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SENATE JOINT RESOLUTION NO. 352

Offered January 10, 2001

Prefiled January 9, 2001

Establishing a joint subcommittee to study modernizing voting equipment and election procedures.

Patrons—Rerras and Stolle; Delegate: Suit

Referred to Committee on Rules

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, and numerous other issues in the conduct of elections; and

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

WHEREAS, the right of the individual to vote and to have that vote counted, the sanctity of the secret ballot, and the confidence of the citizenry in the integrity and accuracy of the reported results of the election are core elements of a democratic system; and

WHEREAS, the framers of the Constitution of the United States placed primary authority with the sovereign states to conduct and regulate elections; and

WHEREAS, voters have a right to expect ballot designs and methods for casting and counting ballots that are easily understood, simple to operate, and employ fool-proof technologies to prevent voter error; and

WHEREAS, voting equipment and 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, 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, the Commonwealth and its citizens will be well served by a thorough study and evaluation of the existing standards and devices currently used in casting ballots and ascertaining the results of elections, and in particular by identification and evaluation of new or emerging technologies that might be applied to improve them; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study modernizing voting equipment and election procedures. The joint subcommittee shall consist of 17 members, which shall include 10 legislative members and seven nonlegislative and ex officio members as follows: four members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; six members of the House of Delegates, to be appointed by the Speaker of the House, in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members to be appointed by the Senate Committee on Privileges and Elections, one of whom shall be a county or city voter registrar and one of whom shall be a member of a county or city electoral board; three members to be appointed by the Speaker of the House of Delegates, one of whom shall be county or city voter registrar and one of whom shall be a member of a county or city electoral board; and the Secretary of Technology or his designee and the Secretary of the State Board of Elections or her designee to serve ex officio with full voting privileges. The members required to be voter registrars or electoral board members may be appointed from a list of names submitted by the Voter Registrars' Association of Virginia and the Virginia Electoral Board Association respectively.

In conducting its study, the joint subcommittee shall (i) evaluate the various voting systems and other technologies now used across the Commonwealth; (ii) establish the extent to which, and the circumstances under which, spoiled ballots are cast or rescinded in elections; (iii) collect information regarding possible or actual voter misunderstanding of the ballot in elections throughout the Commonwealth; (iv) solicit the advice and experience of local election registrars in ascertaining, establishing, and certifying the results of elections for accuracy and fairness; (v) examine new and developing technologies that might advance the goals of better determining voter eligibility, ensuring voter privacy, enhancing the ability of voters to cast accurate and legal ballots, and promoting the accuracy of ballot counting; (vi) investigate the experience of, and monitor current actions in, other states; and (vii) consider and make any other recommendations for changes that may be desirable to advance the certainty of, and fairness in establishing, the outcome of elections in the Commonwealth.

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59 The direct costs of this study shall not exceed \$13,000.

60 The Division of Legislative Services shall provide staff support for the study. Technical assistance
61 shall be provided by the State Board of Elections. All agencies of the Commonwealth shall provide
62 assistance as requested by the joint subcommittee.

63 The joint subcommittee shall complete its work in time to submit its written findings and
64 recommendations to the Governor and the 2002 Session of the General Assembly as provided in the
65 procedures of the Division of Legislative Automated Systems for the processing of legislative
66 documents.

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