

SB 5463 - H AMD 367

By Representative Hunt

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Notwithstanding any other provisions of
4 Title 29 RCW, between the effective date of this act and December 31,
5 2004, the counties of Thurston, Pierce, Kitsap, Spokane, and Cowlitz
6 may participate in the pilot project secure electronic registration and
7 voting experiment (SERVE) authorized in the national defense
8 authorization act (P.L. 107-107). Participation of the counties must
9 be approved by the secretary of state and implementation must be in
10 compliance with standards and regulations established by the federal
11 voting assistance program, United States department of defense. The
12 SERVE pilot project must apply to all state and local elections
13 conducted in participating counties between the SERVE pilot project
14 effective date and December 31, 2004.

15 The SERVE pilot project shall allow overseas military and overseas
16 civilian voters as defined in RCW 29.01.117 to cast their votes
17 electronically, including votes cast over the internet or world wide
18 web. As is practicable, votes must be cast and counted in conformity
19 with the provisions of Title 29 RCW. Election officials shall rely
20 upon the procedures established by the United States department of
21 defense for the security, secrecy, and validation of votes cast over
22 the internet or world wide web. Election officials are not subject to
23 civil liability or criminal penalty for following these procedures.
24 Votes transmitted to the election authority under Title 29 RCW over an
25 electronic medium using the internet or world wide web are subject to
26 recount or election contest, but not on the grounds that the vote is
27 invalid or suspect because it was cast over the internet or the world
28 wide web. The tabulation of SERVE pilot project votes is subject to
29 the tabulation and observer requirements as defined in RCW 29.54.025.

1 The secretary of state is responsible for verifying the accuracy,
2 secrecy, independence, and security of ballots cast by the registered
3 overseas military and overseas civilian voters choosing to participate
4 in the SERVE pilot project. The secretary of state shall make certain
5 and confirm that a dependable and accurate ballot tracking procedure is
6 in place in case of a recount as defined by chapter 29.64 RCW.
7 Additionally, the secretary of state shall collect and publish
8 statistics on the number of overseas military and overseas civilian
9 voters who requested to participate in the SERVE pilot project, the
10 number of overseas military and overseas civilian voters who
11 participated in the pilot program, the number of ballots received
12 electronically, the number rejected, and the reasons for rejection.
13 The information collected and provided shall be provided by Thurston,
14 Pierce, Kitsap, Spokane, and Cowlitz counties and designated overseas
15 military and overseas civilian voters.

16 The participating counties shall make every effort, including media
17 press releases, web site information, and standard mail, to inform
18 registered overseas military and overseas civilian voters about the
19 SERVE pilot project. While the county election officials and the
20 secretary of state shall inform qualified voters of the SERVE pilot
21 project, communication with participating overseas voters must be equal
22 and similar in nature to the communication between county and state
23 election officials and voters not participating in the SERVE pilot
24 project. The e-mail address of all participating overseas military and
25 overseas civilian voters must be made available to individuals for
26 political purposes as defined in RCW 29.04.095 through 29.04.120.

27 The secretary of state shall compile and present a report on the
28 results of the SERVE pilot project to the house of representatives
29 state government committee and the senate government operations
30 committee by January 31, 2005. In addition to the information
31 collected and provided by the participating counties, the secretary of
32 state shall provide a complete cost breakdown of the SERVE pilot
33 project. This cost breakdown must include detailed funding information
34 regarding expenditures, including full-time employees, at the state and
35 county level and include a detailed breakdown of the cost per vote.

36 The secretary of state shall terminate the SERVE pilot project and

1 all state participation in the project if any participating county
2 fails to utilize the SERVE pilot project for any election throughout
3 the participation period."

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4 On page 1, line 2 of the title, after "Internet;" strike the
5 remainder of the title and insert "and creating a new section."

EFFECT: Specifies the following information: The name of the pilot project, the counties participating in the pilot project, and the end date for the pilot project. Removes on-line voter registration, and clarifies that this pilot project applies specifically to registered overseas military and overseas civilian voters who live in the participating counties. Ensures the secretary of state is responsible for the secrecy, accuracy, independence, and security of ballots cast in the pilot project over the internet or world wide web. County and state election officials will make every effort to establish outreach projects which will be accessible to both civilian and military participants. The e-mail address of any voter participating will not be exempt from public disclosure. Tabulation of SERVE ballots will be open to observers. Requests information be collected from the participating counties which will be utilized by the secretary of state when reporting back to the legislature the results of the pilot project. A complete cost breakdown will be included in the report. Creates a deadline for a report by the secretary of state to report results to the legislature. Participation in the SERVE pilot project must include all elections in the participating counties, during the SERVE pilot project, or the act is null and void.

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