



Bill Analysis

John S. VanNorman

Legislative Service Commission

S.B. 77

126th General Assembly
(As Introduced)

Sen. Grendell

BILL SUMMARY

- Permits a direct recording electronic (DRE) voting machine that was certified for use on January 1, 2005, to continue to be used on or after the bill's effective date if it is modified to meet the requirements of the Help America Vote Act of 2002 on and after the first federal election that is held after January 1, 2006, and, when technologically and economically feasible, to include a voter verified paper audit trail at the earliest

CONTENT AND OPERATION

Direct recording electronic voting machines

In general

Under existing Ohio law, one of the various types of voting machines that a county may adopt for use in elections is a direct recording electronic (DRE) voting machine that has been certified by the Secretary of State pursuant to statutory procedures involving prior approval by the Board of Voting Machine Examiners (sec. 3506.05; secs. 3506.01(E) and (F) and 3506.02--not in the bill) (see **COMMENT 1**). Existing Ohio law requires that, on and after the first federal election that is held after January 1, 2006 (unless required sooner by the federal Help America Vote Act of 2002 (HAVA)), all DRE voting machines used in this state must include a "voter verified paper audit trail" (sec. 3506.10(P)) (see **COMMENT 2**).

Changes proposed by the bill

Continued use permissible. The bill provides that, notwithstanding

DRE voting machines whose certification is withdrawn.

- Operating the replacement voting machines, marking devices, or automatic tabulating equipment for a period of four years after their acquisition if the costs of that operation exceed the county's estimated costs, for the same period, of operating its DRE voting machines whose certification is withdrawn.

Voter verified paper audit trails

When required

The bill modifies the requirement mentioned previously that, unless required sooner by HAVA, a DRE voting machine must include a voter verified paper audit trail on and after the first federal election that occurs after January 1, 2006. This requirement, under the bill, would apply only to those DRE voting machines that a county purchases, rents, or otherwise acquires *on or after January*

Changes proposed by the bill. The bill instead provides that the waiver of the optical scanning and readability requirement applies only with regard to DRE voting machines purchased, rented, or otherwise acquired on or after January 1, 2005. This is because, under the bill consistent with its "when required" provisions, for DRE voting machines purchased, rented, or otherwise acquired for use *before January 1, 2005*, the optical scanning and readability requirement will apply only when meeting that requirement is technologically and economically feasible. (Sec. 3506.05(H)(3)(a)(v), (b), and (c).)

COMMENT

1. A "direct recording electronic voting machine" is one that records votes by means of a ballot display provided with mechanical or electro-optical components that can be actuated by the voter, that processes the data by means of a computer program, and that records voting data and ballot images in internal or external memory components (sec. 3506.01(F)--not in the bill).

2. A "voter verified paper audit trail" (VVPAT) is a physical paper printout on which the voter's ballot choices, as registered by a DRE voting machine, are

of the voter's ballot and that is securely retained by the board of elections, (b) a requirement that the VVPAT not be retained by any voter and a requirement that it not contain individual voter information, (c) a prohibition against the production by the DRE voting machine of anything that legally could be removed by the voter from the polling place (for example, a receipt or voter confirmation), and (d) a requirement that paper used in producing a VVPAT be sturdy, clean, and resistant to degradation. The definition of a "voter verified paper audit trail" further requires that the physical paper printout be securely retained, in accordance with Secretary of State storage rules, at the polling place until the close of the polls on the day of an election. (Sec. 3506.01(H)--not in the bill and sec. 3506.05(H)(3)(a)(i) to (iv)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-23-05	p. 205