

SENATE BILL REPORT

SB 5126

As Passed Senate, March 2, 2017

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: 1/25/17, 2/01/17 [DP, DNP, w/oRec].

Floor Activity:

Passed Senate: 3/02/17, 30-19.

Brief Summary of Bill

- Directs the Secretary of State to develop a uniform ballot format for implementation no later than 2027.
- Authorizes the Secretary of State to develop a master contract for vote-tallying equipment for counties to purchase.

SENATE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass.

Signed by Senators Miloscia, Chair; Hunt, Ranking Minority Member; Kuderer.

Minority Report: Do not pass.

Signed by Senator Zeiger, Vice Chair.

Minority Report: That it be referred without recommendation.

Signed by Senator Pearson.

Staff: Samuel Brown (786-7470)

Background: A voting system is the equipment, software, and associated practices used to register, record, and count votes during elections. Only approved vote-tallying systems may be used in an election. There are four different voting systems currently used within the state.

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.

The Secretary of State (Secretary) must inspect, evaluate, and publicly test all voting systems, including component equipment used to tally votes, submitted for review by a manufacturer or distributor. A vote-tallying device may be approved only 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 election, and contain instructions on 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, to be implemented by 2027 or upon replacement of vote-tallying equipment, whichever occurs first. The Secretary may develop a master contract, in consultation with the Department of Enterprise Services and 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 sufficiently fund the replacement of equipment no later than 2024.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Ballots vary between counties and precincts and this bill will allow for consistency in determining voter intent. A master contract will improve data interoperability, provide ease of use for voters who move between counties, and allow counties to buy ballots in bulk to improve logistics. County Auditors support a uniform ballot so long as it can be adapted to individual county and precinct needs.

OTHER: Problems associated with different ballot designs are not as prevalent in Washington as in other states. The potential exists for uniform ballot to be a single failure point. Counties may have issues with expenses in upgrading equipment.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Monty Cobb, WA Assoc. of County Officials; Mary Hall, Association of County Auditors.

OTHER: Lori Augino, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.