

FINAL BILL REPORT

ESHB 2479

C 207 L 06

Synopsis as Enacted

Brief Description: Modifying provisions on voting equipment.

Sponsors: By House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Green, Hunt, Haler, Morrell and Upthegrove; by request of Secretary of State).

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

Background:

Washington Voting System Certification Requirements

The Secretary of State (Secretary) is responsible for the inspection, evaluation, and testing of voting systems in the state. Voting systems, voting devices, and vote tallying systems must be certified and approved by the Secretary before they can be used or sold in the state. To be used in Washington, a voting device also must be tested, certified, and used in at least one other state or election jurisdiction and must meet the federal standards.

National Voting System Standards

The Help America Vote Act (HAVA) required the U.S. Election Assistance Commission (EAC) to issue Voluntary Voting System Guidelines that would update and augment the 2002 Voting System Standards (Standards) to reflect advances in voting technology, to incorporate requirements of the HAVA, and to address the proliferation of electronic voting systems. The proposed guidelines were released for comment in June 2005, and the final guidelines were adopted in December 2005. The HAVA also required the EAC to develop a national program for accrediting voting system testing laboratories and to oversee the certification of voting systems. This has been done in the past by the National Association of State Election Directors.

The Standards for vote accuracy require that all systems must:

- record the election contests, candidates, and issues exactly as defined by election officials;
- record the appropriate options for casting and recording votes;
- record each vote precisely as cast and be able to produce an accurate report of all votes cast;
- include control logic and data processing methods incorporating parity and check-sums (or equivalent error detection and correction methods) to demonstrate that the system has been designed for accuracy; and

- provide software that monitors the overall quality of data read-write and transfer quality status, checking the number and types of errors that occur in any of the relevant operations on data and how they were corrected.

In addition, Direct Recording Electronic voting systems must be able to record and retain redundant copies of the original ballot image.

Voting equipment vendors must submit hardware, firmware, and software to an Independent Test Authority (ITA) for evaluation against the Standards.

Signature Verification

Before absentee ballots are processed, the signature on the security envelope is checked against the voter's signature contained in the registration files. In 2005, the Legislature required the Secretary to establish guidelines, in consultation with state and local law enforcement or certified document examiners, for signature verification processes. All election personnel assigned to verify signatures must receive training on the guidelines.

Disability Access Voting

The HAVA requires that disability access voting must be offered using disability access voting devices that meet access requirements for persons with disabilities, including nonvisual accessibility, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters.

County auditors are responsible for the designation of disability access voting locations in the county. At the discretion of the county auditor, the period for disability access voting may begin 20 days before an election and end one day before the election; however, he or she may set the end of the disability access voting period to satisfy requirements for printing and distributing poll books to the polls in order to prevent multiple voting. The county auditor is required to maintain a system to prevent multiple voting.

Summary:

The requirement that a voting device be used in another state before it may be certified in Washington is removed. Instead, it is required that the device be tested and certified by an ITA designated by the EAC. The requirement that voting equipment allow the voter to vote for candidates of multiple political parties is removed.

Dates for disability access voting are changed from permissive to mandatory. The ending date for disability access voting is changed from one day before the election to the day of the election. County auditors are required to provide voting systems certified by the Secretary for disability access.

County auditors are required to establish an advisory committee that includes persons with disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee is to assist election officials in developing a plan to improve the accessibility of elections for voters with disabilities.

County auditors may use automated signature verification systems to verify signatures on absentee ballot security envelopes, as long as the system has been approved by the Secretary. The Secretary is directed to adopt rules and standards for approval and implementation of hardware and software for these automated systems.

Votes on Final Passage:

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| House | 96 | 0 |
| Senate | 46 | 0 |

Effective: June 7, 2006