

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1415

Short Title: Voter Paper Trail Study.

(Public)

Sponsors: Senators Kinnaird; and Lucas.

Referred to: Rules and Operations of the Senate.

May 28, 2004

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH THE ELECTRONIC VOTING SYSTEMS STUDY
3 COMMISSION TO STUDY WHETHER ALL DIRECT RECORD ELECTRONIC
4 VOTING EQUIPMENT SHOULD PRODUCE A VOTER-VERIFIABLE PAPER
5 TRAIL; TO PLACE A MORATORIUM ON THE PURCHASE OF
6 DIRECT-RECORD-ELECTRONIC VOTING SYSTEMS WITHOUT A
7 VOTER-VERIFIABLE PAPER TRAIL UNTIL JULY 1, 2005, AND TO
8 APPROPRIATE FIFTY THOUSAND DOLLARS FOR THE STUDY.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** There is established the Electronic Voting Systems Study
11 Commission. That Commission shall consist of nine members to be appointed as
12 follows:

- 13 (1) Four members shall be appointed by the President Pro Tempore of the
14 Senate. One shall be a county commissioner. One shall be a county
15 election director. One shall be a citizen of North Carolina who does
16 not hold public office and who has been an active advocate on the
17 issue of prohibiting direct record voting equipment without
18 voter-verifiable paper records.
- 19 (2) Four members shall be appointed by the Speaker of the House of
20 Representatives. One shall be a member of the State Board of
21 Elections. One shall be a county election board member. One shall be
22 a person with expertise in computer security.
- 23 (3) One member shall be the Executive Director of the State Board of
24 Elections.

25 The appointing authorities shall make their appointments as soon as possible after the
26 effective date of this section.

27 **SECTION 2.** The Electronic Voting Systems Study Commission shall study
28 the issue of whether direct record electronic (DRE) voting system should be prohibited
29 in North Carolina unless each unit of the system produces a voter-verifiable paper

1 record that is suitable for a recount or a manual audit and that is equivalent or superior
2 to the paper record produced by a paper ballot system.

3 In conducting the study, the Commission shall consider any input it deems
4 useful concerning DRE voting systems, concerning compliance with the Help America
5 Vote Act of 2002 (HAVA) and with voting-systems standards to be adopted under
6 HAVA, including that the procedure provides sufficient opportunity for access and
7 participation, including privacy and independence, to all voters regardless of disability.
8 The Commission shall consider any other issue related to the use of electronic voting
9 systems. The Commission shall make a final report to the 2005 General Assembly upon
10 its convening. The report shall contain the Commission's findings and
11 recommendations.

12 **SECTION 3.** Before July 1, 2005, no county shall acquire a direct record
13 electronic voting system unless each unit of the system produces a voter-verifiable
14 paper record that is suitable for a recount or a manual audit and that is equivalent or
15 superior to the paper record produced by a paper ballot system, by doing both of the
16 following:

- 17 (1) Producing a permanent paper record, which shall be made available for
18 inspection and verification by the voter at the time the ballot is cast
19 and which shall be preserved in the same manner as paper ballots are
20 preserved under G.S. 163-166.10 and rules adopted under that section.
- 21 (2) Providing the voter with an opportunity to correct any error made by
22 the voting system before the permanent record is preserved for use in a
23 recount or manual audit.

24 If the State Board of Elections, pursuant to its authority under
25 G.S. 163-165.7, approves a DRE voting system that meets the criteria in the previous
26 sentence, a county may acquire that system.

27 The moratorium of this section shall not prohibit a county that acquired a
28 DRE voting system prior to this act becoming law from acquiring replacement
29 equipment of that voting system or supplemental equipment of that voting system.

30 **SECTION 4.** The Speaker of the House of Representatives and the President
31 Pro Tempore of the Senate shall each appoint a cochair for the Commission. The
32 Commission may contract for consultant services as provided by G.S. 120-32.02. Upon
33 approval by the Legislative Services Commission, the Legislative Services Officer shall
34 assign professional and clerical staff to assist in the work of the Commission. Clerical
35 staff shall be furnished to the Commission through the offices of the House of
36 Representatives and Senate Supervisors of Clerks. The Commission may meet in the
37 Legislative Building or the Legislative Office Building upon the approval of the
38 Legislative Services Commission. The Commission, while in discharge of official
39 duties, may exercise all the powers provided under the provisions of G.S. 120-19
40 through G.S. 120-19.4, including the power to request all officers, agents, agencies, and
41 departments of the State to provide any information, data, or documents within their
42 possession, ascertainable from their records, or otherwise available to them, and the
43 power to subpoena witnesses. Members of the Commission shall receive per diem,

1 subsistence, and travel allowances at the rate established in G.S. 120-3.1, 138-5, or
2 138-6, as appropriate. Vacancies shall be filled by the appointing authority.

3 **SECTION 5.** There is appropriated from the General Fund to the Electronic
4 Voting Systems Study Commission for the 2004-2005 fiscal year the sum of fifty
5 thousand dollars (\$50,000) for conducting the study required by this act.

6 **SECTION 6.** Sections 1, 2, 4, and 5 of this act become effective July 1,
7 2004. The remainder of this act is effective when this act becomes law.