HOUSE DOCKET, NO. 559 FILED ON: 1/18/2011

HOUSE . . . . . No. 196

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure secure voting equipment..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	*15th Middlesex*
Todd M. Smola	*1st Hampden*
James B. Eldridge	
Jonathan Hecht	*29th Middlesex*
Peter V. Kocot	*1st Hampshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Martha M. Walz	*8th Suffolk*

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HOUSE . . . . . No. 196

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 196) of Jay R. Kaufman and others relative to ensuring secure voting equipment. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *649* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to ensure secure voting equipment..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 50 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, in line 65, before the word "ballot" the word:- paper.

SECTION 2. Said section 1 of chapter 50 is hereby amended by striking out, in lines 66 and 67, the words "and where voting machines are used shall include ballot labels," and inserting in place thereof the following words:- and shall be the sole record of the vote used for counting and tallying purposes.

SECTION 3. Section 33 of chapter 54 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the first paragraph the following paragraph: -

11 All voting systems shall allow voters to directly mark an official paper ballot, either by
12 hand or, in the case of voters with disabilities, by way of a marking device. All voting systems
13 shall allow the voter to verify his vote on the official ballot before the vote is cast. No voting
14 system shall be approved if the recording and tallying of the votes take place electronically in
15 one machine or in machines electronically connected to each other, even if such machines
16 provide a paper receipt. The official ballot marked, verified, and cast by the voter shall be the
17 official record of the vote. Only votes on official ballots may be counted.

18 SECTION 4. Said section 33 of chapter 54 is hereby amended by striking out, in line 6,
19 the words "but no machine shall be approved which does not secure to the voter as much secrecy
20 in voting as is afforded by the use of the official ballot", and inserting in place thereof the
21 following words:- but no machine shall be approved which does not allow the voter to directly
22 mark and verify his own official paper ballot, and does not secure to the voter as much secrecy in
23 voting as marking the official ballot by hand.

24 SECTION 5. Said section 33 of chapter 54 is hereby amended by deleting the second
25 paragraph.

26 SECTION 6. Said section 33 of chapter 54 is hereby amended by striking out, in lines 35
27 to 37, the words "but no machine shall be approved which does not secure to the voter as much
28 secrecy in voting as is afforded by the use of the official ballot" and inserting in place thereof the
29 following words:- but no machine shall be approved which does not allow the voter to directly
30 mark and verify his own official paper ballot, and does not secure to the voter as much secrecy in
31 voting as marking the official ballot by hand.

32 SECTION 7. Section 33 of chapter 54 is hereby amended by deleting fifth paragraph.

33 SECTION 8. Chapter 54 of the General Laws, as appearing in the 2008 Official Edition,
34 is hereby amended by deleting Section 33A.

35 SECTION 9. Section 37 of chapter 54 of the General Laws, as appearing in the 2008
36 Official Edition, is hereby amended by inserting, in line 4, after the words "kinds of ballots," the
37 words:- provided that no ballot shall be an electronic ballot.

38 SECTION 10. Said section 37 of chapter 54 is hereby amended by amended by striking,
39 in line 4, the words "ballot labels."

40 SECTION 11. Said section 37 of chapter 54 is hereby amended by inserting, in line 7,
41 after the word "thirty-two," the words:- and thirty-three.

42 SECTION 12. Paragraph 2 of section 44 of chapter 54 of the General Laws, as appearing
43 in the 2008 Official Edition, is hereby amended by striking the first sentence and adding in place
44 thereof the following sentence:- The official ballots shall be of ordinary white printing paper, of
45 two of more pages, and shall, except as otherwise provided in this chapter, be so folded before
46 distribution as to measure not less than four and one half nor more than five inches in width and
47 not less than six nor more than thirteen and one half inches in length.

48 SECTION 13. Section 66 of chapter 54 of the General Laws, as appearing in the 2008
49 Official Edition, is hereby amended by striking, in lines 2 and 3, the words "where official
50 ballots are used," and inserting in place thereof the following words:- except as otherwise
51 provided in this chapter.