
SENATE BILL 6412

State of Washington

66th Legislature

2020 Regular Session

By Senators Zeiger, Mullet, Wilson, L., King, O'Ban, Fortunato, and Schoesler; by request of Secretary of State

Read first time 01/16/20. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to election security; amending RCW 29A.40.091,
2 29A.60.235, 29A.04.611, 29A.60.125, 29A.60.170, 29A.60.185,
3 29A.64.011, 29A.64.021, 29A.64.030, 29A.64.041, 29A.64.050,
4 29A.64.070, 29A.64.090, and 29A.60.165; reenacting and amending RCW
5 29A.40.110; adding a new section to chapter 29A.32 RCW; adding new
6 sections to chapter 29A.40 RCW; adding new sections to chapter 29A.84
7 RCW; adding new sections to chapter 29A.60 RCW; creating a new
8 section; prescribing penalties; and making an appropriation.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that:

11 (1) The electronic and physical security of the voting system is
12 foundational to a healthy democracy. The secretary of state and
13 election officials are committed to secure elections.

14 (2) The threat to election security posed by cybercriminals
15 wishing to impair the election process is continually growing. In
16 order to maintain secure elections, election administrators work with
17 multiple national and state security partners. The secretary of state
18 and local election officials have been alerted to evidence of ongoing
19 illegal attempts to gain access to, and interfere with, electronic
20 systems used during an election. While none of these attempts were
21 successful, security experts have recently advised Washington

1 elections officials to take steps to reduce opportunities for bad
2 actors to attempt to interfere with Washington elections through
3 electronic means.

4 (3) This act addresses physical and cybersecurity attacks and
5 reduces vulnerability and the risk of election tampering. This is
6 accomplished by securing information and information systems,
7 increasing funding for local election offices, securing vital data
8 and ballot counting systems, securing the chain of custody for voted
9 ballots, and eliminating email and fax submission of ballots.

10 (4) The existing electronic ballot return process for overseas
11 and service voters requires submission of many types of computer
12 files, from many unsecured locations, introducing the potential for
13 spear-phishing attacks, malware, viruses, denial of service, and
14 other cyberattacks on the election system. The secretary of state
15 maintains a commitment to the ongoing process of ensuring maximum
16 access to the vote for overseas and service voters working with
17 national, state, and local election officials.

18 (5) Ballot collection by persons unknown to the voter is an
19 increasing threat to the process of returning voted ballots without
20 delay and without tampering. This act addresses the process by
21 defining permitted methods of ballot return and providing penalties
22 for tampering with or delaying voted ballots.

23 (6) Local election offices often lack the resources necessary to
24 fully secure voted ballot storage and vote counting equipment.
25 Furthermore, full cybersecurity involves both proper system design
26 and operation and complete security training for the operators of the
27 systems. This act provides additional funding to local election
28 offices.

29 **Sec. 2.** RCW 29A.40.091 and 2019 c 161 s 3 are each amended to
30 read as follows:

31 (1) The county auditor shall send each voter a ballot, a security
32 envelope in which to conceal the ballot after voting, a larger
33 envelope in which to return the security envelope, a declaration that
34 the voter must sign, and instructions on how to obtain information
35 about the election, how to mark the ballot, and how to return the
36 ballot to the county auditor.

37 (2) The voter must swear under penalty of perjury that he or she
38 meets the qualifications to vote, and has not voted in any other
39 jurisdiction at this election. The declaration must clearly inform

1 the voter that it is illegal to vote if he or she is not a United
2 States citizen; it is illegal to vote if he or she has been convicted
3 of a felony and has not had his or her voting rights restored; and it
4 is illegal to cast a ballot or sign a ballot declaration on behalf of
5 another voter. The ballot materials must provide space for the voter
6 to sign the declaration, indicate the date on which the ballot was
7 voted, and include a telephone number.

8 (3) Space must be provided for the signatures of two witnesses to
9 a voter using a mark when the voter is physically present but unable
10 to write a signature. Each witness line must be accompanied by a line
11 for the witness to record their current phone number or email
12 address.

13 (4) For overseas and service voters, the signed declaration
14 constitutes the equivalent of a voter registration. Return envelopes
15 for overseas and service voters must enable the ballot to be returned
16 postage free if mailed through the United States postal service,
17 United States armed forces postal service, or the postal service of a
18 United States foreign embassy under 39 U.S.C. 3406.

19 ~~((4))~~ (5) The voter must be instructed to either return the
20 ballot to the county auditor no later than 8:00 p.m. the day of the
21 election or primary, or mail the ballot to the county auditor with a
22 postmark no later than the day of the election or primary. Return
23 envelopes for all election ballots must include prepaid postage.
24 ~~((Service and overseas voters must be provided with instructions and~~
25 ~~a privacy sheet for returning the ballot and signed declaration by~~
26 ~~fax or email. A voted ballot and signed declaration returned by fax~~
27 ~~or email must be received by 8:00 p.m. on the day of the election or~~
28 ~~primary.~~

29 ~~(5))~~ (6) The county auditor's name may not appear on the
30 security envelope, the return envelope, or on any voting instructions
31 or materials included with the ballot if he or she is a candidate for
32 office during the same year.

33 ~~((6))~~ (7) For purposes of this section, "prepaid postage" means
34 any method of return postage paid by the county or state.

35 **Sec. 3.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
36 2011 c 10 s 41 are each reenacted and amended to read as follows:

37 (1) The opening and subsequent processing of return envelopes for
38 any primary or election may begin upon receipt. The tabulation of

1 absentee ballots must not commence until after 8:00 p.m. on the day
2 of the primary or election.

3 (2) All received return envelopes must be placed in secure
4 locations from the time of delivery to the county auditor until their
5 subsequent opening. After opening the return envelopes, the county
6 canvassing board shall place all of the ballots in secure storage
7 until processing. Ballots may be taken from the inner envelopes and
8 all the normal procedural steps may be performed to prepare these
9 ballots for tabulation.

10 (3) The canvassing board, or its designated representatives,
11 shall examine the postmark on the return envelope and signature on
12 the declaration before processing the ballot. The ballot must either
13 be received no later than 8:00 p.m. on the day of the primary or
14 election, or must be postmarked no later than the day of the primary
15 or election. All personnel assigned to verify signatures must receive
16 training on statewide standards for signature verification. Personnel
17 shall verify that the voter's signature on the ballot declaration is
18 the same as the signature of that voter in the registration files of
19 the county. Verification may be conducted by an automated
20 verification system approved by the secretary of state. A variation
21 between the signature of the voter on the ballot declaration and the
22 signature of that voter in the registration files due to the
23 substitution of initials or the use of common nicknames is permitted
24 so long as the surname and handwriting are clearly the same.

25 (4) If the postmark is missing or illegible, the date on the
26 ballot declaration to which the voter has attested determines the
27 validity, as to the time of voting, for that ballot. For overseas
28 voters and service voters, the date on the declaration to which the
29 voter has attested determines the validity, as to the time of voting,
30 for that ballot. (~~(Any overseas voter or service voter may return the
31 signed declaration and voted ballot by fax or email by 8:00 p.m. on
32 the day of the primary or election, and the county auditor must use
33 established procedures to maintain the secrecy of the ballot.)~~)

34 **Sec. 4.** RCW 29A.60.235 and 2018 c 218 s 9 are each amended to
35 read as follows:

36 (1) The county auditor shall prepare at the time of certification
37 an election reconciliation report that discloses the following
38 information:

39 (a) The number of registered voters;

- 1 (b) The number of ballots issued;
- 2 (c) The number of ballots received;
- 3 (d) The number of ballots counted;
- 4 (e) The number of ballots rejected;
- 5 (f) The number of provisional ballots issued;
- 6 (g) The number of provisional ballots received;
- 7 (h) The number of provisional ballots counted;
- 8 (i) The number of provisional ballots rejected;
- 9 (j) The number of federal write-in ballots received;
- 10 (k) The number of federal write-in ballots counted;
- 11 (l) The number of federal write-in ballots rejected;
- 12 (m) The number of overseas and service ballots issued by mail,
13 email, web site link, or facsimile;
- 14 (n) The number of overseas and service ballots received (~~by~~
15 ~~mail, email, or facsimile~~));
- 16 (o) The number of overseas and service ballots counted (~~by mail,~~
17 ~~email, or facsimile~~));
- 18 (p) The number of overseas and service ballots rejected (~~by~~
19 ~~mail, email, or facsimile~~));
- 20 (q) The number of nonoverseas and nonservice ballots sent by
21 email, web site link, or facsimile;
- 22 (~~r) ((The number of nonoverseas and nonservice ballots received~~
23 ~~by email or facsimile;~~
- 24 ~~(s))~~) The number of nonoverseas and nonservice ballots that were
25 rejected for(~~(~~
- 26 ~~(i) Failing to send an original or hard copy of the ballot by the~~
27 ~~certification deadline; or~~
- 28 ~~(ii) Any other~~) any reason, including the reason for rejection;
- 29 (~~(t)~~) (s) The number of voters credited with voting;
- 30 (~~(u)~~) (t) The number of replacement ballots requested;
- 31 (~~(v)~~) (u) The number of replacement ballots issued;
- 32 (~~(w)~~) (v) The number of replacement ballots received;
- 33 (~~(x)~~) (w) The number of replacement ballots counted;
- 34 (~~(y)~~) (x) The number of replacement ballots rejected; and
- 35 (~~(z)~~) (y) Any other information the auditor or secretary of
36 state deems necessary to reconcile the number of ballots counted with
37 the number of voters credited with voting, and to maintain an audit
38 trail.
- 39 (2) The county auditor must make the report available to the
40 public at the auditor's office and must publish the report on the

1 auditor's web site at the time of certification. The county auditor
2 must submit the report to the secretary of state at the time of
3 certification in any form determined by the secretary of state.

4 (3) (a) The secretary of state must collect the reconciliation
5 reports from each county auditor and prepare a statewide
6 reconciliation report for each state primary and general election.
7 The report may be produced in a form determined by the secretary that
8 includes the information as described in this subsection (3). The
9 report must be prepared and published on the secretary of state's web
10 site within two months after the last county's election results have
11 been certified.

12 (b) The state report must include a comparison among counties on
13 rates of votes received, counted, and rejected, including
14 provisional, write-in, and overseas ballots (~~(, and ballots~~
15 ~~transmitted electronically)~~). The comparison information may be in
16 the form of rankings, percentages, or other relevant quantifiable
17 data that can be used to measure performance and trends.

18 (c) The state report must also include an analysis of the data
19 that can be used to develop a better understanding of election
20 administration and policy. The analysis must combine data, as
21 available, over multiple years to provide broader comparisons and
22 trends regarding voter registration and turnout and ballot counting.
23 The analysis must incorporate national election statistics to the
24 extent such information is available.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.32
26 RCW to read as follows:

27 A statement must be published in each state voters' pamphlet and
28 each local voters' pamphlet encouraging voters to return their voted
29 ballots using the United States postal service or an official drop
30 box, and discouraging the use of unknown persons in returning a voted
31 ballot.

32 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.40
33 RCW to read as follows:

34 (1) Voters must return voted ballots using one of the following
35 methods:

- 36 (a) Deposit in an official ballot drop box;
- 37 (b) Deposit in a United States postal service mailbox; or
- 38 (c) Delivery in person to a voting center for deposit.

1 (2) A voter may entrust his or her voted ballot to one of the
2 following persons for return using the methods defined in subsection
3 (1) of this section:

4 (a) A spouse, parent, child, or member of the voter's immediate
5 household;

6 (b) A caregiver; or

7 (c) A written designee that has provided a receipt to the voter.

8 (3) If a person other than the voter is transferring a voted
9 ballot, the voted ballot must be deposited within thirty-six hours or
10 by 8:00 p.m. on the day of the election, whichever period of time is
11 shorter.

12 (4) A person may not possess another person's voted ballot
13 except:

14 (a) United States postal service employees in their official
15 capacity;

16 (b) Election office employees in their official capacity; or

17 (c) A person authorized under this section.

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.40
19 RCW to read as follows:

20 (1) A person not otherwise permitted to deliver another person's
21 voted ballot under section 6 of this act, may collect and transport
22 voted ballots directly from voters to the county election office.
23 Each ballot must be delivered to the election office within thirty-
24 six hours of being collected, or by 8:00 p.m. on the day of the
25 election, whichever time is shorter.

26 (2) A person engaged in the activity of collecting and
27 transporting to election offices other people's voted ballots must:

28 (a) Wear a button or other identification easily visible to the
29 voter;

30 (b) Show government-issued identification upon request of the
31 voter;

32 (c) Provide a receipt to each voter for their collected voted
33 ballot, containing at least the following information:

34 (i) The name, address, and phone number of the person collecting
35 the ballot;

36 (ii) The date and time that the ballot was collected; and

37 (iii) The collector's signature; and

38 (d) Maintain a log of all voted ballots collected that includes:

39 (i) The name and address of the voter;

1 (ii) The date and time that the ballot was collected; and
2 (iii) The voter's signature authorizing the collection and
3 transportation of the voted ballot.

4 (3) The collection log required by subsection (2)(d) of this
5 section must be maintained during the voting period and submitted to
6 the county election office for storage no later than the day
7 following each election.

8 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.40
9 RCW to read as follows:

10 (1) Ballot collection logs submitted to each election office
11 under section 7 of this act must be securely stored for a period of
12 time commensurate with the storage of other materials for the
13 associated election.

14 (2) The ballot collection log may be used in any criminal
15 proceedings associated with a failure to return voted ballots in a
16 timely manner.

17 (3) Receipts issued to voters during a voted ballot collection
18 transaction may be used as evidence in any criminal proceedings
19 associated with a failure to return voted ballots in a timely manner.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 29A.84
21 RCW to read as follows:

22 (1) A person who knowingly destroys, alters, defaces, conceals,
23 or discards a completed voted ballot is guilty of a class C felony.
24 This section does not apply to: (a) The voter who completed the
25 ballot; or (b) a county auditor who acts as authorized by law.

26 (2) Any person entrusted under section 6(2)(c) of this act who
27 fails to return another person's completed voted ballot to the proper
28 state or county elections office by the applicable deadline is guilty
29 of a class C felony.

30 NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.84
31 RCW to read as follows:

32 (1) A person may not:
33 (a) Possess another person's voted ballot unless the person:
34 (i) Is a spouse, parent, child, or immediate member of the
35 voter's household;
36 (ii) Is the voter's caregiver;

1 (iii) Has written permission from the voter and has issued a
2 receipt to the voter; or

3 (iv) Is employed by the United States postal service or the
4 election office, and is acting in his or her official capacity;

5 (b) Prevent timely delivery of a voted ballot to election
6 officials;

7 (c) Destroy or otherwise damage or modify another person's voted
8 ballot;

9 (d) Collect voted ballots from other persons, without maintaining
10 a log of ballots collected and issuing a receipt for each ballot
11 collected to the voter; or

12 (e) Collect voted ballots from other persons without submitting
13 the log of collected ballots to the county election office.

14 (2) Any sheriff, deputy sheriff, or municipal law enforcement
15 officer shall stop the activity prohibited by this section, and may
16 arrest any person engaging in the prohibited activity.

17 (3) Any person who violates this section is guilty of a class C
18 felony.

19 **Sec. 11.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
20 read as follows:

21 The secretary of state as chief election officer shall make
22 reasonable rules in accordance with chapter 34.05 RCW not
23 inconsistent with the federal and state election laws to effectuate
24 any provision of this title and to facilitate the execution of its
25 provisions in an orderly, timely, and uniform manner relating to any
26 federal, state, county, city, town, and district elections. To that
27 end the secretary shall assist local election officers by devising
28 uniform forms and procedures.

29 In addition to the rule-making authority granted otherwise by
30 this section, the secretary of state shall make rules governing the
31 following provisions:

32 (1) The maintenance of voter registration records;

33 (2) The preparation, maintenance, distribution, review, and
34 filing of precinct maps;

35 (3) Standards for the design, layout, and production of ballots;

36 (4) The examination ~~((and))~~, testing, and approval of voting
37 systems and software for certification;

1 (5) The source and scope of independent evaluations of voting
2 systems that may be relied upon in certifying voting systems for use
3 in this state;

4 (6) Standards and procedures for the acceptance testing of voting
5 systems by counties;

6 (7) Standards and procedures for testing the programming of vote
7 tallying software for specific primaries and elections;

8 (8) Standards and procedures for the preparation and use of each
9 type of certified voting system including procedures for the
10 operation of counting centers where vote tallying systems are used;

11 (9) Standards and procedures to ensure the accurate tabulation
12 and canvassing of ballots;

13 (10) Standards and procedures for each postelection audit method,
14 including procedures for expanding an audit to include additional
15 ballots if audit results show a discrepancy, thresholds for auditing
16 additional ballots, and the method to determine how many additional
17 ballots will be selected;

18 (11) Standards and procedures for investigating the cause of any
19 discrepancy found during a postelection audit;

20 (12) Consistency among the counties of the state in the
21 preparation of ballots, the operation of vote tallying systems, and
22 the canvassing of primaries and elections;

23 (~~(11)~~) (13) Procedures to ensure the secrecy of a voter's
24 ballot when a small number of ballots are counted;

25 (~~(12)~~) (14) The use of substitute devices or means of voting
26 when a voting device is found to be defective, the counting of votes
27 cast on the defective device, the counting of votes cast on the
28 substitute device, and the documentation that must be submitted to
29 the county auditor regarding such circumstances;

30 (~~(13)~~) (15) Procedures for the transportation of sealed
31 containers of voted ballots or sealed voting devices;

32 (~~(14)~~) (16) The acceptance and filing of documents via
33 electronic transmission;

34 (~~(15)~~) (17) Voter registration applications and records;

35 (~~(16)~~) (18) The use of voter registration information in the
36 conduct of elections;

37 (~~(17)~~) (19) The coordination, delivery, and processing of voter
38 registration records accepted by driver licensing agents or the
39 department of licensing;

1 ~~((18))~~ (20) The coordination, delivery, and processing of voter
2 registration records accepted by agencies designated by the governor
3 to provide voter registration services;

4 ~~((19))~~ (21) Procedures to receive and distribute voter
5 registration applications by mail;

6 ~~((20))~~ (22) Procedures for a voter to change his or her voter
7 registration address within a county by telephone;

8 ~~((21))~~ (23) Procedures for a voter to change the name under
9 which he or she is registered to vote;

10 ~~((22))~~ (24) Procedures for canceling dual voter registration
11 records and for maintaining records of persons whose voter
12 registrations have been canceled;

13 ~~((23))~~ (25) Procedures for the electronic transfer of voter
14 registration records between county auditors and the office of the
15 secretary of state;

16 ~~((24))~~ (26) Procedures and forms for declarations of candidacy;

17 ~~((25))~~ (27) Procedures and requirements for the acceptance and
18 filing of declarations of candidacy by electronic means;

19 ~~((26))~~ (28) Procedures for the circumstance in which two or
20 more candidates have a name similar in sound or spelling so as to
21 cause confusion for the voter;

22 ~~((27))~~ (29) Filing for office;

23 ~~((28))~~ (30) The order of positions and offices on a ballot;

24 ~~((29))~~ (31) Sample ballots;

25 ~~((30))~~ ~~Independent evaluations of voting systems;~~

26 ~~(31)~~ ~~The testing, approval, and certification of voting systems;~~

27 ~~(32)~~ ~~The testing of vote tallying software programming;~~

28 ~~(33))~~ (32) Standards and procedures to prevent fraud and to
29 facilitate the accurate processing and canvassing of ballots,
30 including standards for the approval and implementation of hardware
31 and software for automated signature verification systems;

32 ~~((34))~~ (33) Standards and procedures to guarantee the secrecy
33 of ballots;

34 ~~((35))~~ (34) Uniformity among the counties of the state in the
35 conduct of elections;

36 ~~((36))~~ (35) Standards and procedures to accommodate overseas
37 voters and service voters;

38 ~~((37))~~ (36) The tabulation of paper ballots;

39 ~~((38))~~ (37) The accessibility of voting centers;

1 (~~(39)~~) (38) The aggregation of precinct results if reporting
2 the results of a single precinct could jeopardize the secrecy of a
3 person's ballot;

4 (~~(40)~~) (39) Procedures for conducting a statutory recount;

5 (40) Procedures for conducting a statistical audit of results
6 used when the results of an election meet the limits found in RCW
7 29A.64.021 or 29A.64.090;

8 (41) Procedures for filling vacancies in congressional offices if
9 the general statutory time requirements for availability of ballots,
10 certification, canvassing, and related procedures cannot be met;

11 (42) Procedures for the statistical sampling of signatures for
12 purposes of verifying and canvassing signatures on initiative,
13 referendum, and recall election petitions;

14 (43) Standards and deadlines for submitting material to the
15 office of the secretary of state for the voters' pamphlet;

16 (44) Deadlines for the filing of ballot titles for referendum
17 bills and constitutional amendments if none have been provided by the
18 legislature;

19 (45) Procedures for the publication of a state voters' pamphlet;

20 (46) Procedures for conducting special elections regarding
21 nuclear waste sites if the general statutory time requirements for
22 availability of ballots, certification, canvassing, and related
23 procedures cannot be met;

24 (47) Procedures for conducting partisan primary elections;

25 (48) Standards and procedures for the proper conduct of voting on
26 accessible voting devices;

27 (49) Standards for voting technology and systems used by the
28 state or any political subdivision to be accessible for individuals
29 with disabilities, including nonvisual accessibility for the blind
30 and visually impaired, in a manner that provides the same opportunity
31 for access and participation, including privacy and independence, as
32 other voters;

33 (50) All data formats for transferring voter registration data on
34 electronic or machine-readable media for the purpose of administering
35 the statewide voter registration list required by the Help America
36 Vote Act (P.L. 107-252);

37 (51) Defining the interaction of electronic voter registration
38 election management systems employed by each county auditor to
39 maintain a local copy of each county's portion of the official state
40 list of registered voters;

1 (52) Provisions and procedures to implement the state-based
2 administrative complaint procedure as required by the Help America
3 Vote Act (P.L. 107-252);

4 (53) Facilitating the payment of local government grants to local
5 government election officers or vendors; and

6 (54) Standards for the verification of signatures on ballot
7 declarations.

8 **Sec. 12.** RCW 29A.60.125 and 2018 c 218 s 8 are each amended to
9 read as follows:

10 If inspection of the ballot reveals a physically damaged ballot
11 or ballot that may be otherwise unreadable or uncountable by the
12 tabulating system, the county auditor may refer the ballot to the
13 county canvassing board or duplicate the ballot if so authorized by
14 the county canvassing board. The voter's original ballot may not be
15 altered. A ballot may be duplicated only if the intent of the voter's
16 marks on the ballot is clear and the electronic voting equipment
17 might not otherwise properly tally the ballot to reflect the intent
18 of the voter. Ballots must be duplicated by teams of two or more
19 people working together. When duplicating ballots, the county auditor
20 shall take the following steps to create and maintain an audit trail
21 of the action taken:

22 (1) Each original ballot and duplicate ballot must be assigned
23 the same unique control number, with the number being marked upon the
24 face of each ballot, to ensure that each duplicate ballot may be tied
25 back to the original ballot((+)).

26 (2) A log must be kept of the ballots duplicated, which must at
27 least include:

28 (a) The control number of each original ballot and the
29 corresponding duplicate ballot;

30 (b) The initials of at least two people who participated in the
31 duplication of each ballot; and

32 (c) The total number of ballots duplicated.

33 (3) Original and duplicate ballots must be sealed in secure
34 storage at all times, except during duplication, inspection by the
35 canvassing board, tabulation, or to conduct an audit under RCW
36 29A.60.185.

37 (4) Prior to certification of the election as required by RCW
38 29A.60.190, the county auditor shall conduct an audit of ballots
39 duplicated under this section. The audit of duplicated ballots must

1 involve a comparison of the duplicated ballot to the original ballot.
2 The county canvassing board must establish procedures for the
3 auditing of duplicated ballots.

4 **Sec. 13.** RCW 29A.60.170 and 2018 c 218 s 3 are each amended to
5 read as follows:

6 (1) At least twenty-eight days prior to any special election,
7 general election, or primary, the county auditor shall request from
8 the chair of the county central committee of each major political
9 party a list of individuals who are willing to serve as observers.
10 The county auditor has discretion to also request observers from any
11 campaign or organization. The county auditor may delete from the
12 lists names of those persons who indicate to the county auditor that
13 they cannot or do not wish to serve as observers, and names of those
14 persons who, in the judgment of the county auditor, lack the ability
15 to properly serve as observers after training has been made available
16 to them by the auditor.

17 (2) The counting center is under the direction of the county
18 auditor and must be open to observation by one representative from
19 each major political party, if representatives have been appointed by
20 the respective major political parties and these representatives are
21 present while the counting center is operating. The proceedings must
22 be open to the public, but no persons except those employed and
23 authorized by the county auditor may touch any ballot or ballot
24 container or operate a vote tallying system.

25 ~~((3) A random check of the ballot counting equipment must be~~
26 ~~conducted upon mutual agreement of the political party observers or~~
27 ~~at the discretion of the county auditor. The random check procedures~~
28 ~~must be adopted by the county canvassing board, and consistent with~~
29 ~~rules adopted under RCW 29A.60.185(4), prior to the processing of~~
30 ~~ballots. The random check process shall involve a comparison of a~~
31 ~~manual count or electronic count if an audit under RCW~~
32 ~~29A.60.185(1)(d) is conducted to the machine count from the original~~
33 ~~ballot counting equipment and may involve up to either three~~
34 ~~precincts or six batches depending on the ballot counting procedures~~
35 ~~in place in the county. The random check will be limited to one~~
36 ~~office or issue on the ballots in the precincts or batches that are~~
37 ~~selected for the check. The selection of the precincts or batches to~~
38 ~~be checked must be selected according to procedures established by~~
39 ~~the county canvassing board. The random check procedures must include~~

1 ~~a process, consistent with RCW 29A.60.185(3) and rules adopted under~~
2 ~~RCW 29A.60.185(4), for expanding the audit to include additional~~
3 ~~ballots when a random check conducted under this section results in a~~
4 ~~discrepancy. The procedure must specify under what circumstances a~~
5 ~~discrepancy will lead to an audit of additional ballots and the~~
6 ~~method to determine how many additional ballots will be selected.~~
7 ~~Procedures adopted under RCW 29A.60.185 pertaining to investigations~~
8 ~~of any discrepancy found during an audit must be followed. The check~~
9 ~~must be completed no later than forty-eight hours after election day.~~

10 ~~(4) (a) By November 1, 2018, the secretary of state shall:~~

11 ~~(i) For each county, survey all random check procedures adopted~~
12 ~~by the county canvassing board under subsection (3) of this section;~~
13 ~~and~~

14 ~~(ii) Evaluate the procedures to identify the best practices and~~
15 ~~any discrepancies.~~

16 ~~(b) By December 15, 2018, the secretary of state shall submit a~~
17 ~~report, in compliance with RCW 43.01.036, to the appropriate~~
18 ~~committees of the legislature that provides recommendations, based on~~
19 ~~the evaluation performed under (a) of this subsection, for adopting~~
20 ~~best practices and uniform procedures.)~~

21 **Sec. 14.** RCW 29A.60.185 and 2018 c 218 s 2 are each amended to
22 read as follows:

23 (1) Prior to certification of the election as required by RCW
24 29A.60.190, the county auditor shall conduct an audit (~~of duplicated~~
25 ~~ballots in accordance with subsection (2) of this section, and an~~
26 ~~audit)) using at minimum one of the following methods:~~

27 (a) (~~An audit of results of votes cast on the direct recording~~
28 ~~electronic voting devices, or other in-person ballot marking systems,~~
29 ~~used in the county if there are races or issues with more than ten~~
30 ~~votes cast on all direct recording electronic voting devices or other~~
31 ~~in-person ballot marking systems in the county. This audit must be~~
32 ~~conducted by randomly selecting by lot up to four percent of the~~
33 ~~direct recording electronic voting devices or other in-person ballot~~
34 ~~marking systems, or one direct recording electronic voting device or~~
35 ~~other in-person ballot marking system, whichever is greater, and, for~~
36 ~~each device or system, comparing the results recorded electronically~~
37 ~~with the results recorded on paper. For purposes of this audit, the~~
38 ~~results recorded on paper must be tabulated as follows: On one-fourth~~
39 ~~of the devices or systems selected for audit, the paper records must~~

1 ~~be tabulated manually; on the remaining devices or systems, the paper~~
2 ~~records may be tabulated by a mechanical device determined by the~~
3 ~~secretary of state to be capable of accurately reading the votes cast~~
4 ~~and printed thereon and qualified for use in the state under~~
5 ~~applicable state and federal laws. Three races or issues, randomly~~
6 ~~selected by lot, must be audited on each device or system. This audit~~
7 ~~procedure must be subject to observation by political party~~
8 ~~representatives if representatives have been appointed and are~~
9 ~~present at the time of the audit. As used in this subsection, "in-~~
10 ~~person ballot marking system" or "system" means an in-person ballot~~
11 ~~marking system that retains or produces an electronic voting record~~
12 ~~of each vote cast using the system;~~

13 ~~(b))~~ A random check of the ballot counting equipment consistent
14 with ~~((RCW 29A.60.170(3)))~~ section 16 of this act;

15 ~~((c))~~ (b) A risk-limiting audit~~((. A "risk-limiting audit"~~
16 ~~means an audit protocol that makes use of statistical principles and~~
17 ~~methods and is designed to limit the risk of certifying an incorrect~~
18 ~~election outcome. The secretary of state shall:~~

19 ~~(i) Set the risk limit. A "risk limit" means the largest~~
20 ~~statistical probability that an incorrect reported tabulation outcome~~
21 ~~is not detected in a risk-limiting audit;~~

22 ~~(ii) Randomly select for audit at least one statewide contest,~~
23 ~~and for each county at least one ballot contest other than the~~
24 ~~selected statewide contest. The county auditor shall randomly select~~
25 ~~a ballot contest for audit if in any particular election there is no~~
26 ~~statewide contest; and~~

27 ~~(iii) Establish procedures for implementation of risk-limiting~~
28 ~~audits, including random selection of the audit sample, determination~~
29 ~~of audit size, and procedures for a comparison risk-limiting audit~~
30 ~~and ballot polling risk-limiting audit as defined in (c) (iii) (A) and~~
31 ~~(B) of this subsection.~~

32 ~~(A) In a comparison risk-limiting audit, the county auditor~~
33 ~~compares the voter markings on randomly selected ballots to the~~
34 ~~ballot-level cast vote record produced by the ballot counting~~
35 ~~equipment.~~

36 ~~(B) In a ballot polling risk-limiting audit, the county auditor~~
37 ~~of a county using ballot counting equipment that does not produce~~
38 ~~ballot-level cast vote records reports the voter markings on randomly~~
39 ~~selected ballots until the prespecified risk limit is met))~~ as
40 defined in section 17 of this act; or

1 ~~((d))~~ (c) An independent electronic audit of the original
2 ballot counting equipment used in the county. The county auditor may
3 either conduct an audit of all ballots cast, or limit the audit to
4 three precincts or six batches pursuant to procedures adopted under
5 ~~((RCW 29A.60.170(3)). This audit must be conducted using an~~
6 ~~independent electronic audit system that is, at minimum:~~

- 7 ~~(i) Approved by the secretary of state;~~
8 ~~(ii) Completely independent from all voting systems, including~~
9 ~~ballot counting equipment, that is used in the county;~~
10 ~~(iii) Distributed or manufactured by a vendor different from the~~
11 ~~vendor that distributed or manufactured the original ballot counting~~
12 ~~equipment; and~~
13 ~~(iv) Capable of demonstrating that it can verify and confirm the~~
14 ~~accuracy of the original ballot counting equipment's reported~~
15 ~~results)) section 18 of this act.~~

16 ~~(2) ((Prior to certification of the election, the county auditor~~
17 ~~must conduct an audit of ballots duplicated under RCW 29A.60.125. The~~
18 ~~audit of duplicated ballots must involve a comparison of the~~
19 ~~duplicated ballot to the original ballot. The county canvassing board~~
20 ~~must establish procedures for the auditing of duplicated ballots.~~

21 ~~(3))~~ For each audit method, the secretary of state must adopt
22 procedures for expanding the audit to include additional ballots when
23 an audit results in a discrepancy. The procedure must specify under
24 what circumstances a discrepancy will lead to an audit of additional
25 ballots, and the method to determine how many additional ballots will
26 be selected. ~~((The secretary of state shall adopt procedures to~~
27 ~~investigate the cause of any discrepancy found during an audit.~~

28 ~~(4) The secretary of state must establish rules by January 1,~~
29 ~~2019, to implement and administer the auditing methods in this~~
30 ~~section, including facilitating public observation and reporting~~
31 ~~requirements.))~~

32 NEW SECTION. Sec. 15. A new section is added to chapter 29A.60
33 RCW to read as follows:

34 (1) Prior to certification of the election as required by RCW
35 29A.60.190, and if there are races or issues with more than ten votes
36 cast on all direct recording electronic voting devices or other in-
37 person ballot marking devices in the county, the county auditor shall
38 conduct an audit of results of votes cast on the devices. As used in
39 this subsection, "direct recording electronic voting device" and "in-

1 person ballot marking device" means a device that the voter uses, in-
2 person, to record their vote which retains or produces an electronic
3 voting record of each vote cast, and does not include devices that
4 produce a machine readable paper ballot that is subsequently counted
5 by the county ballot counting system.

6 (2) This audit must be conducted on at least one randomly
7 selected direct recording electronic voting device or other in-person
8 ballot marking device. If the county uses more than five such devices
9 in an election, the auditor must randomly select one out of every
10 four devices for audit.

11 (3) For each device, the audit must be conducted by comparing the
12 results recorded electronically, by the device, with the results
13 recorded on the paper trail produced by the device. The results
14 recorded on paper must be tabulated manually.

15 (4) Three races or issues, randomly selected by lot, must be
16 audited on each selected device. This audit procedure must be subject
17 to observation by political party representatives if representatives
18 have been appointed under RCW 29A.60.170 and are present at the time
19 of the audit.

20 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.60
21 RCW to read as follows:

22 A random check of the ballot counting equipment may be conducted
23 upon mutual agreement of the political party observers or at the
24 discretion of the county auditor.

25 (1) Prior to processing ballots, random check procedures must be
26 adopted by the county canvassing board consistent with rules adopted
27 under RCW 29A.04.611. The random check process must involve a
28 comparison of a manual count of ballots to the results for the
29 selected precincts or batches from the original ballot counting
30 equipment. The audit may involve up to either three precincts or six
31 batches of ballots depending on the ballot counting procedures in
32 place in the county. The random check is limited to one office or
33 issue on the ballots in the precincts or batches that are selected
34 for the check. The selection of the precincts or batches to be
35 checked must be selected according to procedures established by the
36 county canvassing board.

37 (2) The random check procedures adopted pursuant to subsection
38 (1) of this section must include a process, consistent with RCW
39 29A.60.185(2) and rules adopted under RCW 29A.04.611, for expanding

1 the audit if the results of the random check results in an
2 unresolvable discrepancy. The procedure must specify under what
3 circumstances a discrepancy will lead to an audit of additional
4 ballots and the method to determine how many additional ballots will
5 be selected. The check must be completed no later than forty-eight
6 hours after election day.

7 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.60
8 RCW to read as follows:

9 (1) The definitions in this subsection apply throughout this
10 section unless the context clearly requires otherwise.

11 (a) "Ballot polling risk-limiting audit" is the selection of a
12 random sample of ballots for hand counting for a selected contest. A
13 result is produced from the sample using the voter markings on the
14 randomly selected ballots. The result of the sample is compared with
15 the jurisdiction-wide result until the prespecified risk limit is
16 met. A ballot polling risk-limiting audit is used in a county using
17 ballot counting equipment that does not produce ballot-level cast
18 vote records. The specific procedures for conduct of a ballot polling
19 risk-limiting audit must be defined in rule by the secretary of
20 state.

21 (b) "Cast vote record" means a physical or electronic record of
22 the choices of an individual voter in a particular primary, general
23 election, or special election. Cast vote records must be treated in
24 the same manner as voted physical ballots and must be securely
25 handled and stored in the same way as voted physical and are not
26 subject to public disclosure.

27 (c) "Comparison risk-limiting audit" is the comparison of voter
28 markings on randomly selected physical ballots with the ballot-level
29 cast vote record produced by the ballot counting equipment, noting
30 any discrepancies between the matching records. A statistical
31 determination is made using the risk-limit: If the sum total of any
32 discrepancies found are within the risk-limit, the audit is complete;
33 if the sum total of any discrepancies match or exceed the risk-limit,
34 further sampling is required. The specific procedures for conduct of
35 a comparison risk-limiting audit must be defined in rule by the
36 secretary of state.

37 (d) "Risk limit" means the largest statistical probability that
38 an incorrect reported tabulation outcome is not detected in a risk-
39 limiting audit.

1 (e) "Risk-limiting audit" means an audit protocol that uses
2 statistical principles and methods and is intended to limit the risk
3 of certifying an incorrect election outcome.

4 (2) Results audits confirming the results of an election using a
5 defined "risk limit" may be conducted. The results of the audit must
6 confirm that election results reported by the ballot counting system
7 are accurate to within a predefined margin of error. The margin of
8 error must be defined in rule by the secretary of state using best
9 available standards and statistical analysis, and taking the size of
10 the total vote into account.

11 (3) Procedures for resolving discrepancies between results
12 produced by the ballot counting system and results of a risk-limiting
13 audit must be described in rule by the secretary of state.

14 (4) To conduct a statewide risk-limiting audit:

15 (a) The secretary of state must randomly select at least one
16 statewide contest; and

17 (b) For each county, the secretary of state must randomly select
18 at least one ballot contest other than the selected statewide
19 contest. The selected contest can be a contest that appears in more
20 than one county. If a multicounty contest is selected, that audit
21 serves the role of the audit for all counties featuring that contest.

22 (5) To conduct a local risk-limiting audit, when there is no
23 statewide contest on the ballot, the county auditor shall randomly
24 select a ballot contest for audit.

25 (6) The secretary of state must establish procedures for
26 implementation of risk-limiting audits, including random selection of
27 the audit sample, determination of audit size, procedures for
28 comparison risk-limiting audits, procedures for ballot polling risk-
29 limiting audits, procedures for resolving discrepancies, and next
30 steps in the case of a failed audit, as defined in this section.

31 NEW SECTION. **Sec. 18.** A new section is added to chapter 29A.60
32 RCW to read as follows:

33 An electronic audit of the original ballot counting equipment
34 used in the county is conducted using an independent electronic audit
35 system. This independent electronic auditing system must, at a
36 minimum:

37 (1) Be approved by the secretary of state;

38 (2) Be completely independent from all voting systems, including
39 ballot counting equipment, that is used in the county being audited;

1 (3) Be distributed or manufactured by a vendor different from the
2 vendor that distributed or manufactured the original ballot counting
3 equipment; and

4 (4) Be capable of demonstrating that it can verify and confirm
5 the accuracy of the original ballot counting equipment's reported
6 results.

7 **Sec. 19.** RCW 29A.64.011 and 2011 c 349 s 23 are each amended to
8 read as follows:

9 An officer of a political party or any person for whom votes were
10 cast in a primary who did not qualify for the general election may
11 file a written application for a recount of the votes or a portion of
12 the votes cast at that primary for all persons for whom votes were
13 cast for that office.

14 An officer of a political party or any person for whom votes were
15 cast at any election may file a written application for a recount of
16 the votes or a portion of the votes cast at that election for all
17 candidates for election to that office.

18 Any group of five or more registered voters may file a written
19 application for a recount of the votes or a portion of the votes cast
20 upon any question or issue. They shall designate one of the members
21 of the group as chair and shall indicate the voting residence of each
22 member of the group.

23 An application for a recount of the votes cast for an office or
24 on a ballot measure must be filed with the officer with whom filings
25 are made for the jurisdiction. All recounts shall be conducted by
26 manual process.

27 ~~((An application for a recount must specify whether the recount~~
28 ~~will be done manually or by the vote tally system. A recount done by~~
29 ~~the vote tally system must use programming that recounts and reports~~
30 ~~only the office or ballot measure in question. The county shall also~~
31 ~~provide for a test of the logic and accuracy of that program.))~~

32 An application for a recount must be filed within two business
33 days after the county canvassing board or secretary of state has
34 declared the official results of the primary or election for the
35 office or issue for which the recount is requested.

36 This chapter applies to the recounting of votes cast by paper
37 ballots and to the recounting of votes recorded on ballots counted by
38 a vote tally system.

1 **Sec. 20.** RCW 29A.64.021 and 2013 c 11 s 66 are each amended to
2 read as follows:

3 (1) If the official canvass of all of the returns for any office
4 at any primary or election reveals that the difference in the number
5 of votes cast for a candidate apparently qualified for the general
6 election ballot or elected to any office, and the number of votes
7 cast for the closest apparently defeated opponent is less than two
8 thousand votes and also less than one-half of one percent of the
9 total number of votes cast for both candidates, the county canvassing
10 board shall conduct a ~~((recount of all votes cast on that position))~~
11 statistical audit of the results using the comparison risk-limiting
12 audit method defined in section 17(1) of this act, for that office,
13 using a risk limit of ninety-five percent. If the results of the
14 statistical audit do not meet the statistical accuracy limit, the
15 county canvassing board shall conduct a full manual recount of the
16 office. The county canvassing board may proceed directly to a full
17 manual recount without conducting a statistical audit at its
18 discretion.

19 (a) Whenever such a difference occurs in the number of votes cast
20 for candidates for a position the declaration of candidacy for which
21 was filed with the secretary of state, the secretary of state shall,
22 within three business days of the day that the returns of the primary
23 or election are first certified by the canvassing boards of those
24 counties, direct those boards to ~~((recount all votes cast on the~~
25 ~~position))~~ conduct a statistical audit of the results using the
26 comparison risk-limiting audit method as defined in section 17(1) of
27 this act, for that office, using a risk limit of ninety-five percent.
28 If the results of the statistical audit do not meet the statistical
29 accuracy limit, the secretary of state shall direct the canvassing
30 boards to conduct a full manual recount of the office. The secretary
31 of state may proceed directly to direct the canvassing boards to
32 conduct a full manual recount without conducting a statistical audit
33 at the secretary's discretion.

34 (b) (i) For statewide elections, if the difference in the number
35 of votes cast for the apparent winner and the closest apparently
36 defeated opponent is less than one thousand votes and also less than
37 one-fourth of one percent of the total number of votes cast for both
38 candidates, the votes shall be recounted manually ~~((or as provided in~~
39 ~~subsection (3) of this section)).~~

1 (ii) For elections not included in (b)(i) of this subsection, if
2 the difference in the number of votes cast for the apparent winner
3 and the closest apparently defeated opponent is less than one hundred
4 fifty votes and also less than one-fourth of one percent of the total
5 number of votes cast for both candidates, the votes shall be
6 recounted manually (~~(or as provided in subsection (3) of this~~
7 ~~section)~~).

8 (2) A mandatory recount shall be conducted in the manner provided
9 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory
10 recount may be charged to any candidate.

11 (~~(3) The apparent winner and closest apparently defeated~~
12 ~~opponent for an office for which a manual recount is required under~~
13 ~~subsection (1)(b) of this section may select an alternative method of~~
14 ~~conducting the recount. To select such an alternative, the two~~
15 ~~candidates shall agree to the alternative in a signed, written~~
16 ~~statement filed with the election official for the office. The~~
17 ~~recount shall be conducted using the alternative method if: It is~~
18 ~~suited to the balloting system that was used for casting the votes~~
19 ~~for the office; it involves the use of a vote tallying system that is~~
20 ~~approved for use in this state by the secretary of state; and the~~
21 ~~vote tallying system is readily available in each county required to~~
22 ~~conduct the recount. If more than one balloting system was used in~~
23 ~~casting votes for the office, an alternative to a manual recount may~~
24 ~~be selected for each system.)~~)

25 **Sec. 21.** RCW 29A.64.030 and 2013 c 11 s 67 are each amended to
26 read as follows:

27 An application for a recount shall state the office or ballot
28 measure for which a recount is requested, and whether the request is
29 for all precincts or only a portion of the precincts or ballot
30 batches in that jurisdiction. The person filing an application for a
31 (~~manual~~) recount shall, at the same time, deposit with the county
32 canvassing board or secretary of state, in cash or by certified
33 check, a sum equal to twenty-five cents for each ballot cast in the
34 jurisdiction or portion of the jurisdiction for which the recount is
35 requested as security for the payment of any costs of conducting the
36 recount. (~~If the application is for a machine recount, the deposit~~
37 ~~must be equal to fifteen cents for each ballot.~~) These charges shall
38 be determined by the county canvassing board or boards under RCW
39 29A.64.081.

1 The county canvassing board shall determine the date, time, and
2 place or places at which the recount will be conducted. Not less than
3 one day before the date of the recount, the county auditor shall
4 notify the applicant or affected parties and, if the recount involves
5 an office, to any person for whom votes were cast for that office of
6 the date, time, and place of the recount. Each person entitled to
7 receive notice of the recount may attend, witness the recount, and be
8 accompanied by counsel.

9 Proceedings of the canvassing board are public under chapter
10 42.30 RCW. Subject to reasonable and equitable guidelines adopted by
11 the canvassing board, all interested persons may attend and witness a
12 recount.

13 **Sec. 22.** RCW 29A.64.041 and 2011 c 10 s 63 are each amended to
14 read as follows:

15 (1) At the time and place established for a recount, the
16 canvassing board or its duly authorized representatives, in the
17 presence of all witnesses who may be in attendance, shall open the
18 sealed containers containing the ballots to be recounted, and shall
19 recount the votes for the offices or issues for which the recount has
20 been ordered. Ballots shall be handled only by the members of the
21 canvassing board or their duly authorized representatives.

22 The canvassing board shall not permit the tabulation of votes
23 for any nomination, election, or issue other than the ones for which
24 a recount was applied for or required.

25 (2) At any time before the ballots from all of the precincts or
26 ballot batches listed in the application for the recount have been
27 recounted, the applicant may file with the board a written request to
28 stop the recount.

29 (3) The recount may be observed by persons representing the
30 candidates affected by the recount or the persons representing both
31 sides of an issue that is being recounted. Witnesses shall be
32 permitted to observe the ballots and the process of tabulating the
33 votes, but they shall not be permitted to handle the ballots. The
34 observers may not make a record of the names, addresses, or other
35 information on the ballots, declarations, or lists of voters unless
36 authorized by the superior court. The secretary of state or county
37 auditor may limit the number of observers to not less than two on
38 each side if, in his or her opinion, a greater number would cause
39 undue delay or disruption of the recount process.

1 **Sec. 23.** RCW 29A.64.050 and 2013 c 11 s 68 are each amended to
2 read as follows:

3 When a partial recount of votes cast for an office or issue
4 changes the result of the election, or a statistical audit of the
5 results conducted under RCW 29A.64.021 do not meet the statistical
6 accuracy limit, the canvassing board or the secretary of state, if
7 the office or issue is being recounted at his or her direction, shall
8 order a complete recount of all ballots cast for the office or issue
9 for the jurisdiction in question.

10 This recount will be conducted in a manner consistent with RCW
11 29A.64.021.

12 **Sec. 24.** RCW 29A.64.070 and 2003 c 111 s 1607 are each amended
13 to read as follows:

14 After the original count, canvass, and certification of results,
15 the votes cast in any single precinct or ballot batch may not be
16 recounted and the results recertified more than twice.

17 **Sec. 25.** RCW 29A.64.090 and 2016 c 204 s 1 are each amended to
18 read as follows:

19 When the official canvass of returns of any election reveals that
20 the difference in the number of votes cast for the approval of a
21 statewide measure and the number of votes cast for the rejection of
22 such measure is less than two thousand votes and also less than one-
23 half of one percent of the total number of votes cast on such
24 measure, the secretary of state shall direct that a manual recount of
25 all votes cast on such measure be made on such measure, in the manner
26 provided by RCW 29A.64.041 and 29A.64.061, and the cost of such
27 recount will be at state expense. This section does not apply to any
28 statewide advisory vote of the people that was placed on the ballot
29 pursuant to RCW 43.135.041 and the secretary of state shall not
30 direct any recount for any statewide advisory vote of the people.

31 **Sec. 26.** RCW 29A.60.165 and 2019 c 167 s 1 are each amended to
32 read as follows:

33 (1) If the voter neglects to sign the ballot declaration, the
34 auditor shall notify the voter by first-class mail and advise the
35 voter of the correct procedures for completing the unsigned
36 declaration. If the ballot is received within three business days of
37 the final meeting of the canvassing board, or the voter has been

1 notified by first-class mail and has not responded at least three
2 business days before the final meeting of the canvassing board, then
3 the auditor shall attempt to notify the voter by telephone, using the
4 voter registration record information.

5 (2) (a) If the handwriting of the signature on a ballot
6 declaration is not the same as the handwriting of the signature on
7 the registration file, the auditor shall notify the voter by first-
8 class mail, enclosing a copy of the declaration, and advise the voter
9 of the correct procedures for updating his or her signature on the
10 voter registration file. If the ballot is received within three
11 business days of the final meeting of the canvassing board, or the
12 voter has been notified by first-class mail and has not responded at
13 least three business days before the final meeting of the canvassing
14 board, then the auditor shall attempt to notify the voter by
15 telephone, using the voter registration record information.

16 (b) If the signature on a ballot declaration is not the same as
17 the signature on the registration file because the name is different,
18 the ballot may be counted as long as the handwriting is clearly the
19 same. The auditor shall send the voter a change-of-name form under
20 RCW 29A.08.440 and direct the voter to complete the form.

21 (c) If the signature on a ballot declaration is not the same as
22 the signature on the registration file because the voter used
23 initials or a common nickname, the ballot may be counted as long as
24 the surname and handwriting are clearly the same.

25 (3) Space must be provided on any declaration form sent to the
26 voter, for the signatures of two witnesses to a voter using a mark
27 when the voter is physically present but unable to write a signature.
28 Each witness line must be accompanied by a line for the witness to
29 record his or her current phone number or email address.

30 (4) A voter may not cure a missing or mismatched signature for
31 purposes of counting the ballot in a recount.

32 ((4)) (5) A record must be kept of all ballots with missing and
33 mismatched signatures. The record must contain the date on which the
34 voter was contacted or the notice was mailed, as well as the date on
35 which the voter submitted updated information. The record must be
36 updated each day that ballots are processed under RCW 29A.60.160,
37 each time a voter was contacted or the notice was mailed, and when
38 the voter submitted updated information. The auditor shall send the
39 record, and any updated records, to the secretary of state no later
40 than forty-eight hours after the record is created or updated. The

1 secretary of state shall make all records publicly available no later
2 than twenty-four hours after receiving the record.

3 NEW SECTION. **Sec. 27.** The sum of one million eight hundred
4 thousand dollars, or as much thereof as may be necessary, is
5 appropriated for the fiscal biennium ending June 30, 2021, from the
6 general fund to the office of the secretary of state in order to draw
7 down eight million six hundred thousand dollars in federal matching
8 funds. Pursuant to the federal election security grant program, these
9 funds will be used for activities to improve the administration of
10 elections, including enhancement of election technology, and making
11 election security improvements, including electronic and physical
12 security of election operations. This includes, but is not limited
13 to, providing funds to county election offices for local election
14 security needs as determined by office of the secretary of state
15 security operations center security reviews, and other partner third-
16 party security assessments.

--- END ---