

HB0018/625963/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 18
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Hixson” and substitute “Delegates Hixson, Bobo, Montgomery, Ali, Barve, Boteler, Bronrott, Cardin, Doory, Feldman, George, Gilchrist, Haynes, Howard, Hucker, Ivey, Jones, Kaiser, N. King, Kirk, Krebs, Lawton, Lee, Levi, Manno, McKee, Murphy, Olszewski, Pendergrass, Ramirez, Rice, Ross, Stukes, F. Turner, and Walker”; and strike beginning with “requiring” in line 12 down through “purposes;” in line 13 and substitute “making this Act subject to a certain contingency; requiring the Department of Budget and Management to make a certain determination and provide a certain notification by a certain time;”.

AMENDMENT NO. 2

On page 4, in line 26, strike “OR”; and after line 26, insert:

“(4) A PAPER BALLOT PREPARED BY A VOTER IN A POLLING PLACE AS A PROVISIONAL BALLOT; OR”.

AMENDMENT NO. 3

On page 5, in line 1, strike “(4)” and substitute “(5)”.

AMENDMENT NO. 4

On page 6, strike in their entirety lines 2 through 15, inclusive, and substitute:

“(A) A VOTING SYSTEM SELECTED, CERTIFIED, AND IMPLEMENTED UNDER THIS SECTION SHALL:

(Over)

(1) PROVIDE ACCESS TO VOTERS WITH DISABILITIES THAT IS EQUIVALENT TO ACCESS AFFORDED VOTERS WITHOUT DISABILITIES WITHOUT CREATING A SEGREGATED BALLOT FOR VOTERS WITH DISABILITIES;

(2) ENSURE THE INDEPENDENT, PRIVATE CASTING, INSPECTION, VERIFICATION, AND CORRECTION OF SECRET BALLOTS BY VOTERS WITH DISABILITIES IN AN ACCESSIBLE MEDIA BY BOTH VISUAL AND NONVISUAL MEANS, INCLUDING SYNCHRONIZED AUDIO OUTPUT AND ENHANCED VISUAL DISPLAY; AND

(3) COMPLY WITH BOTH THE AMERICANS WITH DISABILITIES ACT, P.L. 101-336, AND THE HELP AMERICA VOTE ACT, P.L. 107-252, INCLUDING ACCESSIBILITY STANDARDS ADOPTED AS PART OF THE VOLUNTARY VOTING SYSTEM GUIDELINES PURSUANT TO THE HELP AMERICA VOTE ACT.

(B) (1) AT LEAST ONE VOTING SYSTEM IN EACH POLLING PLACE ON ELECTION DAY SHALL PROVIDE ACCESS FOR VOTERS WITH DISABILITIES IN COMPLIANCE WITH SUBSECTION (A) OF THIS SECTION.

(2) THE STATE BOARD SHALL ENSURE THAT ADEQUATE BACK UP EQUIPMENT IS AVAILABLE AND CONTINGENCY PLANS ARE ESTABLISHED TO ENSURE COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(C) PRIOR TO THE SELECTION OF A VOTING SYSTEM, THE STATE BOARD SHALL:

(1) ENSURE THAT AN ACCESSIBLE VOTING SYSTEM CONFORMS TO THE ACCESS REQUIREMENTS OF THE VOLUNTARY VOTING SYSTEM GUIDELINES DEVELOPED PURSUANT TO THE HELP AMERICA VOTE ACT IN EFFECT AT THE TIME OF SELECTION; AND

(2) CONDUCT AN ACCESSIBILITY AND USABILITY EVALUATION OF THE VOTING SYSTEM TO ASSESS ITS ACCESSIBILITY AND USABILITY BY VOTERS WITH DISABILITIES, INCLUDING:

(I) A PUBLIC DEMONSTRATION OF THE SYSTEM; AND

(II) AN EVALUATION BY INDIVIDUALS REPRESENTING A CROSS-SECTION OF VOTERS WITH DISABILITIES.

(D) (1) THE STATE BOARD SHALL PROVIDE ELECTION JUDGES WITH UNIFORM STATEWIDE TRAINING ON THE VOTING SYSTEM, INCLUDING BUT NOT LIMITED TO:

(I) ALL FEATURES OF THE VOTING SYSTEM THAT PROVIDE ACCESS TO VOTERS WITH DISABILITIES; AND

(II) THE RIGHTS OF VOTERS WITH DISABILITIES, INCLUDING THOSE RIGHTS GUARANTEED BY STATE AND FEDERAL LAW.”.

AMENDMENT NO. 5

On page 7, in line 6, strike “**THE PAPER**” and substitute “**PAPER**”; and strike beginning with “**WITHIN**” in line 11 down through “**BOARD**” in line 14 and substitute “**PRIOR TO CERTIFYING ITS ELECTION RESULTS**”.

AMENDMENT NO. 6

On page 8, in line 1, strike “**5%**” and substitute “**2%**”; in line 2, after “**COUNTY**” insert “, **BUT NOT LESS THAN ONE POLLING PLACE IN THE COUNTY**”; in line 12, after “**(B)**” insert “**(1)**”; in the same line, strike “**IS**”; in line 14, after “**RECORDS**” insert “**MEETS THE LEVEL OF DISCREPANCY ESTABLISHED UNDER REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION**”; in line

(Over)

17, strike “(1)” and substitute “(I)”; in line 19, strike “(2)” and substitute “(II)”; and after line 20, insert:

“(2) (I) THE STATE BOARD OF ELECTIONS SHALL ADOPT REGULATIONS GOVERNING THE ADMINISTRATION OF AN EXPANDED AUDIT.

“(II) THE REGULATIONS SHALL INCLUDE THE LEVEL OF DISCREPANCY NEEDED IN ORDER FOR AN EXPANDED AUDIT TO BE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”

AMENDMENT NO. 7

On page 10, in line 25, strike “2008” and substitute “2010”.

AMENDMENT NO. 8

On page 11, strike in their entirety lines 1 through 7, inclusive, and substitute:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act is contingent on the appropriation of sufficient general, special, or federal funds in the State budget no later than fiscal year 2009 for the State Board of Elections to perform the functions set forth in Section 2 of this Act, and if sufficient funds are not appropriated in the State budget to the State Board of Elections by fiscal year 2009 to perform the functions set forth in Section 2 of this Act, this Act shall be null and void without the necessity of further action by the General Assembly. Within 10 days after the fiscal year 2009 budget has been enacted by the General Assembly, the Department of Budget and Management shall determine and notify the Department of Legislative Services whether sufficient general, special, or federal funds have been appropriated in the fiscal year 2009 budget for the State Board of Elections to perform the functions set forth in Section 2 of this Act.”;

and in line 8, after “That” insert “, subject to Section 4 of this Act.”.