

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6398**

55th Legislature  
1998 Regular Session

Passed by the Senate February 12, 1998  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House March 3, 1998  
YEAS 88 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6398** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 6398

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Passed Legislature - 1998 Regular Session

State of Washington                      55th Legislature                      1998 Regular Session

By Senators McCaslin and Winsley; by request of Secretary of State

Read first time 01/16/98.      Referred to Committee on Government Operations.

1            AN ACT Relating to testing of voting systems; and amending RCW  
2 29.33.145, 29.33.350, and 29.33.360.

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

4            **Sec. 1.** RCW 29.33.145 and 1990 c 59 s 23 are each amended to read  
5 as follows:

6            An agreement to purchase or lease a voting system or a component of  
7 a voting system is subject to that system or component passing an  
8 acceptance test (~~((prescribed by the secretary of state))~~) sufficient to  
9 demonstrate that the equipment is (~~((identical to))~~) the same as that  
10 certified by the secretary of state and that the equipment is operating  
11 correctly as delivered to the county.

12            **Sec. 2.** RCW 29.33.350 and 1990 c 59 s 32 are each amended to read  
13 as follows:

14            At least three days before each state primary or general election,  
15 the office of the secretary of state shall provide for the conduct of  
16 tests of the programming for each vote tallying system to be used at  
17 that primary or general election (~~((shall be tested by the office of the~~  
18 ~~secretary of state to))~~). The test must verify that the system will

1 correctly count the vote cast for all candidates and on all measures  
2 appearing on the ballot at that primary or general election. The  
3 ~~((tests shall be conducted by processing a preaudited group of ballots~~  
4 ~~marked with a predetermined number of ballot votes for each candidate~~  
5 ~~and for and against each measure. For each office for which there are~~  
6 ~~two or more candidates and for each issue, the group of test ballots~~  
7 ~~shall include one or more ballots which have votes in excess of the~~  
8 ~~number allowed by law, in order to verify the ability of the vote~~  
9 ~~tallying system to reject such votes))~~ office of the secretary of state  
10 shall adopt rules specifying the manner of conducting these programming  
11 tests. The test shall verify the capability of the vote tallying  
12 system to perform all of the functions that can reasonably be expected  
13 to occur during conduct of that particular primary or election. If any  
14 error is detected, the cause shall be determined and corrected, and an  
15 errorless total shall be produced before the primary or election.

16 Such tests shall be observed by at least one representative from  
17 each major political party, if representatives have been appointed by  
18 the respective major political parties and are present at the test, and  
19 shall be open to candidates, the press, and the public. The  
20 ~~((secretary of state, the))~~ county auditor~~((,))~~ and any political party  
21 observers shall certify that the test has been conducted in accordance  
22 with this section. Copies of this certification shall be retained by  
23 the secretary of state and the county auditor. All programming  
24 materials, test results, and test ballots shall be securely sealed  
25 until the day of the primary or general election.

26 **Sec. 3.** RCW 29.33.360 and 1990 c 59 s 34 are each amended to read  
27 as follows:

28 The secretary of state ~~((shall))~~ may publish ~~((manuals of))~~  
29 recommended procedures for the operation of the various vote tallying  
30 systems that have been approved. These ~~((manuals shall contain any~~  
31 ~~applicable rules and statutes relating to the printing of ballots and~~  
32 ~~preparation and testing of the various vote tallying systems, the~~  
33 ~~duties and functions of the precinct election officers, and the duties~~  
34 ~~and functions of the counting center personnel and operators of vote~~  
35 ~~tallying systems at counting centers))~~ procedures allow the office of

1 the secretary of state to restrict or define the use of approved  
2 systems in elections.

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