
HOUSE BILL 1778

State of Washington

67th Legislature

2022 Regular Session

By Representatives Klippert, Sutherland, and Kraft

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1 AN ACT Relating to ensuring the security and integrity of
2 elections; amending RCW 29A.40.091, 29A.60.235, 29A.04.008,
3 29A.04.470, 29A.04.611, 29A.12.005, 29A.12.080, 29A.12.120,
4 29A.36.111, 29A.36.115, 29A.40.070, 29A.40.160, 29A.56.040,
5 29A.60.090, 29A.60.110, 29A.60.120, 29A.60.170, 29A.60.185,
6 29A.64.011, 29A.64.021, 29A.84.530, 36.32.245, and 43.07.310;
7 reenacting and amending RCW 29A.40.110; adding new sections to
8 chapter 29A.60 RCW; adding a new section to chapter 29A.04 RCW; and
9 repealing RCW 29A.12.010, 29A.12.085, 29A.12.101, 29A.12.110,
10 29A.12.130, 29A.12.150, 29A.12.160, 29A.60.060, 29A.60.095,
11 29A.60.125, 29A.84.545, and 29A.84.560.

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

13 **Sec. 1.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to
14 read as follows:

15 (1) The county auditor shall send each voter a ballot, a security
16 envelope in which to conceal the ballot after voting, a larger
17 envelope in which to return the security envelope, a declaration that
18 the voter must sign, and instructions on how to obtain information
19 about the election, how to mark the ballot, and how to return the
20 ballot to the county auditor. The calendar date of the election must
21 be prominently displayed in bold type, twenty-point font or larger,

1 on the envelope sent to the voter containing the ballot and other
2 materials listed in this subsection:

- 3 (a) For all general elections in 2020 and after;
- 4 (b) For all primary elections in 2021 and after; and
- 5 (c) For all elections in 2022 and after.

6 (2) The voter must swear under penalty of perjury that he or she
7 meets the qualifications to vote, and has not voted in any other
8 jurisdiction at this election. The declaration must clearly inform
9 the voter that it is illegal to vote if he or she is not a United
10 States citizen; it is illegal to vote if he or she is serving a
11 sentence of total confinement under the jurisdiction of the
12 department of corrections for a felony conviction or is currently
13 incarcerated for a federal or out-of-state felony conviction; and it
14 is illegal to cast a ballot or sign a ballot declaration on behalf of
15 another voter. The ballot materials must provide space for the voter
16 to sign the declaration, indicate the date on which the ballot was
17 voted, and include a telephone number.

18 (3) For overseas and service voters, the signed declaration
19 constitutes the equivalent of a voter registration. Return envelopes
20 for overseas and service voters must enable the ballot to be returned
21 postage free if mailed through the United States postal service,
22 United States armed forces postal service, or the postal service of a
23 United States foreign embassy under 39 U.S.C. 3406.

24 (4) The voter must be instructed to either return the ballot to
25 the county auditor no later than 8:00 p.m. the day of the election or
26 primary, or mail the ballot to the county auditor with a postmark no
27 later than the day of the election or primary. Ballots may not be
28 returned by email or fax. Return envelopes for all election ballots
29 must include prepaid postage. (~~Service and overseas voters must be~~
30 ~~provided with instructions and a privacy sheet for returning the~~
31 ~~ballot and signed declaration by fax or email. A voted ballot and~~
32 ~~signed declaration returned by fax or email must be received by 8:00~~
33 ~~p.m. on the day of the election or primary.~~)

34 (5) The county auditor's name may not appear on the security
35 envelope, the return envelope, or on any voting instructions or
36 materials included with the ballot if he or she is a candidate for
37 office during the same year.

38 (6) For purposes of this section, "prepaid postage" means any
39 method of return postage paid by the county or state.

1 **Sec. 2.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
2 2011 c 10 s 41 are each reenacted and amended to read as follows:

3 (1) The opening and subsequent processing of return envelopes for
4 any primary or election may begin upon receipt. The tabulation of
5 absentee ballots must not commence until after 8:00 p.m. on the day
6 of the primary or election.

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

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

29 (4) ~~If the postmark is missing or illegible, ((the date on the~~
30 ~~ballot declaration to which the voter has attested determines the~~
31 ~~validity, as to the time of voting, for that ballot. For overseas~~
32 ~~voters and service voters, the date on the declaration to which the~~
33 ~~voter has attested determines the validity, as to the time of voting,~~
34 ~~for that ballot. Any overseas voter or service voter may return the~~
35 ~~signed declaration and voted ballot by fax or email by 8:00 p.m. on~~
36 ~~the day of the primary or election, and the county auditor must use~~
37 ~~established procedures to maintain the secrecy of the ballot)) the~~
38 ~~ballot is invalid and may not be counted.~~

39 (5) In accordance with section 3 of this act, a ballot that is
40 returned by email or fax is invalid and must be rejected.

1 (6) The canvassing board, or its designated representatives,
2 shall examine each returned ballot and ensure that it contains the
3 official watermark required under RCW 29A.36.111. In accordance with
4 RCW 29A.36.111, a returned ballot that does not contain the official
5 watermark is invalid and may not be counted.

6 NEW SECTION. Sec. 3. A new section is added to chapter 29A.60
7 RCW to read as follows:

8 A ballot is invalid, and must be rejected, and no votes on that
9 ballot may be counted, if it is returned by fax or email.

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

12 (1) The county auditor shall prepare at the time of certification
13 an election reconciliation report that discloses the following
14 information:

- 15 (a) The number of registered voters;
- 16 (b) The number of ballots issued;
- 17 (c) The number of ballots received;
- 18 (d) The number of ballots counted;
- 19 (e) The number of ballots rejected;
- 20 (f) The number of provisional ballots issued;
- 21 (g) The number of provisional ballots received;
- 22 (h) The number of provisional ballots counted;
- 23 (i) The number of provisional ballots rejected;
- 24 (j) The number of federal write-in ballots received;
- 25 (k) The number of federal write-in ballots counted;
- 26 (l) The number of federal write-in ballots rejected;
- 27 (m) The number of overseas and service ballots issued by mail(~~(~~
28 ~~email, website link, or facsimile))~~);

29 (n) The number of overseas and service ballots received by
30 mail(~~(, email, or facsimile))~~);

31 (o) The number of overseas and service ballots counted by mail(~~(~~
32 ~~email, or facsimile))~~);

33 (p) The number of overseas and service ballots rejected (~~by~~
34 ~~mail, email, or facsimile))~~);

35 (q) The number of nonoverseas and nonservice ballots (~~(sent by~~
36 ~~email, website link, or facsimile))~~ issued;

37 (r) (~~The number of nonoverseas and nonservice ballots received~~
38 ~~by email or facsimile~~);

1 ~~(s))~~ The number of nonoverseas and nonservice ballots and the
2 number of overseas and service ballots that were rejected for(~~(~~
3 ~~(i) Failing to send an original or hard copy of the ballot by the~~
4 ~~certification deadline; or~~
5 ~~(ii) Any other~~) any reason, including the reason for rejection;
6 ~~((t))~~ (s) The number of voters credited with voting;
7 ~~((u))~~ (t) The number of replacement ballots requested;
8 ~~((v))~~ (u) The number of replacement ballots issued;
9 ~~((w))~~ (v) The number of replacement ballots received;
10 ~~((x))~~ (w) The number of replacement ballots counted;
11 ~~((y))~~ (x) The number of replacement ballots rejected; and
12 ~~((z))~~ (y) Any other information the auditor or secretary of
13 state deems necessary to reconcile the number of ballots counted with
14 the number of voters credited with voting, and to maintain an audit
15 trail.

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

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

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

35 (c) The state report must also include an analysis of the data
36 that can be used to develop a better understanding of election
37 administration and policy. The analysis must combine data, as
38 available, over multiple years to provide broader comparisons and
39 trends regarding voter registration and turnout and ballot counting.

1 The analysis must incorporate national election statistics to the
2 extent such information is available.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.60
4 RCW to read as follows:

5 Ballot counting equipment, ballot tabulation systems, ballot
6 tallying systems, or other machinery used to electronically tally or
7 count returned ballots may not be used in any election governed under
8 this title. All returned ballots must be tallied and counted
9 manually.

10 **Sec. 6.** RCW 29A.04.008 and 2013 c 11 s 1 are each amended to
11 read as follows:

12 As used in this title:

13 (1) "Ballot" means, as the context implies, either:

14 (a) The issues and offices to be voted upon in a jurisdiction or
15 portion of a jurisdiction at a particular primary, general election,
16 or special election;

17 (b) ~~((A facsimile of the contents of a particular ballot whether
18 printed on a paper ballot or ballot card or as part of a voting
19 machine or voting device;~~

20 ~~(c))~~ A physical ~~((or electronic))~~ record of the choices of an
21 individual voter in a particular primary, general election, or
22 special election; or

23 ~~((d))~~ (c) The physical document on which the voter's choices
24 are to be recorded;

25 (2) "Paper ballot" means a piece of paper on which the ballot for
26 a particular election or primary has been printed, on which a voter
27 may record his or her choices for any candidate or for or against any
28 measure, and that is to be tabulated manually;

29 ~~((("Ballot card" means any type of card or piece of paper of
30 any size on which a voter may record his or her choices for any
31 candidate and for or against any measure and that is to be tabulated
32 on a vote tallying system;~~

33 ~~(4))~~ "Sample ballot" means a printed facsimile of all the issues
34 and offices on the ballot in a jurisdiction and is intended to give
35 voters notice of the issues, offices, and candidates that are to be
36 voted on at a particular primary, general election, or special
37 election;

1 ~~((5))~~ (4) "Provisional ballot" means a ballot issued to a voter
2 who would otherwise be denied an opportunity to vote a regular
3 ballot, for any reason authorized by the Help America Vote Act,
4 including but not limited to the following:

5 (a) The voter's name does not appear in the list of registered
6 voters for the county;

7 (b) There is an indication in the voter registration system that
8 the voter has already voted in that primary, special election, or
9 general election, but the voter wishes to vote again;

10 (c) There is a question on the part of the voter concerning the
11 issues or candidates on which the voter is qualified to vote;

12 (d) Any other reason allowed by law.

13 **Sec. 7.** RCW 29A.04.470 and 2011 c 10 s 10 are each amended to
14 read as follows:

15 (1) The secretary of state shall create an advisory committee and
16 adopt rules governing project eligibility, evaluation, awarding of
17 grants, and other criteria for administering the local government
18 grant program, which may include a preference for grants that include
19 a match of local funds.

20 (2) The advisory committee shall review grant proposals and
21 establish a prioritized list of projects to be considered for funding
22 by the third Tuesday in May of each year beginning in 2004 and
23 continuing as long as funds in the election account established by
24 RCW 29A.04.440 are available. The grant award may have an effective
25 date other than the date the project is placed on the prioritized
26 list, including money spent previously by the county that would
27 qualify for reimbursement under the Help America Vote Act (P.L.
28 107-252).

29 (3) Examples of projects that would be eligible for local
30 government grant funding include, but are not limited to the
31 following:

32 ~~(a) ((Replacement or upgrade of voting equipment, including the
33 replacement of punch card voting systems;~~

34 ~~(b) Purchase of additional voting equipment, including the
35 purchase of equipment to meet the disability requirements of the Help
36 America Vote Act (P.L. 107-252);~~

37 ~~(e))~~ Purchase of new election management system hardware and
38 software capable of integrating with the statewide voter registration
39 system required by the Help America Vote Act (P.L. 107-252);

- 1 ~~((d))~~ (b) Development and production of election worker
2 training materials;
- 3 ~~((e))~~ (c) Voter education programs;
- 4 ~~((f))~~ (d) Publication of a local voters' pamphlet;
- 5 ~~((g))~~ (e) Toll-free access system to provide notice of the
6 outcome of provisional ballots; and
- 7 ~~((h))~~ (f) Training for local election officials.

8 **Sec. 8.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
9 read as follows:

10 The secretary of state as chief election officer shall make
11 reasonable rules in accordance with chapter 34.05 RCW not
12 inconsistent with the federal and state election laws to effectuate
13 any provision of this title and to facilitate the execution of its
14 provisions in an orderly, timely, and uniform manner relating to any
15 federal, state, county, city, town, and district elections. To that
16 end the secretary shall assist local election officers by devising
17 uniform forms and procedures.

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

- 21 (1) The maintenance of voter registration records;
- 22 (2) The preparation, maintenance, distribution, review, and
23 filing of precinct maps;
- 24 (3) Standards for the design, layout, and production of ballots;
- 25 (4) The examination and testing of voting systems for
26 certification;
- 27 (5) The source and scope of independent evaluations of voting
28 systems that may be relied upon in certifying voting systems for use
29 in this state;
- 30 (6) Standards and procedures for the acceptance testing of voting
31 systems by counties;
- 32 ~~((Standards and procedures for testing the programming of
33 vote tallying software for specific primaries and elections;~~
- 34 ~~(8))~~ Standards and procedures for the preparation and use of
35 each type of certified voting system ~~((including procedures for the
36 operation of counting centers where vote tallying systems are used));~~
- 37 ~~((9))~~ (8) Standards and procedures to ensure the accurate
38 tabulation and canvassing of ballots;

1 ~~((10))~~ (9) Consistency among the counties of the state in the
2 preparation of ballots~~((7))~~ and the ~~((operation of vote tallying~~
3 ~~systems, and the))~~ canvassing of primaries and elections including
4 the manual counting of returned ballots;
5 ~~((11))~~ (10) Procedures to ensure the secrecy of a voter's
6 ballot when a small number of ballots are counted;
7 ~~((12) The use of substitute devices or means of voting when a~~
8 ~~voting device is found to be defective, the counting of votes cast on~~
9 ~~the defective device, the counting of votes cast on the substitute~~
10 ~~device, and the documentation that must be submitted to the county~~
11 ~~auditor regarding such circumstances;~~
12 ~~(13))~~ (11) Procedures for the transportation of sealed
13 containers of voted ballots or sealed voting devices;
14 ~~((14))~~ (12) The acceptance and filing of documents via
15 electronic transmission;
16 ~~((15))~~ (13) Voter registration applications and records;
17 ~~((16))~~ (14) The use of voter registration information in the
18 conduct of elections;
19 ~~((17))~~ (15) The coordination, delivery, and processing of voter
20 registration records accepted by driver licensing agents or the
21 department of licensing;
22 ~~((18))~~ (16) The coordination, delivery, and processing of voter
23 registration records accepted by agencies designated by the governor
24 to provide voter registration services;
25 ~~((19))~~ (17) Procedures to receive and distribute voter
26 registration applications by mail;
27 ~~((20))~~ (18) Procedures for a voter to change his or her voter
28 registration address within a county by telephone;
29 ~~((21))~~ (19) Procedures for a voter to change the name under
30 which he or she is registered to vote;
31 ~~((22))~~ (20) Procedures for canceling dual voter registration
32 records and for maintaining records of persons whose voter
33 registrations have been canceled;
34 ~~((23))~~ (21) Procedures for the electronic transfer of voter
35 registration records between county auditors and the office of the
36 secretary of state;
37 ~~((24))~~ (22) Procedures and forms for declarations of candidacy;
38 ~~((25))~~ (23) Procedures and requirements for the acceptance and
39 filing of declarations of candidacy by electronic means;

1 ~~((26))~~ (24) Procedures for the circumstance in which two or
2 more candidates have a name similar in sound or spelling so as to
3 cause confusion for the voter;

4 ~~((27))~~ (25) Filing for office;

5 ~~((28))~~ (26) The order of positions and offices on a ballot;

6 ~~((29))~~ (27) Sample ballots;

7 ~~((30))~~ (28) Independent evaluations of voting systems;

8 ~~((31))~~ (29) The testing, approval, and certification of voting
9 systems;

10 ~~((32) The testing of vote tallying software programming;~~
11 ~~(33))~~ (30) Standards and procedures to prevent fraud and to
12 facilitate the accurate processing and canvassing of ballots,
13 including standards for the approval and implementation of hardware
14 and software for automated signature verification systems;

15 ~~((34))~~ (31) Standards and procedures to guarantee the secrecy
16 of ballots;

17 ~~((35))~~ (32) Uniformity among the counties of the state in the
18 conduct of elections;

19 ~~((36))~~ (33) Standards and procedures to accommodate overseas
20 voters and service voters;

21 ~~((37))~~ (34) The tabulation of paper ballots;

22 ~~((38))~~ (35) The accessibility of voting centers;

23 ~~((39))~~ (36) The aggregation of precinct results if reporting
24 the results of a single precinct could jeopardize the secrecy of a
25 person's ballot;

26 ~~((40))~~ (37) Procedures for conducting a statutory recount;

27 ~~((41))~~ (38) Procedures for filling vacancies in congressional
28 offices if the general statutory time requirements for availability
29 of ballots, certification, canvassing, and related procedures cannot
30 be met;

31 ~~((42))~~ (39) Procedures for the statistical sampling of
32 signatures for purposes of verifying and canvassing signatures on
33 initiative, referendum, and recall election petitions;

34 ~~((43))~~ (40) Standards and deadlines for submitting material to
35 the office of the secretary of state for the voters' pamphlet;

36 ~~((44))~~ (41) Deadlines for the filing of ballot titles for
37 referendum bills and constitutional amendments if none have been
38 provided by the legislature;

39 ~~((45))~~ (42) Procedures for the publication of a state voters'
40 pamphlet;

1 ~~((46))~~ (43) Procedures for conducting special elections
2 regarding nuclear waste sites if the general statutory time
3 requirements for availability of ballots, certification, canvassing,
4 and related procedures cannot be met;

5 ~~((47))~~ (44) Procedures for conducting partisan primary
6 elections;

7 ~~((48) Standards and procedures for the proper conduct of voting
8 on accessible voting devices;~~

9 ~~(49) Standards for voting technology and systems used by the
10 state or any political subdivision to be accessible for individuals
11 with disabilities, including nonvisual accessibility for the blind
12 and visually impaired, in a manner that provides the same opportunity
13 for access and participation, including privacy and independence, as
14 other voters;~~

15 ~~(50))~~ (45) All data formats for transferring voter registration
16 data on electronic or machine-readable media for the purpose of
17 administering the statewide voter registration list required by the
18 Help America Vote Act (P.L. 107-252);

19 ~~((51))~~ (46) Defining the interaction of electronic voter
20 registration election management systems employed by each county
21 auditor to maintain a local copy of each county's portion of the
22 official state list of registered voters;

23 ~~((52))~~ (47) Provisions and procedures to implement the state-
24 based administrative complaint procedure as required by the Help
25 America Vote Act (P.L. 107-252);

26 ~~((53))~~ (48) Facilitating the payment of local government grants
27 to local government election officers or vendors; and

28 ~~((54))~~ (49) Standards for the verification of signatures on
29 ballot declarations.

30 **Sec. 9.** RCW 29A.12.005 and 2018 c 218 s 5 are each amended to
31 read as follows:

32 As used in this chapter, "voting system" means:

33 (1) The total combination of mechanical, electromechanical, or
34 electronic equipment including, but not limited to, the software,
35 firmware, and documentation required to program, control, and support
36 the equipment, that is used:

37 (a) To define ballots;

38 (b) ~~((To cast and count votes;~~

1 ~~(e))~~) To report or display election results from the voting
2 system;
3 ~~((d))~~) (c) To maintain and produce any audit trail information;
4 and
5 ~~((e))~~) (d) To perform an audit under RCW 29A.60.185; and
6 (2) The practices and associated documentation used:
7 (a) To identify system components and versions of such
8 components;
9 (b) To test the system during its development and maintenance;
10 (c) To maintain records of system errors and defects;
11 (d) To determine specific system changes to be made to a system
12 after the initial qualification of the system; and
13 (e) To make available any materials to the voter such as notices,
14 instructions, forms, or paper ballots.

15 **Sec. 10.** RCW 29A.12.080 and 2013 c 11 s 22 are each amended to
16 read as follows:

17 No voting device ~~((shall))~~, voting machine, or other ballot
18 marking system that electronically records the votes cast by a voter
19 may be approved by the secretary of state ~~((unless it:~~

20 ~~(1) Secures to the voter secrecy in the act of voting;~~

21 ~~(2) Permits the voter to vote for any person for any office and~~
22 ~~upon any measure that he or she has the right to vote for;~~

23 ~~(3) Correctly registers all votes cast for any and all persons~~
24 ~~and for or against any and all measures;~~

25 ~~(4) Provides that a vote for more than one candidate cannot be~~
26 ~~cast by one single operation of the voting device or vote tally~~
27 ~~system except when voting for president and vice president of the~~
28 ~~United States; and~~

29 ~~(5) Except for functions or capabilities unique to this state,~~
30 ~~has been tested and certified by an independent testing authority~~
31 ~~designated by the United States election assistance commission)).~~

32 **Sec. 11.** RCW 29A.12.120 and 2013 c 11 s 23 are each amended to
33 read as follows:

34 (1) Before each state primary or general election at which voting
35 systems are to be used, the county auditor shall instruct all
36 counting center personnel who will operate a voting system in the
37 proper conduct of their voting system duties.

1 (2) The county auditor may waive instructional requirements for
2 counting center personnel who have previously received instruction
3 and who have served for a sufficient length of time to be fully
4 qualified to perform their duties. The county auditor shall keep a
5 record of each person who has received instruction and is qualified
6 to serve at the subsequent primary or election.

7 (3) No person may operate a voting system in a counting center at
8 a primary or election unless that person has received the required
9 instruction and is qualified to perform his or her duties in
10 connection with the handling (~~and tallying~~) of ballots for that
11 primary or election.

12 **Sec. 12.** RCW 29A.36.111 and 2009 c 414 s 1 are each amended to
13 read as follows:

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

26 (2) All ballots must contain an official watermark approved by
27 the secretary of state. Only voted ballots containing the official
28 watermark are valid and may be counted. The secretary of state may
29 contract with a third party to design the watermark. The watermark
30 must be sufficient to prove that the ballot is an official ballot and
31 not a reproduction. The secretary of state shall take measures to
32 ensure that the design is incapable of being replicated, and the
33 software or firmware used to store the electronic file of the
34 watermark is secure.

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

1 **Sec. 13.** RCW 29A.36.115 and 2011 c 10 s 31 are each amended to
2 read as follows:

3 All provisional ballots must be visually distinguishable from
4 other ballots ~~((and incapable of being tabulated by a voting~~
5 ~~system))~~.

6 **Sec. 14.** RCW 29A.40.070 and 2013 c 11 s 48 are each amended to
7 read as follows:

8 (1) Except where a recount or litigation is pending, the county
9 auditor must mail ballots to each voter at least eighteen days before
10 each primary or election, and as soon as possible for all subsequent
11 registration changes.

12 (2) Except where a recount or litigation is pending, the county
13 auditor must mail ballots to each service and overseas voter at least
14 thirty days before each special election, and at least forty-five
15 days before each primary or general election, or any special election
16 that involves federal office. A request for a ballot made by an
17 overseas or service voter after that day must be processed
18 immediately.

19 (3) A registered voter may obtain a replacement ballot if the
20 ballot is destroyed, spoiled, lost, or not received by the voter. The
21 voter may obtain the ballot ~~((by telephone request, by mail,~~
22 ~~electronically, or))~~ in person. The county auditor shall keep a
23 record of each request for a replacement ballot.

24 (4) Each county auditor shall certify to the office of the
25 secretary of state the dates the ballots were mailed, or the reason
26 and date the ballots will be mailed if the ballots were not mailed
27 timely.

28 (5) Failure to mail ballots as prescribed in this section does
29 not by itself provide a basis for an election contest or other legal
30 challenge to the results of a primary, general election, or special
31 election.

32 **Sec. 15.** RCW 29A.40.160 and 2019 c 6 s 6 are each amended to
33 read as follows:

34 (1) Each county auditor shall open a voting center each primary,
35 special election, and general election. The voting center shall be
36 open during business hours during the voting period, which begins
37 eighteen days before, and ends at 8:00 p.m. on the day of, the
38 primary, special election, or general election.

1 (2) Each county auditor shall register voters in person at each
2 of the following locations in the county:

3 (a) At the county auditor's office;

4 (b) At the division of elections, if located in a separate city
5 from the county auditor's office; and

6 (c) For each presidential general election, at a voting center in
7 each city in the county with a population of one hundred thousand or
8 greater, which does not have a voting center as required in (a) or
9 (b) of this subsection. A voting center opened pursuant to this
10 subsection (2) is not required to be open on the Sunday before the
11 presidential election.

12 (3) Voting centers shall be located in public buildings or
13 buildings that are leased by a public entity including, but not
14 limited to, libraries.

15 (4) Each voting center, and at least one of the other locations
16 designated by the county auditor to allow voters to register in
17 person pursuant to RCW 29A.08.140(1)(b), must provide voter
18 registration materials, ballots, provisional ballots, ~~((disability
19 access voting units,))~~ sample ballots, instructions on how to
20 properly vote the ballot, a ballot drop box, and voters' pamphlets,
21 if a voters' pamphlet has been published.

22 (5) Each voting center must be accessible to persons with
23 disabilities. Each state agency and entity of local government shall
24 permit the use of any of its accessible facilities as voting centers
25 when requested by a county auditor.

26 ~~((Each voting center must provide at least one voting unit
27 certified by the secretary of state that provides access to
28 individuals who are blind or visually impaired, enabling them to vote
29 with privacy and independence.~~

30 ~~(7))~~ No person may interfere with a voter attempting to vote in
31 a voting center. Interfering with a voter attempting to vote is a
32 violation of RCW 29A.84.510.

33 ~~((8) Before opening the voting center, the voting equipment
34 shall be inspected to determine if it has been properly prepared for
35 voting. If the voting equipment is capable of direct tabulation of
36 each voter's choices, the county auditor shall verify that no votes
37 have been registered for any issue or office, and that the device has
38 been sealed with a unique numbered seal at the time of final
39 preparation and logic and accuracy testing. A log must be made of all
40 device numbers and seal numbers.~~

1 ~~(9))~~ (7) The county auditor shall require any person desiring to
2 vote at a voting center to either sign a ballot declaration or
3 provide identification.

4 (a) The signature on the declaration must be compared to the
5 signature on the voter registration record before the ballot may be
6 counted. If the voter registered using a mark, or can no longer sign
7 his or her name, the election officers shall require the voter to be
8 identified by another registered voter.

9 (b) The identification must be valid photo identification, such
10 as a driver's license, state identification card, student
11 identification card, tribal identification card, or employer
12 identification card. A tribal identification card is not required to
13 include a residential address or an expiration date to be considered
14 valid under this section. Any individual who desires to vote in
15 person but cannot provide identification shall be issued a
16 provisional ballot, which shall be accepted if the signature on the
17 declaration matches the signature on the voter's registration record.

18 ~~((10))~~ (8) Provisional ballots must be accompanied by a
19 declaration and security envelope, as required by RCW 29A.40.091, and
20 space for the voter's name, date of birth, current and former
21 registered address, reason for the provisional ballot, and
22 disposition of the provisional ballot. The voter shall vote and
23 return the provisional ballot at the voting center. The voter must be
24 provided information on how to ascertain whether the provisional
25 ballot was counted and, if applicable, the reason why the vote was
26 not counted.

27 ~~((11))~~ (9) Any voter may take printed or written material into
28 the voting ~~((device))~~ booth to assist in casting his or her vote. The
29 voter shall not use this material to electioneer and shall remove it
30 when he or she leaves the voting center.

31 ~~((12))~~ (10) If any voter states that he or she is unable to
32 cast his or her votes due to a disability, the voter may designate a
33 person of his or her choice, or two election officers, to enter the
34 voting booth and record the votes as he or she directs.

35 ~~((13))~~ (11) No voter is entitled to vote more than once at a
36 primary, special election, or general election. If a voter
37 incorrectly marks a ballot, he or she may be issued a replacement
38 ballot.

39 ~~((14))~~ (12) A voter who has already returned a ballot but
40 requests to vote at a voting center shall be issued a provisional

1 ballot. The canvassing board shall not count the provisional ballot
2 if it finds that the voter has also voted a regular ballot in that
3 primary, special election, or general election.

4 ~~((15))~~ (13) Any voter who is inside or in line at the voting
5 center at 8:00 p.m. on the day of the primary, special election, or
6 general election must be allowed to vote.

7 ~~((16))~~ (14) For each primary, special election, and general
8 election, the county auditor may provide election services at
9 locations in addition to the voting center. The county auditor has
10 discretion to establish which services will be provided at the
11 additional locations, and which days and hours the locations will be
12 open.

13 **Sec. 16.** RCW 29A.56.040 and 2019 c 7 s 3 are each amended to
14 read as follows:

15 (1) Except where necessary to accommodate the national or state
16 rules of a major political party or where this chapter specifically
17 provides otherwise, the presidential primary must be conducted in
18 substantially the same manner as a state primary under this title.

19 (2) The arrangement and form of presidential primary ballots must
20 be established by administrative rule adopted under RCW 29A.04.620,
21 and in consultation with the major political parties. Only the
22 candidates who have been submitted under RCW 29A.56.031 may appear on
23 the ballots.

24 (3) Each party's ballot or portion of the ballot must list
25 alphabetically the names of all candidates for the office of
26 president for that party. The ballot must clearly indicate the
27 political party of each candidate.

28 (4) If requested by a party chair, the ballot for that party must
29 contain a place for a voter to indicate a preference for having
30 delegates to the party's national convention remain uncommitted. A
31 request under this subsection must be submitted to the secretary of
32 state no later than sixty-three days before the presidential primary.

33 (5) A presidential primary ballot with votes for more than one
34 candidate is void, and notice to this effect, stated in clear, simple
35 language and printed in large type, must appear on the face of each
36 presidential primary ballot (~~or on or about each voting device~~).

37 (6) Notice must be published in the manner required by RCW
38 29A.52.355.

1 **Sec. 17.** RCW 29A.60.090 and 2003 c 111 s 1509 are each amended
2 to read as follows:

3 In counties using voting systems, the county auditor shall
4 maintain the following documents for at least sixty days after the
5 primary or election:

6 (1) Sample ballot formats together with a record of the format or
7 formats assigned to each precinct; and

8 ~~((All programming material related to the control of the vote~~
9 ~~tallying system for that primary or election; and~~

10 ~~(3))~~ All test materials used to verify the accuracy of the
11 ~~((tabulating equipment as required by RCW 29A.12.130))~~ manual count
12 of returned ballots.

13 **Sec. 18.** RCW 29A.60.110 and 2018 c 218 s 4 are each amended to
14 read as follows:

15 (1) Immediately after their tabulation, all ballots counted at a
16 ballot counting center must be sealed in containers that identify the
17 primary or election and be retained for at least sixty days or
18 according to federal law, whichever is longer.

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

30 **Sec. 19.** RCW 29A.60.120 and 2011 c 10 s 51 are each amended to
31 read as follows:

32 (1) All voted ballots must be manually inspected for damage,
33 write-in votes, and incorrect or incomplete marks. ~~((If it is found~~
34 ~~that any ballot is damaged so that it cannot properly be counted by~~
35 ~~the vote tallying system, a true duplicate copy must be made of the~~
36 ~~damaged ballot in the presence of witnesses and substituted for the~~
37 ~~damaged ballot. All damaged ballots must be kept by the county~~

1 ~~auditor until sixty days after the primary or election or according~~
2 ~~to federal law, whichever is longer.))~~

3 (2) The returns produced by the ~~((vote tallying system))~~ manual
4 count of returned ballots, to which have been added the counts of
5 questioned ballots which have been verified by the canvassing board
6 in accordance with RCW 29A.60.050, and write-in votes, constitute the
7 official returns of the primary or election in that county.

8 **Sec. 20.** RCW 29A.60.170 and 2018 c 218 s 3 are each amended to
9 read as follows:

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

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

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

1 office or issue on the ballots in the precincts or batches that are
2 selected for the check. The selection of the precincts or batches to
3 be checked must be selected according to procedures established by
4 the county canvassing board. The random check procedures must include
5 a process, consistent with RCW 29A.60.185(3) and rules adopted under
6 RCW 29A.60.185(4), for expanding the audit to include additional
7 ballots when a random check conducted under this section results in a
8 discrepancy. The procedure must specify under what circumstances a
9 discrepancy will lead to an audit of additional ballots and the
10 method to determine how many additional ballots will be selected.
11 Procedures adopted under RCW 29A.60.185 pertaining to investigations
12 of any discrepancy found during an audit must be followed. The check
13 must be completed no later than forty-eight hours after election day.

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

15 (i) For each county, survey all random check procedures adopted
16 by the county canvassing board under subsection (3) of this section,
17 and

18 (ii) Evaluate the procedures to identify the best practices and
19 any discrepancies.

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

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

27 (1) Prior to certification of the election as required by RCW
28 29A.60.190, the county auditor shall conduct an audit ((of duplicated
29 ballots in accordance with subsection (2) of this section, and an
30 audit)) using at minimum one of the following methods:

31 (a) ((An audit of results of votes cast on the direct recording
32 electronic voting devices, or other in-person ballot marking systems,
33 used in the county if there are races or issues with more than ten
34 votes cast on all direct recording electronic voting devices or other
35 in-person ballot marking systems in the county. This audit must be
36 conducted by randomly selecting by lot up to four percent of the
37 direct recording electronic voting devices or other in-person ballot
38 marking systems, or one direct recording electronic voting device or
39 other in-person ballot marking system, whichever is greater, and, for

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

17 ~~(b) A random check of the ballot counting equipment consistent~~
18 ~~with RCW 29A.60.170(3);~~

19 ~~(e)) A risk-limiting audit. A "risk-limiting audit" means an~~
20 ~~audit protocol that makes use of statistical principles and methods~~
21 ~~and is designed to limit the risk of certifying an incorrect election~~
22 ~~outcome. The secretary of state shall:~~

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

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

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

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

1 ~~(B) In a~~) A ballot polling risk-limiting audit(~~(, the county~~
2 ~~auditor of a county using ballot counting equipment that does not~~
3 ~~produce ballot-level cast vote records reports the voter markings on~~
4 ~~randomly selected ballots)) means an audit in which individual paper
5 ballots are randomly selected and the voter marking are examined and
6 interpreted manually until the prespecified risk limit is met; or~~

7 ~~((d) An independent electronic audit of the original ballot~~
8 ~~counting equipment used in the county. The county auditor may either~~
9 ~~conduct an audit of all ballots cast, or limit the audit to three~~
10 ~~precincts or six batches pursuant to procedures adopted under RCW~~
11 ~~29A.60.170(3). This audit must be conducted using an independent~~
12 ~~electronic audit system that is, at minimum:~~

13 ~~(i) Approved by the secretary of state;~~

14 ~~(ii) Completely independent from all voting systems, including~~
15 ~~ballot counting equipment, that is used in the county;~~

16 ~~(iii) Distributed or manufactured by a vendor different from the~~
17 ~~vendor that distributed or manufactured the original ballot counting~~
18 ~~equipment; and~~

19 ~~(iv) Capable of demonstrating that it can verify and confirm the~~
20 ~~accuracy of the original ballot counting equipment's reported~~
21 ~~results)) (b) A manual audit of the manual count. The procedures must
22 provide for best practices and uniform procedures across all
23 counties. The manual audit process shall involve a comparison of a
24 manual count of the selected number of ballots to the count from the
25 original manual count of the returned ballots.~~

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

31 ~~(3))~~) For each audit method, the secretary of state must adopt
32 procedures for expanding the audit to include additional ballots when
33 an audit results in a discrepancy. The procedure must specify under
34 what circumstances a discrepancy will lead to an audit of additional
35 ballots, and the method to determine how many additional ballots will
36 be selected. The secretary of state shall adopt procedures to
37 investigate the cause of any discrepancy found during an audit.

38 ~~((4))~~) (3) The secretary of state may contract with an
39 independent third-party vendor to conduct an audit under this
40 section.

1 (4) The secretary of state must establish rules (~~(by January 1,~~
2 ~~2019,~~) to implement and administer the auditing methods in this
3 section, including facilitating public observation and reporting
4 requirements.

5 **Sec. 22.** RCW 29A.64.011 and 2011 c 349 s 23 are each amended to
6 read as follows:

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

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

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

21 An application for a recount of the votes cast for an office or
22 on a ballot measure must be filed with the officer with whom filings
23 are made for the jurisdiction.

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

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

34 (~~(This chapter applies to the recounting of votes cast by paper~~
35 ~~ballots and to the recounting of votes recorded on ballots counted by~~
36 ~~a vote tally system.)~~)

37 **Sec. 23.** RCW 29A.64.021 and 2013 c 11 s 66 are each amended to
38 read as follows:

1 (1) If the official canvass of all of the returns for any office
2 at any primary or election reveals that the difference in the number
3 of votes cast for a candidate apparently qualified for the general
4 election ballot or elected to any office, and the number of votes
5 cast for the closest apparently defeated opponent is less than two
6 thousand votes and also less than one-half of one percent of the
7 total number of votes cast for both candidates, the county canvassing
8 board shall conduct a recount of all votes cast on that position.

9 (a) Whenever such a difference occurs in the number of votes cast
10 for candidates for a position the declaration of candidacy for which
11 was filed with the secretary of state, the secretary of state shall,
12 within three business days of the day that the returns of the primary
13 or election are first certified by the canvassing boards of those
14 counties, direct those boards to recount all votes cast on the
15 position.

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

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

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

32 (~~(3) The apparent winner and closest apparently defeated~~
33 ~~opponent for an office for which a manual recount is required under~~
34 ~~subsection (1)(b) of this section may select an alternative method of~~
35 ~~conducting the recount. To select such an alternative, the two~~
36 ~~candidates shall agree to the alternative in a signed, written~~
37 ~~statement filed with the election official for the office. The~~
38 ~~recount shall be conducted using the alternative method if: It is~~
39 ~~suited to the balloting system that was used for casting the votes~~
40 ~~for the office; it involves the use of a vote tallying system that is~~

1 ~~approved for use in this state by the secretary of state; and the~~
2 ~~vote tallying system is readily available in each county required to~~
3 ~~conduct the recount. If more than one balloting system was used in~~
4 ~~casting votes for the office, an alternative to a manual recount may~~
5 ~~be selected for each system.)~~)

6 **Sec. 24.** RCW 29A.84.530 and 2011 c 10 s 71 are each amended to
7 read as follows:

8 Deliberately impeding other voters from casting their votes by
9 refusing to leave a voting booth ((~~or voting device~~)) is a
10 misdemeanor and is subject to the penalties provided in chapter 9A.20
11 RCW. Election officers may provide assistance in the manner provided
12 by RCW 29A.40.160 to any voter who requests it.

13 **Sec. 25.** RCW 36.32.245 and 2016 c 95 s 9 are each amended to
14 read as follows:

15 (1) No contract for the purchase of materials, equipment, or
16 supplies may be entered into by the county legislative authority or
17 by any elected or appointed officer of the county until after bids
18 have been submitted to the county. Bid specifications shall be in
19 writing and shall be filed with the clerk of the county legislative
20 authority for public inspection. An advertisement shall be published
21 in the official newspaper of the county stating the time and place
22 where bids will be opened, the time after which bids will not be
23 received, the materials, equipment, supplies, or services to be
24 purchased, and that the specifications may be seen at the office of
25 the clerk of the county legislative authority. The advertisement
26 shall be published at least once at least thirteen days prior to the
27 last date upon which bids will be received.

28 (2) The bids shall be in writing, may be in either hard copy or
29 electronic form as specified by the county, and shall be filed with
30 the clerk. The bids shall be opened and read in public at the time
31 and place named in the advertisement. Contracts requiring competitive
32 bidding under this section may be awarded only to the lowest
33 responsible bidder. Immediately after the award is made, the bid
34 quotations shall be recorded and open to public inspection and shall
35 be available by telephone inquiry. Any or all bids may be rejected
36 for good cause.

37 (3) For advertisement and formal sealed bidding to be dispensed
38 with as to purchases between ten thousand and fifty thousand dollars,

1 the county legislative authority must use the uniform process to
2 award contracts as provided in RCW 39.04.190. Advertisement and
3 formal sealed bidding may be dispensed with as to purchases of less
4 than ten thousand dollars upon the order of the county legislative
5 authority.

6 (4) This section does not apply to performance-based contracts,
7 as defined in RCW 39.35A.020(4), that are negotiated under chapter
8 39.35A RCW; or contracts and purchases for the printing of election
9 ballots(~~(, voting machine labels,)~~) and all other election material
10 containing the names of candidates and ballot titles.

11 (5) Nothing in this section shall prohibit the legislative
12 authority of any county from allowing for preferential purchase of
13 products made from recycled materials or products that may be
14 recycled or reused.

15 (6) This section does not apply to contracting for public
16 defender services by a county.

17 **Sec. 26.** RCW 43.07.310 and 2009 c 415 s 11 are each amended to
18 read as follows:

19 The secretary of state, through the division of elections, is
20 responsible for the following duties, as prescribed by Title 29A RCW:

21 (1) The filing, verification of signatures, and certification of
22 state initiative, referendum, and recall petitions;

23 (2) The production and distribution of a state voters' pamphlet;

24 (3) The examination, testing, and certification of voting
25 (~~(equipment, voting devices, and vote tallying)~~) systems;

26 (4) The administration, canvassing, and certification of the
27 presidential primary, state primaries, and state general elections;

28 (5) The administration of motor voter and other voter
29 registration and voter outreach programs;

30 (6) The training, testing, and certification of state and local
31 elections personnel as established in RCW 29A.04.530;

32 (7) The conduct of reviews as established in RCW 29A.04.570; and

33 (8) Other duties that may be prescribed by the legislature.

34 NEW SECTION. **Sec. 27.** A new section is added to chapter 29A.04
35 RCW to read as follows:

36 Nothing in this title shall limit or otherwise restrict the
37 secretary of state from fully complying with a court order for an
38 audit or investigation of any part of the election system.

1 NEW SECTION. **Sec. 28.** The following acts or parts of acts are
2 each repealed:
3 (1) RCW 29A.12.010 (Authority for use) and 2003 c 111 s 301;
4 (2) RCW 29A.12.085 (Paper record) and 2011 c 10 s 22 & 2005 c 242
5 s 1;
6 (3) RCW 29A.12.101 (Requirements of tallying systems for
7 approval) and 2006 c 207 s 3 & 2004 c 271 s 109;
8 (4) RCW 29A.12.110 (Record of programming—Devices sealed) and
9 2011 c 10 s 23, 2003 c 111 s 311, & 1990 c 59 s 25;
10 (5) RCW 29A.12.130 (Tallying systems—Programming tests) and 2003
11 c 111 s 313, 1998 c 58 s 2, 1990 c 59 s 32, & 1977 ex.s. c 361 s 73;
12 (6) RCW 29A.12.150 (Recording requirements) and 2013 c 11 s 24,
13 2003 c 111 s 315, 1998 c 245 s 26, 1991 c 363 s 30, & 1990 c 184 s 1;
14 (7) RCW 29A.12.160 (Blind or visually impaired voter
15 accessibility) and 2011 c 10 s 25, 2004 c 267 s 701, & 2004 c 266 s
16 3;
17 (8) RCW 29A.60.060 (Results after close of voting) and 2013 c 11
18 s 60, 2011 c 10 s 49, & 2003 c 111 s 1506;
19 (9) RCW 29A.60.095 (Electronic voting devices—Record maintenance)
20 and 2005 c 242 s 3;
21 (10) RCW 29A.60.125 (Damaged ballots) and 2018 c 218 s 8 & 2005 c
22 243 s 10;
23 (11) RCW 29A.84.545 (Paper record from direct recording
24 electronic voting device—Removing from voting center) and 2011 c 10 s
25 73 & 2005 c 242 s 6; and
26 (12) RCW 29A.84.560 (Voting machines, devices—Tampering with—
27 Extra keys) and 2003 c 111 s 2126, 1991 c 81 s 18, & 1965 c 9 s
28 29.85.260.

--- END ---