

SENATE BILL NO. 423—SENATOR TITUS

MARCH 19, 2007

Referred to Committee on Finance

SUMMARY—Makes an appropriation to the Legislative Fund for the Legislative Auditor to enter into a contract with a consultant to conduct a performance audit of the electronic voting system used in this State. (BDR S-814)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT making an appropriation to the Legislative Fund for the Legislative Auditor to enter into a contract with a consultant to conduct a performance audit of the electronic voting system used in this State; and providing other matters properly relating thereto.

1 WHEREAS, The opportunity to participate in the election process
2 is one of the most important rights guaranteed to the citizens of this
3 country, and it is important to ensure that the manner in which votes
4 are cast is secure and reliable; and

5 WHEREAS, Concerns have been raised regarding the use of
6 electronic voting systems in this country as a result of problems
7 with such systems in recent elections that caused the loss and
8 miscount of votes; and

9 WHEREAS, In 2004, Nevada was the first state to use a uniform
10 electronic voting system in all counties and to require a voter-
11 verifiable receipt for all ballots cast; and

12 WHEREAS, Section 6 of Article 2 of the Nevada Constitution
13 imposes upon the Legislature the duty to “preserve the purity of
14 elections, and to regulate the manner of holding and making returns
15 of the same”; and

16 WHEREAS, In the interest of promoting and protecting the
17 integrity of elections in this State, it is vital that every possible step



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be taken to enhance the security and reliability of the electronic voting system used in this State; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218.085 the sum of \$150,000 for the Legislative Auditor to enter into a contract with a qualified independent consultant to conduct a performance audit of the electronic voting system used in this State.

2. The audit conducted pursuant to this section must include, without limitation:

(a) A review of the hardware and software used in the electronic voting system, including, without limitation:

(1) Identification and examination of the person or entity which manufactures the electronic voting system and any person or entity which produces any software used in the system, including, without limitation, whether any relationship exists between such a person or the owners or shareholders of such an entity and any political party; and

(2) Whether the software used in the electronic voting system is proprietary.

(b) An examination concerning the storage, maintenance and safekeeping of the electronic voting system, including, without limitation:

(1) The locations at which the voting machines are stored; and

(2) The person who is responsible for maintaining the voting machines and for protecting them from tampering.

(c) An examination of whether the electronic voting system complies with the requirements of chapter 293B of NRS and the standards for voting systems established by the Federal Election Commission pursuant to federal law.

(d) An examination of the electronic voting process, including, without limitation:

(1) The training provided to election officials and workers, including, without limitation, training in the operation of the voting machines, security procedures relating to the electronic voting system and problem solving;

(2) The manner in which the ballots are secured;

(3) Whether the total vote is tallied by the voting machines or by poll workers;

(4) Whether the electronic voting system can be tampered with or programmed so that a vote can be shifted from one



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1 candidate to another candidate without changing the total number of
2 votes cast; and

3 (5) A review of the procedures established for handling
4 malfunctions in the electronic voting system on election day and for
5 responding to alleged or actual security breaches of the system,
6 including backup and contingency plans.

7 (e) Random tests of the electronic voting system for accuracy
8 and to determine whether tampering or reprogramming could occur.

9 (f) An examination of the feasibility of having the electronic
10 voting system produce a paper ballot or paper receipt that the voter
11 may retain or deposit in a ballot box when the voter has completed
12 the electronic voting process.

13 3. On or before February 1, 2009, the Legislative Auditor shall
14 submit the report of the consultant that contains the findings of the
15 audit and any recommendations for legislation to the Director of
16 the Legislative Counsel Bureau for transmittal to the 75th Session of
17 the Nevada Legislature.

18 **Sec. 2.** This act becomes effective on July 1, 2007.

