

## HOUSE JOINT RESOLUTION NO. 174

*Establishing a joint subcommittee to study the certification process for voting equipment and matters related to the performance and proper deployment of voting equipment. Report.*

Agreed to by the House of Delegates, February 17, 2004

Agreed to by the Senate, March 9, 2004

WHEREAS, recent developments nationwide, including the 2000 presidential election and enactment of the Help America Vote Act, have created keen interest in the operations and reliability of various voting devices; and

WHEREAS, there is an ongoing controversy within and among the states on the best technology for the conduct of elections; and

WHEREAS, the procedures and processes in place in Virginia for the certification of voting equipment should be carefully reviewed to assure proper scrutiny and approvals for voting equipment in the Commonwealth; and

WHEREAS, a careful analysis now of voting technology will serve to ensure the purity of elections and the wise investment of public resources in voting equipment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the certification process for voting equipment and matters related to the performance and proper deployment of voting equipment. The joint subcommittee shall consist of 11 members that include six legislative members and five nonlegislative members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative members to be appointed by the Speaker of the House of Delegates upon consideration of the recommendation, if any, of each of the following: the state Republican Party, the state Democratic Party and the Virginia Association of Electoral Boards; two nonlegislative members with computer expertise to be appointed by the Senate Committee on Rules upon consideration of the recommendation, if any, of the Chief Information Officer of the Virginia Information Technologies Agency. Nonlegislative members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) review the procedures and processes for the certification of voting equipment, (ii) consider the comparative merits of alternative voting systems, (iii) examine procedures for the storage, set-up, deployment, handling and decertification of voting equipment, (iv) review processes for dealing with election day problems with voting equipment, and (v) study the proper procedure for handling voting equipment pending election recounts and contests.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the State Board of Elections and the Virginia Information Technologies Agency. The State Board of Elections shall provide to the joint subcommittee the results of any study in its possession of the source codes in all currently certified direct electronic recording voting devices and statistical information on the undervote in all localities in 2003 compared to the undervote in past years. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2004 interim and four meetings for the 2005 interim, and the direct costs of this study shall not exceed \$16,000 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2004, and for

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the second year by November 30, 2005, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2004 and 2005 interims.