

# HOUSE BILL REPORT

## ESB 5463

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### As Passed House:

June 5, 2003

**Title:** An act relating to a pilot project for military and overseas voters to vote over the Internet.

**Brief Description:** Authorizing a pilot project for military and overseas voters to vote over the Internet.

**Sponsors:** By Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin; by request of Secretary of State.

### Brief History:

#### Committee Activity:

State Government: 3/27/03 [DP].

#### First Special Session

#### Floor Activity:

Passed House: 6/5/03, 89-8.

### Brief Summary of Bill

- Authorizes a pilot program for military and overseas voters to vote over the Internet.

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## HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass. Signed by 8 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott, Nixon, Tom and Wallace.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Hunt.

**Staff:** Katie Blinn (786-7114).

### Background:

All service and overseas voting is currently conducted by absentee mail ballot. The

ballots must be postmarked no later than election day and must reach the county auditor before the results are certified in order for the votes to count. Certification occurs 10 days after a primary or special election, and 15 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) requires the Secretary of Defense to conduct a demonstration project to allow absent uniformed voters to cast ballots in the regularly scheduled general election for November 2004 through an electronic voting system. The law requires that the demonstration project be conducted with a sufficient number of participants to ensure that the results are reliable.

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**Summary of Bill:**

Notwithstanding existing election laws in Title 29 RCW, seven counties may participate in a pilot project sanctioned by the Secretary of State and in compliance with standards and regulations established by the Federal Voting Assistance Program and the United States Department of Defense to allow service and overseas voters to cast their votes electronically, including over the Internet or the World Wide Web. The project is only open to those service and overseas voters who fit the existing definitions of those terms. The project applies to all elections conducted through December 31, 2004.

The votes must be cast and counted in conformity with the provisions of Title 29 RCW. Election officials must rely upon the procedures established by the United States Department of Defense for security, secrecy, and validation of votes, and are not subject to civil liability or criminal penalty for following such procedures. Votes transmitted over an electronic medium using the Internet or the World Wide Web are subject to a recount or election contest but not on the grounds that the vote is invalid or suspect because it was cast electronically. The Secretary of State and participating counties must inform registered overseas and service voters of the pilot project, and the e-mail addresses of all participating voters must be made available for political purposes.

The Secretary of State must report to the Legislature on the results of the project.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill

is passed.

**Testimony For:** This pilot project is an excellent opportunity for Washington. The pilot project will be available to all military and overseas voters who chose to participate.

**Testimony Against:** None.

**Testified:** Senator Roach, prime sponsor; Dean Logan, Office of the Secretary of State; and Pat McCarthy, Pierce County Auditor.