



**S.B. 6**

124th General Assembly  
(As Introduced)

**Sen. Hottinger**

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**BILL SUMMARY**

- Requires voter instructions for punch card ballots to instruct voters to remove partially attached chads from their ballots before returning them to election officials.
- Requires designated board of elections employees, in counties 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, the chad must not be counted as a vote.

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**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 perforated designated positions that a marking device must pierce to record a voter's choice for or on a candidate, question, or issue. A "chad" is the piece of paper or cardboard produced from a punch card ballot when a voter pierces a perforated, designated position on the ballot with a marking device to record the voter's choice for or on a candidate, question, or issue. (Sec. 3506.16(A).)

In counties where punch card ballots are used, the bill requires the board of elections to instruct voters (including those voting by absent voter's ballots) to examine their marked ballot cards and to remove any chads that remain partially attached before returning them to election officials (secs. 3506.15 and 3509.01). In addition, the bill requires designated board of elections employees to inspect the punch card ballots at the board before they are counted by automatic tabulating equipment. The board must designate teams to so inspect the ballots. The teams must consist of two board employees, one from each major political party. The board may designate as many teams as it considers necessary to efficiently inspect the ballots. The board also may designate teams of two employees, one from each major political party, to monitor the inspection teams. (Sec. 3506.16(B) and (C).)

Board employees designated to inspect punch card ballots 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, 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 that a voter did not record a candidate, question, or issue choice, and the chad must not be counted as a vote (sec. 3515.04).

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	pp. 90-91

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