

## Assembly Bill No. 3026

### CHAPTER 200

An act to amend Sections 15261 and 19250 of, and to add Section 19217 to, the Elections Code, relating to elections.

[Approved by Governor July 22, 2008. Filed with Secretary of State July 22, 2008.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 3026, Saldana. Elections: voting systems.

(1) Existing law authorizes an elections official to establish one or more multiple centers to count ballots from designated precincts and to transmit the results via telephone, facsimile, or modem. Existing law requires the list of designated precincts for each multiple counting center to be available for public inspection no later than 15 days before the election.

This bill would instead authorize an elections official to establish one or more centers to count ballots from designated precincts and to transmit the results via voice telephone connection or facsimile transmission. The bill would also delete references to multiple counting centers in this provision.

(2) Existing law specifies the requirements for approval of voting systems and inspection of approved voting systems. Existing law also prohibits the Secretary of State from approving any voting system, including a direct recording electronic voting system, unless the paper used for its voter verified paper audit trail is of sufficient quality that it maintains its integrity and readability throughout the required retention period.

This bill would additionally prohibit the use of a voting system that connects to the Internet at any time, that electronically receives or transmits election data through an exterior communication network, including a public telephone system, when the communication originates from or terminates at a polling place, satellite location, or counting center, or that receives or transmits wireless communications or wireless data transfers.

(3) Existing law prohibits the Secretary of State from approving a direct recording electronic voting system unless the system meets specified requirements, including receiving federal qualification and a voter verified paper audit trail. Existing law also prohibits a direct recording electronic voting system from being connected to the Internet at any time, receiving or transmitting official election results through an exterior communication network, or receiving or transmitting wireless communications or wireless data transfers.

This bill would delete the above prohibitions related to a direct recording electronic voting system being connected to the Internet at any time, receiving or transmitting official election results through an exterior

communication network, or receiving or transmitting wireless communications or wireless data transfers.

*The people of the State of California do enact as follows:*

SECTION 1. Section 15261 of the Elections Code is amended to read:

15261. The elections official may establish one or more centers to count ballots from designated precincts and transmit the results via voice telephone connection or facsimile transmission. The count shall be conducted in all other respects in accordance with the central counting provisions of Article 2 (commencing with Section 15200). The list of designated precincts for each counting center shall be available for public inspection no later than 15 days before the election.

SEC. 2. Section 19217 is added to the Elections Code, to read:

19217. A voting system shall comply with all of the following:

(a) No voting system or part of a voting system shall be connected to the Internet at any time.

(b) No voting system or part of a voting system shall electronically receive or transmit election data through an exterior communication network, including the public telephone system, when the communication originates from or terminates at a polling place, satellite location, or counting center.

(c) No voting system or part of a voting system shall receive or transmit wireless communications or wireless data transfers.

SEC. 3. Section 19250 of the Elections Code is amended to read:

19250. (a) On and after January 1, 2005, the Secretary of State shall not approve a direct recording electronic voting system unless the system has received federal qualification and includes an accessible voter verified paper audit trail.

(b) On and after January 1, 2006, a city or county shall not contract for or purchase a direct recording electronic voting system unless the system has received federal qualification and includes an accessible voter verified paper audit trail.

(c) As of January 1, 2006, all direct recording electronic voting systems in use on that date, regardless of when contracted for or purchased, shall have received federal qualification and include an accessible voter verified paper audit trail. If the direct recording electronic voting system does not already include an accessible voter verified paper audit trail, the system shall be replaced or modified to include an accessible voter verified paper audit trail.

(d) All direct recording electronic voting systems shall include a method by which a voter may electronically verify, through a nonvisual method, the information that is contained on the paper record copy of that voter's ballot.

(e) A paper record copy that is printed by a voter verified paper audit trail component shall be printed in the same language that the voter used when casting his or her ballot on the direct recording electronic voting

system. For languages that lack a written form, the paper record copy shall be printed in English.

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