

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5395

Chapter 242, Laws of 2005

59th Legislature
2005 Regular Session

ELECTIONS--ELECTRONIC VOTING--PAPER RECORDS

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 18, 2005
YEAS 39 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 13, 2005
YEAS 95 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 3, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5395** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 3, 2005 - 3:45 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5395

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Haugen, Roach, Rockefeller, Schmidt, Kohl-Welles, Spanel, Pridemore, Kline, McAuliffe and Franklin)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to requiring electronic voting devices to produce
2 paper records; adding a new section to chapter 29A.12 RCW; adding new
3 sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60
4 RCW; adding a new section to chapter 29A.84 RCW; and prescribing
5 penalties.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.12 RCW
8 to read as follows:

9 Beginning on January 1, 2006, all electronic voting devices must
10 produce a paper record of each vote that may be accepted or rejected by
11 the voter before finalizing his or her vote. This record may not be
12 removed from the polling place, and must be human readable without an
13 interface and machine readable for counting purposes. If the device is
14 programmed to display the ballot in multiple languages, the paper
15 record produced must be printed in the language used by the voter.
16 Rejected records must either be destroyed or marked in order to clearly
17 identify the record as rejected.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.44 RCW
2 to read as follows:

3 Paper records produced by electronic voting devices are subject to
4 all the requirements of this chapter and chapter 29A.60 RCW for ballot
5 handling, preservation, reconciliation, transit to the counting center,
6 and storage. The paper records must be preserved in the same manner
7 and for the same period of time as ballots.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.60 RCW
9 to read as follows:

10 (1) The electronic record produced and counted by electronic voting
11 devices is the official record of each vote for election purposes. The
12 paper record produced under section 1 of this act must be stored and
13 maintained for use only in the following circumstances:

- 14 (a) In the event of a manual recount;
- 15 (b) By order of the county canvassing board;
- 16 (c) By order of a court of competent jurisdiction; or
- 17 (d) For use in the random audit of results described in section 5
18 of this act.

19 (2) When such paper record is used in any of the circumstances
20 listed in subsection (1) of this section, it shall be the official
21 record of the election.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.44 RCW
23 to read as follows:

24 A voter voting on an electronic voting device may not leave the
25 device during the voting process, except to request assistance from the
26 precinct election officers, until the voting process is completed.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.60 RCW
28 to read as follows:

29 Prior to certification of the election as required by RCW
30 29A.60.190, the county auditor shall conduct an audit of results of
31 votes cast on the direct recording electronic voting devices used in
32 the county. This audit must be conducted by randomly selecting by lot
33 up to four percent of the direct recording electronic voting devices or
34 one direct recording electronic voting device, whichever is greater,
35 and, for each device, comparing the results recorded electronically

1 with the results recorded on paper. For purposes of this audit, the
2 results recorded on paper must be tabulated as follows: On one-fourth
3 of the devices selected for audit, the paper records must be tabulated
4 manually; on the remaining devices, the paper records may be tabulated
5 by a mechanical device determined by the secretary of state to be
6 capable of accurately reading the votes cast and printed thereon and
7 qualified for use in the state under applicable state and federal laws.
8 Three races or issues, randomly selected by lot, must be audited on
9 each device. This audit procedure must be subject to observation by
10 political party representatives if representatives have been appointed
11 and are present at the time of the audit.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.84 RCW
13 to read as follows:

14 Anyone who, without authorization, removes from a polling place a
15 paper record produced by an electronic voting device is guilty of a
16 class C felony punishable under RCW 9A.20.021.

Passed by the Senate April 18, 2005.

Passed by the House April 13, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.