

HOUSE BILL REPORT

SB 5126

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to uniform ballot design.

Brief Description: Concerning uniform ballot design.

Sponsors: Senators Hunt, Palumbo, Miloscia, Kuderer and Billig.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 3/15/17, 3/22/17 [DP].

Brief Summary of Bill

- Requires the Secretary of State (Secretary) to develop a uniform ballot format no later than 2027.
- Authorizes the Secretary to develop a master contract for vote-tallying equipment for counties to purchase.
- Allows counties to establish a fund exclusively used for the costs of replacing voting equipment and requires that election billing charges must be sufficient to fund the replacement of equipment no later than 2024.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: Do pass. Signed by 5 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton, Gregerson and Pellicciotti.

Minority Report: Do not pass. Signed by 3 members: Representatives Volz, Assistant Ranking Minority Member; Irwin and Kraft.

Minority Report: Without recommendation. Signed by 1 member: Representative Koster, Ranking Minority Member.

Staff: Sean Flynn (786-7124).

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.

Background:

A voting system may be used by a county to register, record, and count votes at any primary or election in the state. There are four different voting systems currently used within the state. Only approved vote-tallying systems may be used in a primary or election in the state. An election official may not enter into an agreement that allows a voting system equipment vendor to acquire any ownership interest in any ballot or voter information.

The Secretary of State (Secretary) must inspect, evaluate, and publically test all voting systems, including component equipment used to tally votes, submitted for review by a manufacturer or distributor. Any vote-tallying device may only be approved if it:

- secures voter secrecy;
- permits a voter to cast a vote for any applicable candidate or measure;
- correctly registers any and all votes cast;
- does not permit a voter to cast a vote for more than one candidate at a time; and
- is certified by an independent testing authority authorized by the federal Elections Assistance Commission.

The Secretary has authority to create standards for the design, layout, and production of ballots. Election ballots must be uniform within a precinct. The ballot must identify the date and type of primary or election, and contain instructions how to record a vote. The candidates and issues on the ballot must be clearly separated.

Summary of Bill:

The Secretary must develop a uniform ballot format in conjunction with the Washington State Association of County Auditors. The format must be implemented by 2027, or upon replacement of vote-tallying equipment. The Secretary may develop a master contract, in consultation with the Department of Enterprise Services and in consultation with the county auditors, for vote-tallying equipment for counties to purchase.

County auditors may establish a fund exclusively used for the costs of replacing voting equipment. Election billing charges must be sufficient to fund the replacement of equipment no later than 2024.

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) A uniform statewide ballot design would make the voting experience the same for voters across the state, and would be especially helpful for people who change counties. A uniform design would help standardize vote-tallying systems and equipment, which could be used by counties to combine purchase power to leverage contracting with vendors. It also would provide consistency in election administration.

(Opposed) None.

(Other) The timeframe for replacing voting equipment by 2027 does not match up with the timeframe for replacing voting equipment, since some of the newly purchased equipment might not be compatible with future ballot designs. There should be caution about becoming over-reliant on a single source vendor and creating a monopoly market for equipment. Also, a consolidated vote-tallying system runs the risk of creating a one-point system failure, without any alternatives to use as back-up.

Persons Testifying: (In support) Senator Hunt, prime sponsor.

(Other) Lori Augino, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.