
ENGROSSED SENATE BILL 5463

State of Washington

58th Legislature

2003 Regular Session

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

Read first time 01/27/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to a pilot project for military and overseas voters
2 to vote over the Internet; creating a new section; and providing an
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** Notwithstanding any provisions of Title 29
6 RCW, between the effective date of this act and December 31, 2004, the
7 counties of Thurston, Pierce, Kitsap, Spokane, Snohomish, Island, and
8 Cowlitz may participate in the pilot project Secure Electronic
9 Registration and Voting Experiment (SERVE) authorized in the National
10 Defense Authorization Act (P.L. 107-107). Participation of the
11 counties must be approved by the secretary of state and implementation
12 must be in compliance with standards and regulations established by the
13 federal voting assistance program of the United States Department of
14 Defense. Between the effective date of this act and December 31, 2004,
15 participating counties must use the SERVE pilot project for all
16 elections for which the SERVE voting system is available for use.

17 The SERVE pilot project must allow registered overseas voters, as
18 defined in RCW 29.01.117, and registered service voters, as defined in
19 RCW 29.01.155, to cast their votes electronically, including over the

1 Internet and the World Wide Web. Except for the provisions of RCW
2 29.36.290 regarding the method for transmitting absentee voting
3 materials and of RCW 29.36.310 regarding the method for processing
4 absentee ballots, votes must be cast and counted in conformity with
5 Title 29 RCW. The SERVE voting system is exempt from the requirements
6 of RCW 29.33.300(6) and 29.33.320(6). Election officials must rely
7 upon the procedures established by the United States Department of
8 Defense for the security, secrecy, and validation of votes cast
9 electronically, but the secretary of state is responsible for verifying
10 the accuracy, secrecy, independence, and security of cast ballots.
11 Votes transmitted over an electronic medium, such as the Internet or
12 the World Wide Web, to the election authority under Title 29 RCW are
13 subject to recount and election contest requirements, but not on the
14 grounds that the vote is invalid or suspect because it was cast
15 electronically. The tabulation of SERVE pilot project votes is subject
16 to the tabulation and observer requirements of RCW 29.54.025. The
17 secretary of state must make certain and confirm that a dependable and
18 accurate ballot tracking procedure is in place for purposes of a
19 statutory recount, as defined in chapter 29.64 RCW.

20 The secretary of state and participating counties must make every
21 effort, including media press releases, web site information, and
22 standard mail, to inform registered overseas and service voters of the
23 SERVE pilot project. While county election officials and the secretary
24 of state must inform qualified voters of the SERVE pilot project,
25 communication with participating voters must be similar in nature to
26 communication with voters not participating in the SERVE pilot project.
27 The e-mail addresses of all participating voters must be made available
28 for political purposes, as required by RCW 29.04.095 through 29.04.120.

29 The secretary of state must collect and publish data on the number
30 of overseas and service voters who requested to participate in the
31 pilot project, the number of overseas and service voters who
32 participated in the pilot project, the number of ballots received
33 electronically, the number of ballots rejected, and the reasons ballots
34 were rejected. The information must be collected from the
35 participating counties and from designated participating voters. By
36 January 31, 2005, the secretary of state must compile and present a
37 report on the results of the pilot project to the state government
38 committee of the house of representatives and the government operations

1 and elections committee of the senate. In addition to the data
2 collected from participating counties and voters, the secretary of
3 state must provide a complete description of the funding and costs of
4 the SERVE pilot project, including the cost per vote and detailed
5 information on state and county staffing expenditures.

6 The secretary of state must terminate the SERVE pilot project
7 within a participating county if, anytime between the effective date of
8 this act and December 31, 2004, the participating county fails to use
9 the SERVE pilot project in any election for which the SERVE voting
10 system is available for use.

11 This act expires January 31, 2005.

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