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**HOUSE BILL 1785**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Hudgins, Dolan, and Jinkins

AN ACT Relating to standardizing the administration of elections; amending RCW 29A.36.111, 29A.60.235, and 29A.12.060; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW; adding a new section to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; and creating a new section.

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

**PART I**

**BALLOT STANDARDS**

**Sec.**  RCW 29A.36.111 and 2009 c 414 s 1 are each amended to read as follows:

(1) The secretary of state, in conjunction with the Washington state association of county auditors, shall develop a uniform ballot format to be used by each county. The format must be implemented by the year 2027, or upon replacement of vote tallying equipment, whichever occurs first.

(2) Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked by or at the direction of an election official in any way that would permit the identification of the person who voted that ballot.

((~~(2)~~)) (3) An ((~~elections [election]~~)) election official may not enter into or extend any contract with a vendor if such contract may allow the vendor to acquire an ownership interest in any data pertaining to any voter, any voter's address, registration number, or history, or any ballot.

(4) The secretary of state, in consultation with the department of enterprise services and with county auditors, may develop a master contract for vote tallying equipment for purchase by counties.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.36 RCW to read as follows:

A county auditor or county council may establish an equipment replacement fund that must be used explicitly to replace vote tallying equipment. Only the county auditor may authorize expenditures from the fund. Election billing charges must be sufficient to fund the replacement of vote tallying equipment by the year 2024.

**PART II**

**BALLOT DROP BOX STANDARDIZATION**

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

(1) Whereas more than half of the state's counties provide at least one permanent ballot drop box for every fifteen thousand county residents, the legislature intends to standardize this practice across counties. Therefore, by November 1, 2017, the county auditor of each county must ensure that a minimum of one permanent ballot drop box for every fifteen thousand county residents is available for the secure deposit of paper ballots. The auditor may round down to the nearest fifteen thousand county residents when determining the number of drop boxes needed.

(2) The county auditor may determine, in consultation with the advisory committee established under RCW 29A.04.223(2), the location of each ballot drop box within the county in order to maximize accessibility for all county residents.

(3) County officials are encouraged to purchase permanent ballot drop boxes produced or provided in whole or in part from class II inmate work programs operated by the department of corrections as identified in chapter 72.60 RCW.

(4) Permanent ballot drop boxes must comply with all applicable state and federal requirements as adopted in rule by the secretary of state.

**PART III**

**ELECTION RECONCILIATION REPORTS**

**Sec.**  RCW 29A.60.235 and 2011 c 10 s 62 are each amended to read as follows:

(1) The county auditor shall prepare((~~, make publicly available at the auditor's office or on the auditor's web site, and submit~~)) at the time of certification an election reconciliation report that discloses the following information:

((~~(1)~~)) (a) The number of registered voters;

((~~(2)~~)) (b) The number of ballots issued;

((~~(3)~~)) (c) The number of ballots received;

((~~(4)~~)) (d) The number of ballots counted;

((~~(5)~~)) (e) The number of ballots rejected;

((~~(6)~~)) (f) The number of provisional ballots issued;

((~~(7)~~)) (g) The number of provisional ballots received;

((~~(8)~~)) (h) The number of provisional ballots counted;

((~~(9)~~)) (i) The number of provisional ballots rejected;

((~~(10)~~)) (j) The number of federal write-in ballots received;

((~~(11)~~)) (k) The number of federal write-in ballots counted;

((~~(12)~~)) (l) The number of federal write-in ballots rejected;

((~~(13)~~)) (m) The number of overseas and service ballots issued;

((~~(14)~~)) (n) The number of overseas and service ballots received;

((~~(15)~~)) (o) The number of overseas and service ballots counted;

((~~(16)~~)) (p) The number of overseas and service ballots rejected;

((~~(17)~~)) (q) The number of voters credited with voting; and

((~~(18)~~)) (r) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

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

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

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

**PART IV**

**VOTER REGISTRATION**

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

The secretary of state shall, in consultation with county auditors, establish voter registration standards by which county election officials must manage new and existing voter registrations. The standards established under this section must be reviewed jointly by the secretary and county auditors at least once every six years and the secretary must update the standards accordingly.

NEW SECTION. **Sec.**  By September 1, 2017, the secretary of state shall convene and facilitate a work group consisting of appropriate stakeholders to review voter registration practices by counties and develop strategies and recommendations for standardizing those practices. The work group must adopt recommendations that seek to maximize voter registration rates, minimize voter registration rejections, reduce barriers to voter registration, reduce the number of provisional ballots issued, increase public trust in the integrity of the voter registration process, and enhance the state's performance in nationally recognized election performance indicators. The secretary of state must implement the work group's recommendations by establishing requirements for voter registration standards as described in section 5 of this act by January 1, 2018.

**PART V**

**VOTING SYSTEM REPLACEMENT STANDARDS**

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

(1) At least once every six years, the secretary of state must conduct a comprehensive survey of voting systems in use in each county. When conducting the survey, the secretary must collect at a minimum the following information for each county:

(a) The age, expected lifespan, manufacturer, date of purchase, original cost, and estimated replacement cost of each of the major components of the county voting system;

(b) The county voting system manufacturer's recommended maintenance schedule and a history of the major maintenance performed on the voting system over the past six years;

(c) Whether the county plans to replace the system or components of the system in the next six years and whether any local funds have been identified for the replacement;

(d) An estimate of how widespread the use of the manufacturer's voting system equipment is, both within Washington, and outside of the state; and

(e) Any other information as determined by the secretary of state.

(2) The secretary of state must complete and report the results of the voting systems survey to the appropriate committees of the legislature in accordance with RCW 43.01.036 by December 1, 2017, and subsequently by December 1st every six years thereafter. The report:

(a) Must address each of the criteria established in subsection (1) of this section;

(b) Must include a ranked list of voting equipment in use by each county in order of equipment age;

(c) Must provide an analysis of any present or long-term security risks associated with the voting system currently in use by counties; and

(d) May include recommendations to the legislature regarding county voting systems and practices.

(3) Beginning in December 2018, voting systems survey reports to the legislature must include data on county compliance with voting system standards established under RCW 29A.12.060.

**Sec.**  RCW 29A.12.060 and 2003 c 111 s 306 are each amended to read as follows:

(1) By June 1, 2018, the secretary of state shall, in consultation with county auditors, develop and publish mandatory voting system maintenance and replacement standards. The standards must include requirements for system component replacement based on age and expected lifespan, and may include any other criteria established by the secretary in rule. When developing the standards, the secretary may consider best practices implemented in other states, manufacturer recommendations, and any applicable federal guidelines.

(2) The county auditor of a county in which voting systems are used is responsible for the preparation, maintenance, and operation of those systems and may employ and direct persons to perform some or all of these functions. By June 1, 2027, each county must be in full compliance with the voting system maintenance and replacement standards published by the secretary of state.

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