

FINAL BILL REPORT

ESB 5463

C 17 L 03 E1
Synopsis as Enacted

Brief Description: Authorizing a pilot project for military and overseas voters to vote over the Internet.

Sponsors: Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin; by request of Secretary of State.

Senate Committee on Government Operations & Elections
House Committee on State Government

Background: All service and overseas voters currently must vote by absentee ballot. The ballots must be postmarked no later than election day and must reach the county auditor before the results are certified. Certification occurs 10 days after a primary or special election and 15 days after a general election.

The definition of "service voter" encompasses several categories of voters, including members of the armed forces, students and faculty of military academies, and participants in the address confidentiality program. On the other hand, an "overseas voter" is any voter outside the United States.

The federal National Defense Authorization Act of 2002 (Sec. 1604) requires the U.S. Secretary of Defense to undertake a pilot project in which absentee military voters can vote through an electronic voting system in the November 2004 general election. To ensure statistically reliable results, the law requires that the project have a sufficient number of participants.

Summary: Notwithstanding existing election laws in Title 29 RCW, seven counties are authorized to participate in an Internet voting pilot project. The project must comply with standards of the Federal Voting Assistance Program and the United States Department of Defense. The project is open only to those service and overseas voters who are registered to vote and fit the existing definitions of those terms. The project applies to all elections conducted through December 31, 2004.

The votes must be cast and counted in conformity with the provisions of Title 29 RCW. Election officials must rely upon the procedures established by the United States Department of Defense for security, secrecy, and validation of votes. Election officials are not subject to civil liability or criminal penalty for following such procedures. Votes cast over the Internet are subject to a recount or an election contest, but the grounds may not include an allegation of invalidity due to the electronic nature of the votes. The Secretary of State and participating counties must inform registered overseas and service voters of the pilot project, and the e-mail addresses of all participating voters must be made available for political purposes.

The Secretary of State must report to the Legislature on the results of the project.

Votes on Final Passage:

Senate 48 0

First Special Session

Senate 45 1

House 89 8

Effective: September 9, 2003