

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.

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

# A Bill

HOUSE BILL 1360

4  
5 By: Representatives Kidd, Sumpter  
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## For An Act To Be Entitled

8  
9 AN ACT CONCERNING DIRECT READ ELECTRONIC VOTING  
10 MACHINES AND VOTER VERIFIED PAPER TRAILS; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

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14 AN ACT CONCERNING DIRECT READ ELECTRONIC  
15 VOTING MACHINES AND VOTER VERIFIED PAPER  
16 TRAILS.  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 7-5-504 is amended to read as follows:  
22 7-5-504. Machine specifications.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

29          (17) It shall be provided with a lighting device which shall  
 30 give sufficient light to enable voters while voting to read the ballots and  
 31 which shall be suitable for use by the commissioners or committee in  
 32 examining the counters or tabulators, and it shall be provided with a screen,  
 33 hood, or curtain which shall be so made and adjusted as to conceal the voter  
 34 while voting;

35          (18) It may be either manually or electrically operated. An  
 36 electric machine must be capable of being operated either manually or from an

1 alternate power source should the need arise;

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

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

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

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

17 7-5-532. Direct read electronic voting machines.

18 (a) For purposes of this section:

19 (1) "Direct electronic voting machine" means a voting machine  
 20 that:

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

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

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

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

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

32 (b) The State Board of Election Commissioners or the county board of  
 33 election commissioners shall not purchase or procure a direct recording  
 34 electronic voting machine that does not include a voter verified paper audit  
 35 trail.

36 (c)(1) All direct recording electronic voting machines in use on or

1 after January 1, 2006, regardless of when purchased, shall include a voter  
 2 verified paper audit trail.

3 (2) If the direct recording electronic voting machine does not  
 4 include a voter verified paper audit trail, the machine shall be replaced or  
 5 modified to include a voter verified paper audit trail.

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

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

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

12 (3) The voter verified paper audit trail shall not contain  
 13 individual voter information;

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

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

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

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

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