
HOUSE BILL 2978

State of Washington

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By Representatives Murray, Morris, Quall, Linville, Chase, Dickerson, Eickmeyer, Simpson, G., Morrell, Rockefeller, Kagi and Upthegrove

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1 AN ACT Relating to public confidence in election results; amending
2 RCW 29A.12.020, 29A.12.050, 29A.12.080, 29A.12.100, 29A.44.250,
3 29A.60.060, 29A.60.110, 29A.60.170, 29A.60.210, 29A.60.230, 29A.64.010,
4 29A.64.020, 29A.64.090, 29A.04.007, and 29A.04.019; reenacting and
5 amending RCW 42.17.2401; adding new sections to chapter 29A.12 RCW;
6 creating a new section; providing an effective date; and declaring an
7 emergency.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.12 RCW
10 to read as follows:

11 (1) All voting systems in Washington state must produce a voter-
12 verified paper ballot, to be read and verified by the voter at time of
13 voting, without the use of an interface, except as may be needed for
14 certain disabled individuals, and placed in a ballot box either by the
15 voter or voting machine, to be used as the official ballot in recounts
16 and election audits.

17 (2) Each county in the state shall conduct mandatory random manual
18 audits of the voter-verified paper ballots, of five percent of all

1 precincts in all counties, of all races, of all votes cast on all
2 ballots for that precinct, at the polling place. The audits must be
3 random, chosen by lottery immediately after the polls close.

4 (3) A manual audit of the voter-verified paper ballots is
5 automatically required for anomalous results. The required audits are
6 not part of the random five-percent audit requirement. Anomalous
7 results are any of the following:

8 (a) Insufficient randomness;

9 (b) Discrepant trends in analysis of results in each precinct;

10 (c) Results reported very late;

11 (d) Excess overvotes or undervotes;

12 (e) Vote totals that do not match the number registered as having
13 voted;

14 (f) Problems with vote counting or vote tabulating systems;

15 (g) Discrepancies in vote totals reported from the polling place to
16 a central counting system, or from a central counting system to the
17 state counting system;

18 (h) Excessive discrepancy between the electronic vote count totals
19 and the voter-verified paper ballot totals, regardless of whether the
20 discrepancy would overturn the election.

21 (4) A report of the polling place tally of votes must be posted at
22 the polling place before transmission of vote totals to the county or
23 central counting, and before ballots are transported to a central
24 counting location. All polling place totals must be reconciled with
25 the totals received at the central counting location. Each counting
26 location must reconcile totals with county or state counting records.

27 (5) Polling place ballots must be clearly and separately recorded
28 and audited as a separate line item from absentee, mail-in,
29 provisional, or other forms of nonpolling place ballots. Absentee,
30 mail-in, provisional, or other forms of nonpolling place ballots must
31 not be identified as or combined with, polling place ballots.

32 (6) All systems must have an open source code. The code must be
33 available for outside review by a panel chosen by members of all
34 parties represented in the state legislature. The secretary of state
35 or the state elections office, due to potential conflicts of interest,
36 may not submit panel members.

37 (7) No voting system may contain or use a system that allows

1 connection to a network via modem, phone, wireless, or other means of
2 connection. "Voting system" includes the voting unit, vote tabulation
3 unit, or any other unit that may comprise the entire voting system.

4 **Sec. 2.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to
5 read as follows:

6 The secretary of state shall inspect, evaluate, and publicly test
7 in their entirety all voting systems or components of voting systems
8 that are submitted for review under RCW 29A.12.030. The secretary of
9 state shall determine whether the voting systems conform with all of
10 the requirements of this title, the applicable rules adopted in
11 accordance with this title, and with generally accepted safety
12 requirements. The secretary of state shall transmit a copy of the
13 report of any examination under this section, within thirty days after
14 completing the examination, to the county auditor of each county.

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

17 If voting systems or devices or vote tallying systems are to be
18 used for conducting a primary or election, only those that have the
19 approval of the secretary of state or had been approved under this
20 chapter or the former chapter 29.34 RCW before March 22, 1982, may be
21 used. Any modification, change, or improvement to any voting system or
22 component of a system (~~((that does not impair its accuracy, efficiency,~~
23 ~~or capacity or extend its function, may be made without reexamination~~
24 ~~or reapproval by the secretary of state under RCW 29A.12.020))~~ must
25 first be tested and approved by the appropriate independent testing
26 authority approved by the federal elections commission or its statutory
27 successor.

28 **Sec. 4.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to
29 read as follows:

30 No voting device shall be approved by the secretary of state unless
31 it:

- 32 (1) Secures to the voter secrecy in the act of voting;
33 (2) Permits the voter to vote for any person for any office and
34 upon any measure that he or she has the right to vote for;

1 (3) Permits the voter to vote for all the candidates of one party
2 or in part for the candidates of one or more other parties;

3 (4) Correctly registers all votes cast for any and all persons and
4 for or against any and all measures;

5 (5) Correctly and accurately tabulates the votes cast for all
6 candidates and for or against all measures; and

7 (6) Provides that a vote for more than one candidate cannot be cast
8 by one single operation of the voting device or vote tally system
9 except when voting for president and vice president of the United
10 States(~~(; and~~

11 ~~(6) Except for functions or capabilities unique to this state, has~~
12 ~~been tested, certified, and used in at least one other state or~~
13 ~~election jurisdiction)).~~

14 **Sec. 5.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
15 read as follows:

16 The secretary of state shall not approve a vote tallying system
17 unless it:

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

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

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

26 (4) Accommodates rotation of candidates' names on the ballot under
27 RCW 29A.36.140; and

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

29 ~~(6) Except for functions or capabilities unique to this state, has~~
30 ~~been tested, certified, and used in at least one other state or~~
31 ~~election jurisdiction)).~~

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.12 RCW
33 to read as follows:

34 Immediately upon the effective date of this section, no voting
35 system may be certified or purchased in Washington state unless it
36 meets or exceeds the 2002 guidelines of the federal elections

1 commission that will be required by 2006, and as they may be amended
2 by the federal elections commission or its statutory successor, or by
3 the official federal certifying authority, from time to time.

4 **Sec. 7.** RCW 29A.44.250 and 2003 c 111 s 1124 are each amended to
5 read as follows:

6 (1) Paper ballots may not be tabulated at the precinct polling
7 place before the closing of the polls. Paper ballots must be tabulated
8 only after the closing of the polls. The tabulation of ballots, paper
9 or otherwise, shall be open to the public, but no persons except those
10 employed and authorized by the county auditor may touch a ballot card
11 or ballot container or operate vote tallying equipment.

12 (2) The results of the tabulation of paper ballots at the polls
13 (~~shall be delivered to the county auditor~~) must be recorded and
14 posted at the polls as soon as the tabulation is complete and then
15 delivered to the county auditor.

16 **Sec. 8.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to
17 read as follows:

18 After the close of the polls, counties (~~employing poll-site ballot~~
19 ~~counting devices may telephonically or electronically transmit~~) must
20 conduct a poll-site count. The accumulated tally for each (~~device~~)
21 polling place must be transmitted to a central reporting location, with
22 witnesses, by telephone or electronic link to central reporting. The
23 electronic link or telephone must not be connected in any way to any
24 part of the voting or vote tabulating systems, nor may the reporting
25 systems use a disc, cartridge, or other medium created from the voting
26 system that carries official vote totals. Before (~~making a telephonic~~
27 ~~or electronic transmission~~) transmitting totals by telephone or
28 electronically, the precinct election officer must create a printed
29 record of the results of the election for that poll site. During the
30 canvassing period the results transmitted (~~telephonically~~) by poll
31 worker via telephone or electronically must be considered unofficial
32 until a complete reconciliation of the results has been performed.
33 This reconciliation (~~may~~) must be accomplished by a direct loading of
34 the results from the memory pack into the central accumulator, (~~or~~)
35 and a comparison of the report produced at the poll site on election
36 night with the results received by the central accumulating device.

1 **Sec. 9.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to
2 read as follows:

3 Immediately after their tabulation, all ballots counted at ((a
4 ~~ballot counting center~~)) the polls must be sealed in containers that
5 identify the primary or election and be retained for at least sixty
6 days or according to federal law, whichever is longer. All ballots
7 tallied by poll-site ballot counting devices must be returned to the
8 elections department in sealed ballot containers on election day.
9 Counties composed entirely of islands or portions of counties composed
10 of islands shall collect the ballots within twenty-four hours of the
11 close of the polls.

12 Ballots tabulated in poll-site ballot counting devices must be
13 sealed by two of the election precinct officers at the polling place,
14 and a log of the seal and the names of the people sealing the container
15 must be completed. One copy of this log must be retained by the
16 inspector, one copy must be placed in the ballot transfer case, and one
17 copy must be transported with the ballots to the elections department,
18 where the seal number must be verified by the county auditor or a
19 designated representative. Ballots ((may)) must be transported by
20 ((one)) two election employees ((if the container is sealed at the
21 poll)), and the names of the employees must appear on the log of the
22 seal and ((then)) verified when returned to the elections department.
23 Auditors using poll-site ballot counting devices may not conduct
24 ((early)) pickup of counted ballots on election day until the polls are
25 closed and precincts for random manual audits of the voter-verified
26 paper ballots have been chosen. The audits must be conducted at the
27 polls.

28 In the presence of major party observers who are available, ballots
29 may be removed from the sealed containers at the elections department
30 and consolidated into one sealed container for storage purposes, unless
31 there is a discrepancy in the count as reported by the polling
32 official. The containers may only be opened by the canvassing board as
33 part of the canvass, or to conduct recounts, or under RCW
34 29A.60.170(3), or by order of the superior court in a contest or
35 election dispute. If the canvassing board opens a ballot container, it
36 shall make a full record of the additional tabulation or examination
37 made of the ballots. This record must be added to any other record of
38 the canvassing process in that county.

1 **Sec. 10.** RCW 29A.60.170 and 2003 c 111 s 1517 are each amended to
2 read as follows:

3 (1) The counting center in a county using voting systems is under
4 the direction of the county auditor and must be observed by one
5 representative from each major political party, if representatives have
6 been appointed by the respective major political parties and these
7 representatives are present while the counting center is operating.
8 The proceedings must be open to the public, but no persons except those
9 employed and authorized by the county auditor may touch any ballot or
10 ballot container or operate a vote tallying system.

11 (2) In counties in which ballots are not counted at the polling
12 place as part of the mandatory random audit of the voter-verified paper
13 ballots of five percent of precincts, the official political party
14 observers(~~(, upon mutual agreement,)~~) may (~~request that~~) each select
15 a precinct (~~(be selected at random)~~) on receipt of the ballots from the
16 polling place (~~(and that)~~). A manual count must be made of the number
17 of voter-verified paper ballots and of the votes cast on those ballots
18 on any office or issue. The ballots for that precinct must then be
19 counted by the vote tallying system, and this result will be compared
20 to the results of the manual count. This may be done as many as three
21 times during the tabulation of ballots on the day of the primary or
22 election. The manual recount of the voter-verified paper ballots is
23 the official tabulation in all cases where discrepancies in the vote
24 counting systems arise.

25 (3) In counties using poll-site ballot counting devices, the
26 political party observers(~~(, upon mutual agreement,)~~) may each choose
27 as many as (~~(three)~~) two precincts and request that a manual count be
28 made of the number of voter-verified paper ballots and the votes cast
29 on those ballots on any office or issue. The results of this count
30 will be compared to the count of the precinct made by the poll-site
31 ballot counting device. The manual recount of the voter-verified paper
32 ballots is the official tabulation in all cases where discrepancies in
33 the vote counting systems arise. These selections must be made no
34 later than thirty minutes after the close of the polls. The manual
35 count of the voter-verified paper ballots must be completed within
36 forty-eight hours after the close of the polls. The process must take
37 place at a location designated by the county auditor for that purpose.

1 The political party observers must receive timely notice of the time
2 and location, and have the right to be present. However, the process
3 must proceed as scheduled if the observers are unable to attend.

4 **Sec. 11.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to
5 read as follows:

6 Whenever the canvassing board finds that there is an apparent
7 discrepancy or an inconsistency in the returns of a primary or
8 election, the board may recanvass the voter-verified paper ballots (~~or~~
9 ~~voting devices~~) in any precincts of the county. The canvassing board
10 shall conduct any necessary recanvass activity on or before the last
11 day to certify the primary or election and correct any error and
12 document the correction of any error that it finds.

13 **Sec. 12.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to
14 read as follows:

15 (1) Immediately after the official results of a state primary or
16 general election in a county are ascertained, the county auditor or
17 other election officer shall make an abstract of the number of
18 registered voters in each precinct and of all the votes cast in the
19 county at such state primary or general election for and against state
20 measures and for each candidate for federal, state, and legislative
21 office or for any other office which the secretary of state is required
22 by law to canvass. The cumulative report of the election and a copy of
23 the certificate of the election must be transmitted to the secretary of
24 state immediately, through electronic means and mailed with the
25 abstract of votes no later than the next business day following the
26 certification by the county canvassing board.

27 (2) After each general election, the county auditor or other
28 election officer shall provide to the secretary of state a report of
29 the number of absentee ballots cast in each precinct for and against
30 state measures and for each candidate for federal, state, and
31 legislative office or for any other office which the secretary of state
32 is required by law to canvass. The report may be included in the
33 abstract required by this section or may be transmitted to the
34 secretary of state separately, but in no event later than March 31st of
35 the year following the election. Absentee ballot results may not be

1 incorporated into votes cast at the polls for each precinct (~~(or may)~~).
2 They must be reported separately on a precinct-by-precinct basis.

3 (3) (~~(If absentee ballot results are not incorporated into votes~~
4 ~~east at the polls,~~) The county auditor or other election official may
5 aggregate results from more than one precinct if the auditor, pursuant
6 to rules adopted by the secretary of state, finds that reporting a
7 single precinct's absentee ballot results would jeopardize the secrecy
8 of a person's ballot. To the extent practicable, precincts for which
9 absentee results are aggregated must be contiguous.

10 **Sec. 13.** RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to
11 read as follows:

12 An officer of a political party or any person for whom votes were
13 cast in a primary who was not declared nominated may file a written
14 application for a recount of the votes or a portion of the votes cast
15 at that primary for all persons for whom votes were cast for nomination
16 to that office.

17 An officer of a political party or any person for whom votes were
18 cast at any election may file a written application for a recount of
19 the votes or a portion of the votes cast at that election for all
20 candidates for election to that office.

21 Any group of five or more registered voters may file a written
22 application for a recount of the votes or a portion of the votes cast
23 upon any question or issue. They shall designate one of the members of
24 the group as chair and shall indicate the voting residence of each
25 member of the group.

26 An application for a recount of the votes cast for an office or on
27 a ballot measure must be filed with the officer with whom filings are
28 made for the jurisdiction.

29 An application for a recount must specify whether the recount will
30 be done manually of the voter-verified paper ballots or by the vote
31 tally system of the voter-verified paper ballots. A recount done by
32 the vote tally system must use programming that recounts and reports
33 only the office or ballot measure in question. The county shall also
34 provide for a test of the logic and accuracy of that program.

35 An application for a recount must be filed within three business
36 days after the county canvassing board or secretary of state has

1 declared the official results of the primary or election for the office
2 or issue for which the recount is requested.

3 This chapter applies to the recounting of votes cast by paper
4 ballots and to the recounting of votes recorded on voter-verified paper
5 ballots counted by a vote tally system.

6 **Sec. 14.** RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to
7 read as follows:

8 (1) If the official canvass of all of the returns for any office at
9 any primary or election reveals that the difference in the number of
10 votes cast for a candidate apparently nominated or elected to any
11 office and the number of votes cast for the closest apparently defeated
12 opponent is less than ~~((two))~~ three thousand votes and also less than
13 ~~((one-half-of-one))~~ five percent of the total number of votes cast for
14 both candidates, the county canvassing board shall conduct a manual
15 recount of the voter-verified paper ballots of all votes cast on that
16 position.

17 ~~((a))~~ Whenever such a difference occurs in the number of votes
18 cast for candidates for a position the declaration of candidacy for
19 which was filed with the secretary of state, the secretary of state
20 shall, within three business days of the day that the returns of the
21 primary or election are first certified by the canvassing boards of
22 those counties, direct those boards to recount all votes cast on the
23 position.

24 ~~((b) If the difference in the number of votes cast for the
25 apparent winner and the closest apparently defeated opponent is less
26 than one hundred fifty votes and also less than one fourth of one
27 percent of the total number of votes cast for both candidates, the
28 votes shall be recounted manually or as provided in subsection (3) of
29 this section.))~~

30 (2) A mandatory recount shall be conducted in the manner provided
31 by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory
32 recount may be charged to any candidate.

33 (3) The apparent winner and closest apparently defeated opponent
34 for an office for which a manual recount is required under subsection
35 (1)~~((b))~~ of this section may select an alternative method of
36 conducting the recount. To select such an alternative, the two
37 candidates shall agree to the alternative in a signed, written

1 statement filed with the election official for the office. The recount
2 shall be conducted using the alternative method if: It is suited to
3 the balloting system that was used for casting the votes for the
4 office; it involves the use of a vote tallying system that is approved
5 for use in this state by the secretary of state; it is a recount of the
6 voter-verified paper ballots; and the vote tallying system is readily
7 available in each county required to conduct the recount. If more than
8 one balloting system was used in casting votes for the office, an
9 alternative to a manual recount may be selected for each system.

10 **Sec. 15.** RCW 29A.64.090 and 2003 c 111 s 1609 are each amended to
11 read as follows:

12 When the official canvass of returns of any election reveals that
13 the difference in the number of votes cast for the approval of a
14 statewide measure and the number of votes cast for the rejection of
15 such measure is less than two thousand votes and also less than (~~one-~~
16 ~~half-of-one~~) two percent of the total number of votes cast on such
17 measure, the secretary of state shall direct that a recount of all
18 votes cast on such measure be made on such measure, in the manner
19 provided by RCW 29A.64.040 and 29A.64.060, and the cost of such recount
20 will be at state expense.

21 **Sec. 16.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
22 read as follows:

23 As used in this title:

24 (1) "Ballot" means, as the context implies, either:

25 (a) The issues and offices to be voted upon in a jurisdiction or
26 portion of a jurisdiction at a particular primary, general election, or
27 special election;

28 (b) A facsimile of the contents of a particular ballot whether
29 printed on a paper ballot or ballot card or as part of a voting machine
30 or voting device;

31 (c) A physical (~~or-electronic~~) record of the choices of an
32 individual voter in a particular primary, general election, or special
33 election; or

34 (d) The physical document on which the voter's choices are to be
35 recorded;

1 (2) "Paper ballot" means a piece of paper on which the ballot for
2 a particular election or primary has been printed, on which a voter may
3 record his or her choices for any candidate or for or against any
4 measure, and that is to be tabulated manually, and has been verified by
5 the voter by the act of marking the ballot or witnessing as correct a
6 voter-verified paper ballot;

7 (3) "Ballot card" means any type of card or piece of paper of any
8 size on which a voter may record his or her choices for any candidate
9 and for or against any measure and that is to be tabulated on a vote
10 tallying system;

11 (4) "Sample ballot" means a printed facsimile of all the issues and
12 offices on the ballot in a jurisdiction and is intended to give voters
13 notice of the issues, offices, and candidates that are to be voted on
14 at a particular primary, general election, or special election;

15 (5) "Provisional ballot" means a ballot issued to a voter at the
16 polling place on election day by the precinct election board, for one
17 of the following reasons:

18 (a) The voter's name does not appear in the poll book;

19 (b) There is an indication in the poll book that the voter has
20 requested an absentee ballot, but the voter wishes to vote at the
21 polling place;

22 (c) There is a question on the part of the voter concerning the
23 issues or candidates on which the voter is qualified to vote.

24 **Sec. 17.** RCW 29A.04.019 and 2003 c 111 s 104 are each amended to
25 read as follows:

26 "Counting center" means the facility or facilities designated by
27 the county auditor to count and canvass mail ballots, absentee ballots,
28 and polling place ballots that are transferred to a central site (~~to~~
29 ~~be counted, rather than~~) after being counted by a poll-site ballot
30 counting device, or manually counted at the poll site, on the day of a
31 primary or election.

32 **Sec. 18.** RCW 42.17.2401 and 2001 c 36 s 1 and 2001 c 9 s 1 are
33 each reenacted and amended to read as follows:

34 For the purposes of RCW 42.17.240, the term "executive state
35 officer" includes:

1 (1) The chief administrative law judge, the director of
2 agriculture, the administrator of the Washington basic health plan, the
3 director of the department of services for the blind, the director of
4 the state system of community and technical colleges, the director of
5 community, trade, and economic development, the secretary of
6 corrections, the director of ecology, the commissioner of employment
7 security, the chairman of the energy facility site evaluation council,
8 the secretary of the state finance committee, the director of financial
9 management, the director of fish and wildlife, the executive secretary
10 of the forest practices appeals board, the director of the gambling
11 commission, the director of general administration, the secretary of
12 health, the administrator of the Washington state health care
13 authority, the executive secretary of the health care facilities
14 authority, the executive secretary of the higher education facilities
15 authority, the executive secretary of the horse racing commission, the
16 executive secretary of the human rights commission, the executive
17 secretary of the indeterminate sentence review board, the director of
18 the department of information services, the director of the interagency
19 committee for outdoor recreation, the executive director of the state
20 investment board, the director of labor and industries, the director of
21 licensing, the director of the lottery commission, the director of the
22 office of minority and women's business enterprises, the director of
23 parks and recreation, the director of personnel, the executive director
24 of the public disclosure commission, the director of retirement
25 systems, the director of revenue, the secretary of social and health
26 services, the chief of the Washington state patrol, the executive
27 secretary of the board of tax appeals, the secretary of transportation,
28 the secretary of the utilities and transportation commission, the
29 director of veterans affairs, the president of each of the regional and
30 state universities and the president of The Evergreen State College,
31 each district and each campus president of each state community
32 college;

33 (2) Each professional staff member of the office of the governor;

34 (3) Each professional staff member of the legislature; (~~and~~)

35 (4) Each professional staff member of the elections division of the
36 secretary of state; and

37 (5) Central Washington University board of trustees, board of
38 trustees of each community college, each member of the state board for

1 community and technical colleges, state convention and trade center
2 board of directors, committee for deferred compensation, Eastern
3 Washington University board of trustees, Washington economic
4 development finance authority, The Evergreen State College board of
5 trustees, executive ethics board, forest practices appeals board,
6 forest practices board, gambling commission, Washington health care
7 facilities authority, each member of the Washington health services
8 commission, higher education coordinating board, higher education
9 facilities authority, horse racing commission, state housing finance
10 commission, human rights commission, indeterminate sentence review
11 board, board of industrial insurance appeals, information services
12 board, interagency committee for outdoor recreation, state investment
13 board, commission on judicial conduct, legislative ethics board, liquor
14 control board, lottery commission, marine oversight board, Pacific
15 Northwest electric power and conservation planning council, parks and
16 recreation commission, personnel appeals board, board of pilotage
17 commissioners, pollution control hearings board, public disclosure
18 commission, public pension commission, shorelines hearing board, public
19 employees' benefits board, salmon recovery funding board, board of tax
20 appeals, transportation commission, University of Washington board of
21 regents, utilities and transportation commission, Washington state
22 maritime commission, Washington personnel resources board, Washington
23 public power supply system executive board, Washington State University
24 board of regents, Western Washington University board of trustees, and
25 fish and wildlife commission.

26 NEW SECTION. **Sec. 19.** As the Secure Electronic Registration and
27 Voting Experiment (SERVE) project cannot be certified to federal
28 standards as required of other voting systems since standards for
29 Internet voting do not exist, and partial review of SERVE by an
30 independent testing authority approved by the federal elections
31 commission is contracted to Ciber, who will review the voting portion
32 and not the Internet portion of the system; then the decision of the
33 recent independent review panel of SERVE, made up of the most qualified
34 individuals to review such a system, shall decide the use of SERVE for
35 voting in Washington state. If the panel finds the SERVE voting system
36 unacceptable, that it puts voters' rights at risk, then Washington
37 state will stop participation in the SERVE project and repeal the

1 authorization by P.L. 107-107, Title 16, Section 1604 and chapter 17,
2 Laws of 2003 1st sp. sess., as necessary to protect the integrity of
3 Washington military and overseas voters.

4 The secretary of state shall provide a complete copy of the
5 original independent panel review results directly to Washington state
6 legislators, the governor, and county auditors. The independent panel
7 review will also be made available to the public.

8 If the review finds SERVE unacceptable as a voting system that
9 cannot secure the integrity of the vote, then in lieu of SERVE,
10 Washington state election officials will make every attempt to ensure
11 participation of military and overseas voters by education, the federal
12 voting assistance program, and blank ballots, and coordinating with
13 military facilities and embassies to expedite ballots to military and
14 overseas voters, including faxing and researching the use of e-mail to
15 expedite the time ballots are in transit to military and overseas
16 voters.

17 NEW SECTION. **Sec. 20.** (1) Sections 1, 6, 18, and 19 of this act
18 are necessary for the immediate preservation of the public peace,
19 health, or safety, or support of the state government and its existing
20 public institutions, and take effect immediately.

21 (2) Sections 2 through 5 and 7 through 17 of this act take effect
22 July 1, 2004.

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