

ESSB 6420 - H COMM AMD

By Committee on Technology, Telecommunications & Energy

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

3 "Sec. 1. RCW 29A.12.020 and 2003 c 111 s 302 are each amended to
4 read as follows:

5 The secretary of state shall inspect, evaluate, (~~and~~) publicly
6 demonstrate, and test all voting systems or components of voting
7 systems related to vote tallying, casting, counting, and storage that
8 are submitted for review under RCW 29A.12.030. The secretary of state
9 shall determine whether the voting systems conform with all of the
10 requirements of this title, the applicable rules adopted in accordance
11 with this title, and with generally accepted safety requirements. The
12 secretary of state shall post the report of certification to a publicly
13 available electronic medium and transmit (~~a copy of the report of any~~
14 ~~examination~~) notice of certification under this section, within thirty
15 days after completing the examination, to the county auditor of each
16 county.

17 This section does not apply to systems with the sole election-
18 related function of displaying election results.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.12 RCW
20 to read as follows:

21 At the time a voting system or component of a voting system is
22 submitted for examination, the manufacturer or distributor must provide
23 the secretary of state copies of the source code and the compiler code
24 sufficient to recompile the program. Each time the source code is
25 modified following certification of a voting system or component of a
26 voting system, the manufacturer or distributor must provide the
27 secretary of state copies of the source code and the compiler code
28 sufficient to recompile the program. All material provided to the

1 secretary of state pursuant to this section is exempt from public
2 disclosure under RCW 42.17.310(1)(h).

3 **Sec. 3.** RCW 29A.12.050 and 2003 c 111 s 305 are each amended to
4 read as follows:

5 ~~((If))~~ Only voting systems or devices or vote tallying systems
6 ~~((are to))~~ that have been certified by the secretary of state may be
7 used for conducting a primary or election ~~((, only those that have the~~
8 ~~approval of the secretary of state or had been approved under this~~
9 ~~chapter or the former chapter 29.34 RCW before March 22, 1982, may be~~
10 ~~used. Any)).~~ No modification, change, redesign, or improvement may be
11 made to any voting system or component of a system ~~((that does not~~
12 ~~impair its accuracy, efficiency, or capacity or extend its function,~~
13 ~~may be made))~~ related to vote tallying, casting, counting, and storage,
14 other than hardware replacement, without notification to the secretary
15 of state for reexamination or reapproval by the secretary of state
16 under ((RCW 29A.12.020)) section 4 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.12 RCW
18 to read as follows:

19 Reexamination or reapproval of voting systems under RCW 29A.12.050
20 must be performed in the following manner:

21 The modification must be reviewed and approved by an appropriate
22 independent testing authority approved by the federal election
23 assistance commission before submission to the secretary of state for
24 approval. If, in the opinion of the system vendor, a modification must
25 be made during the period beginning ten days before an election to
26 assure proper system operation, an emergency examination and approval
27 may be conducted by the secretary of state before a review by an
28 independent testing authority. During this emergency examination
29 period, the vendor shall make a written submission to the secretary of
30 state for review. The submission must include:

- 31 (1) The purpose and effect of the modification;
- 32 (2) Clear and complete documentation of the change including a
33 description, an affected code, affected systems, and a before and after
34 depiction of the change;

1 (3) A statement from the vendor declaring the completeness of the
2 submission, sworn under penalty of perjury and loss of system
3 certification.

4 The secretary of state may review and test the change before
5 issuing or denying an emergency approval for use only in the subsequent
6 election.

7 **Sec. 5.** RCW 29A.12.060 and 2003 c 111 s 306 are each amended to
8 read as follows:

9 The county auditor of a county in which voting systems are used is
10 responsible for the preparation, maintenance, and operation of those
11 systems and during the logic and accuracy test, must provide written,
12 signed verification that the system and its component software, in the
13 version used, are certified. The auditor may employ and direct persons
14 to perform some or all of these functions.

15 **Sec. 6.** RCW 29A.12.070 and 2003 c 111 s 307 are each amended to
16 read as follows:

17 An agreement to purchase or lease a voting system or a component of
18 a voting system is subject to that system or component passing an
19 acceptance test as defined in rule by the office of the secretary of
20 state, conducted by the county auditor as purchaser or lessee,
21 sufficient to demonstrate that the equipment is the same as that
22 certified by the secretary of state and that the equipment is operating
23 correctly as delivered to the county.

24 **Sec. 7.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to
25 read as follows:

26 No voting device (~~shall~~) or its component software may be
27 (~~approved~~) certified by the secretary of state unless it:

- 28 (1) Secures to the voter secrecy in the act of voting;
- 29 (2) Permits the voter to vote for any person for any office and
30 upon any measure that he or she has the right to vote for;
- 31 (3) Permits the voter to vote for all the candidates of one party
32 or in part for the candidates of one or more other parties;
- 33 (4) Correctly registers all votes cast for any and all persons and
34 for or against any and all measures;

1 (5) Provides that a vote for more than one candidate cannot be cast
2 by one single operation of the voting device or vote tally system
3 except when voting for president and vice president of the United
4 States; (~~and~~)

5 (6) In the case of a poll-site based electronic voting device, as
6 part of the voting process produces a machine countable paper record
7 for each vote at the time of voting that may be reviewed by the voter
8 before finalizing his or her vote, or provides equivalent security and
9 accuracy through an alternative method for the voter to verify his or
10 her vote in a technology distinct from the poll-site based electronic
11 voting device; and

12 (7) Except for functions or capabilities unique to this state, has
13 been tested(~~, certified, and used in at least one other state or~~
14 ~~election jurisdiction~~) and approved by the appropriate independent
15 testing authority approved by the federal election assistance
16 commission or its statutory successor.

17 **Sec. 8.** RCW 29A.12.090 and 2003 c 111 s 309 are each amended to
18 read as follows:

19 The ballot (~~(on a single voting device shall)~~) displayed to a voter
20 may not contain the names of candidates for the offices of United
21 States representative, state senator, state representative, county
22 council, or county commissioner in more than one district. (~~In all~~
23 ~~general elections, primaries, and special elections, in each polling~~
24 ~~place the voting devices containing ballots for candidates from each~~
25 ~~congressional, legislative, or county council or commissioner district~~
26 ~~shall be grouped together and physically separated from those devices~~
27 ~~containing ballots for other districts. Each voter shall be directed~~
28 ~~by the precinct election officers to the correct group of voting~~
29 ~~devices.~~)

30 **Sec. 9.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
31 read as follows:

32 The secretary of state (~~shall~~) may not approve a vote tallying
33 system or system software unless it:

34 (1) Correctly counts votes on ballots on which the proper number of
35 votes have been marked for any office or issue;

1 (2) Ignores votes marked for any office or issue where more than
2 the allowable number of votes have been marked, but correctly counts
3 the properly voted portions of the ballot;

4 (3) Accumulates a count of the specific number of ballots tallied
5 for each precinct, total votes by candidate for each office, and total
6 votes for and against each issue of the ballot in that precinct;

7 (4) Accommodates rotation of candidates' names on the ballot under
8 RCW 29A.36.140;

9 (5) Produces precinct and cumulative totals in printed form; and

10 (6) Except for functions or capabilities unique to this state, has
11 been tested(~~(, certified, and used in at least one other state or~~
12 ~~election jurisdiction)) and approved by the appropriate independent
13 testing authority approved by the federal election assistance
14 commission or its statutory successor.~~

15 **Sec. 10.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to
16 read as follows:

17 In preparing a voting device for a primary or election, a record
18 (~~(shall)) must be made of the ballot format installed in each device
19 and the precincts or portion of a precinct for which that device has
20 been prepared. Except where provided by a rule adopted under RCW
21 29A.04.610, after being prepared for a primary or election, each device
22 (~~(shall)) must be sealed with a uniquely numbered seal and provided to
23 the inspector of the appropriate polling place.~~~~

24 **Sec. 11.** RCW 29A.12.130 and 2003 c 111 s 313 are each amended to
25 read as follows:

26 At least three days before each state primary or general election,
27 the office of the secretary of state shall provide for the conduct of
28 tests of the programming for each vote tallying system to be used at
29 that primary or general election. The test must verify that the system
30 will correctly count the vote cast for all candidates and on all
31 measures appearing on the ballot at that primary or general election.
32 The test (~~(shall)) must verify the capability of the vote tallying
33 system to perform all of the functions that can reasonably be expected
34 to occur during conduct of that particular primary or election. If any~~

1 error is detected, the cause ((shall)) must be determined and
2 corrected, and an errorless total ((shall)) must be produced before the
3 primary or election.

4 Such tests ((shall)) must be observed by at least one
5 representative from each major political party, if representatives have
6 been appointed by the respective major political parties and are
7 present at the test, and ((shall)) must be open to candidates, the
8 press, and the public. The county auditor and any political party
9 observers shall certify that the test has been conducted in accordance
10 with this section. The county auditor must provide signed, written
11 verification that the version of the voting system and software used
12 are state certified. Copies of this verification and the test
13 certification ((shall)) must be retained by the secretary of state and
14 the county auditor. All programming materials, test results, and test
15 ballots ((shall)) must be securely ((sealed)) stored until the day of
16 the primary or general election. All ballot counting equipment must be
17 sealed, kept in a secure location, and protected against unauthorized
18 access until election day.

19 **Sec. 12.** RCW 29A.12.150 and 2003 c 111 s 315 are each amended to
20 read as follows:

21 (1) No voting device or machine may be used ((in a county with a
22 ~~population of seventy thousand or more~~)) to conduct a primary or
23 general or special election in this state unless it correctly records
24 on a separate ballot the votes cast by each elector for any person and
25 for or against any measure and such separate ballots are available for
26 audit purposes after such a primary or election. After January 1,
27 2006, no voting device or machine may be used to conduct a primary or
28 general or special election that uses punched holes to record the
29 voter's choices.

30 (2) The secretary of state shall not certify under this title any
31 voting device or machine for use in conducting a primary or general or
32 special election in this state unless the device or machine correctly
33 records on a separate ballot the votes cast by each elector for any
34 person and for or against any measure and such separate ballots are
35 available for audit purposes after such a primary or election. The

1 secretary of state may not certify under this title any voting device
2 or machine for use in conducting a primary or general or special
3 election that uses punched holes to record the voter's choices.

4 NEW SECTION. **Sec. 13.** A new section is added to chapter 29A.12
5 RCW to read as follows:

6 The secretary of state may withdraw the certification of any voting
7 system hardware, software, or system component for cause. Before
8 withdrawing a certification the secretary of state shall conduct a
9 public hearing intended to document and allow input from affected
10 system users and vendors before rendering a decision. The secretary of
11 state shall post the report of withdrawal of certification to a
12 publicly available electronic medium and transmit notice of withdrawal
13 of certification under this section to each county auditor within five
14 days after completing the examination.

15 **Sec. 14.** RCW 29A.44.320 and 2003 c 111 s 1130 are each amended to
16 read as follows:

17 Whenever poll-site ballot counting devices or poll-site based
18 electronic voting devices are used, the devices may either be included
19 with the supplies required in RCW 29A.44.110 or they may be delivered
20 to the polling place separately. (~~All~~) Each poll-site ballot
21 counting device(~~s~~) and poll-site based electronic voting device must
22 be physically sealed with a unique numbered seal at the time of final
23 preparation and logic and accuracy testing. The seal must secure
24 against unauthorized access. A log must be made of all seal numbers
25 and device numbers used.

26 NEW SECTION. **Sec. 15.** A new section is added to chapter 29A.44
27 RCW to read as follows:

28 Before each state primary or general election logic and accuracy
29 testing of poll-site based systems or electronic voting devices must be
30 performed by the county under the observation of the office of the
31 secretary of state during the process of final preparation before
32 system distribution to each poll site. For all other elections the
33 logic and accuracy test must be performed by the county auditor before
34 system distribution. As each ballot counter or electronic voting

1 system is programmed and set up for distribution a logic and accuracy
2 test must be performed. These tests must establish that each system is
3 functioning within system standards. All ballot styles programmed for
4 each machine must be processed by each machine in order to ensure that
5 the machine is correctly counting and accumulating votes for every
6 office. After all tests are performed and the machine is ready for
7 distribution, the machine must be sealed and the seal number recorded.
8 The procedure described in this section will serve as the official
9 logic and accuracy test of these devices.

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.44
11 RCW to read as follows:

12 A log must be created during the testing of poll-site based ballot
13 counters and electronic voting devices. The log must record the time
14 and place of each test, the precinct number, seal number, and machine
15 number of each ballot counter or voting device, and the initials of
16 each person testing and observing the test for each machine. This log
17 must be included in the official logic and accuracy test materials.
18 The processes described in section 15 of this act must be open to
19 observation and subject to all notices and observers under rules
20 adopted by the secretary of state.

21 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.44
22 RCW to read as follows:

23 (1) The secretary of state shall empanel a task force of elections
24 and computer security experts to be known as the "Washington Voting
25 Systems Board" to study and determine the potential for election fraud
26 as follows:

27 (a) At least five county auditors, or their designees, with five
28 years or more of elections experience chosen by the Washington
29 Association of County Auditors;

30 (b) At least two information technology professionals with five
31 years or more experience in enterprise class computing systems chosen
32 from a list provided by the director of the state department of
33 information services;

34 (c) The director of the state department of information services or
35 a designee;

- 1 (d) A representative of the Washington disability access group;
- 2 (e) The state director of elections or a designee;
- 3 (f) The secretary of state, or a designee, who shall chair the task
- 4 force;
- 5 (g) A member of each of the four caucuses of the state legislature;
- 6 (h) A statistician provided by one of the four-year universities in
- 7 the state of Washington; and
- 8 (i) A cryptographer chosen from a list provided by the director of
- 9 the department of information services.

10 The Washington voting systems board may consult with other experts
11 as necessary, such as forensic accounting specialists, computer
12 forensic experts, and law enforcement agencies.

13 (2) The secretary of state shall provide reports to the legislature
14 before the beginning of the 2005 and 2006 legislative sessions
15 detailing:

16 (a) The progress of the federal election assistance commission in
17 developing standards for the testing, certification, decertification,
18 and recertification of voting system hardware and software, including
19 electronic voting systems;

20 (b) The progress of the federal election assistance commission in
21 conducting a thorough study of the issues and challenges, specifically
22 to the potential for election fraud;

23 (c) The findings of the secretary of state and the Washington
24 voting systems board on the comparative security of various voting
25 systems technologies, including alternate but secure and accurate
26 methods for a voter using a poll-site based electronic voting device to
27 verify his or her vote in a technology distinct from the poll-site
28 based electronic voting device;

29 (d) The findings of the secretary of state as to any potential or
30 known risks of voting fraud, or actual instance of voting fraud during
31 the previous year;

32 (e) A list of the voting system technologies certified for use in
33 this state.

34 (3) Subsection (2) of this section expires July 1, 2006.

35 NEW SECTION. **Sec. 18.** A new section is added to chapter 29A.44
36 RCW to read as follows:

1 (1) If a poll-site based electronic voting device produces an
2 individual paper record at the time of voting, the device must allow
3 the paper record to be reviewed by the voter before finalizing his or
4 her vote. The paper record must be machine readable for purposes of
5 counting the votes cast using a technology distinct from the poll-site
6 based electronic voting device. If the device is programmed to display
7 the ballot in multiple languages, the paper record produced must be
8 printed in the language used by each voter. The device must allow the
9 voter the option of spoiling the paper record and repeating the voting
10 process if, after examining the paper record but before finalizing and
11 casting his or her vote, the voter determines that the record does not
12 reflect his or her vote. The spoiled record must either be destroyed
13 or marked in order to clearly identify the record as spoiled. Paper
14 records may not be removed from the polling place.

15 (2)(a) If a poll-site based electronic voting device provides an
16 alternative method for the voter to verify his or her vote, the
17 alternative method must maintain privacy in the act of voting while
18 allowing a voter to verify that his or her votes were cast and recorded
19 as intended, in a technology separate and distinct from the poll-site
20 based electronic voting device. The alternative method must allow the
21 voter an opportunity to repeat the voting process if the voter
22 determines that the verification process does not reflect his or her
23 vote.

24 (b) An alternative method for voters to verify votes cast on a
25 poll-site based electronic voting device must be approved by the
26 Washington voting systems board before it may be certified for use in
27 Washington by the secretary of state. If the Washington voting systems
28 board approves an alternative method, the board must report its
29 findings and approval to the appropriate standing committees of the
30 legislature by December 1st the same year. At least one regular
31 legislative session must pass between the date that the alternative
32 method is approved by the Washington voting systems board and the date
33 that the alternative method is certified for use by the secretary of
34 state.

35 NEW SECTION. **Sec. 19.** A new section is added to chapter 29A.44
36 RCW to read as follows:

1 Any paper records produced by poll-site based electronic voting
2 devices are subject to all of the requirements of this chapter and
3 chapter 29A.60 RCW for ballot handling, preservation, reconciliation,
4 transit to the counting center, and storage. The paper records must be
5 preserved in the same manner and for the same period of time as
6 ballots.

7 NEW SECTION. **Sec. 20.** A new section is added to chapter 29A.44
8 RCW to read as follows:

9 The electronic record produced and counted by poll-site electronic
10 voting devices is the official record of each vote for election
11 purposes. However, any paper records produced under section 18 of this
12 act must be stored and used as the official record of each vote for
13 election purposes in the following specified circumstances only:

- 14 (1) In the event of a mandatory manual recount of votes under RCW
15 29A.64.020;
- 16 (2) In the event of a requested recount under RCW 29A.64.010;
- 17 (3) By order of the county canvassing board;
- 18 (4) By order of the superior court of a county; or
- 19 (5) For use in the eight percent random audit of results required
20 by section 25 of this act.

21 NEW SECTION. **Sec. 21.** A new section is added to chapter 29A.44
22 RCW to read as follows:

23 A voter voting on a poll-site based electronic voting system may
24 not leave the device during the voting process except to verify his or
25 her ballot, or to request assistance from the precinct election
26 officers, until the voting process is completed.

27 NEW SECTION. **Sec. 22.** A new section is added to chapter 29A.60
28 RCW to read as follows:

29 Ballot counting systems must be secured physically and
30 electronically against unauthorized access. Ballot counting systems
31 must not be connected to, or operated on, any electronic network
32 including internal office networks, the Internet, or the World Wide
33 Web. No wireless communications or unauthorized devices or software
34 may be used in any way in a voting system. A network may be used as an

1 internal, integral part of the ballot counting system, but that network
2 must not be connected to any other network, the Internet, or the World
3 Wide Web. All elements of the ballot counting system must be
4 observable and secured. Transfer of information from the ballot
5 counting system to another system for network connection or broadcast
6 must be made via disk, tape, or other physical means of communication
7 other than direct electronic connection.

8 NEW SECTION. **Sec. 23.** A new section is added to chapter 29A.60
9 RCW to read as follows:

10 Before the first ballot counting session in each election, a report
11 must be produced demonstrating that the system contains no vote data
12 before commencement of counting ballots. At the completion of each
13 ballot counting session, the ballot counting system must produce a
14 report of the results compiled that includes date and time information.
15 Before commencing any additional ballot counting session, a report of
16 the results contained in the system must be produced that includes date
17 and time information. This report must be compared with the report
18 produced at the end of the previous ballot counting session to ensure
19 that no changes have been made to the vote data in the interim period.
20 This comparison must be performed in the presence of political party
21 observers if representatives have been appointed by their respective
22 political parties and are present at the time of comparison. This
23 procedure must be employed for subsequent counting sessions. Nothing
24 in this section precludes the county auditor from zeroing individual
25 devices in subsequent counting sessions if a report is created after
26 each session and before the next, with the results being merged into
27 the total.

28 **Sec. 24.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to
29 read as follows:

30 After the close of the polls, counties employing poll-site ballot
31 counting devices or a remote counting location may telephonically or
32 electronically transmit the accumulated tally for each device to a
33 central reporting location. Before making a telephonic or electronic
34 transmission the precinct election officer must create a printed record
35 of the results of the election for that poll site. During the

1 canvassing period the results transmitted telephonically or
2 electronically must be considered unofficial until a complete
3 reconciliation of the results has been performed. This reconciliation
4 may be accomplished by a direct loading of the results from the memory
5 pack into the central accumulator, or a comparison of the report
6 produced at the poll site on election night with the results received
7 by the central accumulating device. The device or devices used to
8 receive the transmission may not be directly connected to the voting
9 system. Transfer of the information received must be made via disk,
10 tape, or other physical means of communication other than direct
11 electronic connection.

12 NEW SECTION. Sec. 25. A new section is added to chapter 29A.60
13 RCW to read as follows:

14 Before the close of business on the day after election day, the
15 county auditor shall conduct an audit of results of votes cast on the
16 poll-site based electronic voting devices used in the county. This
17 audit must be conducted by randomly selecting eight percent of the
18 poll-site based electronic voting devices and comparing the results
19 recorded by each device with those recorded on either the paper records
20 or alternative voter-verified technology for six randomly selected
21 races or issues on each device. This audit procedure must be subject
22 to observation by political party representatives if representatives
23 have been appointed and are present at the time of the audit.

24 NEW SECTION. Sec. 26. A new section is added to chapter 29A.84
25 RCW to read as follows:

26 Anyone who removes a paper record or alternative voter-verified
27 technology produced by a poll-site based electronic voting device from
28 a polling place without authorization is guilty of a class C felony
29 punishable under RCW 9A.20.021.

30 **Sec. 27.** RCW 29A.04.610 and 2003 c 111 s 161 are each amended to
31 read as follows:

32 The secretary of state as chief election officer shall make
33 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
34 with the federal and state election laws to effectuate any provision of

1 this title and to facilitate the execution of its provisions in an
2 orderly, timely, and uniform manner relating to any federal, state,
3 county, city, town, and district elections. To that end the secretary
4 shall assist local election officers by devising uniform forms and
5 procedures.

6 In addition to the rule-making authority granted otherwise by this
7 section, the secretary of state shall make rules governing the
8 following provisions:

9 (1) The maintenance of voter registration records;

10 (2) The preparation, maintenance, distribution, review, and filing
11 of precinct maps;

12 (3) Standards for the design, layout, and production of ballots;

13 (4) The examination and testing of voting systems for
14 certification;

15 (5) The source and scope of independent evaluations of voting
16 systems that may be relied upon in certifying voting systems for use in
17 this state;

18 (6) Standards and procedures for the acceptance testing of voting
19 systems by counties;

20 (7) Standards and procedures for testing the programming of vote
21 tallying software for specific primaries and elections;

22 (8) Standards and procedures for the preparation and use of each
23 type of certified voting system including procedures for the operation
24 of counting centers where vote tallying systems are used;

25 (9) Standards and procedures to ensure the accurate tabulation and
26 canvassing of ballots;

27 (10) Consistency among the counties of the state in the preparation
28 of ballots, the operation of vote tallying systems, and the canvassing
29 of primaries and elections;

30 (11) Procedures to ensure the secrecy of a voter's ballot when a
31 small number of ballots are counted at the polls or at a counting
32 center;

33 (12) The use of substitute devices or means of voting when a voting
34 device at the polling place is found to be defective, the counting of
35 votes cast on the defective device, the counting of votes cast on the
36 substitute device, and the documentation that must be submitted to the
37 county auditor regarding such circumstances;

- 1 (13) Procedures for the transportation of sealed containers of
2 voted ballots or sealed voting devices;
- 3 (14) The acceptance and filing of documents via electronic
4 facsimile;
- 5 (15) Voter registration applications and records;
- 6 (16) The use of voter registration information in the conduct of
7 elections;
- 8 (17) The coordination, delivery, and processing of voter
9 registration records accepted by driver licensing agents or the
10 department of licensing;
- 11 (18) The coordination, delivery, and processing of voter
12 registration records accepted by agencies designated by the governor to
13 provide voter registration services;
- 14 (19) Procedures to receive and distribute voter registration
15 applications by mail;
- 16 (20) Procedures for a voter to change his or her voter registration
17 address within a county by telephone;
- 18 (21) Procedures for a voter to change the name under which he or
19 she is registered to vote;
- 20 (22) Procedures for canceling dual voter registration records and
21 for maintaining records of persons whose voter registrations have been
22 canceled;
- 23 (23) Procedures for the electronic transfer of voter registration
24 records between county auditors and the office of the secretary of
25 state;
- 26 (24) Procedures and forms for declarations of candidacy;
- 27 (25) Procedures and requirements for the acceptance and filing of
28 declarations of candidacy by electronic means;
- 29 (26) Procedures for the circumstance in which two or more
30 candidates have a name similar in sound or spelling so as to cause
31 confusion for the voter;
- 32 (27) Filing for office;
- 33 (28) The order of positions and offices on a ballot;
- 34 (29) Sample ballots;
- 35 (30) Independent evaluations of voting systems;
- 36 (31) The testing, approval, and certification of voting systems;
- 37 (32) The testing of vote tallying software programming;

1 (33) Standards and procedures to prevent fraud and to facilitate
2 the accurate processing and canvassing of absentee ballots and mail
3 ballots;

4 (34) Standards and procedures to guarantee the secrecy of absentee
5 ballots and mail ballots;

6 (35) Uniformity among the counties of the state in the conduct of
7 absentee voting and mail ballot elections;

8 (36) Standards and procedures to accommodate out-of-state voters,
9 overseas voters, and service voters;

10 (37) The tabulation of paper ballots before the close of the polls;

11 (38) The accessibility of polling places and registration
12 facilities that are accessible to elderly and disabled persons;

13 (39) The aggregation of precinct results if reporting the results
14 of a single precinct could jeopardize the secrecy of a person's ballot;

15 (40) Procedures for conducting a statutory recount;

16 (41) Procedures for filling vacancies in congressional offices if
17 the general statutory time requirements for availability of absentee
18 ballots, certification, canvassing, and related procedures cannot be
19 met;

20 (42) Procedures for the statistical sampling of signatures for
21 purposes of verifying and canvassing signatures on initiative,
22 referendum, and recall election petitions;

23 (43) Standards and deadlines for submitting material to the office
24 of the secretary of state for the voters' pamphlet;

25 (44) Deadlines for the filing of ballot titles for referendum bills
26 and constitutional amendments if none have been provided by the
27 legislature;

28 (45) Procedures for the publication of a state voters' pamphlet;
29 ((and))

30 (46) Procedures for conducting special elections regarding nuclear
31 waste sites if the general statutory time requirements for availability
32 of absentee ballots, certification, canvassing, and related procedures
33 cannot be met; and

34 (47) Procedures for the use of poll-site based electronic voting
35 devices, paper records, and alternative voter-verified technology.

1 NEW SECTION. **Sec. 28.** (1) All voting system and voting device
2 purchases made after July 1, 2004, are subject to the requirements of
3 this act. All existing voting system and voting device approval and
4 certifications for electronic voting systems and devices are in effect
5 until January 1, 2006.

6 (2) The secretary of state shall work with the department of
7 information services and the information services board on the
8 procurement of certified voting systems through master contracts
9 administered by the department of information services per RCW
10 43.105.052(2)(d). County auditors, using funding disbursed through the
11 election account established in the state treasury by section 1,
12 chapter 48, Laws of 2003, for the procurement of voting systems, must
13 consider the use of such voting systems master contracts.

14 NEW SECTION. **Sec. 29.** Sections 18 through 21, 25, and 26 of this
15 act take effect January 1, 2006. The remainder of this act takes
16 effect July 1, 2004."

17 Correct the title.

EFFECT: Requires a vendor to provide copies of the source code
and the compiler code to the secretary of state. Allows alternative
methods for voters to verify votes to be certified for use in
Washington at some point in the future after having been approved by
the Washington voting systems board and after at least one regular
legislative session has passed. Clarifies that each voting device must
be physically sealed until election day. Changes the make-up of the
Washington Voting Systems Board from six county auditors to five, from
two computer experts experienced in maintaining enterprise level
computing systems to two information technology professionals, and adds
a cryptographer. Clarifies that the paper record becomes the official
ballot under specified circumstances. Requires the secretary of state
to consult with DIS and the ISB on the procurement of voting systems
through master contracts. County auditors that use HAVA funds to
purchase new voting systems must consider the use of such master
contracts. Expands the postelection audit from three races on 4% of
the DRE machines to six races on 8% of the DRE machines. Allows the
Washington Voting Systems Board to consult with other experts as
necessary, such as forensic accounting specialists. Removes the
requirement that voting equipment and vote tallying equipment be
certified for use in another state before it may be certified for use

in Washington. Eliminates the reference to the SERVE voting pilot project because the pilot project was recently canceled by the Department of Defense.

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