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HOUSE JOINT RESOLUTION NO. 681
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Rules
 on February 4, 2001)

(Patrons Prior to Substitute— Delegates O'Brien, Crittenden [HJR 798], Drake [HJR 621], Landes [HJR 659], Marshall [HJR 529], Putney [HJR 606], and Williams [HJR 575])

Establishing a joint subcommittee to study Virginia's election process and voting technologies.

WHEREAS, public confidence in the integrity of the ballot, accuracy of the reported vote, and certainty of the election is crucial in a democratic process; and

WHEREAS, such public confidence is essential to acceptance of the legitimacy of the election outcome, an orderly transfer of power, and the stability of the political system itself; and

WHEREAS, it is the policy of the Commonwealth to promote the integrity of the election process by ensuring the accurate recording and counting of all legal votes cast for candidates and on ballot questions; and

WHEREAS, the closeness of the popular vote and subsequent disputes over the counting of the vote in Florida and several other states during the November 2000 presidential election have highlighted questions related to ballot design, methods of casting and recording votes, equipment accuracy and reliability, standards for counting and recounting ballots, vote-swapping sites on the Internet, and numerous other issues in the conduct of elections; and

WHEREAS, it would appear that many of the problems stemmed from a reliance on antiquated technology and ambiguous standards; and

WHEREAS, the recent presidential election introduced voters to the problems associated with the "butterfly" ballot design and the dimpled chad, pregnant chad, tri-cornered chad and swinging chad created with the punch card voting method; and

WHEREAS, irregularities in the transit, handling, and acceptance of military and overseas ballots in Florida confounded the determination of when certain ballots were voted and sent; and

WHEREAS, the appearance of vote-swapping sites on the Internet last year facilitated the pledge of interstate votes between voters, which enables major party candidates to pickup votes in swing states and third parties to retain votes needed to qualify for federal matching funds for the next election; and

WHEREAS, while Virginia did not experience election uncertainty on the scale of that revealed elsewhere in 2000, the Commonwealth has seen a recount for statewide office as recently as the 1989 gubernatorial election and in the past decade alone several state legislative contests and local elections have involved recounts or questions about the conduct of the vote; and

WHEREAS, ballot and voting devices should minimize, and preferably eliminate, the necessity or opportunity for election officials and agents for individual interests to seek to interpret the intent of voters by examining the ballots they cast; and

WHEREAS, voting procedures should generate confidence that the voter's ballot will be recorded and counted and that the results of elections will be tabulated and reported accurately; and

WHEREAS, since 1995, the State Board of Elections has been required to provide a second or divisible precinct registered voter list to serve as the official pollbook at each precinct; and

WHEREAS, the registered voter list and pollbook are used to record who voted at the polls and serve as accurate and secured sources for citizens reviewing the events of the election; and

WHEREAS, a combined precinct registered voter list and pollbook offers a means to streamline and simplify the process of recording registered voters at the polls and may improve elections by the efficient use of officers of election, faster processing of votes and reduction in paperwork and storage space; and

WHEREAS, the integrity of the registration and election process also depends heavily on the professional performance of the general, assistant, and deputy registrars; and

WHEREAS, a career development program for voter registrars may provide the means to encourage and reward performance of their duties; and

WHEREAS, every citizen who is eligible has the right to vote and to have that vote counted; and

WHEREAS, the Commonwealth's election laws should be evaluated to be certain that no qualified voter is excluded from the process; and

WHEREAS, the Commonwealth and its citizens would be well served by a determination of whether additional actions, procedures, guidelines, regulations, policies or systems are necessary or advisable to ensure the orderly, objective, accurate, and fair conduct of elections and resolution of disputes over results before an election crisis occurs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study Virginia's election process and voting technologies. The joint subcommittee shall

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60 consist of 16 members, which shall include 10 legislative members and six nonlegislative and ex officio
61 members as follows: six members of the House of Delegates, to be appointed by the Speaker in
62 accordance with the principles of proportional representation contained in the Rules of the House of
63 Delegates; four members of the Senate, to be appointed by the Senate Committee on Privileges and
64 Elections; three members, one of whom shall be a member of a local electoral board, to be appointed by
65 the Speaker; one voter registrar appointed by the Senate Committee on Privileges and Elections; and the
66 Secretary of Technology or his designee and the Secretary of the State Board of Elections or her
67 designee to serve ex officio with voting privileges.

68 In conducting the study, the joint subcommittee shall (i) examine the reliability and performance of
69 the various types of voting systems in use throughout Virginia and in other states; (ii) examine new and
70 developing technologies that might advance the goals of better determining vote eligibility, ensuring
71 voter privacy, enhancing the ability of voters to cast accurate and legal ballots and reducing the potential
72 for election officials and individual interests to seek to interpret the intent of voters from ballots cast;
73 (iii) establish the extent to which, and the circumstances under which, spoiled ballots are cast or
74 rescinded in elections; (iv) collect information regarding possible or actual voter misunderstanding of the
75 ballot in elections throughout the Commonwealth; (v) solicit the advice and experience of local election
76 registrars in ascertaining, establishing, and certifying the results of elections for accuracy and fairness;
77 (vi) investigate the extent of and legality of vote-swapping strategies; (vii) examine local electoral board
78 membership and qualification; (viii) consider procedures for voter-friendly registration; (ix) examine
79 standard procedures for assisting voters at the polls; (x) ascertain the training needs of election officials
80 and monitor the study by the State Board of Elections and the Weldon Cooper Center for Public Service
81 on establishing a career development program for voter registrars; (xi) consider procedures for
82 standardizing absentee voting; (xii) examine legal, technological, logistical and other related issues,
83 including privacy involved in the handling and security of a merged pollbook; (xiii) investigate the
84 experience of, and monitor current actions in, other states; and (xiv) make any other recommendations
85 for changes that may be desirable to advance the certainty of, and fairness in establishing, the outcome
86 of elections in the Commonwealth. The study shall include, but not be limited to, the development of
87 secure systems to facilitate voting and other procedures involved in the voter registration and voting
88 process and shall examine new advances such as biometrics, passcodes, and other appropriate devices.

89 The direct costs of this study shall not exceed \$14,500.

90 The Division of Legislative Services shall provide staff support for the study. Technical assistance
91 shall be provided by the State Board of Elections. All agencies of the Commonwealth shall provide
92 assistance, upon request.

93 The joint subcommittee during the course of its study may recommend to the State Board of
94 Elections that the Board adopt or implement such procedures as are within its authority to ensure
95 accurate or fair elections during the 2001 election process, and shall complete its work in time to submit
96 its written findings and recommendations by November 30, 2001, to the Governor and the 2002 Session
97 of the General Assembly as provided in the procedures of the Division of Legislative Automated
98 Systems for the processing of legislative documents.

99 Implementation of this resolution is subject to subsequent approval and certification by the Joint
100 Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the
101 study.