

## VVPAT, Paper Record Laws & Regulations

**36 states either currently use direct record electronic voting (DREs) in at least some jurisdictions that require VVPATs or use paper-based voting systems:**

16 states (or at least some jurisdictions in these states) use DREs that require VVPATs: AK, AZ, CA, CO, HI, IL, IA, MO, NV, NY, NC, OH, UT, WA, WV, WI.

3 states (or at least some jurisdictions in these states) use DREs with VVPATs but have no official VVPAT requirement: MA, MS and WY

17 states use or will use paper-based voting systems (the vast majority are counted on optical-scan systems): AL, CT, FL\*, ID, ME, MI, MN, MT, NE, NH, NM, ND, OK, OR (vote-by-mail), RI, SD, VT

Of the 18 states that use or will use paper-based voting systems, 6 use vote-by-phone systems as their systems that are accessible to voters with disabilities: CT, ME, NH, OK, OR, VT

14 states and the District of Columbia currently use DREs in at least some jurisdictions (in DE, GA, LA, MD and SC they are the only system in use statewide) and do not use nor require VVPATs: AR\*\*, DE, DC, GA, IN, KS, KY, LA, MD\*\*\*, NJ\*\*\*\*, PA, SC, TN, TX, VA

\*Florida law allows voters with disabilities to use touch-screen systems until 2012.

\*\* Arkansas uses DREs both with and without VVPATs.

\*\*\* Maryland's law requiring voter-verifiable paper records goes into effect in 2010.

\*\*\*\*New Jersey's deadline for DREs to have VVPATs is January 1, 2008.

State	Law/Regulation	Summary	Date Enacted
Alaska	<a href="#">Alaska Statutes § 15.15.032</a>	The director shall provide for a paper record of each electronically generated ballot that can be reviewed and corrected by the voter at the time the vote is cast and used for a recount of the votes cast at an election in which electronically generated ballots were used.	7/4/04
Arizona	<a href="#">SB1557</a>	An electronic voting system shall provide a durable paper document or ballot that visually indicates the voter's selections, that the voter may use to verify the voter's choices, that may be spoiled by the voter if it fails to reflect the voter's choices and that permits the voter to cast a new ballot. This paper document shall be used in manual audits and recounts.	6/28/06
Arkansas	<a href="#">Arkansas Code 7-5-532</a>	All direct recording electronic voting machines in use on or after January 1, 2006, shall include a voter-verified paper audit trail, except for those direct recording electronic voting machines in use during the 2004 general election.	3/9/05
California	<a href="#">California Elections Code § 19250a</a>	On and after January 1, 2005, the Secretary of State shall not approve a direct electronic voting system unless the system has received federal qualification and includes an accessible voter verified paper audit trail.	9/27/04
California	<a href="#">Secretary of State press release</a>	Secretary of State Kevin Shelley approves Sequoia voting machines with VeriVote printers.	1/21/04
Colorado	<a href="#">Colorado Revised Statutes § 1-5-801(1)</a>	On and after June 6, 2005, a political subdivision shall not acquire a voting system unless the voting system is capable of producing a voter-verified paper record of each elector's vote.	6/6/05

<b>Connecticut</b>	<a href="#">Public Act 05-188</a>	Any direct recording electronic voting machine approved by the Secretary of the State for an election or primary held on or after July 1, 2005, shall be so constructed as to: Provide each elector with an opportunity to verify that the contemporaneously produced, individual, permanent, paper record accurately conforms to such elector's selection of ballot preferences, as reflected on the electronic summary screen, and to hear, if desired, an audio description of such electronic summary screen, for the purpose of having an opportunity to make any corrections or changes prior to casting the ballot.	7/1/05
<b>Florida</b>	<a href="#">Florida Statutes § 101.56075</a>	All voting shall be by marksense ballot utilizing a marking device for the purpose of designating ballot selections. Persons with disabilities may vote on a voter interface device that meets the voting system accessibility requirements for individuals with disabilities pursuant to s. 301 of the federal Help America Vote Act of 2002 and s. 101.56062. By 2012, persons with disabilities shall vote on a voter interface device that meets the voter accessibility requirements for individuals with disabilities under s. 301 of the federal Help America Vote Act of 2002 and s.101.56062 which are consistent with subsection 1 of this section.	5/21/07
<b>Hawaii</b>	<a href="#">Hawaii Statutes § 16-42</a>	No electronic voting system shall be used in any election unless it generates a paper ballot that may be inspected and corrected by the voter before the vote is cast, and every paper ballot is retained as the definitive record of the vote cast.	7/6/05
<b>Idaho</b>	<a href="#">Idaho Code § 34-2409 (6)</a>	For all elections conducted after 2004, no direct recording electronic voting device shall be used unless the direct recording electronic voting device has a voter verifiable paper audit trail.	4/5/05
<b>Illinois</b>	<a href="#">Public Act 093-0574</a>	Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, increment the proper ballot position registers, and shall signify to the voter that the ballot has been cast. Upon activation, the voting system shall also print a permanent paper record of each ballot cast as defined in Section 24C-2 of this Code. This permanent paper record shall either be self-contained within the voting device or shall be deposited by the voter into a secure ballot box. No permanent paper record shall be removed from the polling place except by election officials as authorized by this Article. All permanent paper records shall be preserved and secured by election officials in the same manner as paper ballots and shall be available as an official record for any recount, redundant count, or verification or retabulation of the vote count conducted with respect to any election	8/21/03
<b>Iowa</b>	<a href="#">Iowa Code 57.2</a>	A voting machine approved by the state board of examiners for voting machines and optical scan voting systems shall be so constructed as to: for all elections held on or after November 4, 2008, provide a paper record for review by the voter.	5/25/07

<b>Maine</b>	<a href="#">LD1759</a>	All voting machines in the State must produce a physical ballot, equivalent or superior to that of a hand-cast ballot, that unambiguously reflects the intent of the voter and that each voter shall personally review and deliver to an official ballot box. Touch-screen voting machines must produce a legible, large-print ballot for verification by each voter of that voter's electoral choices before it is placed in the official ballot box. Each such ballot must also identify the individual machine that produced it while not identifying the voter.	4/22/04
<b>Maine</b>	<a href="#">H.P. 711</a>	Except for accessible voting equipment 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.	6/23/05
<b>Maryland</b>	<a href="#">HB18</a>	The State Board may not certify a voting system unless the State Board determines that: be capable of creating a paper record of all votes cast in order that an audit trail is available in the event of a recount, including a manual recount and provide a voter-verifiable paper record.	5/17/07
<b>Michigan</b>	<a href="#">Secretary of State Web site</a>	Secretary Land announced on August 4, 2003 that arrangements will be made to convert all jurisdictions that still employ punch-card ballots, paper ballots and mechanical lever machines to updated optical-scan voting systems. The direct recording electronic (DRE) voting equipment in use in the State will also be replaced with optical-scan voting equipment under the program.	8/4/03
<b>Minnesota</b>	<a href="#">Minnesota Statutes § 206.80</a>	An electronic voting system may not be employed unless it: 7) provides every voter an opportunity to verify votes recorded on the permanent paper ballot or paper record, either visually or using assistive voting technology, and to change votes or correct any error before the voter's ballot is cast and counted, produces an individual, discrete, permanent, paper ballot or paper record of the ballot cast by the voter, and preserves the paper ballot or paper record as an official record available for use in any recount. (b) An electronic voting system purchased on or after June 4, 2005, may not be employed unless it: (1) accepts and tabulates, in the polling place or at a counting center, a marked optical scan ballot.	6/3/05
<b>Missouri</b>	<a href="#">Secretary of State press release</a>	Building on Missouri's successful efforts to improve the elections process, Secretary of State Matt Blunt announced today that he is requiring any Direct Recording Electronic (DRE) systems that may be purchased by local election officials to produce a voter verified paper ballot.	2/26/04

<b>Montana</b>	<a href="#">Montana Code § 13-17-103</a>	A voting system may not be approved under 13-17-101 unless the voting system: (k) uses a paper ballot that allows votes to be manually counted, except as provided in subsection (2). Subsection (2) (2) A direct recording electronic system that does not mark a paper ballot may be used to facilitate voting by a disabled voter pursuant to the Help America Vote Act of 2002, 42 U.S.C. 15301, et seq., if: (a) (i) a direct recording electronic system that uses a paper ballot has not yet been certified by the federal election assistance commission; or (ii) a direct recording electronic system that marks a paper ballot has not yet been approved by the secretary of state pursuant to <a href="#">13-17-101</a> ; and (b) the system records votes in a manner that will allow the votes to be printed and manually counted or audited if necessary.	4/18/05
<b>Nevada</b>	<a href="#">Secretary of state press release</a>	Secretary of State Dean Heller announced at news conferences today in Reno and Las Vegas his decision to purchase for all Nevada counties Direct Recording Electronic (DRE) voting machines. In an unprecedented move, he also announced he is mandating a voter verifiable receipt printer be included on all newly purchased DRE machines for the 2004 election. In doing so, Heller becomes the first state election official to demand a voter verifiable receipt before the 2006 election. He added that all existing machines statewide must add the printer technology by 2006.	12/10/03
<b>New Hampshire</b>	<a href="#">New Hampshire Statutes § 656:41</a>	The ballot law commission shall approve such voting machine or device in its discretion, and no voting machine or device shall be used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission.	1994
<b>New Jersey</b>	<a href="#">New Jersey Statutes § 19:48-1</a>	By January 1, 2008, each voting machine shall produce an individual permanent paper record for each vote cast, which shall be made available for inspection and verification by the voter at the time the vote is cast, and preserved for later use in any manual audit. In the event of a recount of the results of an election, the voter-verified paper record shall be the official tally in that election. A waiver of the provisions of this paragraph shall be granted by the Attorney General if the technology to produce a permanent voter-verified paper record for each vote cast is not commercially available.	7/7/05
<b>New Mexico</b>	<a href="#">SB 295</a>	Requiring use of paper ballots for all voting systems.	3/2/06- Signed by Governor
<b>New Mexico</b>	<a href="#">New Mexico Statutes § 1-9-7.1</a>	All voting systems used in elections covered by the Election Code shall have a voter verifiable and auditable paper trail; provided, however, that voting systems owned or used by a county on the effective date of this 2005 act that do not have a voter verifiable and auditable paper trail may be used until the first occurrence of the following: (1) sufficient federal, state or local funds are available to replace the voting system; or (2) December 31, 2006.	4/6/05

<b>New York</b>	<a href="#">New York State Consolidate Laws § 7-202 (j)</a>	A voting machine or system to be approved by the state board of elections shall: retain all paper ballots cast or produce and retain a voter verified permanent paper record which shall be presented to the voter from behind a window or other device before the ballot is cast, in a manner intended and designed to protect the privacy of the voter; such ballots or record shall allow a manual audit and shall be preserved in accordance with the provisions of section 3-222 of this chapter.	7/12/05
<b>North Carolina</b>	<a href="#">North Carolina Session Law 2005-323</a>	With respect to electronic voting systems, that the voting system generate a paper record of each individual vote cast, which paper record shall be maintained in a secure fashion and shall serve as a backup record for purposes of any hand-to-eye count, hand-to-eye recount, or other audit. Electronic systems that employ optical scan technology to count paper ballots shall be deemed to satisfy this requirement. With respect to DRE voting systems, that the paper record generated by the system be viewable by the voter before the vote is cast electronically, and that the system permit the voter to correct any discrepancy between the electronic vote and the paper record before the vote is cast.	8/26/05
<b>Ohio</b>	<a href="#">Ohio Revised Code § 3506.10 (P)</a>	On and after the first federal election that occurs after January 1, 2006, unless required sooner by the Help America Vote Act of 2002, if the voting machine is a direct recording electronic voting machine, it shall include a voter verified paper audit trail.	5/7/04
<b>Oregon</b>	<a href="#">Oregon votes FAQ</a>	We will be purchasing touch screen voting machines in 2006 in order to make it easier for disabled voters to vote with privacy. Each county will have two machines as an option for voters, and each machine will produce a paper record of the votes cast in case a recount is required. <a href="#">State law (258.211) requires hand recounts.</a> Click <a href="#">here</a> to read more about touch screens in Oregon . - Oregon law requires that election recounts be conducted by hand. Electronic voting devices to be used in Oregon must, therefore, produce a voter verified paper record of each vote cast.	
<b>Oregon</b>	<a href="#">Oregon Statutes § 246.560</a>	A voting machine may not be approved by the Secretary of State unless the voting machine is constructed so that it: (h) Contains a device that will duplicate the votes cast by each elector onto a paper record copy. (i) Contains a device that will allow each elector to view the elector's paper record copy while preventing the elector from directly handling the paper record copy.	8/17/05
<b>Utah</b>	<a href="#">Utah Code § 20A-5-302</a>	For voting equipment certified after January 1, 2005, produce a permanent paper record that: shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used; shall be available for the voter's inspection prior to the voter leaving the polling place; and shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor; shall include, at a minimum, human readable printing that shows a record of the voter's selections.	3/16/05

<b>Vermont</b>	<a href="#">Vermont Statutes § 2478 (e)</a>	No voting shall occur in any general election which does not use printed ballots.	4/15/04
<b>Washington</b>	<a href="#">Washington Code § 29A.12.085</a>	Beginning on January 1, 2006, all electronic voting devices must produce a paper record of each vote that may be accepted or rejected by the voter before finalizing his or her vote. This record may not be removed from the polling place, and must be human readable without an interface and machine readable for counting purposes. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter. Rejected records must either be destroyed or marked in order to clearly identify the record as rejected.	5/3/05
<b>West Virginia</b>	<a href="#">West Virginia Code § 3-4A-9</a>	(A) Direct recording electronic voting machines must generate a paper copy of each voter's votes that will be automatically kept within a storage container, that is locked, closely attached to the direct recording electronic voting machine, and inaccessible to all but authorized voting officials, who will handle such storage containers and such paper copies contained therein in accordance with section nineteen of this article. (B) The paper copy of the voter's vote shall be generated at the time the voter is at the voting station using the direct recording electronic voting machine.(C) The voter may examine the paper copy visually or through headphone readout, and may accept or reject the printed copy. (D) The voter may not touch, handle or manipulate the printed copy manually in any way.(E) Once the printed copy of the voter's votes is accepted by the voter as correctly reflecting the voter's intent, but not before, it will automatically be stored for recounts or random checks and the electronic vote will be cast within the computer mechanism of the direct recording electronic voting machine.(F) Direct recording electronic voting machines with a mandatory paper copy shall be approved by the Secretary of State. The Secretary of State may promulgate rules and emergency rules to implement or enforce this subsection pursuant to the provisions of section five, article three, chapter twenty-nine-a of this code.	5/11/05
<b>Wisconsin</b>	<a href="#">Wisconsin Act 92</a>	If the device consists of an electronic voting machine, it generates a complete, permanent paper record showing all votes cast by each elector that is verifiable by the elector, by either visual or nonvisual means as appropriate, before the elector leaves the voting area, and that enables a manual count or recount of each vote cast by the elector.	1/4/06

