

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 1 - 1

Yeas: Berger, Buckley, Hunt, Roblan, Rosenbaum

Nays: Esquivel

Exc.: Thatcher

Prepared By: Jim Stembridge, Administrator

Meeting Dates: 3/19, 5/25

WHAT THE MEASURE DOES: For general election results, requires county clerks to perform hand-count audits of vote tallying machine results, using ten percent of precincts or ballot-batches if the margin of victory is less than one percent, five percent of precincts or ballot-batches if the margin of victory is between one and two percent, and three percent of precincts or ballot-batches if the margin of victory is two percent or greater. Requires the Secretary of State to notify county clerks of the election contests requiring hand-count audits and the precincts to be audited, selected at random. Requires hand-counts to be completed by 30th day after the election. For audit differences greater than one-half percent, requires county clerks to hand-count all ballots, with the hand-count becoming the official tally of votes. Allows the Secretary of State to suspend application of the measure's provisions if the Secretary of State determines that federal law is at least as stringent.

ISSUES DISCUSSED:

- Methods of providing security in state elections
- Timeliness of releasing election results
- Fear and suspicion of machine vote-tallies; possibility of tampering with machine software
- History of vote corruption in the United States; instances of vote-counting errors in Oregon
- Current testing of vote-tallying machines for logic and accuracy
- Pending federal legislation and the federal National Institute of Standards and Technology (NIST)
- Proprietary nature of vote-tallying software; open-source software
- Nature of "sample" of ballots to be used
- Hand-counted audits of machine ballot tallies
- Administrative re-count procedures used in other states, including Arizona and Minnesota
- Pending federal legislation
- Possible fiscal impact

EFFECT OF COMMITTEE AMENDMENT: Replaces the original measure.

BACKGROUND: Enacted by Congress in October 2002, the Help America Vote Act (HAVA) gives the Commerce Department's National Institute of Standards and Technology (NIST) a key role in helping realize nationwide improvements in voting systems, including the requirement that state voting systems produce a permanent paper record for the voting system that can be manually audited and is available as an official record for recounts. NIST's Information Technology Laboratory (ITL) is coordinating the agency's HAVA efforts through its expertise in areas such as computer security and usability. HB 3270-A addresses public concerns about ballot-security and the validity of election results determined by machine tallies of ballots. Federal legislation on the same issue is pending.

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This summary has not been adopted or officially endorsed by action of the committee.