

FINAL BILL REPORT

ESSB 5395

C 242 L 05

Synopsis as Enacted

Brief Description: Requiring voting devices to produce paper records.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Haugen, Roach, Rockefeller, Schmidt, Kohl-Welles, Spanel, Pridemore, Kline, McAuliffe and Franklin).

Senate Committee on Government Operations & Elections

House Committee on State Government Operations & Accountability

House Committee on Appropriations

Background: The Secretary of State (Secretary) must certify voting devices and their component software prior to use in any election in the state. Two counties in the state currently use poll site based electronic voting systems. The machines used in those counties are not currently required to produce a paper record. The Secretary has adopted rules preventing certification of poll site based electronic voting systems unless, beginning January 1, 2006, they produce a paper record that may be reviewed by each voter prior to finalizing his or her vote. The Secretary has also adopted rules regarding the use, storage, and preservation of paper records as follows:

- 1) the electronic record produced by the voting device is the official record for election purposes, and the paper record is used only in mandatory manual recounts, requested recounts, by order of the canvassing board, or by court order;
- 2) paper records are subject to the same handling, preservation, transit, and storage requirements as other ballots; and
- 3) voters may not leave the electronic voting device during the voting process except to verify his or her ballot or to request assistance.

Summary: Beginning January 1, 2006, all electronic voting devices must produce an individual paper record of each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper records must be human readable without an interface and are subject to the same handling, preservation, transit, and storage requirements as other ballots. The electronic record produced by the voting device is the official record for election purposes, and the paper record is used only in manual recounts, by order of the canvassing board, by court order, or for random audit purposes. If the paper record is used, it becomes the official record of the election. Voters voting on electronic voting devices may not leave the device during the voting process except to request assistance from precinct election officers.

Prior to certification of the election, the county auditor must audit results of votes cast on direct recording electronic voting devices used in the county by comparing the results recorded by the device with the results recorded on the paper records. Up to four percent of the voting devices or one device, whichever is greater, must be randomly selected and three random races or issues must be audited on each machine. On one fourth of the devices selected for an

audit, the paper records must be tabulated manually, and on the other devices the paper records may be tabulated by a mechanical device determined by the Secretary of State to be capable of accurately reading the votes. The audit process is open to observation.

Anyone who removes a paper record from the voting device or polling place without authorization is guilty of a class C felony.

Votes on Final Passage:

Senate	48	0	
House	95	1	(House amended)
Senate	39	0	(Senate concurred)

Effective: July 24, 2005