



H.B. 14

124th General Assembly
(As Introduced)

Rep. Flannery

BILL SUMMARY

- Requires elections judges, in precincts that use punch card ballots, to inspect the ballots and to remove chads that are attached by two or fewer corners before the ballots are counted.
- Specifies that, if a chad remains attached to a punch card ballot by three or four corners, it must be deemed that the voter did not record a candidate, question, or issue choice at the particular position on the ballot, and the chad must not be counted as a vote.

CONTENT AND OPERATION

Existing law

Existing law permits a board of elections, a board of county commissioners upon the recommendation of the board of elections, or the majority of voters of a county voting on the question, to adopt voting machines, marking devices, and automatic tabulating equipment for use in the county (sec. 3506.02—not in the bill). In order for voting machines, marking devices, and automatic tabulating equipment to be used, they must first be examined and approved by the Board of Voting Machine Examiners (secs. 3506.05, 3506.06, 3506.07, and 3506.10—not in the bill).

Existing law does not establish specific standards for the various types of voting machines, marking devices, and automatic tabulating equipment. Instead, once voting equipment is approved for use in a county, the Secretary of State is required to provide each board of elections with *rules and instructions* regarding the examination, testing, and use of that equipment. In those rules and instructions, the Secretary of State is required, for each type of voting machine or automatic tabulating equipment, to determine the procedure for casting a vote and how the vote must be tallied and reported. The Secretary of State also must adopt other rules and instructions necessary to ensure the adequate care and custody of

voting equipment. The board of elections in a county using that equipment is required to provide adequate instruction to voters and elections officials regarding the proper use of voting machines and marking devices. (Sec. 3506.15.)

Changes proposed by the bill

The bill generally retains the provisions of existing law regarding voting machines, marking devices, and automatic tabulating equipment, while it establishes counting standards for punch card ballots. The bill defines a "punch card ballot" as a ballot card that contains small perforated designated positions that a marking device must pierce to form a hole that records a voter's candidate, question, or issue choice. A "chad" is the small piece of paper or cardboard produced from a punch card ballot when a voter pierces a hole in a perforated, designated position on the ballot with a marking device to record the voter's candidate, question, or issue choice. (Sec. 3506.16(A).)

In precincts where punch card ballots are used, the bill requires the judges to inspect the ballots before they are counted by automatic tabulating equipment. The judges are required to remove any chad attached by two or fewer corners; they must not remove any chad attached by three or four corners. If a chad remains attached by three or four corners, it must be deemed that a voter did not record a candidate, question, or issue choice at the particular position on the ballot, and the chad must not be counted as a vote. (Sec. 3506.16(B).) Similarly, in any recount of punch card ballots, if a chad is attached by three or four corners, it must be deemed by the board of elections that a voter did not record a candidate, question, or issue choice at the particular position on the ballot, and the chad must not be counted as a vote (sec. 3515.04).

HISTORY

ACTION	DATE	JOURNAL ENTRY
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