



HOUSE BILL 19: Certain DRE Equipment

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 18, 2019
Introduced by:	Rep. Hanig	Prepared by:	Erika Churchill
Analysis of:	PCS to First Edition H19-CSST-42		Staff Attorney

OVERVIEW: *The proposed committee substitute would delete the contents of the first edition of House Bill 19 and substitute contents that would allow the State Board of Elections to authorize a county to continue to use DRE voting systems in the 2020 elections under certain conditions.*

[As introduced, this bill was identical to S6, as introduced by Sen. Steinburg, which has been chapter as S.L. 2019-9.]

CURRENT LAW: Effective December 1, 2019, G.S. 163A-1115(a) requires that only voting systems that have been certified by the State Board that meet certain standards and have not been subsequently decertified may be used in elections. One of the required standards is that the voting system, including direct record electronic voting systems, must generate a paper ballot which provides a backup means of counting the vote that the voter casts. G.S. 163A-1095(1) defines a ballot as "an instrument on which a voter indicates that voter's choice for a ballot item so that it may be recorded as a vote for or against a certain candidate or referendum proposal, and is evidenced by an individual paper document that bears marks made by the voter by hand or through electronic means, whether preprinted or printed in the voting enclosure." DRE voting systems must generate a paper ballot viewable by the voter before the vote is cast electronically, and permit the voter to correct any discrepancy between the electronic vote and the paper ballot before the vote is cast to be certified.

G.S. 163A-1111 prohibits the use of a voting system that does not use or produce a ballot in any referendum, primary, or other election as a means of voting or counting an official ballot.

S.L. 2013-381, Sec. 30.8 and 30.9, as amended by Section 6 of S.L. 2015-103 and Section 3.11 of S.L. 2018-13, provides that any DRE voting systems certified by the State Board of Elections which do not use paper ballots be decertified and not used in any election held on or after December 1, 2019.

BILL ANALYSIS: The PCS would authorize the State Board of Elections to allow a county board of elections to use a DRE voting system in any election prior to December 1, 2020, provided the State Board determines both of the following conditions are satisfied:

- The county board of elections submits a request to use a DRE voting system in an election or elections prior to December 1, 2020.
- The county board of elections provides sufficient information for the State Board to conclude that the use of the DRE voting system will not jeopardize the security of the election or elections.

Karen Cochrane-Brown
Director



H 1 9 - S M S T - 6 4 C S S T - 4 2 - V - 2

Legislative Analysis
Division
919-733-2578

House PCS 19

Page 2

The PCS would also make technical corrections to the citation of S.L. 2013-381 and the State Board of Elections.

EFFECTIVE DATE: Effective when it becomes law.