

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 654 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/17/05

A Bill

HOUSE BILL 1360

5 By: Representatives Kidd, Sumpter, *Berry, Blair, Bolin, Cook, D. Creekmore, Davenport, D. Evans,*
6 *George, Glidewell, Hardwick, Harrelson, Harris, J. Johnson, M. Martin, Mathis, Medley, Overbey,*
7 *Petrus, Pickett, Pyle, Reep, L. Smith, Thompson, Thyer, Wills, Wyatt*
8 By: Senators Altes, T. Smith, Steele
9

For An Act To Be Entitled

12 AN ACT CONCERNING DIRECT READ ELECTRONIC VOTING
13 MACHINES AND VOTER VERIFIED PAPER TRAILS; AND FOR
14 OTHER PURPOSES.

Subtitle

17 AN ACT CONCERNING DIRECT READ ELECTRONIC
18 VOTING MACHINES AND VOTER VERIFIED PAPER
19 TRAILS.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 7-5-504 is amended to read as follows:
25 7-5-504. Machine specifications.

26 No make of voting machines shall be approved for use unless it is so
27 constructed that:

28 (1) It will ensure secrecy to the voter in the act of voting;

29 (2) It shall provide facilities for voting for or against as
30 many questions as may be submitted;

31 (3) It shall permit the voter to vote separately for the
32 candidate of his choice for each office or position to be voted upon and to
33 vote separately on each issue to be decided by election;

34 (4) It shall permit the voter to vote for as many persons for an
35 office for whom he is lawfully entitled to vote, but no more;



1 (5) It shall prevent the voter from voting for the same
2 candidate or question more than once;

3 (6) It shall permit the voter to vote for or against any
4 question on which he may have the right to vote, but no other;

5 (7) When used in primary elections, it shall be so equipped that
6 the election officials can lock out all candidate counters except those of
7 the voter's party by a single adjustment on the outside of the machine;

8 (8) It shall be so equipped and constructed that at all
9 elections all unused vote indicators or devices may be effectively locked out
10 against use;

11 (9) It shall correctly register and record and accurately count
12 all votes cast for any and all persons and for or against any and all
13 questions;

14 (10) It shall be provided with a protective counter or tabulator
15 or protective devices to prevent any unauthorized operation of the machine
16 before or after the election;

17 (11) It shall be provided with a counter or tabulator which
18 shall show at all times during the election how many persons have voted;

19 (12) The machine shall be so equipped and constructed with a
20 lock or locks which cannot be made inoperative so that after the polls have
21 opened, if at any time for any reason the results are exposed, further
22 operation of the machine will be automatically prevented;

23 (13) Each precinct shall be supplied with a mechanical model
24 illustrating the manner of voting on the machine and suitable for the
25 instruction of voters;

26 (14) It will permit a voter to vote for all the candidates for
27 presidential electors of any party by one (1) operation;

28 (15) It will permit a voter to vote in any election for any
29 person for whom he wishes to vote when the person's name does not appear upon
30 the voting machine;

31 (16) It bears a number that will distinguish it from any other
32 machine;

33 (17) It shall be provided with a lighting device which shall
34 give sufficient light to enable voters while voting to read the ballots and
35 which shall be suitable for use by the commissioners or committee in
36 examining the counters or tabulators, and it shall be provided with a screen,

1 hood, or curtain which shall be so made and adjusted as to conceal the voter
2 while voting;

3 (18) It may be either manually or electrically operated. An
4 electric machine must be capable of being operated either manually or from an
5 alternate power source should the need arise;

6 (19) The frames in which ballot labels are placed shall be
7 constructed with transparent protective devices in order that the names
8 thereon cannot be mutilated or altered; ~~and~~

9 (20) It may be equipped with a device which embosses, prints, or
10 photographs the numbers registered on the counters. The device shall produce
11 a proof sheet prior to the opening of the polls to provide accurate proof of
12 machine setup and a return record in a minimum of three (3) copies which
13 provides totals for each candidate, question, amendment, and public counter,
14 and the serial number of the machine-; and

15 (21)(A) If the machine is a direct read electronic voting
16 machine, it shall include a voter verified paper audit trail as provided
17 under § 7-5-532.

18

19 SECTION 2. Arkansas Code Title 7, Chapter 5 is amended to add an
20 additional section to read as follows:

21 7-5-532. Direct read electronic voting machines.

22 (a) For purposes of this section:

23 (1) "Direct electronic voting machine" means a voting machine
24 that:

25 (A) Records votes by means of a ballot display provided
26 with mechanical or electro-optical components that may be actuated by the
27 voter;

28 (B) Process the data by means of a computer program;

29 (C) Records voting data and ballot images in internal or
30 external memory components; and

31 (D) Produces a tabulation of the voting data stored in a
32 removable memory component and in printed copy; and

33 (2) "Voter verified paper audit trail" means a contemporaneous
34 paper record of a ballot printed for the voter to confirm his or her votes
35 before the voter casts his or her ballot.

36 (b) The State Board of Election Commissioners or the county board of

1 election commissioners shall not purchase or procure a direct recording
2 electronic voting machine that does not include a voter verified paper audit
3 trail.

4 (c)(1) All direct recording electronic voting machines in use on or
5 after January 1, 2006 shall include a voter verified paper audit trail,
6 except for those direct recording electronic voting machines in use during
7 the 2004 general election.

8 (2) All direct recording electronic voting machines purchased on
9 or after the effective date of this section shall include a voter verified
10 paper audit trail.

11 (d) A direct read electronic voting machine with a voter verified
12 paper audit trail shall meet the following conditions:

13 (1) The voter verified paper audit trail shall be verified by
14 the voter before the casting of the voter's ballot;

15 (2) The voter verified paper audit trail shall not be retained
16 by the voter;

17 (3) The voter verified paper audit trail shall not contain
18 individual voter information;

19 (4) The paper used in producing the voter verified paper audit
20 trail shall be sturdy, clean, and resistant to degradation; and

21 (5) The voter verified paper audit trail shall be readable in a
22 manner that makes the voter's ballot choices obvious to the voter without the
23 use of computer or electronic code.

24 (e)(1) For any recount of an election in which ballots are cast using
25 a direct recording electronic voting machine with a voter verified paper
26 audit trail, the voter verified paper audit trail shall serve as the official
27 ballot to be recounted.

28 (2) Voter verified paper audit trails shall be preserved in the
29 same manner and for the same time period as ballots and certificates are
30 preserved under § 7-5-702.

31
32 /s/ Kidd

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35 APPROVED: 3/07/2005

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