



Senate

General Assembly

File No. 414

February Session, 2006

Substitute Senate Bill No. 181

Senate, April 6, 2006

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FULL-FACED BALLOTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 9-242 of the 2006 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (d) Any direct recording electronic voting machine approved by the
5 Secretary of the State for an election or primary held on or after July 1,
6 2005, shall be so constructed as to:

7 (1) (A) Contemporaneously produce an individual, permanent,
8 paper record containing all of the elector's selections of ballot
9 preferences for candidates and questions or proposals, if any, prior to
10 the elector's casting a ballot, as set forth in this subsection, and (B)
11 produce at any time after the close of the polls a voting machine
12 generated, individual, permanent, paper record of each such elector's
13 selections of ballot preferences for candidates and questions or

14 proposals, if any. Both the contemporaneously produced paper record
15 and the voting machine generated paper record of each elector's
16 selections of ballot preferences shall include a voting machine
17 generated unique identifier that can be matched against each other and
18 which preserves the secrecy of the elector's ballot as set forth in
19 subdivision (4) of this subsection;

20 (2) Provide each elector with an opportunity to verify that the
21 contemporaneously produced, individual, permanent, paper record
22 accurately conforms to such elector's selection of ballot preferences, as
23 reflected on the electronic summary screen, and to hear, if desired, an
24 audio description of such electronic summary screen, for the purpose
25 of having an opportunity to make any corrections or changes prior to
26 casting the ballot. If an elector makes corrections or changes prior to
27 casting the ballot, the voting machine shall void such
28 contemporaneously produced paper record, contemporaneously
29 produce another paper record containing such corrections or changes
30 and provide the elector with another opportunity to verify ballot
31 preferences in accordance with the provisions of this subdivision. As
32 used in this section, "electronic summary screen" means a screen
33 generated by a direct recording electronic voting machine that displays
34 a summary of an elector's selections of ballot preferences for
35 candidates and questions or proposals, if any, at an election or
36 primary;

37 (3) Provide that a ballot shall be deemed cast on the voting machine
38 at the time that an elector's contemporaneously produced, individual,
39 permanent, voter-verified paper record, containing all of the elector's
40 final selections of ballot preferences, is (A) deposited inside a
41 receptacle designed to store all such paper records produced by such
42 voting machine on the day of the election or primary, and (B) the
43 elector's selection of ballot preferences is simultaneously electronically
44 recorded inside the voting machine for the purpose of (i) being
45 electronically tabulated immediately after the polls are closed on the
46 day of the election or primary, and (ii) producing, on such other day as
47 required under section 9-242b, a voting machine generated, individual,

48 permanent, paper record of each such elector's selections of ballot
49 preferences for candidates and questions or proposals, if any;

50 (4) Except as otherwise provided in subdivision (1) of section 9-
51 242b, secure the secrecy of each such elector's ballot by making it
52 impossible for any other individual to identify the elector in
53 relationship to such elector's selection of ballot preferences at the time
54 that the elector (A) selects ballot preferences; (B) verifies the accuracy
55 of the electronic summary screen by comparing it to the
56 contemporaneously produced, individual, permanent, paper record or
57 the audio description of such electronic summary screen, prior to
58 casting a ballot; (C) makes corrections or changes by reselecting ballot
59 preferences and verifies the accuracy of such preferences in accordance
60 with the provisions of subdivision (2) of this subsection prior to casting
61 a ballot; and (D) casts the ballot; and at the time that all electors' ballots
62 are canvassed, recanvassed or otherwise tallied to produce a final
63 count of the vote for candidates and questions or proposals, if any,
64 whether through the electronic vote tabulation process or through the
65 manual count process of each elector's contemporaneously produced,
66 individual, permanent, voter-verified paper record, as set forth in
67 section 9-242b; [and]

68 (5) Except for the one voting machine per polling place that
69 complies with the provisions of the Help America Vote Act, 42 USC
70 15301 et seq., be able to display, at once, on the machine's interface all
71 such information as is required pursuant to chapter 147 to appear on
72 the ballot label provided nothing in this subdivision shall be construed
73 to apply to any request for proposals issued by the Secretary of the
74 State, on or before the effective date of this section, for such electronic
75 voting machine; and

76 [(5)] (6) (A) Be accessible to blind or visually impaired persons by
77 providing each elector, if desired by the elector, an audio description
78 of the contemporaneously produced individual, permanent, paper
79 record containing all of the elector's selections of ballot preferences, in
80 addition to an audio description of the electronic summary screen and

81 comply with such additional standards of accessibility included in
82 regulations that the Secretary of the State may adopt in accordance
83 with the provisions of chapter 54.

84 (B) Notwithstanding the provisions of subparagraph (A) of this
85 subdivision, on or before June 30, 2007, the Secretary of the State may
86 approve an electronic voting machine that does not comply with the
87 provisions of said subparagraph if (i) the Secretary determines that
88 there are no electronic voting machines available for purchase or lease
89 at the time of such approval that are capable of complying with said
90 subparagraph (A), (ii) the electronic voting machine complies with the
91 provisions of subdivisions (1) to [(4)] (5), inclusive, of this subsection,
92 and (iii) the person applying to the Secretary for approval of the
93 electronic voting machine agrees to include a provision in any contract
94 for the sale or lease of such voting machines that requires such person,
95 upon notification by the Secretary that modifications to such machines
96 that would bring the machines into compliance said subparagraph (A)
97 are available, to (I) so modify any electronic voting machines
98 previously sold or leased under such contract in order to comply with
99 said subparagraph (A), and (II) provide that any electronic voting
100 machines sold or leased after receipt of such notice comply with said
101 subparagraph (A). No voting machine approved under this
102 subparagraph shall be used on or after July 1, 2007, unless it has been
103 modified to comply with the provisions of subparagraph (A) of this
104 subdivision.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-242(d)

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Secretary of the State	GF - See Below	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 07 \$	FY 08 \$
All Municipalities	See Below	See Below	See Below

Explanation

This bill requires that any direct recording electronic voting machine approved by the Secretary of the State (SOTS) after July 1, 2005 must have full-faced ballots. The bill provides an exception for the Help America Vote Act (HAVA) requirement of one voting machine per polling place. If the SOTS has a request for proposal (RFP) issued before the effective date of this bill full-faced ballots are not required for electronic voting machines. The Federal government has appropriated \$33 million in HAVA funding to the State for the replacement of voting machines. Currently, no federally certified voting machine exists that contains both a verified paper receipt, which is currently required by statute, and the proposed full-faced ballot. This bill would require the SOTS in future RFPs to require the machines to have full-faced ballots. Since it is unknown how many machines will be purchased after the current RFP is fulfilled, the future cost is indeterminate, but may be significant.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

OLR Bill Analysis**sSB 181*****AN ACT CONCERNING FULL-FACED BALLOTS.*****SUMMARY:**

With two exceptions, this bill requires all direct recording electronic voting machines (DREs) used in a state election or primary to have full-faced ballots (i.e., simultaneously display on a single screen the name of every candidate running for office). The bill exempts (1) the one machine per polling place that complies with the federal Help America Vote Act ((HAVA) (P. L. 107-252)) requirement to provide at least one machine with specified features for persons with disabilities and (2) any DREs that the secretary of the state approves as a result of a request for proposals she issues until the bill's effective date (see BACKGROUND).

Since HAVA requires every voting system used in a federal election on or after January 1, 2006 to meet certain standards that do not include the full-faced ballot requirement, it is unclear what the bill's effect will be.

EFFECTIVE DATE: Upon passage

BACKGROUND***Help America Vote Act***

Congress passed HAVA in October 2002 as a package of federally ordered election improvements. Under § 301 of HAVA, the technology and administration of every voting system used in federal elections must meet uniform and nondiscriminatory requirements.

Beginning January 1, 2006, each polling place must be accessible to individuals with disabilities, including the blind and visually

impaired, while maintaining voter privacy and ballot confidentiality through the use of at least one DRE or properly equipped voting system per polling place. In addition, all voting systems must by that date:

1. permit voters to verify their selections on their ballot, notify them of overvotes, and permit them to make changes or correct an error before casting the ballot;
2. produce a permanent paper record for the voting system that can be manually audited and is available as an official record for recounts;
3. provide alternative language accessibility, as required by the Voting Rights Act of 1965; and
4. comply with the error rate standards in the federal voting system standards in effect on October 29, 2002.

Request for Proposals

The secretary of the state issued RFP Number 06PSX0057 on February 10, 2006, soliciting bids for (1) one voting system in each of Connecticut's 769 polling places and two for the Office of the Secretary of the State that comply with HAVA and (2) as funding is available, a sufficient number of voting machines to replace all of Connecticut's lever voting systems, currently 3,308.

The RFP requires the vendor to allow system software upgrades and additional purchases, among other things, for the duration of a contract that results from the RFP. It requires proposals to constitute "a complete replacement solution."

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 18 Nay 1 (03/24/2006)