the
9 requirements of this Act; and generally relating to a methodology for the
10 independent verification of the accuracy of voting systems certified by the State
11 Board.

12 BY repealing and reenacting, with amendments,
13 Article - Election Law
14 Section 9-102
15 Annotated Code of Maryland
16 (2003 Volume and 2004 Supplement)

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

19 **Article - Election Law**

20 9-102.

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

23 (b) The State Board shall periodically review and evaluate alternative voting
24 systems.

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

1 (1) the voting system will:

2 (i) protect the secrecy of the ballot;

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

4 (iii) count and record all votes accurately;

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

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

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

9 (2) the voting system has been:

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

12 (ii) shown by the testing laboratory to meet the performance and
13 test standards for electronic voting systems established by the Federal Election
14 Commission; [and]

15 (3) the public interest will be served by the certification of the voting
16 system; AND

17 (4) THE VOTING SYSTEM INCLUDES OR WILL ACCOMMODATE A
18 METHODOLOGY, AS ESTABLISHED BY THE STATE BOARD, FOR INDEPENDENT
19 VERIFICATION OF THE ACCURACY OF THE VOTING SYSTEM, WHICH MAY INCLUDE:

20 (I) A VOTER VERIFIABLE PAPER RECORD OF THE BALLOT THAT
21 CAN BE RANDOMLY AUDITED BY ELECTION OFFICIALS; OR

22 (II) VOTER VERIFIABLE AUDIT TECHNOLOGY.

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

25 (1) the commercial availability of the system and its replacement parts
26 and components;

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

28 (3) the cost of implementing the system;

29 (4) the efficiency of the system;

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

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

- 1 (7) the convenience of voting afforded by the system;
- 2 (8) the timeliness of the tabulation and reporting of election returns;
- 3 (9) the potential for an alternative means of verifying the tabulation;
- 4 (10) accessibility for all voters with disabilities recognized by the
5 Americans with Disabilities Act; and
- 6 (11) any other factor that the State Board considers relevant.
- 7 (e) (1) The State Board shall adopt regulations relating to requirements for
8 each voting system selected and certified under § 9-101 of this subtitle.
- 9 (2) The regulations shall specify the procedures necessary to assure that
10 the standards of this title are maintained, including:
- 11 (i) a description of the voting system;
- 12 (ii) a public information program by the local board, at the time of
13 introduction of a new voting system, to be directed to all voters, candidates, campaign
14 groups, schools, and news media in the county;
- 15 (iii) local election officials' responsibility for management of the
16 system;
- 17 (iv) the actions required to assure the security of the voting system;
- 18 (v) the supplies and equipment required;
- 19 (vi) the storage, delivery, and return of the supplies and equipment
20 necessary for the operation of the voting system;
- 21 (vii) standards for training election officials in the operation and use
22 of the voting system;
- 23 (viii) before each election and for all ballot styles to be used, testing
24 by the members of the local board to ensure the accuracy of tallying, tabulation, and
25 reporting of the vote, and observing of that testing by representatives of political
26 parties and of candidates who are not affiliated with political parties;
- 27 (ix) the number of voting stations or voting booths required in each
28 polling place, in relation to the number of registered voters assigned to the polling
29 place;
- 30 (x) the practices and procedures in each polling place appropriate
31 to the operation of the voting system;
- 32 (xi) assuring ballot accountability in systems using a document
33 ballot;

- 1 (xii) the actions required to tabulate votes; and
- 2 (xiii) postelection review and audit of the system's output.
- 3 (3) Certification of a voting system is not effective until the regulations
4 applicable to the voting system have been adopted.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
6 each election occurring on or after November 1, 2005, that is required to be conducted
7 in accordance with the Election Law Article.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall
9 allocate the resources required to implement the requirements of this Act, including
10 any gift received by the State for the purposes of this Act under § 2-201 of the State
11 Finance and Procurement Article, or, except for federal funds received by the State to
12 implement the requirements of the Help America Vote Act 2002, any federal or other
13 special funds or grant received by the State in accordance with federal and State law
14 for the purposes of this Act.

15 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect July 1, 2005.