



Washington
Secretary of State
SAM REED

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Dear Member of the Washington State Legislature,

This has been a remarkable fourteen months for elections in Washington State.

In addition to the new HAVA requirements, Washington faced the closest Governor's race in U.S. history, participated in an election contest lawsuit that continued eight months after the election, changed our primary election system three times, implemented eleven new legislative election reform measures, converted over thirty-three counties to vote by mail, implemented new voting systems in many counties, introduced voter ID requirements, and conducted an unprecedented level of voter education to help prepare Washington voters for these many changes.

As important provisions of the Help America Vote Act and state law become effective January 1, 2006, we write to provide an update on state compliance with HAVA and state law requirements effective with the New Year.

Voter Verified Paper Audit Trail (VVPAT)

Effective January 1, 2006, state law requires that a Voter Verified Paper Audit Trail (VVPAT) be installed on all electronic voting devices.

This requirement will be a challenge for Washington for two reasons.

First, the equipment needed by some counties to meet the VVPAT requirement for some counties has not yet been federally certified.

Second, state law requires that voting system equipment be certified and used in another state before it may be used in Washington. Since this equipment has not been certified at the federal level, it has not been used in another state.

Our office is taking the following steps to assure compliance as soon as possible.

Upon federal certification of the VVPAT equipment, our office will expedite state testing and certification so the counties may use this equipment at the first opportunity. In some cases, equipment may not be available for spring special elections.

In addition, our office will again be introducing legislation to eliminate the requirement that equipment be used in another state before it may be used in Washington.

Because of the uncertainties of the certification and testing process, we cannot say definitely when this equipment will be available, although we do expect all counties to be compliant by the

fall primary and general elections, and most should be compliant for some of the spring special elections.

One vendor is fully certified now and the remaining three vendors have certifications scheduled in January 2006. A public hearing has been scheduled for January 20, 2006, before the Voting Systems Advisory Board, for several of these vendors.

The reason for the late federal certification of the VVPAT systems is described in some detail in the discussion below relating to Voting Systems, but relates directly to the federal government's late creation and funding of the Election Assistance Commission. As a result, the EAC was not able to establish federal standards until July 2005, leaving only a few months for vendors to develop, test, and obtain certification of the new equipment.

The late creation of federal certification standards is a national issue affecting many states, not just Washington.

For several reasons, less than 1% of Washington voters will be voting on electronic voting devices in 2006. First, 33 counties have converted to vote by mail. Second, fewer counties will be using electronic voting devices as the primary voting system in the polling place.

Thus, the primary persons voting on electronic voting devices in Washington in 2006 will be voters using disability access units. We anticipate this to be less than 1% of Washington voters.

Help America Vote Act (HAVA)

HAVA has three key new requirements for 2006 relating to the following areas.

- Statewide Voter Registration Database (VRDB)
- Punch Card Voting Devices
- Disability Access Units

Further background on these requirements follows.

Statewide Voter Registration Database.

HAVA requires that Washington State establish a statewide voter registration database by January 1, 2006.

The development of Washington's VRDB has been a partnership between this office, the 39 counties, and other state agencies with data on age, felon status, and voter identification information. Formerly, Washington maintained 39 different voter registration databases, one in each county managed by that county.

Washington State has completed the download of registrations from the counties into Washington's new centralized statewide database to be managed by the Office of the Secretary of State. On January 1, 2006, Washington State had a fully populated statewide voter registration database in compliance with HAVA.

Throughout January 2006, this office will screen the list of registered voters for duplicate registrations and deceased voters.

In March 2006, this office will screen the list of registered voters for felons. Because felons are allowed 30 days to respond to the notice of ineligibility, this type of screening must be conducted between the spring special election dates.

This type of maintenance will be ongoing throughout the year.

Punch Card Replacement

Our state accepted federal HAVA funds to replace punch card voting equipment. Consequently, all punch card voting equipment must be replaced by the first federal election in 2006. Washington's first federal election in 2006 is the September primary.

Washington formerly had fifteen counties using punch card voting systems. Each of these counties has replaced these systems with a HAVA compliant system.

Washington State will be in full compliance with respect to these requirements by the first federal election in 2006.

Disability Access Units.

Effective January 1, 2006, HAVA requires that each polling place in America provide a federally certified disability access unit to allow disabled voters to vote in privacy.

Each Washington county has selected the disability access unit compatible with that county's voting system.

Each Washington county has been approved by our office for a HAVA grant to purchase disability access units.

Some counties have purchased federally certified disability access units and were in full compliance with this requirement by January 1, 2006.

Not all counties were in compliance with this requirement by January 1, 2006 because not all vendors have obtained federal and state certification for their disability access units.

These vendors are in the final stages of obtaining federal and state certification for their disability access units, but may not have this certification until later in January 2006. Each of these vendors has certifications pending.

Counties purchasing disability access units from these vendors will not be able to install the equipment until they are federally and state certified.

Thus, each Washington county is either in compliance with this requirement or fully prepared to be in compliance upon federal certification of that county's equipment.

All Washington counties should be fully compliant with this requirement this spring and certainly by the first federal election in Washington (September 2006).

The vendors are late obtaining federal certification for this equipment because the federal government was late in establishing the certification standards for this equipment. The federal government did not establish these standards until July 2005.

The federal government was late establishing certification standards due to the late creation of the Election Assistance Commission and the late funding of that Commission.

All vendors have been working diligently to obtain federal certification for their equipment to meet the January 1, 2006 deadline.

Washington State and this office have worked very hard to meet the 2006 HAVA deadlines. When the final federal certifications have been issued for vendors in Washington, the counties will purchase, install, and test their equipment well in advance of the first federal election in Washington, and Washington State will be fully compliant with HAVA.

We would be happy to answer any further questions you may have, and look forward to working with you on important elections legislation in the upcoming session.

Sincerely,



SAM REED
Secretary of State