

MAINE STATE LEGISLATURE

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MAJORITY
LEGAL AND VETERANS AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1281, L.D. 1759, Bill, "An Act To Ensure the Accurate Counting of Votes"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 21-A MRSA §808, sub-§5-A is enacted to read:

5-A. Direct recording electronic voting machine. "Direct recording electronic voting machine" means a system that records votes by means of a ballot display provided with mechanical, electro-optical or electro-audio components that can be activated by the voter, that processes data by means of a computer program and that records voting data in memory components. A direct recording electronic voting machine produces a tabulation of the voting data stored in a removable memory component and on a printed copy.

Sec. 2. 21-A MRSA §808, sub-§8-A and 8-B are enacted to read:

8-A. Mechanical lever voting machine. "Mechanical lever voting machine" means a machine that directly records a voter's choices via mechanical lever-actuated controls into a counting mechanism that tallies the votes without using a physical ballot.

8-B. Punch card voting machine. "Punch card voting machine" means a machine that transmits a voter's choices onto either a prescored or unscored ballot via mechanically punched holes that are then read and tallied by the machine.

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Sec. 3. 21-A MRSA §809, sub-§3-A is enacted to read:

3-A. Proscribed voting machines. The following types of voting machines may not be used in the conduct of state elections:

A. Mechanical lever voting machines; and

B. Punch card voting machines.

Sec. 4. 21-A MRSA §809-A is enacted to read:

§809-A. Certain electronic connections and Internet voting prohibited

1. Electronic connections prohibited. Connections of any voting devices, as defined by section 808, via the Internet to centralized vote collection equipment may not be employed by election officials of the State. Networking of voting machines, Internet-enabled or otherwise, is prohibited.

2. Electronic returns. A vote total that is transmitted electronically is not considered an official return. The official return of votes cast must be prepared in accordance with section 711. Nothing in this section may be construed to prevent the electronic filing of unofficial returns.

3. Internet voting. Use of the Internet for the casting of votes on-line is prohibited.

Sec. 5. 21-A MRSA §812, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A voting machine purchased--by--a--municipality used in the conduct of state elections must meet the following requirements.

Sec. 6. 21-A MRSA §812, sub-§4-A, as enacted by PL 1995, c. 459, §88, is repealed.

Sec. 7. 21-A MRSA §812, sub-§10 is enacted to read:

10. Paper audit trail. Unless excluded pursuant to section 812-A, subsection 1, it must produce or employ permanent paper records of the votes cast that are able to be verified by individual voters before their votes are cast and that provide a manual audit capacity for the machine. In the case of direct recording electronic voting machines, those records must also identify the individual machines that produced them without revealing the identities of the voters who cast the ballots. In all cases, these records must be reviewed in the event of a

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2 recount and considered in conjunction with the machine-produced
3 tally.

4 **Sec. 8. 21-A MRSA §812-A** is enacted to read:

6 **§812-A. Accessible voting equipment**

8 **1. Accessible voting equipment at each polling place.** The
9 Secretary of State, in compliance with the voting accessibility
10 requirements of the federal Help America Vote Act of 2002, shall
11 provide one direct recording electronic voting machine, or other
12 voting system equipped for individuals with disabilities, for use
13 at each polling place used in the conduct of state elections.
14 Such machines must produce permanent paper records that provide a
15 manual audit capacity for the machines and must also provide
16 voters with audio functions that enable the voters to verify
17 their ballots aurally before the votes are cast, and all such
18 machines are exempt from the requirements of section 812,
19 subsection 10.

20 Additional accessible voting machines may be used in the conduct
21 of state elections, but those machines must meet the requirements
22 set forth in section 812.

23 **2. Moratorium.** Notwithstanding subsection 1, the State may
24 not purchase or approve direct recording electronic voting
25 machines, or other voting systems equipped for individuals with
26 disabilities, at any time prior to March 1, 2005. This
27 subsection is repealed March 1, 2005.

28 **Sec. 9. Report on implementation.** The Secretary of State shall
29 report, by January 15, 2005, to the joint standing committee of
30 the Legislature having jurisdiction over statewide election
31 matters on progress made to implement the accessible voting
32 equipment requirements of the federal Help America Vote Act of
33 2002. The report must include a plan to comply with the federal
34 law and to promote voting accessibility for individuals with
35 disabilities through the purchase and implementation of one
36 direct recording electronic voting machine, or other voting
37 system equipped for individuals with disabilities, for each
38 polling place used in state elections.'

44 **SUMMARY**

46 This amendment replaces the bill. It defines "direct
47 recording electronic voting machine," "mechanical lever voting
48 machine" and "punch card voting machine." The amendment requires
49 that any voting machine used in the State produce a paper audit
50 trail. It also bans the use of mechanical lever voting machines

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2 and punch card voting machines. The amendment further prohibits
the networking of voting machines and prohibits Internet voting.

4 The amendment requires the Secretary of State to report to
the joint standing committee of the Legislature having
6 jurisdiction over statewide election matters by January 15, 2005
on the progress made to implement the accessible voting equipment
8 requirements of the federal Help America Vote Act of 2002. The
amendment also places a moratorium on the purchase and approval
10 of direct recording electronic voting machines, or other voting
systems equipped for individuals with disabilities, until March
12 1, 2005.