

SENATE BILL REPORT

SB 6242

As Reported By Senate Committee On:
Government Operations & Elections, January 30, 2006

Title: An act relating to voting equipment.

Brief Description: Ensuring equipment accessibility for voters with visual impairments and requiring certification of voting equipment.

Sponsors: Senator Kastama; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 1/10/06; 1/30/06 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6242 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Benton, Haugen, Kline, McCaslin and Pridemore.

Staff: Mac Nicholson (786-7445)

Background: Voting devices and vote tallying systems must be approved by the Secretary of State (SOS) prior to use. The SOS cannot approve the devices and systems unless a number of requirements are met, including the requirement that the device or system has been tested, certified, and used in at least one other state or election jurisdiction. Additionally, voting devices must provide the ability for a voter to vote for all the candidates of one party or in part for the candidates of one or more other parties (which is a feature of the now unconstitutional blanket and top-two primary systems).

In 2005, the Legislature required paper records on all electronic voting devices effective January 1, 2006. However, devices and systems that produce paper records have not been tested, certified, and used in other states or election jurisdictions yet; consequently, the SOS cannot approve such systems even though they are now required.

County auditors have the discretion to provide for in-person disability access voting starting twenty days before an election.

Summary of Substitute Bill: The requirement that voting devices and vote tallying systems be tested, certified, and used in at least one other state or election jurisdiction prior to approval by the SOS is removed. Instead, devices and systems must be tested and certified by an independent testing authority designated by the United States Election Assistance Commission. Voting devices no longer are required to allow a voter to vote in part for the candidates of one or more parties.

Auditors are required to provide for in-person disability access voting starting twenty days before the election. The auditor must make available during this time a voting system certified by the secretary of state for disability access.

Substitute Bill Compared to Original Bill: The original bill required the auditor to make available, during the in-person disability access voting period, a voting system that provides access to blind or visually impaired individuals. The substitute requires the voting system to be certified by the Secretary of State for disability access.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: Disabled and impaired voters should be given two and a half weeks to vote, just like everybody else who votes absentee. As voting equipment changes and the technology improves, the requirement that equipment be used in other states becomes difficult to meet. Further, as the legislature becomes more involved in requiring certain capabilities of voting machines and imposes statutory deadlines, the Secretary of State needs some flexibility to certify equipment without waiting for other states to do so. The federal government certifies equipment using independent testing authorities that review and test software and hardware technology, and the Secretary of State will not certify equipment unless the federal government has done so.

Testimony Against: This bill represents a violation of the Help America Vote Act and the Americans with Disabilities Act. The hurdle requiring other states to use equipment before certification in this state is good. California denied certification of a voting system that could have been certified in this state. Washington shouldn't be a guinea pig. Companies have had time to develop equipment but haven't done so. Independent testing authorities don't test for security, and the vendor pay for the testing.

Who Testified: PRO: Katie Blinn, Office of the Secretary of State; David Lord, Washington Protection and Advocacy System.

CON: John Gideon, Votersunite.org; James Zukowski.