

Fundamental Provisions of the Voter Confidence and Increased Accessibility Act of 2009

- A voter-marked paper ballot or a paper ballot marked by a ballot marking device, must be produced for every vote cast in federal elections (pages 3-4, proposed amendment to the Help America Vote Act, Section 301(a)(2)).
- Voting systems that produce paper records (including thermal reel-to-reel systems and systems accessible to voters with disabilities that also used or produced a paper ballot) that were used in 2008 elections can be used until 2014; *only* systems that used no paper ballots at all must be replaced or upgraded by November 2010 (page 40, proposed Section 301(d)(2)(B)).
- The paper ballot is the vote of record in all recounts and audits, and shall be counted by hand as a check on electronic tallies (page 4, proposed Section 301(a)(2)(A)(ii) and (iii)).
- In jurisdictions that use already-deployed voting systems that produce paper records paper (and such systems must be replaced by 2014), all voters are entitled to vote by paper ballot for any reason, and to be notified of that right at the polling place (page 42, proposed Section 301(d)(2)(B)(iii)).
- Routine random audits must be conducted by hand count in at least 3% of the precincts in all Federal elections, and at least 5% or 10% in very close races, but races need not be audited when the winning candidate received at least 80% of the vote (pages 48-50, proposed Section 322(a); and page 48, proposed Section 321(a)(2)(B)).
- States can use alternative audit mechanisms if the National Institute on Standards and Technology determines the alternative mechanism offers a 95% chance of leading to a full recount if such a recount would show a different prevailing outcome (page 52, proposed Section 322(b)).
- Wireless devices, Internet connections, uncertified software and undisclosed software are banned in voting and tabulating machines (pages 18-19, proposed Section 301(a)(8)) .
- \$1 billion in funding is authorized for system replacement, and \$100 million each fiscal year is authorized to fund the audits (page 32, proposed Section 257(a)(4); and p. 60, proposed Section 326(e)).
- An arms-length relationship is established between test labs and voting machine vendors (pages 23-27, proposed Section 231(b)(3) and (4)).
- States must document a secure chain of custody for ballots and election media, and the EAC must develop best practice guidelines for the chain of custody (page 20, proposed Section 301(a)(10)(B)(i); and page 21, proposed Section 301(a)(10)(C)).