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HOUSE BILL NO. 1127

Offered January 13, 2014

A *BILL to amend and reenact § 24.2-626 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 24.2-626.2 and 24.2-626.3, relating to voting equipment; use of direct recording electronic machines; Voting Equipment Grant Program and Fund.*

Patron—Ramadan

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-626 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 24.2-626.2 and 24.2-626.3 as follows:

§ 24.2-626. Governing bodies shall acquire electronic voting or counting systems.

A. The governing body of each county and city shall provide for the use of electronic voting or counting systems, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

B. Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such systems and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

C. On and after July 1, 2007, no county or city shall acquire any direct recording electronic machine (DRE) for use in elections in the county or city except as provided herein:

1. DREs acquired prior to July 1, 2007, may be used in elections in the county or city for the remainder of their useful life.

2. Any locality that acquired DREs prior to July 1, 2007, may acquire DREs on a temporary basis to conduct an election when the existing DRE inventory is insufficient to conduct the election because all or part of its inventory is under lock or seal as required by § 24.2-659.

3. Any locality may acquire DREs from another locality within the Commonwealth, from among their existing inventories, for the expressed purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when acquiring any DRE under this provision and shall certify to the State Board that the DRE acquired under this provision is necessary to meet accessible voting requirements.

4. Any locality may modify its existing DREs to comply with federal or state law requirements to provide accessible voting equipment. Any modifications made to existing DREs must be authorized by the State Board of Elections prior to modification.

D. On and after January 1, 2019, no county or city shall use any direct recording electronic machine (DRE) in elections in the county or city.

E. On and after January 1, 2019, each county and city shall use in all elections held in the county, city, or any part of the county or city ballot scanning systems that meet the standards developed by the State Board of Elections. For purposes of this section, "ballot scanning systems" means those electronic counting machines into which a voter inserts a marked ballot and that scan the inserted ballot and tabulate the results. All provisions in this title regarding electronic counting systems shall apply to ballot scanning systems.

§ 24.2-626.2. Voting Equipment Grant Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Voting Equipment Grant Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for grants to the governing bodies of counties and cities pursuant to the Voting Equipment Grant Program established pursuant to § 24.2-626.3. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by Commissioner of Elections.

§ 24.2-626.3. Voting Equipment Grant Program.

A. As used in this section:

"Ballot scanning systems" means those electronic counting machines into which a voter inserts a

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59 *marked ballot and that scan the inserted ballot and tabulate the results.*

60 *"Fund" means the Voting Equipment Grant Fund established pursuant to § 24.2-626.2.*

61 *"Program" means the Voting Equipment Grant Program established for the purpose of providing*
62 *grants to qualifying governing bodies that have purchased, leased, or otherwise acquired ballot*
63 *scanning systems between July 1, 2014, and December 31, 2018.*

64 *"Qualifying governing body" means the governing body of a county or city that has purchased,*
65 *leased, or otherwise acquired ballot scanning systems within the specified time frame for use in all*
66 *elections held in the county, city, or any part of the county or city.*

67 *B. Beginning January 1, 2015, a qualifying governing body may apply for a grant under the*
68 *Program. Such grant shall be in an amount equal to 50 percent of the cost of the ballot scanning*
69 *systems that the qualifying governing body has purchased, leased, or otherwise acquired. Applications*
70 *for grants under the Program must be submitted no later than 90 days following the date of the*
71 *purchase, lease, or other acquisition of the ballot scanning system.*

72 *C. A qualifying governing body shall apply to the State Board of Elections for a grant. Grants shall*
73 *be awarded on a first-come, first-served basis. In the event that the amount of eligible grants requested*
74 *in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year*
75 *in which funds are available. The State Board shall develop guidelines setting forth the general*
76 *requirements of qualifying for a grant and shall make grant application forms available on its website.*