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## SENATE BILL NO. 272

Senate Amendments in [ ] — February 10, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 24.2-631.1, relating to elections; a pilot program to test electronic voting equipment and paper record requirements; audits of voting equipment.*

Patron Prior to Engrossment—Senator Whipple

Referred to Committee on Privileges and Elections

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 24.2-631.1 as follows:**

§ 24.2-631.1. *Pilot program to test electronic voting equipment and paper record requirements; audits of voting equipment.*

A. *The State Board of Elections shall conduct a pilot program to test the use of voter-verified records of votes on direct recording electronic voting devices (DREs) beginning with the November 2006 general election, or as soon thereafter as practicable, and to provide for audits of DREs and electronic counting devices for optical scan ballots.*

B. *The Board shall determine the scope and design of the pilot program to accomplish the following goals: (i) testing in a reasonable number of precincts throughout the Commonwealth that represent a variety of regions and localities, including large and small localities and counties and cities; (ii) testing of devices that produce a voter-verified record of the votes cast on each type of DRE certified for use in the Commonwealth including devices provided by the manufacturer of the certified DREs and devices manufactured by other manufacturers that are designed for use with multiple types of DREs; (iii) testing of the devices for their accuracy, reliability, practicality, and potential for certification under federal and Commonwealth standards; and (iv) testing of the ability and potential of the devices to provide audit and recount capabilities.*

C. *In designing the pilot program, the Board shall consider the report of the Joint Subcommittee Studying Voting Equipment established pursuant to House Joint Resolution 174 (2004) and Senate Joint Resolution 371 (2005) and the Subcommittee's concerns with regard to the improvement of voter confidence in the use of DREs and electronic counting devices, the security of wireless communications features and electronic counting devices, and the desirability of a reliable audit trail for voting equipment. [ The State Board shall consult independent experts with technical and computer expertise in designing the pilot program and in evaluating the results of the program. ]*

D. *As part of the pilot program, the Board shall incorporate an audit process to compare the results of the DRE-produced vote total and the voter-verified record of votes and other appropriate audit features to test the DREs and electronic counting devices.*

E. *The Board shall report to the Chairmen of the House and Senate Committees on Privileges and Elections by September 1, 2006, on its design for the pilot program.*

F. *In designing the pilot program, the Board is authorized to include the testing of devices on an experimental basis prior to certification of the device.*

[ G. *The provisions of this section shall be implemented only to the extent funded by the Commonwealth through the general appropriation act. ]*

**[ 2. That the provisions of this act shall not become effective unless an appropriation of general funds effectuating the purposes of this act is included in the general appropriations act passed by the 2006 Session of the General Assembly, which becomes law. ]**

ENGROSSED

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