

(PRE-FILED)

By: **Delegate Montgomery**
Requested: July 20, 2005
Introduced and read first time: January 11, 2006
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Voting Systems - Verification and Accessibility**

3 FOR the purpose of requiring that certain voting systems produce an accessible
4 voter-verified paper audit trail of a voter's ballot choices and provide the voter
5 with an opportunity to inspect the accessible voter-verified paper audit trail;
6 requiring that the accessible voter-verified paper audit trails be preserved at
7 the polling place in a certain manner for certain purposes; requiring the State
8 Board of Elections to conduct a comparison of certain ballots in a random
9 sampling of election districts; requiring that certain polling places have a
10 certain number of voting systems for certain individuals; requiring a certain
11 voting system to have the ability to perform certain selections; requiring the
12 State Board of Elections to adopt certain regulations; providing for the
13 application of this Act; requiring the Governor to allocate certain resources;
14 defining certain terms; and generally relating to voting systems.

15 BY repealing and reenacting, without amendments,
16 Article - Election Law
17 Section 1-101(s)
18 Annotated Code of Maryland
19 (2003 Volume and 2005 Supplement)

20 BY adding to
21 Article - Election Law
22 Section 9-106 and 9-107
23 Annotated Code of Maryland
24 (2003 Volume and 2005 Supplement)

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

1

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 9-106.

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

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

17 (B) A VOTER MAY REVIEW THE ACCESSIBLE VOTER-VERIFIED PAPER AUDIT
18 TRAIL AND CORRECT ANY ERROR MADE BY THE SYSTEM BEFORE THE ACCESSIBLE
19 VOTER-VERIFIED PAPER AUDIT TRAIL IS PRESERVED FOR USE IN ANY MANUAL
20 RECOUNT.

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

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

31 9-107.

32 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
33 INDICATED.

34 (2) "ACCESS" MEANS THE ABILITY TO RECEIVE, USE, SELECT, AND
35 MANIPULATE DATA AND OPERATE CONTROLS INCLUDED IN VOTING SYSTEMS.

36 (3) "NONVISUAL" MEANS SYNTHESIZED SPEECH.

1 (B) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING ANY VOTING
2 SYSTEM USED BY THE STATE OR ANY POLITICAL SUBDIVISION THAT PROVIDE
3 INDIVIDUALS:

4 (1) WHO ARE BLIND AND VISUALLY IMPAIRED WITH ACCESS THAT IS
5 EQUIVALENT TO THAT PROVIDED TO INDIVIDUALS WHO ARE NOT BLIND OR
6 VISUALLY IMPAIRED; OR

7 (2) WHO RESIDE IN A PRECINCT WHERE ANY LIMITED ENGLISH
8 PROFICIENT POPULATION CONSTITUTES 3% OF THE OVERALL POPULATION WITHIN
9 THE GEOGRAPHIC REGION SERVED BY THAT PRECINCT, WITH ACCESS THAT IS
10 EQUIVALENT TO THAT PROVIDED TO INDIVIDUALS WHO ARE ENGLISH PROFICIENT.

11 (C) A VOTING SYSTEM APPROVED UNDER SUBSECTION (B) OF THIS SECTION
12 SHALL HAVE THE ABILITY FOR A VOTER TO CAST AND VERIFY ALL SELECTIONS
13 MADE BY BOTH VISUAL AND NONVISUAL MEANS.

14 (D) (1) AT EACH POLLING PLACE IN THE STATE, AT LEAST ONE VOTING
15 SYSTEM APPROVED UNDER SUBSECTION (B) OF THIS SECTION SHALL PROVIDE
16 ACCESS TO INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED.

17 (2) AT EACH POLLING PLACE LOCATED IN A PRECINCT WHERE ANY
18 LIMITED ENGLISH PROFICIENT POPULATION CONSTITUTES 3% OF THE OVERALL
19 POPULATION WITHIN THE GEOGRAPHIC REGION SERVED BY THAT PRECINCT, AT
20 LEAST ONE VOTING UNIT APPROVED UNDER SUBSECTION (B) OF THIS SECTION
21 SHALL PROVIDE ACCESS IN THE LANGUAGE SPOKEN BY THAT POPULATION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
23 apply to each election occurring on or after June 1, 2006, that is required to be
24 conducted in accordance with the Election Law Article.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall
26 allocate the resources required to implement the requirements of Section 1 of this Act,
27 including any gift received by the State for the purposes of this Act under § 2-201 of
28 the State Finance and Procurement Article, or, except for previously committed
29 federal funds received by the State to implement the requirements of The Help
30 America Vote Act 2002, any federal or other special funds or grant received by the
31 State in accordance with federal and State law for the purposes of this Act by fiscal
32 year 2007.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 June 1, 2006.