

CHAPTER 114.

[H. B. 211.]

USE OF VOTING MACHINES AT ELECTIONS.

AN ACT relating to elections, providing for the use of voting machines thereat, and amending sections 4910-5, 4910-7, 4910-8, 4910-9, 4910-10, 4910-11, 4910-13 and 4910-14, Remington and Ballinger's Annotated Codes and Statutes of Washington.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 4910-5 Rem. & Bal. Code be amended to read as follows:

Section 4910-5. The county commissioners of any county, the common council of any city or town, the township board of any township or the board or governing body of any district or municipality, at any regular meeting or at a special meeting called for the purpose, may adopt, purchase, or otherwise procure, and provide for the use of, any voting machine approved by the state board of voting machine examiners, in all or a portion of the election precincts thereof; and thereafter said machine may be used for voting at all primaries and elections for public offices and on all questions and for receiving, registering and counting the votes thereof in such election district or districts as such county commissioners, council or board shall direct. The county commissioners or council may, not later than forty days before any election, create, unite, combine, or divide one or more election districts or precincts for the purpose of using one or more voting machines therein at such election, and such uniting, combining or dividing shall be done in the manner now prescribed by law for the change of election districts. More than one voting machine may be used in the same election district. The number of voters to be in each of said districts or precincts shall be determined by said commissioners, council or board, but shall not exceed six hundred for each machine.

Amends
Rem.-Bal.
§§ 4910-5,
4910-7,
4910-11,
4910-13,
4910-14.

Adoption
and use of
voting
machines.

SEC. 2. That section 4910-7 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-7. Within a proper and reasonable time before each election at which voting machines are to be used, the secretary of state shall prepare samples of the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or official in charge of the election of each county, city, township or district in which the machines are to be used; such samples to meet the requirements of the election to be held and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies: Suitable printed or written directions to the custodian for testing and preparing the voting machines for the election; one certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian can certify that the voting machine has been examined and found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines; one certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing a voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election district in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the inspector

Printed instructions
and supplies.

of election; one envelope in which the keys to the voting machine can be returned by the inspector of election; one card stating the name and telephone address of the custodian on the day of election; two statements of canvass on which the election officers can report the canvass of the votes as shown on the voting machine together with other necessary information relating to the election, said statements of canvass to take the place of all tally-keepers, statements and returns as provided heretofore; three complete sets of ballot labels; two diagrams; five suitable printed instructions to the inspector of election; three notices to inspectors and judges of election to attend the instruction meetings; three certificates that the inspector and judges of an election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine and they may supply a sufficient number of extra ballots for use in case it shall be impossible to make use of the voting machine in any such precinct or precincts.

Extra ballots to be provided.

The ballot labels shall be printed in black ink on clear white material of such size and arrangement as to suit the construction of the machine: *Provided, however,* The ballot labels for questions may contain a condensed statement of each question to be voted on, accompanied by the words "Yes" and "No;" the titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit, and where more than one candidate can be voted for an office, there shall be printed below the office title the words "vote for any two," or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated.

Ballot labels.

If the election be one at which all the candidates for the office of presidential electors are to be voted for with one device, the county commissioners shall furnish for each machine at least five lists of the names of the presidential electors nominated and at least fifty paper ballots with which the voter can vote thereon for part of the candidates for the office of the presidential electors of one party and

Voting for presidential electors.

part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election districts in which voting machines are to be used no paper ballots shall be furnished for any offices to be voted for on the machine except as hereinafter provided.

SEC. 3. That section 4910-8 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-8. Before each election at which voting machines are to be used the custodian shall place on public exhibition a suitable number of machines for the proper instruction of voters. Such machines shall be so arranged and so equipped with ballot labels as to best illustrate the method of voting at that election, and so far as practical shall contain the names of the offices to be filled, the names of the candidates to be voted for, together with their proper party designations, in case of party elections, and statements of the questions to be voted on. Not more than ten nor less than three days before each election at which voting machines are to be used the board or officials charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of such voting machines as shall be on public exhibition; or in lieu of such publication said board or officials may send by mail or otherwise at least three days before the elections a printed copy of same to each registered voter.

Instructing
voters before
election.

SEC. 4. That section 4910-9 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-9. The election board of each election district in which a voting machine is used shall consist of one inspector, and two judges of election who shall also act as clerks of election. Where more than one machine is to be used in an election district, one additional inspector of election shall be appointed for each additional machine. In any voting precinct or district where the number of registered voters is less than one hundred the election

Election
officers.

Instruction
in use of
machine.

board may consist of one inspector, one judge and one clerk. Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election that are to serve thereat in the use of the machine and their duties in connection therewith; and he shall give to each inspector and judge that has received such instructions and is fully qualified to conduct the election with the machine a certificate to that effect. For the purpose of giving such instructions, the custodian shall call such meeting or meetings of the inspectors and judges as shall be necessary. Each inspector and judge shall attend such meeting or meetings and receive such instructions as shall be necessary for the proper conduct of the election with the machine; and, as compensation for the time spent in receiving such instruction each inspector and judge that shall qualify for and serve in the election shall receive the sum of one dollar, to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No inspector or judge of election shall serve in any election at which a voting machine is used unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: *Provided, however,* That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

SEC. 5. That section 4910-10 Rem. & Bal. Code be amended to read as follows:

Sec. 4910-10. The county auditor of a county, the clerk of a city, or other district in which voting machines are to be used shall cause same to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be known as the voting machine custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election, and shall be paid for the time actually spent in the dis-

Custodians
of machines.

charge of their duties in the same manner and amount as other election officers are paid. One custodian shall be employed for each twenty machines; if more than one be employed they shall be selected from the political parties entitled to representation on a board of election officers.

In preparing a voting machine for an election, the custodian shall, according to the printed directions furnished by such auditor or clerk, arrange the machine and labels therefor so that it will in every particular meet the requirements for voting and counting at such election, thoroughly test same, and certify thereto to said auditor or clerk. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a political party entitled to the use of a party voting device, provided such placing does not prevent such independently nominated candidates from being voted for individually, and provided it does not prevent or interfere with the operating of the party voting device of such party. It may also be so arranged that candidates nominated independently, or by political organizations which have nominated but one candidate, each shall be placed in the same party row and voted for individually; and in that event the party voting device of such party row shall be locked against movement, and the political designations of such candidates shall be printed upon the ballot labels in connection with their names. The auditor or clerk shall direct the arrangement of all ballot labels on such machine in case of non-partisan primaries and elections in cities of the first class operating under freeholders' charters, the arrangement of the names of candidates upon ballot labels shall conform as nearly as practicable to such charter provisions for the arrangement of names on paper ballots. In all other cases of non-partisan primaries and elections, and in all cases of party primaries and elections, the arrangement of names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots.

Preparation
and testing
for elections.

Arrangement
for non-
partisan
primaries and
elections.

Delivery to
polling
places.

After being prepared for the primary or election, each machine shall be examined by the auditor or clerk, and if the same be prepared in accordance with law for use thereat, he shall file a certificate thereof in his office. The custodian shall cause all voting machines to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the auditor or clerk shall provide proper protection therefor. The custodian shall provide a lantern or proper light for every machine, which light shall be in good order and give sufficient light to enable voters while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

SEC. 6. That section 4910-11 Rem. & Bal. Code be amended to read as follows:

Delivery of
keys and
election
supplies.

Sec. 4910-11. The auditor or clerk shall cause to be delivered to the inspector or one of the judges of election not later than forty-five minutes before the time for opening the polls the keys for the voting machine, which shall be delivered in a sealed envelope on which shall be written the designation and location of the election district, the number of the voting machine, the number or other designative mark on the seal, and the number registered on the protective counter as reported by the custodian for which a receipt shall be taken on the blank attached thereto, two diagrams, one extra set of ballot labels, one envelope containing seal for sealing the machine after the polls are closed, one envelope for the return of the keys, two statements of canvass, and all other supplies necessary for conducting the election.

SEC. 7. That section 4910-13 Rem. & Bal. Code be amended to read as follows:

Conducting
the election.

Sec. 4910-13. Before each voter enters the voting machine booth each clerk shall insert in his list of voters opposite the voter's name the letter V and the number of his vote. The election officers shall, so far as possible, inform him how to operate the machine and illustrate same upon

the model, and call his attention to the diagram. No voter shall remain within the voting machine booth longer than two minutes, and if he shall refuse to leave at the end of that time, he shall be removed by the election officers: *Provided, however,* That they may grant him a longer time if other voters are not waiting to vote. Whenever a voter who has the right to vote only on certain offices and certain questions shall enter the [voting] machine [booth], the election officer shall so adjust same that he can vote on such office and questions, but on no others. If any voter shall, in the presence of the election officers, declare that by reason of physical disability he is unable to register or record his vote upon the machine, two election officers of opposite political parties, in case of party primaries or elections, or two officials in case of non-partisan primaries, or elections, shall enter the voting machine booth with him and indicate and register his vote for such candidates and for or against such questions as he shall designate. If any voter shall, after entering the voting machine booth, ask for information regarding its operation, the election officers shall give him such necessary information. Any election officer who shall deceive any voter in registering or recording his vote under this section, or who shall register or record such vote in any other way than as designated by such voter, or who shall give information to any person as to what candidates or for or against what questions such voters voted, or who shall seek to suggest or persuade any voter to vote for any party, or for any candidate, or for or against any question shall be guilty of a felony and shall be punished by being fined not less than fifty dollars nor more than five hundred dollars or imprisoned in a state prison for not less than six months or more than one year or by both such fine and imprisonment. Except as herein provided for in cases of physically disabled voters, the operation of voting shall be secret. The election officers shall occasionally examine the face of the machine and the ballot labels to determine if same have been injured or tampered with. No voter shall be per-

Penalty for
misconduct
of election
official.

Secret
voting.

mitted to enter the machine booth or move the operating lever more than once.

Injury to
machines.

In case any voting machine used in any election district shall, during or before the time the polls are opened, become injured so as to render it inoperative in whole or in part, it shall be the duty of the judge immediately to give notice thereof to the officials charged with the care of the machine, and it shall be the duty of said official, if possible, to repair the machine at once, or to substitute another machine for the injured machine; and, at the close of the polls, if a machine has been so substituted the records of both machines shall be taken and the votes shown on their corresponding counters shall be added together in ascertaining the results of the election. If no other machine can be procured for use at such election, and the injured machine cannot be repaired in time for further use at such election the officers of said election shall permit the use by voters of paper ballots prepared as in cases where paper ballots are used, and which shall be furnished the election officers by the auditor or clerk, which ballots shall be received by the election officers, and placed by them in a receptacle, to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; any marking of such paper ballots by the voters which shall clearly indicate their intentions shall be deemed a proper and sufficient method of marking such ballots; the paper ballots thus voted shall be preserved and returned to the auditor or clerk with a certificate or statement setting forth how and why the same came to be voted. For this purpose the printed diagram of reduced size referred to in section eight (8) of this act, may be used if such can be procured.

Substitution
of paper
ballots.

SEC. 8. That section 4910-14 Rem. & Bal. Code be amended to read as follows:

Closing
polls.

Sec. 4910-14. At the hour for closing the polls, the judge of election shall declare the polls of the election closed and shall not permit any further operation of the machine except provided as follows, namely: That such

voters as shall at the hour of closing be within the polling room and awaiting their turn to vote shall be considered as having begun the act of voting and shall be permitted to cast their votes upon the machine. As soon as such voters have voted, the election officers shall lock and seal the machine, unlock and open the doors of the counter compartment, and canvass the votes registered on the counters therein and the votes recorded on or in the device or devices for voting for persons not nominated and shall make two statements of canvass thereof in the following manner: One election officer shall call the designating number and letter of each candidate's counter in the order given on the statement of canvass, and another election officer shall repeat such number and letter as it is read, and announce the vote registered on such counter, which shall thereupon be entered in ink on each of the statements of canvass. The canvass of each office shall be completed before proceeding to the next. The vote on each question shall be canvassed in the same manner. The votes cast on the irregular ballots and paper ballots shall then be canvassed. All votes for persons or questions, the names or propositions of which do not appear on the ballot labels, must be cast in the proper places on or in the device for irregular ballots, and all votes for persons or questions whose names or propositions do appear upon the ballot labels must be cast on the counters therefor, and any votes not so cast shall not be counted, except in case of the use of paper ballots: *Provided, however,* That all elections at which presidential electors are voted for with one device, the voter may vote on or in the device for irregular ballots in part for the presidential electors of one party and in part for those of one or more other parties, or in part or in whole for persons not nominated by any party. After completing and writing down the canvass of the votes cast, the election officers shall verify the same by comparing the figures on the statements of canvass with the figures on the counters in the machine and the names recorded on or in the device for voting for

Canvass
of votes.

persons not nominated, and shall then certify, in the appropriate place on each of these statements of canvass, as to the number of voters that voted at the election as shown by the poll list and by the number registered on the public counter; the number registered on the protective counter and the number or other designating marks on the seal with which the machine has been sealed. After completing and certifying to the statements of canvass, the inspector or a judge shall read therefrom in a distinct voice the name of each candidate, the designating number and letter of his counter as stated thereon, and the vote entered for each; also the vote for and against each question. During the canvassing and announcing of the vote, the counter compartment shall remain open, and opportunity shall be given any person lawfully present to examine the counters to determine the correctness of the vote as announced. The counter compartment shall then be locked and all the keys of the machine shall be delivered in a sealed envelope to the officers or board in charge of the election. One copy of the statement of canvass shall be delivered forthwith in a sealed envelope to the office of the county auditor, city comptroller, city clerk, or other governing body, and if the election be one at which state or county offices are voted for, one copy of the returns shall be delivered in a sealed envelope to the county clerk. The word "election" as used in this act shall mean general, special or primary election. The word "city" shall mean city or town.

"Election"
and "city"
defined.

Passed the House March 2, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 17, 1915.