

HOUSE BILL REPORT

SHB 1103

As Passed House:
March 7, 2013

Title: An act relating to uniform ballot design.

Brief Description: Concerning uniform ballot design.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Van De Wege, Hunt, Stanford, Liias, Hayes, Morrell, Appleton, Fitzgibbon, Hudgins, Reykdal and Bergquist).

Brief History:

Committee Activity:

Government Operations & Elections: 1/24/13, 2/12/13 [DPS].

Floor Activity:

Passed House: 3/7/13, 77-20.

Brief Summary of Substitute Bill

- Requires the Secretary of State, in conjunction with the Washington State Association of County Auditors, to develop a uniform ballot format to be used by each county by the year 2022, or upon replacement of vote tallying equipment, whichever occurs first.
- Requires the Secretary of State, in conjunction with the Department of Enterprise Services and in consultation with county auditors, to develop a master contract for vote tallying equipment for purchase by counties.
- Allows a county auditor to establish an equipment replacement fund.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Carlyle, Fitzgibbon, Orwall and Van De Wege.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 5 members: Representatives Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Kristiansen and Manweller.

Staff: Marsha Reilly (786-7135).

Background:

Voting Systems.

The Secretary of State (Secretary) has the authority to inspect, evaluate, test, and approve voting systems for use in the state. The Secretary may not approve any system that does not: provide for voter secrecy; permit the voter to vote for any candidate or measure; correctly register all votes cast for any candidate or measure; and allow a vote for more than one candidate by a single operation of the voting system (except for President and Vice President of the United States). No system may be used unless it has been tested and certified by an independent testing authority designed by the United States Election Assistance Commission.

Four different voting systems currently are used within the state. The WinEDS 4.0 voting system requires the voter to connect an arrow for a response, and the system is currently used in five counties. The Hart voting system requires the voter to fill in a rectangle as a response, and is used by 24 counties. The Election System and Software Unity voting system requires voters to fill in an oval as a response, and is in use by nine counties. Finally, the Assure 1.2 voting system in use by King County requires voters to fill in an oval as a response.

Ballot Design.

Ballots are required to be uniform within a precinct and must identify the type of election, the county, and the date of the primary election. The ballot must include instructions on the proper method of recording a vote. The various offices and issues on a ballot must be clearly separated from each other.

Summary of Substitute Bill:

The Secretary, in conjunction with the Washington State Association of County Auditors (Association), must develop a uniform ballot format to be used by each county by the year 2022, or upon replacement of vote tallying equipment, whichever occurs first.

The Secretary, in conjunction with the Department of Enterprise Services and in consultation with county auditors, must develop a master contract for vote tallying equipment for purchase by counties.

A county auditor may establish an equipment replacement fund that must be used explicitly to replace vote tallying equipment. Only the county auditor may authorize expenditures from the fund. Election billing charges must be sufficient to fund the replacement of voting system equipment no later than the year 2022.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Association supports the bill but does have some concerns. The long range planning and recognition that voting systems are aging is appreciated. Systems should not confuse voters, and the use of a master contract is good. The county auditors are happy to work in partnership with the Secretary. It is not clear if the intent is to include online marking tools and touch machines. Funding replacement systems may be a problem. Only 10 counties have systems that require the voter to mark the ballot by filling in an oval. New systems should be online before a presidential election, either in 2018, which limits the time allowed for purchase, or 2022. Counties are working with vendors on bids to redesign their current system in order to read ovals. All systems must be approved at the federal level, and currently that system is broken.

(Neutral) Consistency in elections across the state is important. Voting systems must be certified by the state as well as by the federal government. The costs of changing current systems is secondary because any change would have to be certified by the Federal Election Commission, which is very difficult now because there are no commissioners. One system statewide would be more efficient. The tabulations are uploaded to the Secretary under four different systems. One system would allow for more compatibility.

(With concerns) Determining what system to use is problematic, because each county may have a different preference. There is a lot of software involved in the process of designing the ballot. The design depends on the size of the ballot, issues on the ballot, districts on the ballot, and the overall size of the county. The bill mandates an oval which is only provided by one vendor. Changes to systems may cost up to \$300,000. Grays Harbor County found that there were fewer errors filling in a rectangle as opposed to an oval.

(Opposed) The bill will force all counties to not only create a uniform ballot, but to purchase identical equipment that may or may not fit its needs or budgets. There are different types of election machines used. Some machines have more capabilities than others, some appear to have better security features, and each machine has a unique financial cost for purchase and maintenance. Changing to a uniform ballot will force the counties to lose local control and to purchase new machines while creating a new system of security measures and physical changes to accommodate this new structure. Spokane County had challenges when it changed to an oval response. Stray marks or smears on some ballots were read as an over vote.

Persons Testifying: (In support) Julie Anderson, Pierce County Auditor's Office and Washington State Association of County Auditors.

(Neutral) Katie Blinn, Office of the Secretary of State.

(With concerns) Vern Spatz, Grays Harbor County Auditor's Office.

(Opposed) Sharon Hanek.

Persons Signed In To Testify But Not Testifying: None.