

HOUSE BILL REPORT

HB 1593

As Reported By House Committee On:

State Government

Title: An act relating to poll-site ballot counting devices.

Brief Description: Regulating poll-site ballot counting devices.

Sponsors: Representatives Edmonds, Bush, Miloscia and Dunshee; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 2/10/99, 3/2/99 [DPS].

Brief Summary of Substitute Bill

- Establishes a number of requirements for poll-site ballot counting devices and alters or eliminates various election provisions relating to voting devices.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

Staff: Steve Lundin (786-7127).

Background:

Statutes provide details about how elections are conducted, including requirements for the use of paper ballots, voting machines, and electronic voting devices. These requirements include protocols for checking voting devices and counting ballots.

Summary of Substitute Bill:

A number of requirements are established for poll-site ballot counting devices and various provisions providing for voting devices are altered or eliminated.

1. Requirements for voting precincts.

Requirements for precincts using voting machines or electronic vote counting devices are altered. These precincts must have an adequate number of devices, rather than at least one voting machine for every 300 active registered voters or major fraction thereof during a primary or general election held in an even-numbered year. The auditor may determine the number of poll-site counting devices at these precincts.

The requirement is eliminated that at least one voting booth be provided for every 50 active registered voters in a precinct where paper ballots are used.

2. Invalidation of ballots.

Absentee ballots, like ballots cast at polling places, are invalid if they are marked so as to identify the voter.

3. Procedures for election officers at precincts.

Procedures and requirements for using poll-site ballot counting devices are established and procedures for using voting machines are eliminated.

a. Testing of devices.

Procedures are provided for election officers to determine if each poll-site ballot counting device is set at "000."

Ballots may only be processed through a poll-site ballot counting device if a zero report is produced. The inspector and at least one of the judges must verify that zero ballots have been run through the machine and that all totals for each office are zero. If the totals are not zero, the inspector either resets the device to zero or contacts the elections department to reset the device and allows voting to continue using the auxiliary or emergency device.

b. Use of poll-site ballot counting device.

Voters are provided with instructions on how to use poll-site ballot counting devices. Each poll-site ballot counting device must be programmed to return a blank ballot or an overvoted ballot to the voter for private examination. Steps must be taken to ensure that the secrecy of the ballot is maintained. If a ballot is returned by a poll-site ballot counting device, the voter may re-mark the original ballot, request a new ballot, or complete a special ballot envelope and return the ballot as a special ballot.

c. Failure of a poll-site ballot counting device.

If a poll-site ballot counting device fails to operate during polling hours, voting must continue and ballots are deposited for later tabulation in a secure ballot compartment separate from the tabulated ballots.

d. Programmed memory pack.

The programmed memory pack for each poll-site ballot counting device must be sealed into the device during final preparation and testing. Except when a device breaks down, the memory pack must remain sealed in the device until after the polls have closed and all reports and telephonic transfer of results have been completed. The precinct election officers who are responsible for transferring the sealed voted ballots must ensure that the memory pack is returned to the elections department.

e. Transmission of accumulated tally.

The accumulated tally from each poll-site ballot counting device may be telephonically or electronically transmitted to a central reporting location after the close of the polls. A printed record must be made of the results of the election for that poll site before any transmission is made. Procedures are established to reconcile the results established by the central accumulator with the transmitted results or reports produced at a polling site.

f. Return of ballots.

All ballots tallied by poll-site counting devices must be returned to the elections department in sealed ballot containers on election day. However, ballots in a county that is composed entirely of islands, and ballots from an island in any other county, must be collected within 24 hours of the close of polls. These ballots are sealed by two of the election precinct officers at the polling place. Protocols are established for transporting ballots to the elections department.

Counted ballots may be picked up prior to the close of polls and may be counted at the counting center prior to the close of the polls, but the election returns must be held secret.

g. Provisions relating to voting machines.

Various laws relating to voting machines are repealed.

Substitute Bill Compared to Original Bill: A number of technical improvements were made, such as recognizing that towns are not cities, using consistent terminology, and allowing electronic transmission of election results. It is clarified

that ballots may be removed from sealed containers if a major party observer has chosen not to be available.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) This standardizes procedures for using poll-site ballot counting devices that are in use in a number of counties. Party observers may select precincts where results are hand counted to verify election results.

Testimony Against: None.

Testified: Representative Edmonds, prime sponsor; David Elliott, Office of the Secretary of State; Bob Bruce, King County Records; and Bob Terwilliger, Snohomish County Auditor.