

ESSB 5395 - H COMM AMD

By Committee on State Government Operations & Accountability

ADOPTED 04/13/2005

1 Strike everything after the enacting clause and insert the
2 following:

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

5 Beginning on January 1, 2006, all electronic voting devices must
6 produce a paper record of each vote that may be accepted or rejected by
7 the voter before finalizing his or her vote. This record may not be
8 removed from the polling place, and must be human readable without an
9 interface and machine readable for counting purposes. If the device is
10 programmed to display the ballot in multiple languages, the paper
11 record produced must be printed in the language used by the voter.
12 Rejected records must either be destroyed or marked in order to clearly
13 identify the record as rejected.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.44 RCW
15 to read as follows:

16 Paper records produced by electronic voting devices are subject to
17 all the requirements of this chapter and chapter 29A.60 RCW for ballot
18 handling, preservation, reconciliation, transit to the counting center,
19 and storage. The paper records must be preserved in the same manner
20 and for the same period of time as ballots.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.60 RCW
22 to read as follows:

23 (1) The electronic record produced and counted by electronic voting
24 devices is the official record of each vote for election purposes. The
25 paper record produced under section 1 of this act must be stored and
26 maintained for use only in the following circumstances:

- 27 (a) In the event of a manual recount;
28 (b) By order of the county canvassing board;

1 (c) By order of a court of competent jurisdiction; or
2 (d) For use in the random audit of results described in section 5
3 of this act.

4 (2) When such paper record is used in any of the circumstances
5 listed in subsection (1) of this section, it shall be the official
6 record of the election.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.44 RCW
8 to read as follows:

9 A voter voting on an electronic voting device may not leave the
10 device during the voting process, except to request assistance from the
11 precinct election officers, until the voting process is completed.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.60 RCW
13 to read as follows:

14 Prior to certification of the election as required by RCW
15 29A.60.190, the county auditor shall conduct an audit of results of
16 votes cast on the direct recording electronic voting devices used in
17 the county. This audit must be conducted by randomly selecting by lot
18 up to four percent of the direct recording electronic voting devices or
19 one direct recording electronic voting device, whichever is greater,
20 and, for each device, comparing the results recorded electronically
21 with the results recorded on paper. For purposes of this audit, the
22 results recorded on paper must be tabulated as follows: On one-fourth
23 of the devices selected for audit, the paper records must be tabulated
24 manually; on the remaining devices, the paper records may be tabulated
25 by a mechanical device determined by the secretary of state to be
26 capable of accurately reading the votes cast and printed thereon and
27 qualified for use in the state under applicable state and federal laws.
28 Three races or issues, randomly selected by lot, must be audited on
29 each device. This audit procedure must be subject to observation by
30 political party representatives if representatives have been appointed
31 and are present at the time of the audit.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.84 RCW
33 to read as follows:

34 Anyone who, without authorization, removes from a polling place a

1 paper record produced by an electronic voting device is guilty of a
2 class C felony punishable under RCW 9A.20.021."

3 Correct the title.

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