

§812. Requirements for machines

A voting machine used in the conduct of state elections must meet the following requirements. [PL 2003, c. 651, §5 (AMD).]

1. Secrecy. It must be constructed so that each voter may vote in secrecy.
[PL 1985, c. 161, §6 (NEW).]

2. Voting limited. It must permit a voter to vote once and only once for each candidate and each question for whom or on which that voter is entitled to vote. It must prevent a voter from voting for more persons for an office than there are offices to be filled.
[RR 2019, c. 2, Pt. B, §59 (COR).]

3. Write-in vote. It must permit a voter to vote for a write-in candidate.
[PL 1985, c. 161, §6 (NEW).]

4. Form and content of ballot label. The titles of offices may be arranged horizontally with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically with the names of candidates for an office arranged horizontally opposite the title of the office, or the titles of offices and the names of candidates for an office may be arranged in any horizontal and vertical combination as may be determined advisable by the Secretary of State.

The names of candidates must be printed in the order provided by law and, in general elections, the party designation of each candidate, which may be abbreviated, must be printed following the candidate's name. If there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label must be clearly marked that the list of candidates is continued on the following column or page and, so far as possible, the same number of names must be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and on each measure.

[PL 1995, c. 459, §87 (AMD).]

4-A. Ballot labels for separate elections.

[PL 2003, c. 651, §6 (RP).]

5. Voting restricted at primary. It must prevent a voter from voting for the nomination of candidates of more than one party at a primary election.
[PL 1985, c. 161, §6 (NEW).]

6. Unauthorized voting prohibited. It must prevent a voter from voting for any office or upon any question for whom or on which that voter is not entitled to vote.
[RR 2019, c. 2, Pt. B, §60 (COR).]

7. Change of vote permitted. It must permit a voter to change or retract a vote that voter has attempted to cast for any person, or on any question, before that voter's vote has been completed and registered.
[RR 2019, c. 2, Pt. B, §61 (COR).]

8. Device for printing or photographing candidate or question counters. It may be provided with a device or devices for printing and photographing candidate and question counters which will provide a record before the polls open and after the polls close.
[PL 1985, c. 161, §6 (NEW).]

9. Official approval required. It must be of an identical type approved by the Secretary of State and the Attorney General.
[PL 1985, c. 161, §6 (NEW).]

10. Paper audit trail. Except for an accessible voting system that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002 as provided in section 812-A, subsection

1, it must produce or employ permanent paper records of the votes cast that are able to be verified by individual voters before their votes are cast and that provide a manual audit capacity for the machine. In the case of direct recording electronic voting machines, those records must also identify the individual machines that produced them without revealing the identities of the voters who cast the ballots. In all cases, these records must be reviewed in the event of a recount and considered in conjunction with the machine-produced tally.

[PL 2007, c. 455, §51 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1995, c. 459, §§87,88 (AMD). PL 2003, c. 651, §§5-7 (AMD). PL 2005, c. 445, §1 (AMD). PL 2007, c. 455, §51 (AMD). RR 2019, c. 2, Pt. B, §§59-61 (COR).

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