



Lynda J. Jacobsen

Bill Analysis
Legislative Service Commission

H.B. 358

125th General Assembly
(As Introduced)

Reps. Ujvagi, Bocchieri, Fessler, Yates, Seitz, Kearns, Miller, Allen, Hoops, Brown, Brinkman, Perry, Redfern

BILL SUMMARY

- Requires a voting machine approved, certified, and used in this state to produce a voter-verified paper record that is suitable for a recount or a manual audit and that meets certain specifications.
- Specifies that, if a voting machine requires the use of an activation code for its operation or for the counting of ballots cast on it, the Secretary of State or a board of elections must set the activation code before the voting machine is used in an election and must change any activation code previously set by the machine's manufacturer or distributor.

CONTENT AND OPERATION

Existing law

Existing law prohibits the Board of Voting Machine Examiners from approving, the Secretary of State from certifying, and counties from purchasing, renting, or otherwise acquiring or using voting machines, except for certain experimental use, unless the voting machines fulfill certain requirements (sec. 3506.10). For example, existing law requires voting machines approved, certified, and used in this state to permit voting in absolute secrecy (sec. 3506.10(A)).

Changes proposed by the bill

In addition to all of the voting machine requirements established under existing law, the bill requires a voting machine approved, certified, and used in this state to also meet two new requirements (sec. 3506.10(O) and (P)).

Production of a voter-verified paper record

The bill requires a voting machine to produce a voter-verified paper record that is suitable for a recount or a manual audit and that is equivalent or superior to the paper record produced by a paper ballot system, by doing both of the following (sec. 3506.10(O)(1) and (2)):

- Producing a permanent paper record, which must be made available for inspection and verification by the voter at the time the ballot is cast and which must be preserved in the same manner as paper ballots are preserved under existing law. The record produced must be the official record used for any recount or manual audit conducted with respect to any election in which the voting machine is used.
- Providing the voter with an opportunity to correct any error made by the voting machine before the permanent record is preserved for use in a recount or manual audit.

Initial setting of an activation code

The bill specifies that, if a voting machine requires the use of an activation code for its operation or for the counting of ballots cast on it, it must require the Secretary of State or a board of elections to initially set the activation code before the voting machine is used in an election. In order to meet this requirement, a required activation code must not be set by the manufacturer or distributor of a voting machine unless the Secretary of State or a board of elections can change the activation code before the voting machine is used in an election. The Secretary of State or a board of elections must change any activation code set by the manufacturer or distributor of a voting machine before it is used in an election. (Sec. 3506.10(P).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-23-03	p. 1342

H0358-I-125.doc/jc