

HOUSE BILL REPORT

HB 2665

As Reported By House Committee On:
Government Administration

Title: An act relating to testing of voting systems.

Brief Description: Regulating voting system tests.

Sponsors: Representatives Smith and D. Schmidt; by request of Secretary of State.

Brief History:

Committee Activity:

Government Administration: 1/27/98 [DP].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: Do pass. Signed by 13 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Dunshee; Murray; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: John Carmichael (786-7093).

Background: Vote tallying systems must be tested and approved before being used in a primary or election.

1. *Acceptance tests.* When a county agrees to purchase or lease a voting system, a condition of the agreement is that the voting system pass a test to show that the system is identical to one approved by the Secretary of State. The Secretary of State prescribes the test.
2. *Tests before primaries or elections.* At least three days before each state primary or general election, the Secretary of State tests each vote tallying system. The test is conducted using a set of pre-audited ballots, including some mis-marked ballots. The system must produce an error-free total before it can be used for the primary or election. The Secretary of State, county auditor, and any political party observers certify this test.
3. *Procedure manuals.* The Secretary of State shall publish procedure manuals for approved voting systems. The manuals must contain applicable rules and statutes

regarding printing ballots, preparing and testing the voting system, and the duties of precinct election officers and counting center personnel.

Summary of Bill: Requirements for testing vote tallying systems are altered:

1. *Acceptance tests.* The Secretary of State is no longer responsible for prescribing the test that voting systems must pass.
2. *Tests before primaries or elections.* The description of pre-audited ballots used to test voting systems is removed. The Secretary of State shall make rules for conducting these tests. The Secretary of State shall provide for the testing of voting systems before primaries or elections, but does not necessarily certify these tests.
3. *Procedure manuals.* The requirement for the Secretary of State to publish procedure manuals for voting systems is removed, but the Secretary of State may publish manuals. The description of material that must be included in these manuals is removed. The Secretary of State may restrict or define the use of approved voting systems.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current statute was written for punch card voting systems. The Secretary of State needs more flexibility to deal with optical scanners and other voting systems. The bill allows the Secretary of State's staff to move on to the next county if tests do not go as planned and leave the county auditor and party observers to finish and certify the tests.

Testimony Against: There are problems with optical scanning systems. People other than party representatives should be allowed to observe and certify the tests.

Testified: (pro): Representative Smith, prime sponsor; David Elliott, Office of the Secretary of State; and Sam Reed, County Auditors Association.

(con): Sherry Bockwinkel, (CLEAN) Citizens for Leaders with Ethics and Accountability Now.