



January 25, 2006

John Tanner
U.S. Department of Justice
Voting Section – Rm. 7243 – NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Tanner:

This letter responds to your letter of January 19, 2006, requesting a status report on HAVA implementation in the state of Washington.

Section 301 – Voting Systems Standards

Overview

Washington State will be in full compliance with all Section 301 standards by the first federal election in 2006.

The next election for federal office in Washington State is a primary on September 19, 2006, followed by the general election on November 7.

All punch card voting equipment had been replaced by January 1, 2006 and the replacement equipment will be used in the first state special election in February 2006.

Each local jurisdiction in Washington is allowed to purchase and maintain its own voting systems. These systems must meet the requirements provided in statute (RCW 29A.60) and rule (WAC 434-333). Among these requirements is that the state will approve any system to be used for voting purposes. The Secretary of State's Office certifies that new voting equipment as well as upgrades and modifications to voting systems meets the State's requirements as set forth in statute and rule.

Washington State law now requires a Voter Verified Paper Audit Trail (VVPAT) to be installed on all electronic voting devices. All Washington counties will purchase and install a device to provide for a voter verified paper audit trail on all electronic voting devices used in the first election for Federal office in 2006.

This requirement has been a challenge for Washington for three reasons.

First, the equipment needed to meet the VVPAT requirement has been late in being federally certified.

Second, state law requires that voting system equipment must have been used in another state before it may be used in Washington.

Third, the VVPAT requirement applies to the DRE equipment provided by the voting system vendors to meet the accessibility requirements of Section 301 (3).

Not all counties will be in compliance with the accessibility requirements of Section 301 (3) by January 1, 2006 because some vendors were still in the final stages of obtaining federal qualification and state certification.

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 HAVA grant to purchase disability access units.

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

All Washington counties will be fully compliant with this requirement by the first federal election in Washington (September 2006). The following responds to the specific questions in your letter.

Current Status

- (1) January 1, 2006, all voting systems in place in Washington State met the requirements of Section 301 with the exception of the disability access requirements in Section 301 (3).

All the voting systems used in Washington permit voters to verify their votes before the ballot is cast and counted as required in Section 301 (1.A.i and ii).

All polling place tabulation devices used in Washington notify voters of over-voted ballots and provide the opportunity to correct and resubmit the ballot per Section 301 (1.A.iii). State law also requires the voter be given the same notification when the device reads a ballot without any choices correctly recorded.

Central count systems and absentee ballots (historically over 70% of our voters vote by mail) provide the voter with clear instructions on how to correct ballot errors and obtain new ballots where necessary (Section 301(b)).

All systems certified and used in the state of Washington have the audit capability required in Section 301 (2). Even in counties using DRE equipment, the overwhelming majority of voters record their votes on paper ballots because they vote by mail. The DRE equipment certified and used in the state has the

capability of printing out the individual ballots for auditing purposes and those printouts have been used in at least one recount.

Four counties in the state are required to provide alternative language election materials. Those counties are closely monitored by DOJ and are substantially in compliance. All the voting systems in use in the state have the capability of providing alternative language ballots as required by Section 301 (4).

Both central punch card and optical scan systems have been upgraded, where necessary, to optical scan systems that meet the error rate requirements of Section 301 (5).

- (2) By the first election for Federal office, September 2006, voting systems meeting Section 301 standards, including Section 301 (3) , will be certified and in use throughout the State.

Systems meeting Section 301 standards and in use for the next election for Federal office (September 2006):

- (3) The following vendor systems meet the Section 301 standards.
 - a. **Diebold** – GEMS (v.1.18.23) with AccuVote-OS (v1.96.5). This system is in place January 1, 2006 and (b) will be in use in the first state election, February 2006.
 - b. **Election Systems and Software** – M650, M100 and AutoMark. Voter Assist Terminal (2002) (NASSED 1-16-22-12-001). This system was (a) in place January 1, 2006 and (b) will be in use in the first state election, February 2006.
 - c. **Hart Intercivic** – System 3.0 with eSlate (NASSED N-1-04-12-12-005). This system was (a) in place January 1, 2006 and (b) will be in use in the first state election, February 2006.
 - d. **Sequoia Pacific** - 400C and Edge II (NASSED N-07-22-11-007). This system was (a) in place January 1, 2006 and (b) will be in use in the first state election, February 2006.
- (4) All counties (voting jurisdictions) had systems in place January 1, 2006 that meet the requirements of Section 301 with the exception of the disability access requirements in Section 301 (3). *See attached list entitled Appendix A for a list of voting systems by county.*
- (5) The following accessible voting systems meet the disability requirements of Section 301(a)(3) as follows.
 - a. **Diebold** – GEMS with AccuVote-OS and AccuVote-TSx (NASSED N-1-06-22-22-001, N-1-06-22-22-002). Having just completed the federal

qualification and state certification, the DAU will be (a) in place March 2006 and (b) in use in a state election April 2006.

- b. **Election Systems and Software** – M650, M100 and AutoMark. Voter Assist Terminal (2002) (NASED 1-16-22-12-001). This system was (a) in place January 1, 2006 and (b) will be in use in the first state election, February 2006.
- c. **Hart Intercivic** – System 6.0 with eSlate/DAU (NASED – to be determined). Hart’s DAU can not be used in this state until the voter verifiable paper audit trail required under state law is available in its System 6.0 version. Having just completed the federal testing and state certification when the NASED number is issued, the DAU will be (a) in place March, 2006 and (b) will be in use in state elections in April 2006.
- d. **Sequoia Pacific** - 400C and Edge II (NASED N-07-22-11-007). With some accessibility features on the Edge II available, this system was (a) in place January 1, 2006 and (b) will be in use in the first state election, February 2006. After the 2002 compliant version of the Edge II is nationally qualified and state certified (NASED - to be determined), a system with all disability features available, this system will be (a) in place, May 2006 and (b) will be in use in the first election for federal office, September 2006.

All counties will use the disability access units provided by their system vendors and are prepared to install the DAU systems as soon as they are available. *See attached list entitled Appendix A for a list of voting systems by county.*

(4) Washington Administrative Code defines what is a vote for each category of voting system used in Washington State, per Section 301 (6). (ref., WAC 434-261-075).

Section 303(a) – Computerized Statewide Voter Registration List

- (1) Currently, an interactive statewide voter registration database that meets the requirements of Section 303(a) is in use in Washington State.
- (2) Washington State’s statewide database was developed by a team consisting of staff from the Secretary of State’s Office and consultants from an outside vendor. A Request for Questions and Qualifications was issued in June of 2005, and a team of consultants was chosen from Microsoft to work on this project. This information is available online at the following address:
<http://www.secstate.wa.gov/office/procurements.aspx> . Technical documents were previously sent by CD to your office.

- (3) We are currently implementing the data verification procedures for all new registrants under Section 303(a)(2)(A)(ii) and conducting data matching procedure for first-time registrants by mail under Section 303(b)(3)(B)(ii).
- (4) Washington's computerized statewide voter registration list serves as the official list of legally registered voters in the state. A unique identifier is assigned to every registered voter and will remain with the voter upon relocation in the state.

The Secretary of State's Office has agreements with several state agencies. The Department of Licensing (DOL) has provided the complete current list of driver license numbers listed on its system. DOL has contracted with AAMVA for a mechanism whereby the last 4 digits of SSN with registrant's name and DOB can be checked against the Social Security Administration's database. The Washington State Patrol and Administrator of Courts have provided felony records for verification of ineligible voters. Department of Health is providing, at scheduled times, its most current listing of death records for deceased voter verification.

Local election officials have immediate access to enter and view information in the computerized list. The computerized list is used to conduct all federal elections. Only persons from the computerized list are eligible to vote.

All list maintenance performed is in compliance with the National Voter Registration Act of 1993. Felony status verifications are performed on a quarterly basis at this time. Deceased and duplicate status verifications are performed on a monthly basis. Duplicate voter registrations are verified prior to making a person legally registered, as well. To ensure that only ineligible voters are removed from the computerized list, election workers review records prior to removal.

A web site publishing has been developed to make more information available on the statewide voter registration database and may be found at online at the following address: <http://www.secstate.wa.gov/elections/vrdb/default.aspx>

Washington State is making every effort to comply with the requirements of HAVA in an orderly and measured fashion. Our goals are to encourage and enable every voter to participate in the election process, as well as to guide and assist the County Auditors in conducting accurate and fair elections. We trust the foregoing information is responsive to your request. If you desire further information, please advise.

Sincerely,

SAM REED
Secretary of State

SR:pf