
SUBSTITUTE HOUSE BILL 2745

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Technology, Telecommunications & Energy (originally sponsored by Representatives Miloscia, Nixon, Simpson, G., Talcott, Rockefeller and Upthegrove; by request of Secretary of State)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to voting systems; amending RCW 29A.12.020,
2 29A.12.050, 29A.12.060, 29A.12.070, 29A.12.080, 29A.12.090, 29A.12.100,
3 29A.12.110, 29A.12.130, 29A.12.150, 29A.44.320, 29A.60.060, and
4 29A.04.610; adding new sections to chapter 29A.12 RCW; adding new
5 sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60
6 RCW; adding a new section to chapter 29A.84 RCW; creating new sections;
7 prescribing penalties; providing effective dates; and providing an
8 expiration date.

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

10 **Sec. 1.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to
11 read as follows:

12 The secretary of state shall inspect, evaluate, (~~and~~) publicly
13 demonstrate, and test all voting systems or components of voting
14 systems related to vote tallying, casting, counting, and storage that
15 are submitted for review under RCW 29A.12.030. The secretary of state
16 shall determine whether the voting systems conform with all of the
17 requirements of this title, the applicable rules adopted in accordance
18 with this title, and with generally accepted safety requirements. The
19 secretary of state shall post the report of certification to a publicly

1 available electronic medium and transmit ((a copy of the report of any
2 examination)) notice of certification under this section, within thirty
3 days after completing the examination, to the county auditor of each
4 county.

5 This section does not apply to systems with the sole election-
6 related function of displaying election results.

7 NEW SECTION. Sec. 2. A new section is added to chapter 29A.12 RCW
8 to read as follows:

9 The manufacturer or distributor of a voting system or component of
10 a voting system must provide the secretary of state access to the
11 source code of the voting system or component at the time the system is
12 submitted for an examination and anytime following certification.
13 Following certification of a voting system or component of a voting
14 system, the manufacturer or distributor must notify the secretary of
15 state each time the source code is modified, and provide the secretary
16 of state access to the modified version. The source code is exempt
17 from public disclosure under RCW 42.17.310(1)(h).

18 **Sec. 3.** RCW 29A.12.050 and 2003 c 111 s 305 are each amended to
19 read as follows:

20 ((If)) Only voting systems or devices or vote tallying systems
21 ((are to)) that have been certified by the secretary of state may be
22 used for conducting a primary or election((, only those that have the
23 approval of the secretary of state or had been approved under this
24 chapter or the former chapter 29.34 RCW before March 22, 1982, may be
25 used. Any)). No modification, change, redesign, or improvement may be
26 made to any voting system or component of a system ((that does not
27 impair its accuracy, efficiency, or capacity or extend its function,
28 may be made)) related to vote tallying, casting, counting, and storage,
29 other than hardware replacement, without notification of the secretary
30 of state for reexamination or reapproval by the secretary of state
31 under ((RCW 29A.12.020)) section 4 of this act.

32 NEW SECTION. Sec. 4. A new section is added to chapter 29A.12 RCW
33 to read as follows:

34 Reexamination or reapproval of voting systems under RCW 29A.12.050
35 must be performed in the following manner:

1 The modification must be reviewed and approved by an appropriate
2 independent testing authority approved by the federal election
3 assistance commission before submission to the secretary of state for
4 approval. If, in the opinion of the system vendor, a modification must
5 be made during the period beginning ten days before an election to
6 assure proper system operation, an emergency examination and approval
7 may be conducted by the secretary of state before a review by an
8 independent testing authority. During this emergency examination
9 period, the vendor shall make a written submission to the secretary of
10 state for review. The submission must include:

- 11 (1) The purpose and effect of the modification;
- 12 (2) Clear and complete documentation of the change including a
13 description, an affected code, affected systems, and a before and after
14 depiction of the change;
- 15 (3) A statement from the vendor declaring the completeness of the
16 submission, sworn under penalty of perjury and loss of system
17 certification.

18 The secretary of state may review and test the change before
19 issuing or denying an emergency approval for use only in the subsequent
20 election.

21 **Sec. 5.** RCW 29A.12.060 and 2003 c 111 s 306 are each amended to
22 read as follows:

23 The county auditor of a county in which voting systems are used is
24 responsible for the preparation, maintenance, and operation of those
25 systems and during the logic and accuracy test, must provide written,
26 signed verification that the system and its component software, in the
27 version used, are certified. The auditor may employ and direct persons
28 to perform some or all of these functions.

29 **Sec. 6.** RCW 29A.12.070 and 2003 c 111 s 307 are each amended to
30 read as follows:

31 An agreement to purchase or lease a voting system or a component of
32 a voting system is subject to that system or component passing an
33 acceptance test as defined in rule by the office of the secretary of
34 state, conducted by the county auditor as purchaser or lessee,
35 sufficient to demonstrate that the equipment is the same as that

1 certified by the secretary of state and that the equipment is operating
2 correctly as delivered to the county.

3 **Sec. 7.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to
4 read as follows:

5 No voting device (~~shall~~) or its component software may be
6 (~~approved~~) certified by the secretary of state unless it:

7 (1) Secures to the voter secrecy in the act of voting;

8 (2) Permits the voter to vote for any person for any office and
9 upon any measure that he or she has the right to vote for;

10 (3) Permits the voter to vote for all the candidates of one party
11 or in part for the candidates of one or more other parties;

12 (4) Correctly registers all votes cast for any and all persons and
13 for or against any and all measures;

14 (5) Provides that a vote for more than one candidate cannot be cast
15 by one single operation of the voting device or vote tally system
16 except when voting for president and vice president of the United
17 States; (~~and~~)

18 (6) In the case of a poll site based electronic voting device, as
19 part of the voting process produces a machine countable paper record
20 for each vote at the time of voting that may be reviewed by the voter
21 before finalizing his or her vote, or provides equivalent security and
22 accuracy through an alternative method for the voter to verify his or
23 her vote in a technology distinct from the poll site based electronic
24 voting device that is approved by the Washington voting systems board;

25 (7) Except for functions or capabilities unique to this state, has
26 been tested, certified, and used in at least one other state or
27 election jurisdiction; and

28 (8) Except for functions or capabilities unique to this state, has
29 been tested and approved by the appropriate independent testing
30 authority approved by the federal election assistance commission or its
31 statutory successor.

32 **Sec. 8.** RCW 29A.12.090 and 2003 c 111 s 309 are each amended to
33 read as follows:

34 The ballot (~~on a single voting device shall~~) displayed to a voter
35 may not contain the names of candidates for the offices of United
36 States representative, state senator, state representative, county

1 council, or county commissioner in more than one district. (~~In all~~
2 ~~general elections, primaries, and special elections, in each polling~~
3 ~~place the voting devices containing ballots for candidates from each~~
4 ~~congressional, legislative, or county council or commissioner district~~
5 ~~shall be grouped together and physically separated from those devices~~
6 ~~containing ballots for other districts. Each voter shall be directed~~
7 ~~by the precinct election officers to the correct group of voting~~
8 ~~devices.~~)

9 **Sec. 9.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
10 read as follows:

11 The secretary of state (~~shall~~) may not approve a vote tallying
12 system or system software unless it:

13 (1) Correctly counts votes on ballots on which the proper number of
14 votes have been marked for any office or issue;

15 (2) Ignores votes marked for any office or issue where more than
16 the allowable number of votes have been marked, but correctly counts
17 the properly voted portions of the ballot;

18 (3) Accumulates a count of the specific number of ballots tallied
19 for each precinct, total votes by candidate for each office, and total
20 votes for and against each issue of the ballot in that precinct;

21 (4) Accommodates rotation of candidates' names on the ballot under
22 RCW 29A.36.140;

23 (5) Produces precinct and cumulative totals in printed form;
24 (~~and~~)

25 (6) Except for functions or capabilities unique to this state, has
26 been tested, certified, and used in at least one other state or
27 election jurisdiction; and

28 (7) Except for functions or capabilities unique to this state, has
29 been tested and approved by the appropriate independent testing
30 authority approved by the federal election assistance commission or its
31 statutory successor.

32 **Sec. 10.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to
33 read as follows:

34 In preparing a voting device for a primary or election, a record
35 (~~shall~~) must be made of the ballot format installed in each device
36 and the precincts or portion of a precinct for which that device has

1 been prepared. Except where provided by a rule adopted under RCW
2 29A.04.610, after being prepared for a primary or election, each device
3 (~~shall~~) must be sealed with a uniquely numbered seal and provided to
4 the inspector of the appropriate polling place.

5 **Sec. 11.** RCW 29A.12.130 and 2003 c 111 s 313 are each amended to
6 read as follows:

7 At least three days before each state primary or general election,
8 the office of the secretary of state shall provide for the conduct of
9 tests of the programming for each vote tallying system to be used at
10 that primary or general election. The test must verify that the system
11 will correctly count the vote cast for all candidates and on all
12 measures appearing on the ballot at that primary or general election.
13 The test (~~shall~~) must verify the capability of the vote tallying
14 system to perform all of the functions that can reasonably be expected
15 to occur during conduct of that particular primary or election. If any
16 error is detected, the cause (~~shall~~) must be determined and
17 corrected, and an errorless total (~~shall~~) must be produced before the
18 primary or election.

19 Such tests (~~shall~~) must be observed by at least one
20 representative from each major political party, if representatives have
21 been appointed by the respective major political parties and are
22 present at the test, and (~~shall~~) must be open to candidates, the
23 press, and the public. The county auditor and any political party
24 observers shall certify that the test has been conducted in accordance
25 with this section. The county auditor must provide signed, written
26 verification that the version of the voting system and software used
27 are state certified. Copies of this verification and the test
28 certification (~~shall~~) must be retained by the secretary of state and
29 the county auditor. All programming materials, test results, and test
30 ballots (~~shall~~) must be securely (~~sealed~~) stored until the day of
31 the primary or general election. All ballot counting equipment must be
32 sealed, kept in a secure location, and protected against unauthorized
33 access until election day.

34 **Sec. 12.** RCW 29A.12.150 and 2003 c 111 s 315 are each amended to
35 read as follows:

36 (1) No voting device or machine may be used (~~in a county with a~~

1 ~~population of seventy thousand or more))~~ to conduct a primary or
2 general or special election in this state unless it correctly records
3 on a separate ballot the votes cast by each elector for any person and
4 for or against any measure and such separate ballots are available for
5 audit purposes after such a primary or election. After January 1,
6 2006, no voting device or machine may be used to conduct a primary or
7 general or special election that uses punched holes to record the
8 voter's choices.

9 (2) The secretary of state shall not certify under this title any
10 voting device or machine for use in conducting a primary or general or
11 special election in this state unless the device or machine correctly
12 records on a separate ballot the votes cast by each elector for any
13 person and for or against any measure and such separate ballots are
14 available for audit purposes after such a primary or election. The
15 secretary of state may not certify under this title any voting device
16 or machine for use in conducting a primary or general or special
17 election that uses punched holes to record the voter's choices.

18 NEW SECTION. Sec. 13. A new section is added to chapter 29A.12
19 RCW to read as follows:

20 The secretary of state may withdraw the certification of any voting
21 system hardware, software, or system component for cause. Before
22 withdrawing a certification the secretary of state shall conduct a
23 public hearing intended to document and allow input from affected
24 system users and vendors before rendering a decision. The secretary of
25 state shall post the report of withdrawal of certification to a
26 publicly available electronic medium and transmit notice of withdrawal
27 of certification under this section to each county auditor within five
28 days after completing the examination.

29 **Sec. 14.** RCW 29A.44.320 and 2003 c 111 s 1130 are each amended to
30 read as follows:

31 Whenever poll((-))site ballot counting devices or poll site based
32 electronic voting devices are used, the devices may either be included
33 with the supplies required in RCW 29A.44.110 or they may be delivered
34 to the polling place separately. ~~((All))~~ Each poll((-))site ballot
35 counting device(~~s~~) and poll site based electronic voting device must
36 be physically sealed with a unique numbered seal at the time of final

1 preparation and logic and accuracy testing. The seal must secure
2 against unauthorized access. A log must be made of all seal numbers
3 and device numbers used.

4 NEW SECTION. **Sec. 15.** A new section is added to chapter 29A.44
5 RCW to read as follows:

6 Before each state primary or general election logic and accuracy
7 testing of poll site based systems or electronic voting devices must be
8 performed by the county under the observation of the office of the
9 secretary of state during the process of final preparation before
10 system distribution to each poll site. For all other elections the
11 logic and accuracy test must be performed by the county auditor before
12 system distribution. As each ballot counter or electronic voting
13 system is programmed and set up for distribution a logic and accuracy
14 test must be performed. These tests must establish that each system is
15 functioning within system standards. All ballot styles programmed for
16 each machine must be processed by each machine in order to ensure that
17 the machine is correctly counting and accumulating votes for every
18 office. After all tests are performed and the machine is ready for
19 distribution, the machine must be sealed and the seal number recorded.
20 The procedure described in this section will serve as the official
21 logic and accuracy test of these devices.

22 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.44
23 RCW to read as follows:

24 A log must be created during the testing of poll site based ballot
25 counters and electronic voting devices. The log must record the time
26 and place of each test, the precinct number, seal number, and machine
27 number of each ballot counter or voting device, and the initials of
28 each person testing and observing the test for each machine. This log
29 must be included in the official logic and accuracy test materials.
30 The processes described in section 15 of this act must be open to
31 observation and subject to all notices and observers under rules
32 adopted by the secretary of state.

33 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.44
34 RCW to read as follows:

35 (1) The secretary of state shall empanel a task force of elections

1 and computer security experts to be known as the "Washington Voting
2 Systems Board" to study and determine the potential for election fraud
3 as follows:

4 (a) At least five county auditors, or their designees, with five
5 years or more of elections experience chosen by the Washington
6 Association of County Auditors;

7 (b) At least two information technology professionals with five
8 years or more experience in enterprise class computing systems chosen
9 from a list provided by the director of the state department of
10 information services;

11 (c) The director of the state department of information services or
12 a designee;

13 (d) A representative of the Washington disability access group;

14 (e) The state director of elections or a designee;

15 (f) The secretary of state, or a designee, who shall chair the task
16 force;

17 (g) A member of each of the four caucuses of the state legislature;

18 (h) A statistician provided by one of the four-year universities in
19 the state of Washington.

20 (2) The secretary of state shall provide reports to the legislature
21 before the beginning of the 2005 and 2006 legislative sessions
22 detailing:

23 (a) The progress of the federal election assistance commission in
24 developing standards for the testing, certification, decertification,
25 and recertification of voting system hardware and software, including
26 electronic voting systems;

27 (b) The progress of the federal election assistance commission in
28 conducting a thorough study of the issues and challenges, specifically
29 to include the potential for election fraud;

30 (c) The findings of the secretary of state and the Washington
31 voting systems board on the comparative security of various voting
32 systems technologies, including alternate but secure and accurate
33 methods for a voter using a poll site based electronic voting device to
34 verify his or her vote in a technology distinct from the poll site
35 based electronic voting device;

36 (d) The findings of the secretary of state as to any potential or
37 known risks of voting fraud, or actual instance of voting fraud during
38 the previous year;

1 (e) A list of the voting system technologies certified for use in
2 this state.

3 (3) Subsection (2) of this section expires July 1, 2006.

4 NEW SECTION. **Sec. 18.** A new section is added to chapter 29A.44
5 RCW to read as follows:

6 (1) If a poll site based electronic voting device produces an
7 individual paper record at the time of voting, the device must allow
8 the paper record to be reviewed by the voter before finalizing his or
9 her vote. The paper record must be machine readable for purposes of
10 counting the votes cast using a technology distinct from the poll site
11 based electronic voting device. If the device is programmed to display
12 the ballot in multiple languages, the paper record produced must be
13 printed in the language used by each voter. The device must allow the
14 voter the option of spoiling the paper record and repeating the voting
15 process if, after examining the paper record but before finalizing and
16 casting his or her vote, the voter determines that the record does not
17 reflect his or her vote. The spoiled record must either be destroyed
18 or marked in order to clearly identify the record as spoiled. Paper
19 records may not be removed from the polling place.

20 (2) If a poll site based electronic voting device provides an
21 alternative method for the voter to verify his or her vote, the
22 alternative method must maintain privacy in the act of voting while
23 allowing a voter to verify that his or her votes were cast and recorded
24 as intended, in a technology separate and distinct from the poll site
25 based electronic voting device. The alternative method must allow the
26 voter an opportunity to repeat the voting process if the voter
27 determines that the verification process does not reflect his or her
28 vote. The secretary of state shall notify the appropriate standing
29 committees of the legislature if the secretary certifies an alternative
30 method for voters to verify votes cast on a poll site based electronic
31 voting device.

32 NEW SECTION. **Sec. 19.** A new section is added to chapter 29A.44
33 RCW to read as follows:

34 Any paper records produced by poll site based electronic voting
35 devices are subject to all of the requirements of this chapter and
36 chapter 29A.60 RCW for ballot handling, preservation, reconciliation,

1 transit to the counting center, and storage. The paper records must be
2 preserved in the same manner and for the same period of time as
3 ballots.

4 NEW SECTION. **Sec. 20.** A new section is added to chapter 29A.44
5 RCW to read as follows:

6 The electronic record produced and counted by poll site electronic
7 voting devices is the official record of each vote for election
8 purposes. However, any paper records produced under section 18 of this
9 act must be stored and used as the official record of each vote for
10 election purposes in the following specified circumstances only:

11 (1) In the event of a mandatory manual recount of votes under RCW
12 29A.64.020;

13 (2) In the event of a requested recount under RCW 29A.64.010;

14 (3) By order of the county canvassing board;

15 (4) By order of the superior court of a county; or

16 (5) For use in the four percent random audit of results required by
17 section 25 of this act.

18 NEW SECTION. **Sec. 21.** A new section is added to chapter 29A.44
19 RCW to read as follows:

20 A voter voting on a poll site based electronic voting system may
21 not leave the device during the voting process except to verify his or
22 her ballot, or to request assistance from the precinct election
23 officers, until the voting process is completed.

24 NEW SECTION. **Sec. 22.** A new section is added to chapter 29A.60
25 RCW to read as follows:

26 Ballot counting systems must be secured physically and
27 electronically against unauthorized access. Ballot counting systems
28 must not be connected to, or operated on, any electronic network
29 including internal office networks, the Internet, or the World Wide
30 Web. No wireless communications or unauthorized devices or software
31 may be used in any way in a voting system. A network may be used as an
32 internal, integral part of the ballot counting system, but that network
33 must not be connected to any other network, the Internet, or the World
34 Wide Web. All elements of the ballot counting system must be
35 observable and secured. Transfer of information from the ballot

1 counting system to another system for network connection or broadcast
2 must be made via disk, tape, or other physical means of communication
3 other than direct electronic connection.

4 NEW SECTION. **Sec. 23.** A new section is added to chapter 29A.60
5 RCW to read as follows:

6 Before the first ballot counting session in each election, a report
7 must be produced demonstrating that the system contains no vote data
8 before commencement of counting ballots. At the completion of each
9 ballot counting session, the ballot counting system must produce a
10 report of the results compiled that includes date and time information.
11 Before commencing any additional ballot counting session, a report of
12 the results contained in the system must be produced that includes date
13 and time information. This report must be compared with the report
14 produced at the end of the previous ballot counting session to ensure
15 that no changes have been made to the vote data in the interim period.
16 This comparison must be performed in the presence of political party
17 observers if representatives have been appointed by their respective
18 political parties and are present at the time of comparison. This
19 procedure must be employed for subsequent counting sessions. Nothing
20 in this section precludes the county auditor from zeroing individual
21 devices in subsequent counting sessions if a report is created after
22 each session and before the next, with the results being merged into
23 the total.

24 **Sec. 24.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to
25 read as follows:

26 After the close of the polls, counties employing poll((-))site
27 ballot counting devices or a remote counting location may
28 telephonically or electronically transmit the accumulated tally for
29 each device to a central reporting location. Before making a
30 telephonic or electronic transmission the precinct election officer
31 must create a printed record of the results of the election for that
32 poll site. During the canvassing period the results transmitted
33 telephonically or electronically must be considered unofficial until a
34 complete reconciliation of the results has been performed. This
35 reconciliation may be accomplished by a direct loading of the results
36 from the memory pack into the central accumulator, or a comparison of

1 the report produced at the poll site on election night with the results
2 received by the central accumulating device. The device or devices
3 used to receive the transmission may not be directly connected to the
4 voting system. Transfer of the information received must be made via
5 disk, tape, or other physical means of communication other than direct
6 electronic connection.

7 NEW SECTION. Sec. 25. A new section is added to chapter 29A.60
8 RCW to read as follows:

9 Before the close of business on the day after election day, the
10 county auditor shall conduct an audit of results of votes cast on the
11 poll site based electronic voting devices used in the county. This
12 audit must be conducted by randomly selecting four percent of the poll
13 site based electronic voting devices, and comparing the results
14 recorded by each device with those recorded on either the paper records
15 or alternative voter-verified technology for three randomly selected
16 races or issues on each device. This audit procedure must be subject
17 to observation by political party representatives if representatives
18 have been appointed and are present at the time of the audit.

19 NEW SECTION. Sec. 26. A new section is added to chapter 29A.84
20 RCW to read as follows:

21 Anyone who removes a paper record or alternative voter-verified
22 technology produced by a poll site based electronic voting device from
23 a polling place without authorization is guilty of a class C felony
24 punishable under RCW 9A.20.021.

25 **Sec. 27.** RCW 29A.04.610 and 2003 c 111 s 161 are each amended to
26 read as follows:

27 The secretary of state as chief election officer shall make
28 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
29 with the federal and state election laws to effectuate any provision of
30 this title and to facilitate the execution of its provisions in an
31 orderly, timely, and uniform manner relating to any federal, state,
32 county, city, town, and district elections. To that end the secretary
33 shall assist local election officers by devising uniform forms and
34 procedures.

1 In addition to the rule-making authority granted otherwise by this
2 section, the secretary of state shall make rules governing the
3 following provisions:

4 (1) The maintenance of voter registration records;

5 (2) The preparation, maintenance, distribution, review, and filing
6 of precinct maps;

7 (3) Standards for the design, layout, and production of ballots;

8 (4) The examination and testing of voting systems for
9 certification;

10 (5) The source and scope of independent evaluations of voting
11 systems that may be relied upon in certifying voting systems for use in
12 this state;

13 (6) Standards and procedures for the acceptance testing of voting
14 systems by counties;

15 (7) Standards and procedures for testing the programming of vote
16 tallying software for specific primaries and elections;

17 (8) Standards and procedures for the preparation and use of each
18 type of certified voting system including procedures for the operation
19 of counting centers where vote tallying systems are used;

20 (9) Standards and procedures to ensure the accurate tabulation and
21 canvassing of ballots;

22 (10) Consistency among the counties of the state in the preparation
23 of ballots, the operation of vote tallying systems, and the canvassing
24 of primaries and elections;

25 (11) Procedures to ensure the secrecy of a voter's ballot when a
26 small number of ballots are counted at the polls or at a counting
27 center;

28 (12) The use of substitute devices or means of voting when a voting
29 device at the polling place is found to be defective, the counting of
30 votes cast on the defective device, the counting of votes cast on the
31 substitute device, and the documentation that must be submitted to the
32 county auditor regarding such circumstances;

33 (13) Procedures for the transportation of sealed containers of
34 voted ballots or sealed voting devices;

35 (14) The acceptance and filing of documents via electronic
36 facsimile;

37 (15) Voter registration applications and records;

- 1 (16) The use of voter registration information in the conduct of
2 elections;
- 3 (17) The coordination, delivery, and processing of voter
4 registration records accepted by driver licensing agents or the
5 department of licensing;
- 6 (18) The coordination, delivery, and processing of voter
7 registration records accepted by agencies designated by the governor to
8 provide voter registration services;
- 9 (19) Procedures to receive and distribute voter registration
10 applications by mail;
- 11 (20) Procedures for a voter to change his or her voter registration
12 address within a county by telephone;
- 13 (21) Procedures for a voter to change the name under which he or
14 she is registered to vote;
- 15 (22) Procedures for canceling dual voter registration records and
16 for maintaining records of persons whose voter registrations have been
17 canceled;
- 18 (23) Procedures for the electronic transfer of voter registration
19 records between county auditors and the office of the secretary of
20 state;
- 21 (24) Procedures and forms for declarations of candidacy;
- 22 (25) Procedures and requirements for the acceptance and filing of
23 declarations of candidacy by electronic means;
- 24 (26) Procedures for the circumstance in which two or more
25 candidates have a name similar in sound or spelling so as to cause
26 confusion for the voter;
- 27 (27) Filing for office;
- 28 (28) The order of positions and offices on a ballot;
- 29 (29) Sample ballots;
- 30 (30) Independent evaluations of voting systems;
- 31 (31) The testing, approval, and certification of voting systems;
- 32 (32) The testing of vote tallying software programming;
- 33 (33) Standards and procedures to prevent fraud and to facilitate
34 the accurate processing and canvassing of absentee ballots and mail
35 ballots;
- 36 (34) Standards and procedures to guarantee the secrecy of absentee
37 ballots and mail ballots;

1 (35) Uniformity among the counties of the state in the conduct of
2 absentee voting and mail ballot elections;

3 (36) Standards and procedures to accommodate out-of-state voters,
4 overseas voters, and service voters;

5 (37) The tabulation of paper ballots before the close of the polls;

6 (38) The accessibility of polling places and registration
7 facilities that are accessible to elderly and disabled persons;

8 (39) The aggregation of precinct results if reporting the results
9 of a single precinct could jeopardize the secrecy of a person's ballot;

10 (40) Procedures for conducting a statutory recount;

11 (41) Procedures for filling vacancies in congressional offices if
12 the general statutory time requirements for availability of absentee
13 ballots, certification, canvassing, and related procedures cannot be
14 met;

15 (42) Procedures for the statistical sampling of signatures for
16 purposes of verifying and canvassing signatures on initiative,
17 referendum, and recall election petitions;

18 (43) Standards and deadlines for submitting material to the office
19 of the secretary of state for the voters' pamphlet;

20 (44) Deadlines for the filing of ballot titles for referendum bills
21 and constitutional amendments if none have been provided by the
22 legislature;

23 (45) Procedures for the publication of a state voters' pamphlet;
24 (~~and~~)

25 (46) Procedures for conducting special elections regarding nuclear
26 waste sites if the general statutory time requirements for availability
27 of absentee ballots, certification, canvassing, and related procedures
28 cannot be met; and

29 (47) Procedures for the use of poll site based electronic voting
30 devices, paper records, and alternative voter-verified technology.

31 NEW SECTION. Sec. 28. (1) All voting system and voting device
32 purchases made after July 1, 2004, are subject to the requirements of
33 this act. All existing voting system and voting device approval and
34 certifications for electronic voting systems and devices are in effect
35 until January 1, 2006.

36 (2) The secretary of state, in consultation with the information
37 services board, shall establish procedures for the procurement of

1 certified voting systems through master contracts. County auditors,
2 using funding disbursed through the election account established in the
3 state treasury by section 1, chapter 48, Laws of 2003, for the
4 procurement of voting systems, must consider the use of master
5 contracts approved by the secretary of state.

6 NEW SECTION. **Sec. 29.** Nothing in this act prevents the state of
7 Washington, its counties, or its voters from participating in the
8 Secure Electronic Registration and Voting Experiment (SERVE) as
9 authorized by PL 107-107, Title 16, section 1604 and chapter 17, Laws
10 of 2003 1st sp. sess. including system certification, voter
11 registration, and voting.

12 NEW SECTION. **Sec. 30.** Sections 18 through 21, 25, and 26 of this
13 act take effect January 1, 2006. The remainder of this act takes
14 effect July 1, 2004.

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