

JAN 23 2009

A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 16-41, Hawaii Revised Statutes, is
2 amended by adding four new definitions to be appropriately
3 inserted and to read as follows:

4 "Accessible" means that the information provided on the
5 paper record copy from the voter verifiable paper audit trail
6 mechanism is provided or conveyed to voters via both a visual
7 and a nonvisual method, such as through an audio component.

8 "Direct recording electronic voting system" means a voting
9 system that records a vote electronically and does not require
10 or permit the voter to record the vote directly onto a tangible
11 ballot.

12 "Federal qualification" means the system has been
13 certified, if applicable, by means of qualification testing by a
14 nationally recognized test laboratory and has met or exceeded
15 the minimum requirements set forth in the performance and text
16 standards for punch card, mark sense, and direct recording
17 electronic voting systems, or in any successor voluntary



1 standard document, developed and promulgated by the Federal
2 Election Commission, the Election Assistance Commission, or the
3 National Institute of Standards and Technology.

4 "Paper record copy" means an auditable document printed by
5 a voter verifiable paper audit trail component that corresponds
6 to the voter's electronic vote and lists the contests on the
7 ballot and the voter's selections for those contests. A paper
8 record copy is not a ballot."

9 SECTION 2. Section 16-42, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§16-42 Electronic voting requirements.** (a) When used at
12 primary or special primary elections, the automatic tabulating
13 equipment of the electronic voting system shall count only votes
14 for the candidates of one party, or nonpartisans. In all
15 elections, the equipment shall reject all votes for an office
16 when the number of votes therefor exceeds the number that the
17 voter is entitled to cast.

18 No electronic voting system shall be used in any election
19 unless it generates a paper ballot or voter verifiable paper
20 audit trail that may be inspected and corrected by the voter
21 before the vote is cast, and unless every paper ballot or voter



1 verifiable paper audit trail is retained as the definitive
2 record of the vote cast.

3 (b) The chief election officer may rely on electronic
4 tallies created directly by electronic voting systems, in lieu
5 of counting the paper ballots by hand or with a mechanical
6 tabulation system if:

7 (1) The electronic voting system is subject to inspection,
8 audit, and experimental testing, by qualified
9 observers, before and after the election, pursuant to
10 administrative rules adopted by the chief election
11 officer under chapter 91;

12 (2) No upgrades, patches, fixes, or alterations shall be
13 applied to the system through thirty days after the
14 election;

15 (3) The chief election officer conducts a post-election,
16 pre-certification audit of a random sample of not less
17 than ten per cent of the precincts employing the
18 electronic voting system, to verify that the
19 electronic tallies generated by the system in those
20 precincts equal hand tallies of the paper ballots
21 generated by the system in those precincts; and



1 (4) If discrepancies appear in the pre-certification
2 audits in paragraph (3), the chief election officer,
3 pursuant to administrative rules, shall immediately
4 conduct an expanded audit to determine the extent of
5 misreporting in the system.

6 (c) Effective January 1, 2010, the chief election officer
7 shall not approve a direct recording electronic voting system
8 unless the system has received federal qualification and
9 includes an accessible voter verifiable paper audit trail.

10 (d) Effective January 1, 2011, the State shall not
11 contract for or purchase a direct recording electronic voting
12 system unless the system has received federal qualification and
13 includes an accessible voter verifiable paper audit trail.

14 (e) Effective January 1, 2011, all direct recording
15 electronic voting systems in use on that date, regardless of
16 when contracted for or purchased, shall have received federal
17 qualification and include an accessible voter verifiable paper
18 audit trail. If the direct recording electronic voting system
19 does not already include an accessible voter verifiable paper
20 audit trail, the system shall be replaced or modified to include
21 an accessible voter verifiable paper audit trail."




1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2009-2010 and
4 the same sum or so much thereof as may be necessary for fiscal
5 year 2010-2011 for the purpose of establishing a direct
6 recording electronic voting system that produces a permanent
7 paper record with an audit capacity.

8 The sums appropriated shall be expended by the office of
9 elections for the purposes of this Act.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2009.

12
INTRODUCED BY:


Suzanne Chun Oakland



Report Title:

Elections; Electronic Voting System; Verifiable Audit Paper Trail

Description:

Prohibits the chief election officer, as of 01/01/2010 from approving a direct recording electronic voting system that does not meet federal qualifications and include an accessible voter verifiable paper audit trail. Establishes requirements for purchase and use of voting systems as of 01/01/2011.

