

# SENATE BILL 406

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By: **Senators Peters, Benson, Currie, Muse, Ramirez, and Rosapepe**

Introduced and read first time: January 27, 2017

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2017

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

1 AN ACT concerning

2 **Election Law – Voting System – ~~Optical Digital Scanners in Prince George’s~~**  
3 **~~County~~**

4 FOR the purpose of requiring the State Board of Elections to include, on request by a local  
5 board of elections and with the approval of the applicable county governing body, a  
6 certain number of ~~optical~~ additional digital scanners for ~~each polling place in Prince~~  
7 ~~George’s County~~ certain polling places as part of the voting system for voting in  
8 polling places; requiring certain costs to be apportioned between the State and a  
9 county in a certain manner; providing that, except under certain circumstances, a  
10 local board shall submit a request to the State Board for additional digital scanners  
11 on or before a certain date; requiring that, following each primary and general  
12 election, the State Board conduct a statewide independent automated software audit  
13 of the ballot images for the election; and generally relating to ~~optical~~ additional  
14 digital scanners in polling places ~~in Prince George’s County~~.

15 BY repealing and reenacting, with amendments,  
16 Article – Election Law  
17 Section 9–101 and 9–102(i)  
18 Annotated Code of Maryland  
19 (2010 Replacement Volume and 2016 Supplement)

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

22 **Article – Election Law**

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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 9–101.

2 (a) The State Board, in consultation with the local boards, shall select and certify  
3 a voting system for voting in polling places and a voting system for absentee voting.

4 (b) The voting system selected and certified for voting in polling places and the  
5 voting system selected and certified for absentee voting shall be used in all counties.

6 (c) (1) The State Board shall acquire:

7 [(1)] (I) the voting system selected and certified for voting in polling  
8 places; and

9 [(2)] (II) the voting system selected and certified for absentee voting.

10 ~~(2) THE STATE BOARD SHALL INCLUDE AT LEAST TWO OPTICAL~~  
11 ~~SCANNERS FOR EACH POLLING PLACE IN PRINCE GEORGE'S COUNTY WITH THE~~  
12 ~~VOTING SYSTEM ACQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.~~

13 (2) (I) ON REQUEST BY A LOCAL BOARD, AND WITH THE APPROVAL  
14 OF THE APPLICABLE COUNTY GOVERNING BODY, THE STATE BOARD SHALL  
15 INCLUDE WITH THE VOTING SYSTEM ACQUIRED UNDER PARAGRAPH (1)(I) OF THIS  
16 SUBSECTION AT LEAST TWO DIGITAL SCANNERS FOR EACH POLLING PLACE  
17 DESIGNATED BY THE LOCAL BOARD TO RECEIVE MULTIPLE DIGITAL SCANNERS.

18 (II) 1. A LOCAL BOARD SHALL SUBMIT A REQUEST TO THE  
19 STATE BOARD FOR ADDITIONAL DIGITAL SCANNERS NO LATER THAN 12 MONTHS  
20 BEFORE THE DATE OF THE ELECTION FOR WHICH THE SCANNERS ARE TO BE  
21 DEPLOYED.

22 2. ON A SHOWING OF GOOD CAUSE, THE STATE BOARD  
23 MAY WAIVE THE DEADLINE FOR THE SUBMISSION OF A REQUEST BY A LOCAL BOARD  
24 FOR ADDITIONAL DIGITAL SCANNERS UNDER THIS SUBPARAGRAPH.

25 (III) THE COST OF THE ADDITIONAL DIGITAL SCANNERS  
26 ACQUIRED BY THE STATE BOARD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH  
27 SHALL BE SPLIT EVENLY BETWEEN THE STATE AND THE COUNTY TO WHICH THE  
28 DIGITAL SCANNERS ARE DEPLOYED.

29 9–102.

30 (i) (1) The State Board shall adopt regulations relating to requirements for  
31 each voting system selected and certified under § 9–101 of this subtitle.

1           (2)    The regulations shall specify the procedures necessary to assure that  
2 the standards of this title are maintained, including:

3                   (i)     a description of the voting system;

4                   (ii)    a public information program by the local board, at the time of  
5 introduction of a new voting system, to be directed to all voters, candidates, campaign  
6 groups, schools, and news media in the county;

7                   (iii)   local election officials' responsibility for management of the  
8 system;

9                   (iv)    the actions required to assure the security of the voting system;

10                  (v)     the supplies and equipment required, **INCLUDING THE**  
11 **SUPPLEMENTAL EQUIPMENT SPECIFIED UNDER § 9-101(C)(2) OF THIS SUBTITLE;**

12                  (vi)    the storage, delivery, and return of the supplies and equipment  
13 necessary for the operation of the voting system;

14                  (vii)   standards for training election officials in the operation and use  
15 of the voting system;

16                  (viii)   before each election and for all ballot styles to be used, testing by  
17 the members of the local board to ensure the accuracy of tallying, tabulation, and reporting  
18 of the vote, and observing of that testing by representatives of political parties and of  
19 candidates who are not affiliated with political parties;

20                  (ix)    the number of voting stations or voting booths required in each  
21 polling place, in relation to the number of registered voters assigned to the polling place;

22                  (x)     the practices and procedures in each polling place appropriate to  
23 the operation of the voting system;

24                  (xi)    assuring ballot accountability in systems using a document  
25 ballot;

26                  (xii)   the actions required to tabulate votes; and

27                  (xiii)   postelection review and audit of the system's output.

28           **(3)    FOLLOWING EACH PRIMARY AND GENERAL ELECTION, THE STATE**  
29 **BOARD SHALL CONDUCT A STATEWIDE INDEPENDENT AUTOMATED SOFTWARE**  
30 **AUDIT OF THE BALLOT IMAGES FOR THE ELECTION.**

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1                   ~~(3)~~ **(4)**           Certification of a voting system is not effective until the  
2 regulations applicable to the voting system have been adopted.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.