

# HOUSE BILL 18

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HB 244/06 – W&M

71r0385

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By: ~~Delegate Hixson~~ 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

Introduced and read first time: January 12, 2007

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2007

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## CHAPTER \_\_\_\_\_

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 before casting a final vote; requiring that the paper records be  
6 preserved at the polling place in a certain manner and for certain purposes;  
7 requiring that certain voting systems be accessible to certain individuals with  
8 disabilities; requiring certain comparisons and audits of certain ballots  
9 following an election; requiring public notice and demonstrations regarding  
10 certain voting systems and procedures; requiring the State Board of Elections to  
11 maintain certain information, to document certain occurrences, and to make  
12 certain information publicly available; ~~requiring the Governor to allocate~~  
13 ~~certain resources for certain purposes~~; making this Act subject to a certain  
14 contingency; requiring the Department of Budget and Management to make a  
15 certain determination and provide a certain notification by a certain time;  
16 defining certain terms; requiring the State Board to adopt certain regulations

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and certain guidelines; and generally relating to voter-verified paper records for  
2 voting systems.

3 BY renumbering  
4 Article – Election Law  
5 Section 9–101 through 9–105, respectively  
6 to be Section 9–102 through 9–106, respectively  
7 Annotated Code of Maryland  
8 (2003 Volume and 2006 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 1–101(xx)  
12 Annotated Code of Maryland  
13 (2003 Volume and 2006 Supplement)

14 BY adding to  
15 Article – Election Law  
16 Section 9–101 and 9–107 through 9–112  
17 Annotated Code of Maryland  
18 (2003 Volume and 2006 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That Section(s) 9–101 through 9–105, respectively, of Article – Election  
21 Law of the Annotated Code of Maryland be renumbered to be Section(s) 9–102 through  
22 9–106, respectively.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
24 read as follows:

25 **Article – Election Law**

26 1–101.

27 (xx) (1) “Voting system” means a method of casting and tabulating ballots  
28 or votes.

29 (2) **“VOTING SYSTEM” INCLUDES A COLLECTION OF DEVICES**  
30 **THAT:**

31 (I) **ALLOW A VOTER TO VIEW BALLOTS, SELECT**  
32 **CANDIDATES, AND CAST VOTES; AND**

1 (II) AGGREGATE AND TABULATE ALL OF THE VOTES CAST IN  
2 AN ELECTION.

3 **9-101.**

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "HAND COUNT" MEANS A COUNTING OF THE VOTES IN WHICH:

7 (1) THE HANDLING OF THE DOCUMENT BALLOT IS DONE BY  
8 HUMAN HAND; AND

9 (2) THE IDENTIFICATION OF EACH VOTE IS DETERMINED BY  
10 VISUAL INSPECTION OF THE DOCUMENT BALLOT BY A HUMAN BEING.

11 (C) "MANDATORY RANDOM AUDIT" MEANS A HAND-COUNTED AUDIT  
12 CONDUCTED ON A ROUTINE BASIS FOLLOWING EACH ELECTION FOR THE  
13 PURPOSE OF COMPARING A PERCENTAGE OF VOTER-VERIFIED PAPER RECORDS  
14 WITH THE VOTE TALLIES RECORDED BY EACH OF THE FOLLOWING VOTING  
15 SYSTEMS:

16 (1) TOUCH-SCREEN OR OTHER ELECTRONIC VOTING MACHINES;

17 (2) PRECINCT-BASED OPTICAL SCANNING EQUIPMENT;

18 (3) ABSENTEE BALLOTS AND OTHER DOMESTIC AND OVERSEAS  
19 BALLOTS MAILED TO THE LOCAL BOARDS OF ELECTIONS; AND

20 (4) BALLOTS CREATED THROUGH THE USE OF AN ELECTRONIC  
21 MARKING DEVICE.

22 (D) "NONVISUAL" MEANS AUDIO-SYNTHESIZED SPEECH.

23 (E) "VOTER-VERIFIED PAPER RECORD" MEANS AN AUDITABLE PAPER  
24 RECORD THAT:

25 (1) IS AVAILABLE TO EACH VOTER TO INSPECT AND VERIFY  
26 BEFORE THE VOTER'S VOTE IS CAST;

1           **(2) IS PRODUCED CONTEMPORANEOUSLY WITH OR EMPLOYED BY**  
2 **ANY VOTING SYSTEM;**

3           **(3) (I) LISTS THE DESIGNATION OF EACH OFFICE OR QUESTION**  
4 **AND THE VOTER'S CHOICE IN EACH OFFICE OR QUESTION; OR**

5           **(II) IF THE VOTER MAKES NO SELECTION IN CONNECTION**  
6 **WITH ANY OFFICE OR QUESTION, NOTES THAT FACT ON THE RECORD THAT IS**  
7 **PRODUCED;**

8           **(4) IS SUITABLE FOR THE PURPOSES OF MANDATORY RANDOM**  
9 **AUDITS AND RECOUNTS; AND**

10           **(5) IS MAINTAINED AS THE OFFICIAL TRUE AND CORRECT**  
11 **RECORD OF THE VOTES CAST.**

12           **(F) "VOTING SYSTEM AGGREGATION AND TABULATION" MEANS THE**  
13 **PROCESS AND THE HARDWARE AND SOFTWARE BY WHICH VOTES RECORDED BY**  
14 **THE VOTING SYSTEM ARE AGGREGATED, TOTALED, AND TABULATED TO**  
15 **DETERMINE THE OUTCOME OF AN ELECTION.**

16 **9-107.**

17           **(A) THE VOTING SYSTEM SELECTED AND CERTIFIED SHALL:**

18           **(1) PRODUCE OR REQUIRE THE USE OF AN INDIVIDUAL**  
19 **VOTER-VERIFIED PAPER RECORD OF THE VOTER'S VOTE; AND**

20           **(2) ENSURE THAT THE VOTER-VERIFIED PAPER RECORD IS MADE**  
21 **AVAILABLE FOR INSPECTION AND VERIFICATION BY THE VOTER BEFORE THE**  
22 **VOTER'S VOTE IS CAST.**

23           **(B) A VOTER-VERIFIED PAPER RECORD MAY INCLUDE ANY OF THE**  
24 **FOLLOWING:**

25           **(1) A PAPER PRINTOUT OF THE VOTER'S VOTE PRODUCED BY A**  
26 **TOUCH-SCREEN OR OTHER ELECTRONIC VOTING MACHINE IF, IN EACH CASE,**  
27 **THE RECORD PERMITS THE VOTER TO VERIFY THE RECORD IN ACCORDANCE**  
28 **WITH THIS SECTION;**

1           (2) A PAPER BALLOT PREPARED BY THE VOTER FOR THE  
2 PURPOSE OF BEING READ BY A PRECINCT-BASED OPTICAL SCANNER;

3           (3) A PAPER BALLOT PREPARED BY THE VOTER TO BE MAILED TO  
4 THE APPLICABLE LOCAL BOARD, WHETHER MAILED FROM A DOMESTIC OR AN  
5 OVERSEAS LOCATION; ~~OR~~

6           (4) A PAPER BALLOT PREPARED BY A VOTER IN A POLLING PLACE  
7 AS A PROVISIONAL BALLOT; OR

8           ~~(4)~~ (5) A PAPER BALLOT CREATED THROUGH THE USE OF A  
9 BALLOT MARKING DEVICE.

10           (C) EACH VOTER-VERIFIED PAPER RECORD SHALL:

11           (1) BE AN INDIVIDUAL DOCUMENT THAT IS PHYSICALLY  
12 SEPARATED FROM ANY OTHER SIMILAR DOCUMENT AND NOT PART OF A  
13 CONTINUOUS ROLL;

14           (2) BE SUFFICIENTLY DURABLE TO WITHSTAND REPEATED  
15 HANDLING FOR PURPOSES OF MANDATORY RANDOM AUDITS AND RECOUNTS;  
16 AND

17           (3) USE INK THAT DOES NOT FADE, SMEAR, OR OTHERWISE  
18 DEGRADE AND OBSCURE OR OBLITERATE THE PAPER RECORD OVER TIME.

19           (D) BEFORE THE VOTER-VERIFIED PAPER RECORD IS PRESERVED IN  
20 ACCORDANCE WITH THIS SECTION, A VOTER SHALL BE PROVIDED AN  
21 OPPORTUNITY TO CORRECT ANY ERROR MADE BY THE VOTING SYSTEM AND  
22 PRESENTED WITH THE ABILITY TO CORRECT ANY ERROR ON THE  
23 VOTER-VERIFIED PAPER RECORD.

24           (E) (1) EACH VOTER-VERIFIED PAPER RECORD PRODUCED SHALL BE  
25 SUITABLE FOR A MANDATORY RANDOM AUDIT HAND COUNT IN ACCORDANCE  
26 WITH § 9-110 OF THIS SUBTITLE.

27           (2) IN THE EVENT OF ANY INCONSISTENCY OR IRREGULARITY  
28 BETWEEN AN ELECTRONIC RECORD AND THE VOTER-VERIFIED PAPER RECORD,

1 THE VOTER-VERIFIED PAPER RECORD SHALL BE THE OFFICIAL TRUE AND  
2 CORRECT RECORD OF THE VOTES CAST.

3 (3) THE VOTER-VERIFIED PAPER RECORD SHALL:

4 (I) BE PRESERVED AND RETAINED IN A MANNER THAT  
5 MAKES IT IMPOSSIBLE TO ASSOCIATE A VOTER WITH THE RECORD OF THE  
6 VOTER'S VOTE; AND

7 (II) BE STORED BY A LOCAL BOARD IN A PLACE AND  
8 MANNER THAT IS SECURE FOR AT LEAST 1 YEAR AFTER THE ELECTION.

9 **9-108.**

10 ~~(A) A VOTING SYSTEM APPROVED BY THE STATE BOARD UNDER THIS~~  
11 ~~ARTICLE SHALL HAVE THE ABILITY FOR A VOTER TO CAST AND VERIFY THE~~  
12 ~~VOTER'S SELECTIONS BY BOTH VISUAL AND NONVISUAL MEANS.~~

13 ~~(B) AT LEAST ONE VOTING SYSTEM IN EACH POLLING PLACE ON~~  
14 ~~ELECTION DAY SHALL PROVIDE ACCESS FOR INDIVIDUALS WITH DISABILITIES~~  
15 ~~AND AFFORD THE VOTER THE OPPORTUNITY FOR PRIVATE AND INDEPENDENT~~  
16 ~~REVIEW, ACCEPTANCE, OR REJECTION OF THE BALLOT AS THE VOTER INTENDS~~  
17 ~~TO CAST IT.~~

18 ~~(C) THE STATE BOARD SHALL ADOPT REGULATIONS GOVERNING ANY~~  
19 ~~VOTING SYSTEM USED FOR AN ELECTION GOVERNED BY THIS ARTICLE TO~~  
20 ~~ENSURE THAT THE VOTING SYSTEM PROVIDES EQUIVALENT ACCESS FOR~~  
21 ~~INDIVIDUALS WHO ARE BLIND OR PARTIALLY SIGHTED OR WHO HAVE OTHER~~  
22 ~~DISABILITIES AS THE ACCESS THAT IS AFFORDED INDIVIDUALS WITHOUT~~  
23 ~~DISABILITIES.~~

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

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

29 (2) ENSURE THE INDEPENDENT, PRIVATE CASTING, INSPECTION,  
30 VERIFICATION, AND CORRECTION OF SECRET BALLOTS BY VOTERS WITH

1 DISABILITIES IN AN ACCESSIBLE MEDIA BY BOTH VISUAL AND NONVISUAL  
2 MEANS, INCLUDING SYNCHRONIZED AUDIO OUTPUT AND ENHANCED VISUAL  
3 DISPLAY; AND

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

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

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

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

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

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

23 (I) A PUBLIC DEMONSTRATION OF THE SYSTEM; AND

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

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

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

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

3 **9-109.**

4            (A) THE VOTING SYSTEM AGGREGATION AND TABULATION EQUIPMENT  
5 EMPLOYED BY THE STATE TO STORE, AGGREGATE, AND TOTAL THE VOTES CAST  
6 BY VOTERS SHALL ONLY RECEIVE DATA AND TRANSFER DATA BY DISK AND TAPE  
7 OR OTHER PHYSICAL MEANS.

8            (B) IN AGGREGATING AND TABULATING ELECTION RESULTS, THE  
9 ACCURACY OF THE RESULTS SHALL TAKE PRIORITY OVER THE SPEED WITH  
10 WHICH THE RESULTS ARE POSTED.

11           (C) THE SOFTWARE AND HARDWARE USED IN THE VOTING SYSTEM  
12 AGGREGATION AND TABULATION PROCESS SHALL BE CERTIFIED AT LEAST 30  
13 DAYS PRIOR TO ITS DEPLOYMENT IN EACH ELECTION.

14           (D) PROMPTLY AFTER THE CLOSE OF THE POLLS FOLLOWING EACH  
15 ELECTION, THE ELECTION JUDGES SHALL POST IN AN AREA ACCESSIBLE TO THE  
16 PUBLIC A PAPER RECORD OF THE TOTAL OF ALL THE VOTES CAST AT THAT  
17 POLLING PLACE.

18           (E) BEFORE THE COMMENCEMENT OF THE MANDATORY RANDOM AUDIT  
19 PROCESS, INCLUDING THE AUDIT DRAWING PRESCRIBED UNDER § 9-110 OF  
20 THIS SUBTITLE, EACH LOCAL BOARD AND THE STATE BOARD SHALL MAKE THE  
21 INITIAL ELECTION RESULTS OF ALL OF THE VOTES CAST AT EACH POLLING  
22 PLACE AVAILABLE ON A PUBLICLY ACCESSIBLE INTERNET WEBSITE.

23           (F) ~~THE PAPER PAPER~~ RECORDS OF THE INITIAL VOTE TOTALS POSTED  
24 AT EACH POLLING PLACE SHALL BE RETAINED IN A SECURE LOCATION AND  
25 MADE AVAILABLE FOR PUBLIC REVIEW UNDER SECURE CONDITIONS FOR A  
26 PERIOD OF 1 YEAR AFTER THE DATE OF EACH ELECTION.

27 **9-110.**

28           (A) (1) ~~WITHIN 3 DAYS AFTER THE INITIAL TOTAL OF ALL VOTES~~  
29 ~~CAST AT EACH POLLING PLACE IN EACH COUNTY AND STATEWIDE ELECTION~~  
30 ~~HAVE BEEN PUBLICLY POSTED ON ITS PUBLICLY ACCESSIBLE INTERNET~~



1 ~~WEBSITE BY EACH LOCAL BOARD AND THE STATE BOARD~~ PRIOR TO  
2 CERTIFYING ITS ELECTION RESULTS, EACH LOCAL BOARD SHALL CONDUCT A  
3 MANDATORY RANDOM AUDIT HAND COUNT OF THE ELECTION RESULTS.

4 (2) (I) EACH AUDIT SHALL COMPARE THE RESULTS OF ALL OF  
5 THE ELECTRONIC RECORDS PRODUCED BY THE VOTING SYSTEM WITH THE  
6 VOTER-VERIFIED PAPER RECORDS PRODUCED BY THE VOTING SYSTEM.

7 (II) IF THERE IS ANY INCONSISTENCY OR IRREGULARITY  
8 BETWEEN AN ELECTRONIC RECORD AND THE CORRESPONDING PAPER RECORD,  
9 THE PAPER RECORD SHALL BE THE OFFICIAL TRUE AND CORRECT RECORD OF  
10 THE VOTES CAST.

11 (3) THE MANDATORY RANDOM AUDIT HAND COUNT SHALL:

12 (I) COMPARE THE ELECTRONIC RECORDS IN RANDOMLY  
13 SELECTED POLLING PLACES WITH THE CORRESPONDING INDIVIDUAL  
14 VOTER-VERIFIED PAPER RECORDS;

15 (II) BE CONSTRUCTED ON AN ENTIRELY RANDOM BASIS  
16 USING A UNIFORM DISTRIBUTION IN WHICH ALL POLLING PLACES IN THE  
17 COUNTY HAVE AN EQUAL CHANCE OF BEING SELECTED;

18 (III) INCLUDE ALL VOTES CAST IN NO LESS THAN ~~5%~~ 2% OF  
19 ALL OF THE POLLING PLACES IN THE COUNTY, BUT NOT LESS THAN ONE  
20 POLLING PLACE IN THE COUNTY;

21 (IV) BE OPEN TO THE GENERAL PUBLIC AND THE PRESS FOR  
22 OBSERVATION, AND INCLUDE AN INVITATION AND AFFORD ACCESS TO AT LEAST  
23 ONE REPRESENTATIVE FROM EACH OFFICIALLY REGISTERED POLITICAL PARTY  
24 IN THE STATE TO PARTICIPATE IN THE AUDIT PROCESS;

25 (V) INCLUDE A RANDOM DRAWING, THAT IS OPEN TO  
26 OBSERVATION BY THE PUBLIC AND THE PRESS, TO DETERMINE WHICH POLLING  
27 PLACES IN EACH COUNTY WILL BE SELECTED FOR THE AUDIT; AND

28 (VI) BEGIN IMMEDIATELY AFTER THE POLLING PLACES  
29 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE SELECTED.

1           **(B) (1) IF A DISCREPANCY ~~IS~~ DISCOVERED BETWEEN THE VOTE**  
2 **TALLIES PRODUCED BY THE VOTING SYSTEM AND THE VOTE TALLIES OF**  
3 **VOTER-VERIFIED PAPER RECORDS MEETS THE LEVEL OF DISCREPANCY**  
4 **ESTABLISHED UNDER REGULATIONS ADOPTED IN ACCORDANCE WITH**  
5 **PARAGRAPH (2) OF THIS SUBSECTION, THE STATE BOARD SHALL IMMEDIATELY**  
6 **CONDUCT AN EXPANDED AUDIT OF ADDITIONAL RANDOMLY SELECTED POLLING**  
7 **PLACES IN THE COUNTY IN ORDER TO:**

8                   ~~(1)~~ **(I) DETERMINE THE EXTENT OF ANY INCONSISTENCIES OR**  
9 **IRREGULARITIES; AND**

10                   ~~(2)~~ **(II) RESOLVE ANY CONCERNS AND ENSURE THE ACCURACY**  
11 **OF THE RESULTS.**

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

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

17           **(C) (1) ONCE THE EXTENT OF ANY INCONSISTENCIES OR**  
18 **IRREGULARITIES IS DETERMINED, THE STATE BOARD SHALL CONDUCT A**  
19 **THOROUGH INVESTIGATION OF THE VOTING SYSTEM BEFORE THE RESULTS OF**  
20 **THE ELECTION ARE CERTIFIED IN ACCORDANCE WITH APPLICABLE STATE LAW.**

21                   **(2) IN ORDER TO RESOLVE THE OUTCOME AND CERTIFY THE**  
22 **RESULTS OF AN ELECTION, THE STATE BOARD SHALL ORDER THAT A RECOUNT**  
23 **BE CONDUCTED IN THE EVENT THAT THE RESULTS OF THE AUDIT CALL INTO**  
24 **QUESTION THE OUTCOME OF THE ELECTION FOR ANY FEDERAL, STATE, OR**  
25 **LOCAL CANDIDATE OR QUESTION.**

26           **(D) (1) ANY INCONSISTENCIES OR IRREGULARITIES IDENTIFIED**  
27 **BETWEEN THE CORRESPONDING AUDIT RESULTS AND THE INITIAL VOTE**  
28 **COUNTS SHALL BE POSTED PUBLICLY ON THE INTERNET WEBSITE OF THE**  
29 **STATE BOARD, ALONG WITH A DESCRIPTION OF THE ACTIONS TAKEN BY THE**  
30 **STATE BOARD TO RESOLVE THE DISCREPANCIES AND ANY OTHER RELATED**  
31 **CONCERNS.**

1           **(2) A LOCAL BOARD MAY NOT CERTIFY THE RESULTS OF ANY**  
2 **ELECTION THAT IS SUBJECT TO AN AUDIT UNDER THIS SECTION BEFORE THE**  
3 **COMPLETION OF THE AUDIT AND THE ANNOUNCEMENT AND PUBLICATION OF**  
4 **THE AUDIT RESULTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

5           **(3) AS TO ANY INCONSISTENCIES OR IRREGULARITIES**  
6 **DISCOVERED UNDER THIS SECTION, THE VOTER-VERIFIED PAPER RECORDS**  
7 **SHALL BE THE OFFICIAL TRUE AND CORRECT RECORD OF THE VOTES CAST.**

8 **9-111.**

9           **(A) TO ENSURE PROPER FUNCTIONING AND MAINTAIN PUBLIC**  
10 **CONFIDENCE IN THE VOTING SYSTEM, SUBSEQUENT TO CERTIFICATION AND**  
11 **BEFORE ITS USE IN EACH ELECTION, A LOCAL BOARD SHALL CONDUCT A PUBLIC**  
12 **DEMONSTRATION OF THE VOTING SYSTEM IN THE COUNTY, INCLUDING THE**  
13 **VOTE AGGREGATION AND TABULATION EQUIPMENT TO BE USED IN THE**  
14 **ELECTION.**

15           **(B) (1) THE PUBLIC DEMONSTRATION SHALL BE OPEN TO THE PRESS**  
16 **AND THE PUBLIC FOR FULL INSPECTION.**

17           **(2) THE DATE, TIME, AND LOCATION OF EACH DEMONSTRATION**  
18 **SHALL BE ANNOUNCED PUBLICLY AND POSTED CONSPICUOUSLY ON THE**  
19 **INTERNET WEBSITE OF THE STATE BOARD NO LATER THAN 7 BUSINESS DAYS**  
20 **BEFORE THE DATE THE DEMONSTRATION IS SCHEDULED TO TAKE PLACE.**

21           **(3) THE DEMONSTRATION SHALL TAKE PLACE NO SOONER THAN**  
22 **30 DAYS NOR LESS THAN 10 DAYS BEFORE EACH ELECTION.**

23 **9-112.**

24           **(A) THE STATE BOARD SHALL AT ALL TIMES MAINTAIN INFORMATION**  
25 **REGARDING THE OCCURRENCE OF VOTING SYSTEM FAILURES THAT IT**  
26 **IDENTIFIES, WHETHER DURING:**

27           **(1) PREELECTION TESTING AND CERTIFICATION PROCEDURES;**

28           **(2) THE CONDUCT OF ELECTION ACTIVITIES;**

1           **(3)    POSTELECTION AUDITS, RECOUNT PROCESSES, OR ELECTION**  
2 **RESULTS CERTIFICATION PROCEDURES; OR**

3           **(4)    ANY OTHER TIME.**

4           **(B)    THE VOTING SYSTEM FAILURES DOCUMENTED SHALL INCLUDE**  
5 **INFORMATION REGARDING:**

6           **(1)    EQUIPMENT BREAKDOWNS;**

7           **(2)    POWER OUTAGES AND SURGES;**

8           **(3)    UNUSUAL OR MALFUNCTIONING COMPUTER HARDWARE AND**  
9 **SOFTWARE PROBLEMS; AND**

10          **(4)    DISCREPANCIES IN VOTING SYSTEM AUDITING AND**  
11 **CERTIFICATION PROCEDURES.**

12          **(C)    THE STATE BOARD SHALL:**

13           **(1)    MAINTAIN A PERMANENT RECORD OF THE INFORMATION**  
14 **THAT IT ACCUMULATES UNDER THIS SECTION; AND**

15           **(2)    MAKE THE INFORMATION AVAILABLE TO THE PUBLIC ON ITS**  
16 **WEBSITE WITHIN 48 HOURS AFTER IT IS DISCOVERED, WHETHER BY THE STATE**  
17 **BOARD OR ANOTHER PERSON CHARGED WITH CERTIFYING OR DECERTIFYING**  
18 **ELECTION RESULTS OR AN ELECTION VOTING SYSTEM.**

19          SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to  
20 each election occurring on or after March 1, ~~2008~~ 2010, that is required to be  
21 conducted in accordance with the Election Law Article.

22          ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Governor shall~~  
23 ~~allocate the resources required to implement the requirements of this Act, including~~  
24 ~~any gift received by the State for the purposes of this Act under § 2-201 of the State~~  
25 ~~Finance and Procurement Article, and, except for federal funds received by the State~~  
26 ~~to implement the requirements of the Help America Vote Act 2002, any federal or~~  
27 ~~other special funds or grant received by the State in accordance with federal and State~~  
28 ~~law for the purposes of this Act.~~

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

13        SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of  
 14 this Act, this Act shall take effect July 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.