
HOUSE BILL 1820

State of Washington

66th Legislature

2019 Regular Session

By Representatives Appleton, Hudgins, and Dolan

Read first time 01/31/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to extending the retention period for storage of
2 election material; amending RCW 29A.60.110; adding new sections to
3 chapter 29A.04 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In order to protect the integrity of our
6 elections, voters must be assured that every vote is counted.
7 Furthermore, voters should feel confident that ballots can be
8 recounted and the results of an election can be verified again, if
9 needed. An important component to this process is the retention of
10 ballots after an election. Therefore, the legislature finds that
11 ballots should be retained for a longer period that allows for more
12 time to detect and recover any potential inconsistencies that could
13 occur during an election. This change would also align our practices
14 more closely to the federal law, which mandates that ballots be
15 retained for twenty-two months.

16 **Sec. 2.** RCW 29A.60.110 and 2018 c 218 s 4 are each amended to
17 read as follows:

18 (1) Immediately after their tabulation, all ballots counted at a
19 ballot counting center must be sealed in containers that identify the
20 primary or election ((and)).

1 (2) Ballots in the form of a physical document must be retained
2 for at least ~~((sixty days))~~ twenty-four months or according to
3 federal law, whichever is longer. Cast vote records, voted ballot
4 images, or other electronically stored data of vote counts, except as
5 provided for under subsection (3) of this section, must be retained
6 for at least five years. After the required retention period, the
7 county canvassing board may destroy such ballots, voted ballot
8 images, or other electronically stored data of vote counts if there
9 are no pending election challenges.

10 ~~((2))~~ (3) Removable memory cards, flash drives, or other small
11 ultraportable data storage devices used to electronically store data
12 of vote counts or electronic ballot images must not be inserted into
13 a tabulation machine more than one time. The secretary of state shall
14 adopt rules for the retention of data on the memory cards, flash
15 drives, or other small ultraportable data storage devices.

16 (4) In the presence of major party observers who are available,
17 ballots may be removed from the sealed containers at the elections
18 department and consolidated into one sealed container for storage
19 purposes. The containers may only be opened by the canvassing board
20 as part of the canvass, to conduct recounts, to conduct a random
21 check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185,
22 or by order of the superior court in a contest or election dispute.
23 If the canvassing board opens a ballot container, it shall make a
24 full record of the additional tabulation or examination made of the
25 ballots. This record must be added to any other record of the
26 canvassing process in that county.

27 NEW SECTION. Sec. 3. A new section is added to chapter 29A.04
28 RCW to read as follows:

29 "Voted ballot image" means an identical digital image of the
30 paper ballot or ballot card.

31 NEW SECTION. Sec. 4. A new section is added to chapter 29A.04
32 RCW to read as follows:

33 "Cast vote record" means a data file of how the tabulation system
34 interpreted voter markings on each individual ballot.

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