

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1251

66th Legislature
2020 Regular Session

Passed by the House March 7, 2020
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2020
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1251** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1251

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Tarleton, Hudgins, and Wylie)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to security breaches of election systems or
2 election data including by foreign entities; amending RCW 29A.12.070;
3 adding a new section to chapter 29A.12 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that public
7 confidence in state elections systems and election data are of
8 paramount consideration to the integrity of the voting process. The
9 legislature also finds that recent events have revealed an
10 intentional and persistent effort by foreign entities to influence
11 election systems and other cyber networks. Therefore, the legislature
12 intends to review the state's electoral systems and processes and
13 take appropriate measures to identify whether foreign entities were
14 responsible for the intrusions.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.12
16 RCW to read as follows:

17 (1) The secretary of state must annually consult with the
18 Washington state fusion center, state chief information officer, and
19 each county auditor to identify instances of security breaches of
20 election systems or election data.

1 (2) To the extent possible, the secretary of state must identify
2 whether the source of a security breach, if any, is a foreign entity,
3 domestic entity, or both.

4 (3) By December 31st of each year, the secretary of state must
5 submit a report to the governor, state chief information officer,
6 Washington state fusion center, and the chairs and ranking members of
7 the appropriate legislative committees from the senate and house of
8 representatives that includes information on any instances of
9 security breaches identified under subsection (1) of this section and
10 options to increase the security of the election systems and election
11 data, and to prevent future security breaches. The report, and any
12 related material, data, or information provided pursuant to
13 subsection (1) of this section or used to assemble the report, may
14 only be distributed to, or otherwise shared with, the individuals
15 specifically mentioned in this subsection (3).

16 (4) For the purposes of this section:

17 (a) "Foreign entity" means an entity that is not organized or
18 formed under the laws of the United States, or a person who is not
19 domiciled in the United States or a citizen of the United States.

20 (b) "Security breach" means a breach of the election system or
21 associated data where the system or associated data has been
22 penetrated, accessed, or manipulated by an unauthorized person.

23 **Sec. 3.** RCW 29A.12.070 and 2003 c 111 s 307 are each amended to
24 read as follows:

25 An agreement to purchase or lease a voting system or a component
26 of a voting system is subject to that system or component passing
27 ~~((a))~~:

28 (1) An acceptance test sufficient to demonstrate that the
29 equipment is the same as that certified by the secretary of state and
30 that the equipment is operating correctly as delivered to the county;
31 and

32 (2) A vulnerability test conducted by a federal or state public
33 entity which includes participation by local elections officials.

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