<u>SB 5463</u> - S AMD **452**
     By Senator Roach

ADOPTED 06/05/2003

1   Strike everything after the enacting clause and insert the
2   following:

3   "<u>NEW SECTION.</u> **Sec. 1.** Notwithstanding any provisions of Title 29
4   RCW, between the effective date of this act and December 31, 2004, the
5   counties of Thurston, Pierce, Kitsap, Spokane, Snohomish, Island, and
6   Cowlitz may participate in the pilot project Secure Electronic
7   Registration and Voting Experiment (SERVE) authorized in the National
8   Defense Authorization Act (P.L. 107-107).   Participation of the
9   counties must be approved by the secretary of state and implementation
10   must be in compliance with standards and regulations established by the
11   federal voting assistance program of the United States Department of
12   Defense. Between the effective date of this act and December 31, 2004,
13   participating counties must use the SERVE pilot project for all
14   elections for which the SERVE voting system is available for use.
15   The SERVE pilot project must allow registered overseas voters, as
16   defined in RCW 29.01.117, and registered service voters, as defined in
17   RCW 29.01.155, to cast their votes electronically, including over the
18   Internet and the World Wide Web. Except for the provisions of RCW
19   29.36.290 regarding the method for transmitting absentee voting
20   materials and of RCW 29.36.310 regarding the method for processing
21   absentee ballots, votes must be cast and counted in conformity with
22   Title 29 RCW. The SERVE voting system is exempt from the requirements
23   of RCW 29.33.300(6) and 29.33.320(6).   Election officials must rely
24   upon the procedures established by the United States Department of
25   Defense for the security, secrecy, and validation of votes cast
26   electronically, but the secretary of state is responsible for verifying
27   the accuracy, secrecy, independence, and security of cast ballots.
28   Votes transmitted over an electronic medium, such as the Internet or
29   the World Wide Web, to the election authority under Title 29 RCW are
30   subject to recount and election contest requirements, but not on the

grounds that the vote is invalid or suspect because it was cast electronically. The tabulation of SERVE pilot project votes is subject to the tabulation and observer requirements of RCW 29.54.025. The secretary of state must make certain and confirm that a dependable and accurate ballot tracking procedure is in place for purposes of a statutory recount, as defined in chapter 29.64 RCW.

The secretary of state and participating counties must make every effort, including media press releases, web site information, and standard mail, to inform registered overseas and service voters of the SERVE pilot project. While county election officials and the secretary of state must inform qualified voters of the SERVE pilot project, communication with participating voters must be similar in nature to communication with voters not participating in the SERVE pilot project. The e-mail addresses of all participating voters must be made available for political purposes, as required by RCW 29.04.095 through 29.04.120.

The secretary of state must collect and publish data on the number of overseas and service voters who requested to participate in the pilot project, the number of overseas and service voters who participated in the pilot project, the number of ballots received electronically, the number of ballots rejected, and the reasons ballots were rejected. The information must be collected from the participating counties and from designated participating voters. By January 31, 2005, the secretary of state must compile and present a report on the results of the pilot project to the state government committee of the house of representatives and the government operations and elections committee of the senate. In addition to the data collected from participating counties and voters, the secretary of state must provide a complete description of the funding and costs of the SERVE pilot project, including the cost per vote and detailed information on state and county staffing expenditures.

The secretary of state must terminate the SERVE pilot project within a participating county if, anytime between the effective date of this act and December 31, 2004, the participating county fails to use the SERVE pilot project in any election for which the SERVE voting system is available for use.

This act expires January 31, 2005."

1   In line 2 of the title, after "Internet;" strike the remainder of

2   the title and insert "creating a new section; and providing an

3   expiration date."

        EFFECT: Specifies the name of the pilot project, the
participating counties, and the end date of the project. Removes on-
line voter registration from the project, and clarifies that the
project is available to registered overseas voters and registered
service voters.   Requires participating counties to use the pilot
project for all elections conducted through December 31, 2004, for
which the SERVE voting system is available. Exempts the pilot project
from statutory requirements regarding the method by which absentee
voting materials are transmitted, the method for processing absentee
ballots, and the prerequisite that the voting equipment be certified
and used in at least one other state.   Requires the pilot project to
conform with tabulation and observation requirements, and to include a
procedure for tracking ballots for recount purposes. Clarifies that
the Secretary of State is responsible for verifying the accuracy,
secrecy, independence, and security of cast ballots.   Removes the
provision exempting election officials from civil liability and
criminal penalty for following Department of Defense procedures.
Requires the Secretary of State and participating counties to inform
eligible voters of the project, to communicate with participating
voters in a manner similar to communications with regular voters, and
to make the e-mail addresses of participating voters available for
political advertising.   Requires the Secretary of State to terminate
the pilot project for any county that fails to use the project in an
election for which the project is available for use.   Requires the
Secretary of State to collect and publish data, including cost
information, and report back to the Legislature by January 31, 2005.
Provides an expiration date of January 31, 2005.

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