

# SENATE BILL REPORT

## ESB 5463

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As Passed Senate, June 5, 2003

**Title:** An act relating to a pilot project for military and overseas voters to vote over the Internet.

**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.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/11/03 [DP].

Passed Senate: 3/16/03, 48-0.

**First Special Session:** Passed Senate: 6/5/03, 45-1.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

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

**Staff:** Ronda Larson (786-7429)

**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 of Bill:** Notwithstanding existing election laws in Title 29 RCW, seven counties are authorized to participate in an Internet voting pilot project sanctioned by the U.S. Secretary of State. 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, 2003.

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 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.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Every county in the state has people overseas for whom it is virtually impossible to get votes from in time for the election. This pilot project is a great way to see if Internet voting is a viable option. It is especially good because the funding for it is coming from the federal government and because the U.S. Department of Defense's Internet system is so secure. If it is secure enough to transmit military secrets, it will be secure enough for votes. The loss of votes from eligible voters overseas is a terrible loss that requires some kind of solution.

**Testimony Against:** None.

**Testified:** PRO: Greg Kimsey, Clark County Auditor, WA Assoc. of Co. Auditors; Dean Logan, Director of Elections, Office of the Secretary of State; Kim Wyman, Thurston Co. Auditor.