Senate Bill 542

Sponsored by Senator RILEY (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Permits Secretary of State to examine uncompiled source code for computer program or computer software used in voting machine or vote tally system as part of audit of machine or system. Requires auditor to report results of examination only to Secretary of State, State Chief Information Officer and Legislative Fiscal Officer.

Directs Secretary of State to require vendor of voting machine or vote tally system to correct deficiencies that auditor finds during audit and to reject or revoke approval of voting machine or vote tally system if vendor refuses or is unable to correct deficiencies.

Requires contract for purchase or procurement of voting machine or vote tally system to permit Secretary of State's audit.

1 **A BILL FOR AN ACT**

2 Relating to audits of vote recording systems; creating new provisions; and amending ORS 246.565.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 246.565 is amended to read:

5 246.565. (1)**(a)** Any voting machine or vote tally system involving the use of computers, a com-

6 puter network, computer program, computer software or computer system [*shall be*] **is** subject to

7 audit by the Secretary of State at any time for the purpose of checking the accuracy of the voting

8 machine or vote tally system.

9 **(b) An audit under paragraph (a) of this subsection may include, at the option of the**

10 **Secretary of State, an examination of the uncompiled source code for a computer program**

11 **or computer software used in a voting machine or vote tally system. The Secretary of State**

12 **may employ, for the purpose of conducting an examination described in this paragraph, any**

13 **person with the expertise required to correctly interpret uncompiled source code and detect**

14 **any inaccuracies, deviations from specifications, problematic performance issues or other**

15 **errors, omissions, deficiencies or failures present in the source code and the resulting com-**

16 **puter program or computer software.**

17 **(c) An auditor shall report the results of an examination the Secretary of State conducts**

18 **under paragraph (b) of this subsection only to the Secretary of State, the State Chief Infor-**

19 **mation Officer and the Legislative Fiscal Officer. The auditor's report is not subject to dis-**

20 **closure under ORS 192.311 to 192.478.**

21 **(d) The Secretary of State shall require a vendor of voting machines or vote tally systems**

22 **to correct any inaccuracies, deviations from specifications, problematic performance issues**

23 **or other errors, omissions, deficiencies or failures the auditor finds during an examination**

24 **the Secretary of State conducts under paragraph (b) of this subsection. If a vendor refuses**

25 **or is unable to make corrections, the Secretary of State shall discontinue using the voting**

26 **machine or vote tally system and shall reject or revoke an approval of the voting machine**

27 **or vote tally system for use in elections in this state.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1   **(e) A contract for a purchase or other procurement of a voting machine or vote tally**

2   **system must provide for the Secretary of State to audit the voting machine or vote tally**

3   **system as provided in this section. The Secretary of State or a county may not purchase or**

4   **otherwise procure a voting machine or vote tally system unless the vendor of the voting**

5   **machine or vote tally system permits an audit as provided under this section.**

6   (2) The county clerk shall obtain a copy of the written instructions for the operation and

7   maintenance of any component of a vote tally system described in subsection (1) of this section.

8   The clerk shall obtain the copy from the manufacturer or vendor of any component and shall retain

9   the copy.

10   (3) The county clerk shall keep a log of all maintenance performed on any component of a vote

11   tally system after the component is purchased and installed. The county clerk shall distinguish

12   maintenance performed during the period that occurs after the preparatory test conducted under

13   ORS 254.235 (1) and before the public certification test conducted under ORS 254.525.

14   (4) As used in this section:

15   (a) "Computer" means, but is not limited to, an electronic device that performs logical, arith-

16   metic or memory functions by the manipulations of electronic or magnetic impulses and includes all

17   input, output, processing, storage, software or communication facilities that are connected or related

18   to such a device in a system or network.

19   (b) "Computer network" means, but is not limited to, the interconnection of communication

20   lines, including microwave or other means of electronic communication, with a computer through

21   remote terminals or a complex consisting of two or more interconnected computers.

22   (c) "Computer program" means, but is not limited to, a series of instructions or statements, in

23   a form acceptable to a computer, that permits the functioning of a computer system in a manner

24   designed to provide appropriate products from the computer system.

25   (d) "Computer software" means, but is not limited to, computer programs, procedures and asso-

26   ciated documentation concerned with the operation of a computer system.

27   (e) "Computer system" means, but is not limited to, a set of related, connected or unconnected

28   computer equipment, devices and software.

29   **SECTION 2. The amendments to ORS 246.565 by section 1 of this 2019 Act apply to con-**

30   **tracts to purchase or procure voting machines or vote tally systems into which the Secre-**

31   **tary of State or a county enters on or after the effective date of this 2019 Act.**

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