

SENATE BILL REPORT

ESB 5374

As Passed Senate, March 18, 2003

Title: An act relating to the election account.

Brief Description: Administering funds received under the Help America Vote Act.

Sponsors: Senators Roach, Fairley, Horn, Stevens, McAuliffe and Winsley; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 2/4/03, 2/5/03 [DP].
Passed Senate: 3/18/03, 47-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

Staff: Ronda Larson (786-7429)

Background: On October 29, 2002, the President signed into law the "Help America Vote Act of 2002" (H.R. 3295/P.L. #107-252). The act provides state and local governments with up to \$3.9 billion over the next three years to replace antiquated voting systems. The funding that Congress is expected to appropriate under the act would fund states' replacement of existing voting systems with modern ones and also would reimburse funds already spent for upgrades. Some of the federal funding additionally would go toward state and local initiatives promoting voter education.

The act has several requirements that states must meet before they can receive the federal funds, including (1) establishment of an "election fund" in the state treasury; (2) notification from the Governor by April 29, 2003, that the state will use the monies in accordance with the act; and (3) certification by April 29, 2003, that the state will replace punch card and lever voting systems in qualifying precincts by the November 2004 general elections.

Summary of Bill: An election fund account is created in the state treasury to be administered by the Secretary of State. The account is an appropriated account. The following money is deposited into it:

1. amounts received from the Help America Vote Act of 2002, including amounts received from subsequent amendments; and
2. amounts appropriated or made available by the state Legislature for the purposes of carrying out the Help America Vote Act of 2002.

All earnings from investments, including interest, are credited to the account for election account purposes. The Secretary of State exclusively allots the funds to facilitate the implementation of the Help America Vote Act of 2002.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The thrust of the federal legislation is to replace punchcard voting systems—the same systems that caused the election problems in Florida in 2000. The federal legislation requires at least one piece of equipment in every polling place that can accommodate the disabled. The President has spoken favorably about appropriating federal money to fund these state accounts. Also, Senator Stevens in Congress has sponsored a bill for \$1.5 billion in funding for states.

Testimony Against: This will be a good bill if we amend it to delay setting up this account so that we can do three years of study to find out which jurisdictions want to adopt instant runoff voting as their method of choice. If we do not consider voting machine capabilities regarding instant runoff voting at this stage, we will buy machines that cannot accommodate instant runoff voting. Then we will have to spend much more money in the long run buying new machines that can accommodate instant runoff voting. Instant runoff voting will soon become voters' method of choice in Washington.

Testified: Secretary of State Sam Reed (pro); Brent White, Coalition for Instant Runoff Voting (con); Cherie Davidson, League of Women Voters (con).