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SENATE BILL 5395

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Kastama, Haugen, Roach, Rockefeller, Schmidt, Kohl-  
Welles, Spanel, Pridemore, Kline, McAuliffe and Franklin

Read first time 01/24/2005.      Referred to Committee on Government  
Operations & Elections.

1            AN ACT Relating to requiring poll-site based electronic voting  
2 devices to produce paper records; amending RCW 29A.12.080; adding new  
3 sections to chapter 29A.44 RCW; adding a new section to chapter 29A.60  
4 RCW; adding a new section to chapter 29A.84 RCW; and prescribing  
5 penalties.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 29A.44 RCW  
8 to read as follows:

9            Beginning on January 1, 2006, all poll-site based electronic voting  
10 devices shall produce an individual paper record, at the time of  
11 voting, that may be reviewed by the voter before finalizing his or her  
12 vote. This record may not be removed from the polling place and must  
13 be machine readable for counting purposes. If the device is programmed  
14 to display the ballot in multiple languages, the paper record produced  
15 must be printed in the language used by each voter.

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

18            Paper records produced by poll-site based electronic voting devices

1 are subject to all of the requirements of this chapter and chapter  
2 29A.60 RCW for ballot handling, preservation, reconciliation, transit  
3 to the counting center, and storage. The paper records must be  
4 preserved in the same manner and for the same period of time as  
5 ballots.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.44 RCW  
7 to read as follows:

8 The electronic record produced and counted by poll-site electronic  
9 voting devices is the official record of each vote for election  
10 purposes. The paper record produced under section 1 of this act must  
11 be stored and maintained for use only in the following circumstances:

- 12 (1) In the event of a mandatory manual recount of votes under RCW  
13 29A.64.021;
- 14 (2) In the event of a requested recount under RCW 29A.64.011;
- 15 (3) By order of the county canvassing board;
- 16 (4) By order of a court of competent jurisdiction; or
- 17 (5) For use in the random audit of results described in section 6  
18 of this act.

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

21 A voter voting on a poll-site based electronic voting system may  
22 not leave the device during the voting process, except to verify his or  
23 her ballot or to request assistance from the precinct election  
24 officers, until the voting process is completed.

25 **Sec. 5.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to  
26 read as follows:

27 No voting device shall be approved by the secretary of state unless  
28 it:

- 29 (1) Secures to the voter secrecy in the act of voting;
- 30 (2) Permits the voter to vote for any person for any office and  
31 upon any measure that he or she has the right to vote for;
- 32 (3) Permits the voter to vote for all the candidates of one party  
33 or in part for the candidates of one or more other parties;
- 34 (4) Correctly registers all votes cast for any and all persons and  
35 for or against any and all measures;

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

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

8 (7) Beginning on January 1, 2006, in the case of a poll-site based  
9 electronic voting system, produces a machine-countable paper record for  
10 each vote that may be reviewed and accepted or rejected by the voter  
11 before finalizing his or her vote, as a part of the voting process.  
12 Rejected records must either be destroyed or marked in order to clearly  
13 identify the record as rejected.

14 NEW SECTION. Sec. 6. A new section is added to chapter 29A.60 RCW  
15 to read as follows:

16 Before the close of business on the day after election day, the  
17 county auditor shall conduct an audit of results of votes cast on the  
18 poll-site based electronic voting devices used in the county. This  
19 audit must be conducted by randomly selecting by lot, up to four  
20 percent of the poll-site based electronic voting devices or one  
21 electronic voting device, whichever is greater, and comparing the  
22 results recorded by each device with those recorded on the paper  
23 records created by that device. Three races or issues, randomly  
24 selected by lot, must be audited on each device. This audit procedure  
25 must be subject to observation by political party representatives if  
26 representatives have been appointed and are present at the time of the  
27 audit.

28 NEW SECTION. Sec. 7. A new section is added to chapter 29A.84 RCW  
29 to read as follows:

30 Anyone who removes a paper record produced by a poll-site based  
31 electronic voting system from a polling place without authorization is  
32 guilty of a class C felony punishable under RCW 9A.20.021.

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