
HOUSE BILL 1025

State of Washington 59th Legislature 2005 Regular Session

By Representatives Morris, Upthegrove, Simpson, Nixon, Anderson, Morrell, Linville, B. Sullivan, Wallace, Ormsby and Roberts

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1 AN ACT Relating to voting systems; amending RCW 29A.12.020,
2 29A.12.050, 29A.12.060, 29A.12.070, 29A.12.080, 29A.12.090, 29A.12.101,
3 29A.12.110, 29A.12.130, 29A.12.150, 29A.44.320, 29A.60.060, and
4 29A.04.611; adding new sections to chapter 29A.12 RCW; adding new
5 sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60
6 RCW; adding a new section to chapter 29A.84 RCW; creating new sections;
7 repealing 2004 c 267 s 702; prescribing penalties; providing effective
8 dates; providing an expiration date; and declaring an emergency.

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

10 **Sec. 1.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to
11 read as follows:

12 The secretary of state shall inspect, evaluate, (~~and~~) publicly
13 demonstrate, and test all voting systems or components of voting
14 systems related to vote tallying, casting, counting, and storage that
15 are submitted for review under RCW 29A.12.030. The secretary of state
16 shall determine whether the voting systems conform with all of the
17 requirements of this title, the applicable rules adopted in accordance
18 with this title, and with generally accepted safety requirements. The
19 secretary of state shall post the report of certification to a publicly

1 available electronic medium and transmit ((a copy of the report of any
2 examination)) notice of certification under this section, within thirty
3 days after completing the examination, to the county auditor of each
4 county.

5 This section does not apply to systems with the sole election-
6 related function of displaying election results.

7 NEW SECTION. Sec. 2. A new section is added to chapter 29A.12 RCW
8 to read as follows:

9 The manufacturer or distributor of a voting system or component of
10 a voting system must provide the secretary of state access to the
11 source code of the voting system or component at the time the system is
12 submitted for an examination and anytime following certification.
13 Following certification of a voting system or component of a voting
14 system, the manufacturer or distributor must notify the secretary of
15 state each time the source code is modified, and provide the secretary
16 of state access to the modified version. The source code is exempt
17 from public disclosure under RCW 42.17.310(1)(h).

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

20 ((If)) Only voting systems or devices or vote tallying systems
21 ((are to)) that have been certified by the secretary of state may be
22 used for conducting a primary or election((, only those that have the
23 approval of the secretary of state or had been approved under this
24 chapter or the former chapter 29.34 RCW before March 22, 1982, may be
25 used. Any)). No modification, change, redesign, or improvement may be
26 made to any voting system or component of a system ((that does not
27 impair its accuracy, efficiency, or capacity or extend its function,
28 may be made)) related to vote tallying, casting, counting, and storage,
29 other than hardware replacement, without notification of the secretary
30 of state for reexamination or reapproval by the secretary of state
31 under ((RCW 29A.12.020)) section 4 of this act.

32 NEW SECTION. Sec. 4. A new section is added to chapter 29A.12 RCW
33 to read as follows:

34 Reexamination or reapproval of voting systems under RCW 29A.12.050
35 must be performed in the following manner:

1 The modification must be reviewed and approved by an appropriate
2 independent testing authority approved by the federal election
3 assistance commission before submission to the secretary of state for
4 approval. If, in the opinion of the system vendor, a modification must
5 be made during the period beginning ten days before an election to
6 assure proper system operation, an emergency examination and approval
7 may be conducted by the secretary of state before a review by an
8 independent testing authority. During this emergency examination
9 period, the vendor shall make a written submission to the secretary of
10 state for review. The submission must include:

- 11 (1) The purpose and effect of the modification;
- 12 (2) Clear and complete documentation of the change including a
13 description, an affected code, affected systems, and a before and after
14 depiction of the change;
- 15 (3) A statement from the vendor declaring the completeness of the
16 submission, sworn under penalty of perjury and loss of system
17 certification.

18 The secretary of state may review and test the change before
19 issuing or denying an emergency approval for use only in the subsequent
20 election.

21 **Sec. 5.** RCW 29A.12.060 and 2003 c 111 s 306 are each amended to
22 read as follows:

23 The county auditor of a county in which voting systems are used is
24 responsible for the preparation, maintenance, and operation of those
25 systems and during the logic and accuracy test, must provide written,
26 signed verification that the system and its component software, in the
27 version used, are certified. The auditor may employ and direct persons
28 to perform some or all of these functions.

29 **Sec. 6.** RCW 29A.12.070 and 2003 c 111 s 307 are each amended to
30 read as follows:

31 An agreement to purchase or lease a voting system or a component of
32 a voting system is subject to that system or component passing an
33 acceptance test as defined in rule by the office of the secretary of
34 state, conducted by the county auditor as purchaser or lessee,
35 sufficient to demonstrate that the equipment is the same as that

1 certified by the secretary of state and that the equipment is operating
2 correctly as delivered to the county.

3 **Sec. 7.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to
4 read as follows:

5 No voting device (~~shall~~) or its component software may be
6 (~~approved~~) certified by the secretary of state unless it:

7 (1) Secures to the voter secrecy in the act of voting;

8 (2) Permits the voter to vote for any person for any office and
9 upon any measure that he or she has the right to vote for;

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

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

14 (5) Provides that a vote for more than one candidate cannot be cast
15 by one single operation of the voting device or vote tally system
16 except when voting for president and vice president of the United
17 States; (~~and~~)

18 (6) In the case of a poll site based electronic voting device, as
19 part of the voting process produces a machine countable paper record
20 for each vote at the time of voting that may be reviewed by the voter
21 before finalizing his or her vote, or provides equivalent security and
22 accuracy through an alternative method for the voter to verify his or
23 her vote in a technology distinct from the poll site based electronic
24 voting device that is approved by the Washington voting systems board;

25 (7) Except for functions or capabilities unique to this state, has
26 been tested, certified, and used in at least one other state or
27 election jurisdiction; and

28 (8) Except for functions or capabilities unique to this state, has
29 been tested and approved by the appropriate independent testing
30 authority approved by the federal election assistance commission or its
31 statutory successor.

32 **Sec. 8.** RCW 29A.12.090 and 2003 c 111 s 309 are each amended to
33 read as follows:

34 The ballot (~~on a single voting device shall~~) displayed to a voter
35 may not contain the names of candidates for the offices of United
36 States representative, state senator, state representative, county

1 council, or county commissioner in more than one district. (~~In all~~
2 ~~general elections, primaries, and special elections, in each polling~~
3 ~~place the voting devices containing ballots for candidates from each~~
4 ~~congressional, legislative, or county council or commissioner district~~
5 ~~shall be grouped together and physically separated from those devices~~
6 ~~containing ballots for other districts. Each voter shall be directed~~
7 ~~by the precinct election officers to the correct group of voting~~
8 ~~devices.))~~)

9 **Sec. 9.** RCW 29A.12.101 and 2004 c 271 s 109 are each amended to
10 read as follows:

11 The secretary of state (~~shall~~) may not approve a vote tallying
12 system or system software unless it:

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

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

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

21 (4) Produces precinct and cumulative totals in printed form; and

22 (5) Except for functions or capabilities unique to this state, has
23 been tested, certified, and used in at least one other state or
24 election jurisdiction.

25 **Sec. 10.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to
26 read as follows:

27 In preparing a voting device for a primary or election, a record
28 (~~shall~~) must be made of the ballot format installed in each device
29 and the precincts or portion of a precinct for which that device has
30 been prepared. Except where provided by a rule adopted under RCW
31 (~~29A.04.610~~) 29A.04.611, after being prepared for a primary or
32 election, each device (~~shall~~) must be sealed with a uniquely numbered
33 seal and provided to the inspector of the appropriate polling place.

34 **Sec. 11.** RCW 29A.12.130 and 2003 c 111 s 313 are each amended to
35 read as follows:

1 At least three days before each state primary or general election,
2 the office of the secretary of state shall provide for the conduct of
3 tests of the programming for each vote tallying system to be used at
4 that primary or general election. The test must verify that the system
5 will correctly count the vote cast for all candidates and on all
6 measures appearing on the ballot at that primary or general election.
7 The test ~~((shall))~~ must verify the capability of the vote tallying
8 system to perform all of the functions that can reasonably be expected
9 to occur during conduct of that particular primary or election. If any
10 error is detected, the cause ~~((shall))~~ must be determined and
11 corrected, and an errorless total ~~((shall))~~ must be produced before the
12 primary or election.

13 Such tests ~~((shall))~~ must be observed by at least one
14 representative from each major political party, if representatives have
15 been appointed by the respective major political parties and are
16 present at the test, and ~~((shall))~~ must be open to candidates, the
17 press, and the public. The county auditor and any political party
18 observers shall certify that the test has been conducted in accordance
19 with this section. The county auditor must provide signed, written
20 verification that the version of the voting system and software used
21 are state certified. Copies of this verification and the test
22 certification ~~((shall))~~ must be retained by the secretary of state and
23 the county auditor. All programming materials, test results, and test
24 ballots ~~((shall))~~ must be securely ~~((sealed))~~ stored until the day of
25 the primary or general election. All ballot counting equipment must be
26 sealed, kept in a secure location, and protected against unauthorized
27 access until election day.

28 **Sec. 12.** RCW 29A.12.150 and 2003 c 111 s 315 are each amended to
29 read as follows:

30 (1) No voting device or machine may be used ~~((in a county with a~~
31 ~~population of seventy thousand or more))~~ to conduct a primary or
32 general or special election in this state unless it correctly records
33 on a separate ballot the votes cast by each elector for any person and
34 for or against any measure and such separate ballots are available for
35 audit purposes after such a primary or election. After January 1,
36 2007, no voting device or machine may be used to conduct a primary or

1 general or special election that uses punched holes to record the
2 voter's choices.

3 (2) The secretary of state shall not certify under this title any
4 voting device or machine for use in conducting a primary or general or
5 special election in this state unless the device or machine correctly
6 records on a separate ballot the votes cast by each elector for any
7 person and for or against any measure and such separate ballots are
8 available for audit purposes after such a primary or election. The
9 secretary of state may not certify under this title any voting device
10 or machine for use in conducting a primary or general or special
11 election that uses punched holes to record the voter's choices.

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

14 The secretary of state may withdraw the certification of any voting
15 system hardware, software, or system component for cause. Before
16 withdrawing a certification the secretary of state shall conduct a
17 public hearing intended to document and allow input from affected
18 system users and vendors before rendering a decision. The secretary of
19 state shall post the report of withdrawal of certification to a
20 publicly available electronic medium and transmit notice of withdrawal
21 of certification under this section to each county auditor within five
22 days after completing the examination.

23 **Sec. 14.** RCW 29A.44.320 and 2003 c 111 s 1130 are each amended to
24 read as follows:

25 Whenever poll((-))site ballot counting devices or poll site based
26 electronic voting devices are used, the devices may either be included
27 with the supplies required in RCW 29A.44.110 or they may be delivered
28 to the polling place separately. ~~((All))~~ Each poll((-))site ballot
29 counting device(~~s~~) and poll site based electronic voting device must
30 be physically sealed with a unique numbered seal at the time of final
31 preparation and logic and accuracy testing. The seal must secure
32 against unauthorized access. A log must be made of all seal numbers
33 and device numbers used.

34 NEW SECTION. Sec. 15. A new section is added to chapter 29A.44
35 RCW to read as follows:

1 Before each state primary or general election logic and accuracy
2 testing of poll site based systems or electronic voting devices must be
3 performed by the county under the observation of the office of the
4 secretary of state during the process of final preparation before
5 system distribution to each poll site. For all other elections the
6 logic and accuracy test must be performed by the county auditor before
7 system distribution. As each ballot counter or electronic voting
8 system is programmed and set up for distribution a logic and accuracy
9 test must be performed. These tests must establish that each system is
10 functioning within system standards. All ballot styles programmed for
11 each machine must be processed by each machine in order to ensure that
12 the machine is correctly counting and accumulating votes for every
13 office. After all tests are performed and the machine is ready for
14 distribution, the machine must be sealed and the seal number recorded.
15 The procedure described in this section will serve as the official
16 logic and accuracy test of these devices.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.44
18 RCW to read as follows:

19 A log must be created during the testing of poll site based ballot
20 counters and electronic voting devices. The log must record the time
21 and place of each test, the precinct number, seal number, and machine
22 number of each ballot counter or voting device, and the initials of
23 each person testing and observing the test for each machine. This log
24 must be included in the official logic and accuracy test materials.
25 The processes described in section 15 of this act must be open to
26 observation and subject to all notices and observers under rules
27 adopted by the secretary of state.

28 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.44
29 RCW to read as follows:

30 (1) The secretary of state shall empanel a task force of elections
31 and computer security experts to be known as the "Washington Voting
32 Systems Board" to study and determine the potential for election fraud
33 as follows:

34 (a) At least five county auditors, or their designees, with five
35 years or more of elections experience chosen by the Washington
36 Association of County Auditors;

1 (b) At least two information technology professionals with five
2 years or more experience in enterprise class computing systems chosen
3 from a list provided by the director of the state department of
4 information services;

5 (c) The director of the state department of information services or
6 a designee;

7 (d) A representative of the Washington disability access group;

8 (e) The state director of elections or a designee;

9 (f) The secretary of state, or a designee, who shall chair the task
10 force;

11 (g) A member of each of the four caucuses of the state legislature;

12 (h) A statistician provided by one of the four-year universities in
13 the state of Washington.

14 (2) The secretary of state shall provide reports to the legislature
15 before the beginning of the 2006 and 2007 legislative sessions
16 detailing:

17 (a) The progress of the federal election assistance commission in
18 developing standards for the testing, certification, decertification,
19 and recertification of voting system hardware and software, including
20 electronic voting systems;

21 (b) The progress of the federal election assistance commission in
22 conducting a thorough study of the issues and challenges, specifically
23 to include the potential for election fraud;

24 (c) The findings of the secretary of state and the Washington
25 voting systems board on the comparative security of various voting
26 systems technologies, including alternate but secure and accurate
27 methods for a voter using a poll site based electronic voting device to
28 verify his or her vote in a technology distinct from the poll site
29 based electronic voting device;

30 (d) The findings of the secretary of state as to any potential or
31 known risks of voting fraud, or actual instance of voting fraud during
32 the previous year;

33 (e) A list of the voting system technologies certified for use in
34 this state.

35 (3) Subsection (2) of this section expires July 1, 2007.

36 NEW SECTION. **Sec. 18.** A new section is added to chapter 29A.44
37 RCW to read as follows:

1 (1) If a poll site based electronic voting device produces an
2 individual paper record at the time of voting, the device must allow
3 the paper record to be reviewed by the voter before finalizing his or
4 her vote. The paper record must be machine readable for purposes of
5 counting the votes cast using a technology distinct from the poll site
6 based electronic voting device. If the device is programmed to display
7 the ballot in multiple languages, the paper record produced must be
8 printed in the language used by each voter. The device must allow the
9 voter the option of spoiling the paper record and repeating the voting
10 process if, after examining the paper record but before finalizing and
11 casting his or her vote, the voter determines that the record does not
12 reflect his or her vote. The spoiled record must either be destroyed
13 or marked in order to clearly identify the record as spoiled. Paper
14 records may not be removed from the polling place.

15 (2) If a poll site based electronic voting device provides an
16 alternative method for the voter to verify his or her vote, the
17 alternative method must maintain privacy in the act of voting while
18 allowing a voter to verify that his or her votes were cast and recorded
19 as intended, in a technology separate and distinct from the poll site
20 based electronic voting device. The alternative method must allow the
21 voter an opportunity to repeat the voting process if the voter
22 determines that the verification process does not reflect his or her
23 vote. The secretary of state shall notify the appropriate standing
24 committees of the legislature if the secretary certifies an alternative
25 method for voters to verify votes cast on a poll site based electronic
26 voting device.

27 NEW SECTION. **Sec. 19.** A new section is added to chapter 29A.44
28 RCW to read as follows:

29 Any paper records produced by poll site based electronic voting
30 devices are subject to all of the requirements of this chapter and
31 chapter 29A.60 RCW for ballot handling, preservation, reconciliation,
32 transit to the counting center, and storage. The paper records must be
33 preserved in the same manner and for the same period of time as
34 ballots.

35 NEW SECTION. **Sec. 20.** A new section is added to chapter 29A.44
36 RCW to read as follows:

1 The electronic record produced and counted by poll site electronic
2 voting devices is the official record of each vote for election
3 purposes. However, any paper records produced under section 18 of this
4 act must be stored and used as the official record of each vote for
5 election purposes in the following specified circumstances only:

6 (1) In the event of a mandatory manual recount of votes under RCW
7 29A.64.021;

8 (2) In the event of a requested recount under RCW 29A.64.011;

9 (3) By order of the county canvassing board;

10 (4) By order of the superior court of a county; or

11 (5) For use in the four percent random audit of results required by
12 section 25 of this act.

13 NEW SECTION. **Sec. 21.** A new section is added to chapter 29A.44
14 RCW to read as follows:

15 A voter voting on a poll site based electronic voting system may
16 not leave the device during the voting process except to verify his or
17 her ballot, or to request assistance from the precinct election
18 officers, until the voting process is completed.

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

21 Ballot counting systems must be secured physically and
22 electronically against unauthorized access. Ballot counting systems
23 must not be connected to, or operated on, any electronic network
24 including internal office networks, the Internet, or the World Wide
25 Web. No wireless communications or unauthorized devices or software
26 may be used in any way in a voting system. A network may be used as an
27 internal, integral part of the ballot counting system, but that network
28 must not be connected to any other network, the Internet, or the World
29 Wide Web. All elements of the ballot counting system must be
30 observable and secured. Transfer of information from the ballot
31 counting system to another system for network connection or broadcast
32 must be made via disk, tape, or other physical means of communication
33 other than direct electronic connection.

34 NEW SECTION. **Sec. 23.** A new section is added to chapter 29A.60
35 RCW to read as follows:

1 Before the first ballot counting session in each election, a report
2 must be produced demonstrating that the system contains no vote data
3 before commencement of counting ballots. At the completion of each
4 ballot counting session, the ballot counting system must produce a
5 report of the results compiled that includes date and time information.
6 Before commencing any additional ballot counting session, a report of
7 the results contained in the system must be produced that includes date
8 and time information. This report must be compared with the report
9 produced at the end of the previous ballot counting session to ensure
10 that no changes have been made to the vote data in the interim period.
11 This comparison must be performed in the presence of political party
12 observers if representatives have been appointed by their respective
13 political parties and are present at the time of comparison. This
14 procedure must be employed for subsequent counting sessions. Nothing
15 in this section precludes the county auditor from zeroing individual
16 devices in subsequent counting sessions if a report is created after
17 each session and before the next, with the results being merged into
18 the total.

19 **Sec. 24.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to
20 read as follows:

21 After the close of the polls, counties employing poll((-))site
22 ballot counting devices or a remote counting location may
23 telephonically or electronically transmit the accumulated tally for
24 each device to a central reporting location. Before making a
25 telephonic or electronic transmission the precinct election officer
26 must create a printed record of the results of the election for that
27 poll site. During the canvassing period the results transmitted
28 telephonically or electronically must be considered unofficial until a
29 complete reconciliation of the results has been performed. This
30 reconciliation may be accomplished by a direct loading of the results
31 from the memory pack into the central accumulator, or a comparison of
32 the report produced at the poll site on election night with the results
33 received by the central accumulating device. The device or devices
34 used to receive the transmission may not be directly connected to the
35 voting system. Transfer of the information received must be made via
36 disk, tape, or other physical means of communication other than direct
37 electronic connection.

- 1 (4) The examination and testing of voting systems for
2 certification;
- 3 (5) The source and scope of independent evaluations of voting
4 systems that may be relied upon in certifying voting systems for use in
5 this state;
- 6 (6) Standards and procedures for the acceptance testing of voting
7 systems by counties;
- 8 (7) Standards and procedures for testing the programming of vote
9 tallying software for specific primaries and elections;
- 10 (8) Standards and procedures for the preparation and use of each
11 type of certified voting system including procedures for the operation
12 of counting centers where vote tallying systems are used;
- 13 (9) Standards and procedures to ensure the accurate tabulation and
14 canvassing of ballots;
- 15 (10) Consistency among the counties of the state in the preparation
16 of ballots, the operation of vote tallying systems, and the canvassing
17 of primaries and elections;
- 18 (11) Procedures to ensure the secrecy of a voter's ballot when a
19 small number of ballots are counted at the polls or at a counting
20 center;
- 21 (12) The use of substitute devices or means of voting when a voting
22 device at the polling place is found to be defective, the counting of
23 votes cast on the defective device, the counting of votes cast on the
24 substitute device, and the documentation that must be submitted to the
25 county auditor regarding such circumstances;
- 26 (13) Procedures for the transportation of sealed containers of
27 voted ballots or sealed voting devices;
- 28 (14) The acceptance and filing of documents via electronic
29 facsimile;
- 30 (15) Voter registration applications and records;
- 31 (16) The use of voter registration information in the conduct of
32 elections;
- 33 (17) The coordination, delivery, and processing of voter
34 registration records accepted by driver licensing agents or the
35 department of licensing;
- 36 (18) The coordination, delivery, and processing of voter
37 registration records accepted by agencies designated by the governor to
38 provide voter registration services;

1 (19) Procedures to receive and distribute voter registration
2 applications by mail;

3 (20) Procedures for a voter to change his or her voter registration
4 address within a county by telephone;

5 (21) Procedures for a voter to change the name under which he or
6 she is registered to vote;

7 (22) Procedures for canceling dual voter registration records and
8 for maintaining records of persons whose voter registrations have been
9 canceled;

10 (23) Procedures for the electronic transfer of voter registration
11 records between county auditors and the office of the secretary of
12 state;

13 (24) Procedures and forms for declarations of candidacy;

14 (25) Procedures and requirements for the acceptance and filing of
15 declarations of candidacy by electronic means;

16 (26) Procedures for the circumstance in which two or more
17 candidates have a name similar in sound or spelling so as to cause
18 confusion for the voter;

19 (27) Filing for office;

20 (28) The order of positions and offices on a ballot;

21 (29) Sample ballots;

22 (30) Independent evaluations of voting systems;

23 (31) The testing, approval, and certification of voting systems;

24 (32) The testing of vote tallying software programming;

25 (33) Standards and procedures to prevent fraud and to facilitate
26 the accurate processing and canvassing of absentee ballots and mail
27 ballots;

28 (34) Standards and procedures to guarantee the secrecy of absentee
29 ballots and mail ballots;

30 (35) Uniformity among the counties of the state in the conduct of
31 absentee voting and mail ballot elections;

32 (36) Standards and procedures to accommodate out-of-state voters,
33 overseas voters, and service voters;

34 (37) The tabulation of paper ballots before the close of the polls;

35 (38) The accessibility of polling places and registration
36 facilities that are accessible to elderly and disabled persons;

37 (39) The aggregation of precinct results if reporting the results
38 of a single precinct could jeopardize the secrecy of a person's ballot;

1 (40) Procedures for conducting a statutory recount;

2 (41) Procedures for filling vacancies in congressional offices if
3 the general statutory time requirements for availability of absentee
4 ballots, certification, canvassing, and related procedures cannot be
5 met;

6 (42) Procedures for the statistical sampling of signatures for
7 purposes of verifying and canvassing signatures on initiative,
8 referendum, and recall election petitions;

9 (43) Standards and deadlines for submitting material to the office
10 of the secretary of state for the voters' pamphlet;

11 (44) Deadlines for the filing of ballot titles for referendum bills
12 and constitutional amendments if none have been provided by the
13 legislature;

14 (45) Procedures for the publication of a state voters' pamphlet;

15 (46) Procedures for conducting special elections regarding nuclear
16 waste sites if the general statutory time requirements for availability
17 of absentee ballots, certification, canvassing, and related procedures
18 cannot be met;

19 (47) Procedures for conducting partisan primary elections;

20 (48) Standards and procedures for the proper conduct of voting
21 during the early voting period to provide accessibility for the blind
22 or visually impaired;

23 (49) Standards for voting technology and systems used by the state
24 or any political subdivision to be accessible for individuals with
25 disabilities, including nonvisual accessibility for the blind and
26 visually impaired, in a manner that provides the same opportunity for
27 access and participation, including privacy and independence, as other
28 voters;

29 (50) All data formats for transferring voter registration data on
30 electronic or machine-readable media for the purpose of administering
31 the statewide voter registration list required by the Help America Vote
32 Act (P.L. 107-252);

33 (51) Defining the interaction of electronic voter registration
34 election management systems employed by each county auditor to maintain
35 a local copy of each county's portion of the official state list of
36 registered voters;

37 (52) Provisions and procedures to implement the state-based

1 administrative complaint procedure as required by the Help America Vote
2 Act (P.L. 107-252); (~~and~~)

3 (53) Facilitating the payment of local government grants to local
4 government election officers or vendors; and

5 (54) Procedures for the use of poll site based electronic voting
6 devices, paper records, and alternative voter-verified technology.

7 NEW SECTION. Sec. 28. (1) All voting system and voting device
8 purchases made after July 1, 2005, are subject to the requirements of
9 this act. All existing voting system and voting device approval and
10 certifications for electronic voting systems and devices are in effect
11 until January 1, 2007.

12 (2) The secretary of state, in consultation with the information
13 services board, shall establish procedures for the procurement of
14 certified voting systems through master contracts. County auditors,
15 using funding disbursed through the election account established in the
16 state treasury by section 1, chapter 48, Laws of 2003, for the
17 procurement of voting systems, must consider the use of master
18 contracts approved by the secretary of state.

19 NEW SECTION. Sec. 29. Nothing in this act prevents the state of
20 Washington, its counties, or its voters from participating in the
21 Secure Electronic Registration and Voting Experiment (SERVE) as
22 authorized by PL 107-107, Title 16, section 1604 and chapter 17, Laws
23 of 2003 1st sp. sess. including system certification, voter
24 registration, and voting.

25 NEW SECTION. Sec. 30. 2004 c 267 s 702 is repealed.

26 NEW SECTION. Sec. 31. This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 July 1, 2005, except for sections 18 through 21, 25, and 26 of this act
30 which take effect January 1, 2007.

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