

2 **HB 2336** - S COMM AMD

3 By Committee on State & Local Government

4 ADOPTED 03/08/02

5 On page 6, after line 2, insert the following:

6 "Sec. 7. RCW 29.33.300 and 1990 c 59 s 26 are each amended to read
7 as follows:

8 No voting device shall be approved by the secretary of state unless
9 it:

- 10 (1) Secures to the voter secrecy in the act of voting;
- 11 (2) Permits the voter to vote for any person for any office and
12 upon any measure that he or she has the right to vote for;
- 13 (3) Permits the voter to vote for all the candidates of one party
14 or in part for the candidates of one or more other parties;
- 15 (4) Correctly registers all votes cast for any and all persons and
16 for or against any and all measures;
- 17 (5) Provides that a vote for more than one candidate cannot be cast
18 by one single operation of the voting device or vote tally system
19 except when voting for president and vice-president of the United
20 States; and
- 21 (6) Except for functions or capabilities unique to this state, has
22 been tested(~~(, certified, and used in at least one other state or~~
23 ~~election jurisdiction)) and approved by the appropriate independent
24 testing authority approved by the federal elections commission or its
25 statutory successor.~~

26 **Sec. 8.** RCW 29.33.320 and 1990 c 59 s 28 are each amended to read
27 as follows:

28 The secretary of state shall not approve a vote tallying system
29 unless it:

- 30 (1) Correctly counts votes on ballots on which the proper number of
31 votes have been marked for any office or issue;
- 32 (2) Ignores votes marked for any office or issue where more than
33 the allowable number of votes have been marked, but correctly counts
34 the properly voted portions of the ballot;

1 (3) Accumulates a count of the specific number of ballots tallied
2 for each precinct, total votes by candidate for each office, and total
3 votes for and against each issue of the ballot in that precinct;

4 (4) Accommodates rotation of candidates' names on the ballot under
5 RCW 29.30.040;

6 (5) Produces precinct and cumulative totals in printed form; and

7 (6) Except for functions or capabilities unique to this state, has
8 been tested(~~(, certified, and used in at least one other state or~~
9 ~~election jurisdiction))~~ and approved by the appropriate independent
10 testing authority approved by the federal elections commission or its
11 statutory successor.

12 **Sec. 9.** RCW 29.85.051 and 1991 c 81 s 4 are each amended to read
13 as follows:

14 A person is guilty of a gross misdemeanor who knowingly:

15 (1) Deceives any voter in recording his or her vote by providing
16 incorrect or misleading recording information or by providing faulty
17 election equipment or records; ~~((or))~~

18 (2) Records the vote of any voter in a manner other than as
19 designated by the voter; or

20 (3) Commits either of the acts under subsection (1) or (2) of this
21 section by electronic means.

22 Such a gross misdemeanor is punishable to the same extent as a
23 gross misdemeanor that is punishable under RCW 9A.20.021.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 29.85 RCW
25 to read as follows:

26 A person is guilty of a gross misdemeanor punishable under chapter
27 9A.20 RCW who knowingly:

28 (1) Tampered with or impedes the use of any form of electronic
29 voting or vote recording system; or

30 (2) Tampered with or impedes access to any vote reporting or
31 election results reporting system."

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4 In line 2 of the title, after "29.60.080," strike "and 29.60.090"
5 and insert "29.60.090, 29.33.300, 29.33.320, and 29.85.051; adding a
6 new section to chapter 29.85 RCW; and prescribing penalties"

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