HB 1025 - DIGEST

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

Declares that no modification, change, redesign, or improvement may be made to any voting system or component of a system related to vote tallying, casting, counting, and storage, other than hardware replacement, without notification of the secretary of state for reexamination or reapproval by the secretary of state under this act.

Requires that reexamination or reapproval of voting systems under RCW 29A.12.050 must be performed in the following manner: (1) The modification must be reviewed and approved by an appropriate independent testing authority approved by the federal election assistance commission before submission to the secretary of state for approval.

(2) The submission must include: (a) The purpose and effect of the modification; (b) clear and complete documentation of the change including a description, an affected code, affected systems, and a before and after depiction of the change; (c) a statement from the vendor declaring the completeness of the submission, sworn under penalty of perjury and loss of system certification.

Authorizes the secretary of state to review and test the change before issuing or denying an emergency approval for use only in the subsequent election.

Provides that, after January 1, 2007, no voting device or machine may be used to conduct a primary or general or special election that uses punched holes to record the voter's choices.

Declares that the secretary of state may not certify under Title 29A RCW any voting device or machine for use in conducting a primary or general or special election that uses punched holes to record the voter's choices.

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

Requires that, before each state primary or general election logic and accuracy testing of poll site based systems or electronic voting devices must be performed by the county under the observation of the office of the secretary of state during the

process of final preparation before system distribution to each poll site.

Requires that, after all tests are performed and the machine is ready for distribution, the machine must be sealed and the seal number recorded. The procedure described in this provision will serve as the official logic and accuracy test of these devices.

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

Requires the secretary of state to empanel a task force of elections and computer security experts to be known as the "Washington Voting Systems Board" to study and determine the potential for election fraud.

Requires that, if a poll site based electronic voting device produces an individual paper record at the time of voting, the device must allow the paper record to be reviewed by the voter before finalizing his or her vote.

Provides that, if a poll site based electronic voting device provides an alternative method for the voter to verify his or her vote, the alternative method must maintain privacy in the act of voting while allowing a voter to verify that his or her votes were cast and recorded as intended, in a technology separate and distinct from the poll site based electronic voting device.

Declares that any paper records produced by poll site based electronic voting devices are subject to all of the requirements of chapter 29A.44 and chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

Provides that the electronic record produced and counted by poll site electronic voting devices is the official record of each vote for election purposes. However, any paper records produced under this act must be stored and used as the official record of each vote for election purposes in the following specified circumstances only: (1) In the event of a mandatory manual recount of votes under RCW 29A.64.021;

(2) In the event of a requested recount under RCW 29A.64.011;

(3) By order of the county canvassing board;

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

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

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

Requires ballot counting systems to be secured physically and electronically against unauthorized access. Ballot counting

systems must not be connected to, or operated on, any electronic network including internal office networks, the Internet, or the World Wide Web.

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

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

Declares that all voting system and voting device purchases made after July 1, 2005, are subject to the requirements of this act. All existing voting system and voting device approval and certifications for electronic voting systems and devices are in effect until January 1, 2007.

Requires the secretary of state, in consultation with the information services board, to establish procedures for the procurement of certified voting systems through master contracts. County auditors, using funding disbursed through the election account established in the state treasury by section 1, chapter 48, Laws of 2003, for the procurement of voting systems, must consider the use of master contracts approved by the secretary of state.

Declares that nothing in this act prevents the state of Washington, its counties, or its voters from participating in the Secure Electronic Registration and Voting Experiment (SERVE) as authorized by PL 107-107, Title 16, section 1604 and chapter 17, Laws of 2003 1st sp. sess. including system certification, voter registration, and voting.

Repeals 2004 c 267 s 702.