

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3394

By Delegates Holstein and Pinson

[Introduced February 13, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-4A-8 of the Code of West Virginia, 1931, as amended, relating to
 2 electronic voting systems; and requiring that any system acquired after January 1, 2028,
 3 shall be manufactured in the United States with all components sourced in the United
 4 States and all labor to assembly performed in the United States.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4A. ELECTRONIC VOTING SYSTEMS.

§3-4A-8. Approval of electronic voting system by State Election Commission; expenses; compensation of persons examining system.

1 (a) Any person or corporation owning or interested in any electronic voting system may
 2 apply to the State Election Commission so that the system may be examined and a report be
 3 made on its accuracy, efficiency, capacity and safety. Upon the written application of any vendor
 4 tendered to the Secretary of State or to any clerks in his or her office in charge of receiving filings
 5 for any purpose, the Secretary of State shall fix a date, time and place, not more than 30 days after
 6 the receipt of the application, for a meeting of the State Election Commission for mutual
 7 consideration of the application. The Secretary of State shall mail notice of the hearing by certified
 8 mail to each member of the commission: Provided, That: (1) An electronic voting system acquired
 9 on or after January 1, 2028, shall be sourced, manufactured, and assembled in the United States;
 10 (2) One hundred percent of all parts and components shall be sourced from the United States; and
 11 (3) One hundred percent of all labor for manufacturing and assembly shall be performed in the
 12 United States.

13 (b) The State Election Commission shall appoint two qualified computer experts who are
 14 not members of the same political party to examine the system and make full reports on the
 15 system to the commission within 90 days from the date the State Election Commission approves
 16 the consideration of the application. They shall state in the report whether the examined system
 17 complies with the requirements of this article and the federal agency responsible for certifying
 18 voting systems and can be safely used by voters at elections under the conditions prescribed in

19 this article. If the report is in the affirmative on that question, the commission may approve the
20 system and adopt a system of its make and design for use at elections as provided in this article:
21 *Provided*, That under no circumstances may a system be approved that is not capable of
22 accurately tabulating returns based upon all possible combinations of voting patterns. The vendor
23 of the approved system shall provide the State Election Commission with a report, due on January
24 1, of each even-numbered year, that outlines any problem that has been experienced with the
25 equipment by any jurisdiction in the state or in any jurisdiction outside the state that uses the same
26 or a similar version of the equipment that has been certified for use in this state.

27 (c) No electronic voting system may be used at any election unless it has been approved
28 under this section or its former provisions and by the appropriate agency of the federal
29 government whose purpose is to review and issue a certificate of approval. Each of the two
30 qualified computer experts appointed by the commission are entitled to reasonable compensation
31 and expenses in making the examination and report, to be paid in advance of the examination
32 required by subsection (b) of this section by the person or corporation applying for the
33 examination. This sum shall be the sole compensation to be received by any expert for any work
34 performed pursuant to this section. The State Election Commission shall determine the
35 compensation at the time of approving the application for certification.

NOTE: The purpose of this bill is to require that any electronic voting system acquired after January 1, 2028, shall be manufactured in the United States with all components sourced in the United States and all labor and assembly shall be performed in the United States.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.