

# SENATE BILL REPORT

## SB 5522

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As of February 10, 2009

**Title:** An act relating to internet voting for service voters and overseas voters.

**Brief Description:** Authorizing internet voting for service voters and overseas voters.

**Sponsors:** Senators Hobbs, McDermott, Swecker, Fairley, Roach, Pridemore, Tom, Shin and Kohl-Welles; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/09/09.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Sharon Swanson (786-7447)

**Background:** County auditors are required to mail ballots to all overseas and service voters at least 30 days prior to any primary, general election, or special election. Requests for ballots made by overseas or service voters after the thirtieth day must be processed immediately. The date of the signature on the ballot envelope is considered the date of mailing and the envelope must be signed by election day. Ballots must reach the county auditor before the results are certified in order for the votes to count. Certification occurs no later than 21 days after a general election.

"Service voter" is defined as any voter of the state who is a member of the armed forces in active service, a student or faculty member of a United States military academy, a member of the Merchant Marines, a member of a religious group or welfare agency officially serving with the armed forces, or a participant in the address confidentiality program. "Overseas voter" is defined as any voter of the state outside the territorial limits of the United States.

The National Defense Authorization Act of 2002 (Sec. 1604) included a provision that the Secretary of Defense carry out a pilot project that would allow absent service voters to vote in the November 2004 general election through an electronic voting system over the internet. In 2003 the Legislature passed ESB 5463 authorizing seven counties to participate in that demonstration project. The pilot project did not take place, and the law authorizing Washington to participate in the project expired January 31, 2005.

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*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.*

**Summary of Bill:** The Secretary of State (Secretary) is authorized to approve an internet voting program for service and overseas voters. The program must be secure and protect the secrecy of the ballot. In reviewing programs, the Secretary will consider programs based on open source platforms phased implementation, and alternative funding sources. The program will be exempt from the requirements of chapter 29A.12 RCW regarding voting systems.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is before the committee because we have men and women overseas serving our country in a variety of ways and are unable to receive and return their ballots in time to count. Hopefully, the bill will stay as drafted and apply as drafted and not be expanded to cover everyone. A change of that nature would overwhelm the Secretary of State and county auditors. Many overseas voters are in extremely remote sections of the world with poor infrastructure. Washington does a very good job of getting overseas ballots returned in time, but there is a need to expand the system to allow for greater participation from military and overseas voters. We need to move forward and use the technology to assist these voters. The Secretary of State has received emails from all over the world supporting this idea. Nothing with email and the internet will end with a perfect system but we need to start figuring this out and get moving with this technology. We know of active duty soldiers who voted in the last election but did not have their vote count because the ballot was not received in time. Ballots travel on stand by mode while in the military system. In Thurston County we have been conducting email voting since 1996. It makes a big difference to our voters. Some voters are willing to waive their anonymity by sending an email via the fax or through email.

CON: The federal government pulled the plug on a pilot internet voting project in 2004 because the internet is not secure enough for voting. The National Institute of Standards and Technology issued a report in 2008 stating that the internet is not safe for voting. The Overseas Vote Foundation recommends requirements be in place and this bill would not provide for federal testing or certification of the software that would be used in an internet voting system. There would be no public oversight as the bill is currently drafted. Where will the funding be coming from?

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor; Katie Blinn, Office of the Secretary of State; Dennis Primoli, Veterans Legislative Coalition; Kim Wyman, Thurston County Auditor/Washington Association of County Auditors.

CON: John Gideon, Voters Unite.