
HOUSE BILL 2115

State of Washington

67th Legislature

2022 Regular Session

By Representatives Kraft, Chase, Sutherland, and McCaslin

Read first time 02/03/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to improving election integrity, security, and
2 accountability for Washington voters; amending RCW 29A.60.185,
3 29A.60.170, 29A.40.100, 29A.72.230, 29A.60.110, 42.56.420,
4 29A.60.160, 29A.60.190, 29A.60.240, 29A.60.250, 29A.60.260,
5 29A.08.125, 29A.08.105, 29A.08.620, 29A.08.510, 29A.08.540,
6 29A.12.020, 29A.12.030, 29A.12.040, 29A.12.070, 29A.12.080,
7 29A.12.101, 29A.12.130, 29A.12.140, 29A.12.150, 29A.12.160,
8 29A.12.180, 29A.12.190, 29A.12.200, 29A.36.111, 29A.60.235,
9 29A.08.775, and 43.09.050; reenacting and amending RCW 29A.40.110;
10 adding new sections to chapter 29A.60 RCW; adding new sections to
11 chapter 29A.12 RCW; adding new sections to chapter 29A.04 RCW; adding
12 a new section to chapter 29A.40 RCW; adding new sections to chapter
13 29A.84 RCW; repealing 2021 c 26 ss 2 and 3 (uncodified); prescribing
14 penalties; and declaring an emergency.

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

16 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.60
17 RCW to read as follows:

18 (1) Each year beginning in 2022, the state election audit board
19 is created for the purpose of overseeing the forensic audit process
20 required under section 2 of this act. The membership of the board
21 consists of the following seven members:

1 (a) The state auditor, or the auditor's authorized designee;

2 (b) Four election observers representing four geographic
3 locations throughout the state, randomly selected as follows:

4 (i) The state auditor or their authorized designee shall randomly
5 draw the name of one county from each of the northwest, northeast,
6 southwest, and southeast regions of the state. The drawing must be
7 done publicly. Two weeks before the drawing, each county auditor
8 shall publish a notice announcing the drawing, including the date,
9 time, and location of the drawing; the clearly stated purpose of the
10 notice; and an invitation to the public to attend and observe the
11 drawing. The notice must be prominently displayed and readily visible
12 on each county auditor's website, or county website if a county
13 auditor does not have one, and published in newspapers with the
14 largest and, if applicable, second largest readership in each of the
15 four geographical regions and be of a size which occupies at least
16 one-eighth of a page.

17 (ii) The county auditors of each of the four counties selected in
18 (b)(i) of this subsection shall publicly and randomly select one
19 election observer to be appointed to the state election audit board,
20 and a second election observer to serve as an alternate, by a drawing
21 of all the election observer names from the county's previous
22 election year. Two weeks before the county auditor conducts the
23 drawing, the county auditor shall publish a notice announcing the
24 drawing, including the date, time, and location of the drawing; the
25 clearly stated purpose of the notice; and an invitation to the public
26 to attend and observe the drawing. The notice must be prominently
27 displayed and readily visible on the county auditor's website, or
28 county website if the county auditor does not have one, and published
29 in newspapers with the largest and, if applicable, second largest
30 readership in the county and be of a size which occupies at least
31 one-eighth of a page; and

32 (c) Two precinct committee officers selected as follows:

33 (i) The state auditor or their authorized designee shall randomly
34 draw the name of one county not already selected under (b) of this
35 subsection. The drawing must be done publicly. Two weeks before the
36 drawing, each county auditor shall publish a notice announcing the
37 drawing, including the date, time, and location of the drawing; the
38 clearly stated purpose of the notice; and an invitation to the public
39 to attend and observe the drawing. The notice must be prominently
40 displayed and readily visible on each county auditor's website, or

1 county website if a county auditor does not have one, and published
2 in newspapers with the largest and, if applicable, second largest
3 readership in each of the four geographical regions and be of a size
4 which occupies at least one-eighth of a page.

5 (ii) Each of the two major political party county central
6 committees of the county selected under (c)(i) of this subsection
7 shall elect a precinct committee officer to serve on the state
8 election audit board.

9 (2) Members serve for one general election cycle. Members must be
10 appointed to the state election audit board by June 1, 2022, and by
11 June 1st each year thereafter.

12 (3) Members of the state election audit board are eligible to
13 receive compensation in accordance with RCW 43.03.230, and must be
14 reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.60
16 RCW to read as follows:

17 (1) Not more than 45 days after the state election audit board
18 members are appointed in accordance with section 1 of this act, the
19 state election audit board shall enter into a contract with an
20 impartial, nonpartisan, and bonded third-party audit vendor to
21 conduct a forensic audit of the general election beginning in 2022
22 and for each general election thereafter, in accordance with the
23 requirements of this section. The state election audit board may not
24 contract with the same vendor to conduct the forensic audit more than
25 one time every three years. The audit must be completed no later than
26 30 days after the date of the general election.

27 (2) A forensic audit of the general election must include a
28 manual hand count audit of all the ballots in the following
29 precincts:

30 (a) Every precinct in the 10 counties with the largest population
31 in the state; and

32 (b) For all other counties not included in (a) of this
33 subsection, the county auditor of each county must randomly select by
34 a public drawing at least 10 percent of the total precincts in their
35 county to audit. Two weeks before the county auditor conducts the
36 drawing of election precincts, the county auditor shall publish a
37 notice announcing the drawing, including the date, time, and location
38 of the drawing; a clearly stated purpose of the notice; and an
39 invitation to the public to attend and observe the drawing. The

1 notice must be prominently displayed and readily visible on the
2 county auditor's website, or county website if the county auditor
3 does not have one, and published in newspapers with the largest and,
4 if applicable, second largest readership in the county and be of a
5 size which occupies at least one-eighth of a page.

6 (3) The following forensic audit procedures apply to all
7 counties:

8 (a) **Manual count of ballots.** For counties described under
9 subsection (2)(a) of this section, a manual hand count must be
10 conducted of ballots cast in each precinct. For all other counties,
11 manual hand counts must be conducted in precincts selected in
12 accordance with subsection (2)(b) of this section. A manual hand
13 count of each ballot by batch shall be conducted by the third-party
14 audit vendor to ensure the ballots were properly counted and tallied.
15 If the manual hand count total is different than the total from the
16 vote tallying system, a second manual hand count of the ballots must
17 occur. If the second manual hand count matches the first manual hand
18 count, then that outcome must be used to certify the election. If the
19 second manual hand count matches the total from the vote tallying
20 system, then the total from the vote tallying system must be used to
21 certify the election. If the second manual ballot hand count does not
22 match the first manual ballot hand count or the total from the vote
23 tallying system, then the state election audit board shall
24 investigate the cause of the discrepancy and determine the accurate
25 count of the votes before the date of the certification of the
26 election.

27 (b) **Voter registration database.** (i) The third-party audit vendor
28 shall audit the voter registration database and create a log of voter
29 registrations added to the database, revisions made to existing voter
30 information in the voter registration database, and cancellations of
31 voter registrations, made between January 1st of the year being
32 audited and the date the audit is commenced. For each entry, the log
33 must include, but is not limited to, the following:

34 (A) The name of each election official or employee who modified
35 the voter registration database in any way;

36 (B) The location from which the individual described in (b)(i)(A)
37 of this subsection modified the voter registration database;

38 (C) Whether the modification made was an addition or revision to
39 the voter registration database, or a cancellation of a voter's
40 registration;

1 (D) A detailed description of the records in the voter
2 registration database that were modified and how these records were
3 modified; and

4 (E) The source of information relied upon to make the addition,
5 revision, or cancellation. The third-party audit vendor shall verify
6 the legitimacy of the source and check the database for any invalid
7 entries, revisions, or cancellations.

8 (ii) The third-party audit vendor shall audit the voter
9 registration database for any duplicate entries. Entries must be
10 checked by a comparison of the name, date of birth, and valid state-
11 issued identification number.

12 (c) **Ballot reconciliation.** (i) The third-party audit vendor shall
13 manually hand count and review the count conducted under (a) of this
14 subsection for validity and accuracy of the tally as part of the
15 county ballot reconciliation process in this subsection (3)(c). In
16 addition, the third-party audit vendor will reconcile the county's
17 ballot totals including: Number of ballots produced, mailed, and
18 received; absentee ballots requested, mailed, and received;
19 provisional ballots issued and received; replacement ballots issued
20 and received; damaged ballots received and duplicated; rejected
21 ballots; and ballots counted daily.

22 (ii) To ensure a complete reconciliation of the election, the
23 county auditor shall:

24 (A) Ensure ballots are printed using a paper stock that conforms
25 to the manufacturer's recommendations and has been tested in each
26 approved vote tabulation system used in the county. The county
27 auditor shall keep a record of the paper stock amounts received and
28 used. All paper stock must be fully accounted for and tracked to
29 allow for easy identification of potential counterfeit ballots;

30 (B) Ensure all ballots contain an official watermark;

31 (C) Keep a written log of the number of ballots mailed per day,
32 for what precincts, a running total of ballots mailed and returned,
33 and the name of the election official or employee who mailed the
34 ballots and recorded the daily running total of ballots mailed;

35 (D) Keep a written log of the names of all in-state voters, out-
36 of-state voters, and overseas and service voters who requested an
37 absentee ballot, the date of the request, the date the ballot was
38 mailed, the address the ballot was mailed to, and the name of the
39 election official or employee who issued the absentee ballot;

1 (E) Keep a written log of the date that each provisional ballot
2 was issued; the reason for the provisional ballot request; the name
3 of the election official or employee who issued the provisional
4 ballot; the number of provisional ballots issued per day; and the
5 total number of provisional ballots issued and returned;

6 (F) Keep a written log of the date each replacement ballot was
7 issued; the reason the replacement ballot was requested; the name of
8 the election official or employee who issued the replacement ballot;
9 the number of replacement ballots issued per day; and the total
10 number of replacement ballots issued and returned;

11 (G) Assign each damaged ballot a unique control number marked
12 clearly on the front of the ballot. The county auditor shall keep a
13 written log of the date the damaged ballot was received; the reason
14 the ballot was declared damaged; the name of the election official or
15 employee who processed the damaged ballot; the number of damaged
16 ballots received per day; and the total number of damaged ballots
17 received;

18 (H) Keep a written log of the date that each duplicated ballot
19 was created; the reason that a ballot was duplicated; the name of the
20 election official or employee who duplicated each ballot; the number
21 of ballots duplicated per day; and the total number of ballots
22 duplicated. The county auditor shall store all duplicated ballots
23 separately in a container properly identifying the contents as
24 duplicated ballots. Each duplicated ballot must be marked with the
25 unique control number of the corresponding damaged ballot. Original
26 damaged ballots sent to duplication should be stored separately and
27 properly identified;

28 (I) Keep a written log of the number of ballots received daily in
29 each precinct, the number of ballots received per day for all
30 precincts, the number of ballots received in total, and the name of
31 the election official or employee recording the information in this
32 subsection;

33 (J) Keep a written log of the date a ballot was rejected for each
34 rejected ballot; the reason for rejecting the ballot; the name of the
35 election official or employee who rejected the ballot; the number of
36 rejected ballots per day; and the total number of rejected ballots;
37 and

38 (K) Keep a written log of the number of ballots counted daily and
39 the name of the election official or employee recording the
40 information in this subsection.

1 (d) **Chain of custody.** The third-party audit vendor shall review
2 the handling process of the ballots including production, mailing,
3 receiving, pick up and transfer, batching, labeling, and storage of
4 ballots to ensure that the chain of custody procedures are sufficient
5 and were performed in accordance with the chain of custody procedure
6 manual.

7 (e) **Vote tallies.** The third-party audit vendor shall reconcile
8 the number of registered voters for the general election being
9 audited, the number of ballots mailed, the number of ballots
10 received, the number of ballots accepted, the number of ballots
11 rejected, the number of damaged ballots which have been duplicated,
12 the number of provisional ballots, the number of counted ballots, and
13 the number of final votes cast.

14 (f) **Review of voting systems.** The third-party audit vendor shall
15 review the voting systems used in the election to ensure proper set
16 up, calibration, maintenance, and function of these systems. The vote
17 tabulation system must have been subject to a logic and accuracy test
18 as referenced in RCW 29A.12.130 and must be disconnected from the
19 internet and other mechanisms that could allow remote access to the
20 vote tabulation system or its network. All data stored on the device
21 must be stored for at least 22 months and is subject to all election
22 audits and forensic image procedures required under section 5 of this
23 act.

24 (g) **Review of forensic images captured.** The third-party audit
25 vendor shall audit the forensic images captured pursuant to section 5
26 of this act by comparing the images captured before the general
27 election to the image taken after the general election to determine
28 whether any irregularities occurred that could impact the outcome of
29 the election. Any forensic image taken in the prior 22 months by the
30 county auditor may be used, upon request, for the audit.

31 (4) The third-party audit vendor shall determine who authorized,
32 and what procedures were followed for, sending out unsolicited
33 absentee voter ballot applications in each general election,
34 beginning in 2022.

35 (5) During the audits conducted under this section, the third-
36 party audit vendor shall:

37 (a) Use cameras to record the entire audit process to verify the
38 chain of custody of all voter registration lists, ballots, and vote
39 tallies audited;

1 (b) Require that only certain types of pens and other writing
2 instruments approved by the third-party audit vendor are used during
3 the audit;

4 (c) Require wardrobe differentiation for those individuals
5 working on the audit based on the role of the individual during the
6 audit;

7 (d) Inspect each ballot for proper ink markings, official
8 watermarks, and depressions to confirm that the ballot was completed
9 by an individual and not by a machine not approved by the secretary
10 of state and the state auditor; and

11 (e) Inspect each special absentee ballot for folded crease marks.

12 (6) During the audit conducted under this section, the state
13 election audit board and the third-party audit vendor must review and
14 investigate any affidavits or complaints that were submitted or
15 referred to the state election audit board, the third-party audit
16 vendor, a county auditor, the state auditor, or the secretary of
17 state concerning the general election that is being audited.

18 (7) The third-party audit vendor shall prepare an audit report to
19 the state election audit board, the governor, the state auditor, the
20 secretary of state, and the legislature, no more than 14 days after
21 the audit is complete. The audit report must include, but is not
22 limited to, the following:

23 (a) An executive summary of the audit;

24 (b) The determination required under subsection (3)(a) of this
25 section concerning the review of the manual ballot count;

26 (c) The log required under subsection (3)(b) of this section
27 pertaining to the voter registration database;

28 (d) The log required under subsection (3)(c) of this section
29 pertaining to the ballot reconciliation;

30 (e) The log required under subsection (3)(d) of this section
31 pertaining to the chain of custody procedures;

32 (f) The log required under subsection (3)(e) of this section
33 concerning the vote tallies;

34 (g) The determination required under subsection (3)(f) of this
35 section concerning the review of voting systems;

36 (h) The determination required under subsection (3)(g) of this
37 section concerning the review of forensic images captured;

38 (i) The determination required under subsection (4) of this
39 section regarding sending out unsolicited absent voter ballot
40 applications;

1 (j) The determination of each investigation conducted under
2 subsection (6) of this section;

3 (k) Any findings of irregularities; and

4 (l) Any recommendations for further investigation or corrective
5 action needed.

6 (8)(a) Not more than seven days after the completion of the
7 third-party audit vendor's report required under subsection (7) of
8 this section, the state election audit board shall submit a final
9 audit report to the governor, the secretary of state, the state
10 auditor, and the legislature that includes, but is not limited to,
11 the following:

12 (i) All of the information included in the audit report submitted
13 pursuant to subsection (7) of this section; and

14 (ii) Any recommendations for further investigation or corrective
15 action needed by law enforcement, the judiciary, the secretary of
16 state, the state auditor, or the legislature.

17 (b) Reports to the governor and legislature must be submitted in
18 writing.

19 (9) In addition to the report submitted pursuant to subsection
20 (8) of this section, not more than 14 days after completion of the
21 third-party audit vendor's report required under subsection (7) of
22 this section, each member of the state election audit board may
23 submit their own final audit report to the governor, the secretary of
24 state, the state auditor, and the legislature. Reports to the
25 governor and legislature must be submitted in writing.

26 (10) The state election audit board is dissolved 90 days after
27 the state election audit board issues its final audit report under
28 subsections (8) and (9) of this section.

29 (11)(a) Each county and its election officials, election
30 employees, and election volunteers shall cooperate with the third-
31 party audit vendor in conducting these audits, or be subject to
32 subpoena, warrant, criminal prosecution, or civil penalty. Any county
33 whose county auditor, election officials, election employees, or
34 election volunteers refuse to cooperate with the full forensic audit
35 required under this section is subject to a minimum fine of \$5,000
36 per day of refusal. The third-party audit vendor shall report any
37 refusal to cooperate with the audit to the state election audit
38 board.

39 (b) The state auditor shall collect any fines due from any
40 penalty issued pursuant to (a) of this subsection. The attorney

1 general may enforce any penalty issued and the collection of any
2 fines due. Fines collected must be deposited in the election audit
3 account established under section 3 of this act.

4 (12) Each county auditor, election official, election worker, and
5 election volunteer shall sign a sworn statement under penalty of
6 perjury declaring that the person will help conduct the audit
7 honestly, truthfully, and with a good faith effort.

8 (13) If the independent third-party audit vendor and the state
9 election audit board finds that any person intentionally and
10 knowingly committed fraud during the election or audit process, the
11 state election audit board shall refer the case for investigation to
12 the county prosecutor and the person may be subject to criminal
13 punishment or civil penalties. A person who intentionally and
14 knowingly commits fraud during any part of the election or audit
15 process is guilty of a class C felony punishable under RCW 9A.20.021.

16 (14) As used in this section, "third-party audit vendor" means
17 the impartial, nonpartisan, and bonded third-party corporation
18 contracted with by the state election audit board to conduct the
19 audit required under this section.

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

22 The election audit account is created in the custody of the state
23 treasurer. All receipts from fines collected pursuant to section
24 2(11) of this act must be deposited into the account. Fifty percent
25 of each deposit is designated for the state auditor and 50 percent is
26 designated, in equal amounts, for each county that submits an
27 election expense reimbursement for the election. Expenditures from
28 the account may be used to pay for the costs incurred by the state
29 auditor or a county to perform election audit requirements under this
30 title. Only the state auditor or their designee may authorize
31 expenditures from the account. The account is subject to allotment
32 procedures under chapter 43.88 RCW, but an appropriation is not
33 required for expenditures.

34 **Sec. 4.** RCW 29A.60.185 and 2018 c 218 s 2 are each amended to
35 read as follows:

36 (1) Prior to the certification of the general election, a full
37 forensic audit of the general election must be conducted in
38 accordance with section 2 of this act.

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

6 (a) An audit of results of votes cast on the direct recording
7 electronic voting devices, or other in-person ballot marking systems,
8 used in the county if there are races or issues with more than ten
9 votes cast on all direct recording electronic voting devices or other
10 in-person ballot marking systems in the county. This audit must be
11 conducted by randomly selecting by lot up to (~~four~~) 50 percent of
12 the direct recording electronic voting devices or other in-person
13 ballot marking systems, or one direct recording electronic voting
14 device or other in-person ballot marking system, whichever is
15 greater, and, for each device or system, comparing the results
16 recorded electronically with the results recorded on paper. For
17 purposes of this audit, the results recorded on paper must be
18 tabulated as follows: On (~~one-fourth~~) 50 percent of the devices or
19 systems selected for audit, the paper records must be tabulated
20 manually; on the remaining devices or systems, the paper records may
21 be tabulated by a mechanical device determined by the (~~secretary of~~
22 ~~state~~) state auditor to be capable of accurately reading the votes
23 cast and printed thereon and qualified for use in the state under
24 applicable state and federal laws. (~~Three races or issues, randomly~~
25 ~~selected by lot,~~) The mayoral contest with the most votes cast, one
26 randomly selected local government council contest, and at least one
27 additional randomly selected ballot contest must be audited on each
28 device or system. If in any particular election there is no mayoral
29 contest, the county auditor shall randomly select another local
30 government council race to audit. This audit procedure must be
31 subject to observation (~~by political party representatives if~~
32 ~~representatives have been appointed and are present at the time of~~
33 ~~the audit~~) in accordance with subsection (6) of this section. As
34 used in this subsection, "in-person ballot marking system" or
35 "system" means an in-person ballot marking system that retains or
36 produces an electronic voting record of each vote cast using the
37 system;

38 (b) A random check of the ballot counting equipment (~~consistent~~
39 ~~with RCW 29A.60.170(3)~~) for accuracy;

1 (c) A risk-limiting audit. A "risk-limiting audit" means an audit
2 protocol that makes use of statistical principles and methods which
3 produce the most accurate outcome and are consistent with the highest
4 industry standards and is designed to limit the risk of certifying an
5 incorrect election outcome. ~~((The secretary of state shall:))~~

6 (i) ~~((Set))~~ The state auditor shall set the risk limit. A "risk
7 limit" means the largest statistical probability that an incorrect
8 reported tabulation outcome is not detected in a risk-limiting
9 audit~~((:))~~.

10 (ii) ~~((Randomly))~~ The county auditor shall randomly select for
11 audit ~~((at least one statewide contest))~~ the mayoral race with the
12 most votes cast, one local government council race selected at
13 random, and ~~((for each county))~~ at least one ballot contest ~~((other~~
14 ~~than the selected statewide contest))~~. The county auditor shall
15 randomly select ~~((a ballot contest))~~ another local government council
16 race for audit if in any particular election there is no
17 ~~((statewide))~~ mayoral contest~~((: and))~~.

18 (iii) ~~((Establish))~~ The state auditor shall establish procedures
19 for implementation of risk-limiting audits, including random
20 selection of the audit sample, determination of audit size, and
21 procedures for a comparison risk-limiting audit and ballot polling
22 risk-limiting audit as defined in (c)(iii)(A) and (B) of this
23 subsection. The audit sample and size must be sufficiently large and
24 consistent with industry best practices proven to yield accurate
25 results.

26 (A) In a comparison risk-limiting audit, the county auditor
27 compares the voter markings on randomly selected ballots to the
28 ballot-level cast vote record produced by the ballot counting
29 equipment.

30 (B) In a ballot polling risk-limiting audit, the county auditor
31 of a county using ballot counting equipment that does not produce
32 ballot-level cast vote records reports the voter markings on randomly
33 selected ballots until the prespecified risk limit is met; or

34 (d) An independent electronic audit of the original ballot
35 counting equipment used in the county. The county auditor may either
36 conduct an audit of all ballots cast, or limit the audit to ~~((three))~~
37 five percent of the precincts or ~~((six))~~ 12 batches pursuant to
38 procedures ~~((adopted under RCW 29A.60.170(3))~~ established by the
39 state auditor. This audit must be conducted using an independent
40 electronic audit system that is, at minimum:

1 (i) Approved by the ~~((secretary of state))~~ state auditor;

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

4 (iii) Not connected to the internet, and incapable of connecting
5 to any wireless, bluetooth, universal serial bus, or similar exterior
6 drives which may compromise data;

7 (iv) Distributed or manufactured by a vendor different from the
8 vendor that distributed or manufactured the original ballot counting
9 equipment; and

10 ~~((iv))~~ (v) Capable of demonstrating that it can verify and
11 confirm the logic and accuracy of the original ballot counting
12 equipment's reported results.

13 ~~((2))~~ (3) Prior to certification of the election, the county
14 auditor must conduct an audit of ballots duplicated under RCW
15 29A.60.125. The audit of duplicated ballots must involve a comparison
16 of the duplicated ballot to the original ballot. The ~~((county~~
17 ~~canvassing board))~~ state auditor must establish procedures for the
18 auditing of duplicated ballots.

19 ~~((3))~~ (4) For each audit method included in this section, the
20 ~~((secretary of state))~~ state auditor must adopt procedures no later
21 than six months before the primary, general election, or special
22 election 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))~~ state auditor shall also
27 adopt procedures ~~((to investigate))~~ no later than six months before
28 the primary, general election, or special election for investigating
29 the cause of any discrepancy found during an audit, which must
30 include an investigation by the state election audit board for any
31 discrepancies found in a general election.

32 ~~((4))~~ (5) The ~~((secretary of state))~~ state auditor must
33 establish rules ~~((by January 1, 2019,))~~ to implement and administer
34 the auditing methods in this section ~~((, including facilitating))~~
35 which must include public observation in accordance with subsection
36 (6) of this section and detailed reporting requirements to ensure
37 proper transparency and accountability to the voters.

38 (6) All audits performed pursuant to this section must be open to
39 observation by the candidates on the ballot or the candidate's
40 designated representatives, ballot issue representatives on file with

1 the county auditor or the representatives' designees, and political
2 party observers, and made available to a minimum of 20 county
3 residents per day who have resided and been registered to vote in the
4 county for at least 12 months prior to the election that is being
5 audited. The county auditor shall notify the candidates, ballot issue
6 representatives, and political party observers of the audit in
7 writing at least two weeks prior to the audit. The county auditor
8 shall publish a notice two weeks before each audit announcing the
9 audit, including the date, time, and location of the audit; a clearly
10 stated purpose; and an invitation to the public to attend and observe
11 the audit. The notice must be prominently displayed and readily
12 visible on the county auditor's website, or county website if the
13 county auditor does not have one, and published in newspapers with
14 the largest and, if applicable, second largest readership in the
15 county and be of a size which occupies at least one-eighth of a page.

16 NEW SECTION. Sec. 5. A new section is added to chapter 29A.12
17 RCW to read as follows:

18 (1)(a) The county auditor shall capture a forensic image of all
19 voting systems used in a primary, special election, or general
20 election and retain the image for at least 22 months after
21 certification of the primary, special election, or general election.
22 Forensic images must be captured using current industry best
23 practices, including best practices around the use of technology such
24 as write-blocking technology to prevent future alteration of the
25 drive contents captured in the forensic image.

26 (b) A forensic image must be captured:

27 (i) Immediately before the special election, primary, or general
28 election ballot scanning process begins;

29 (ii) After all special election, primary, or general election
30 ballots have been processed and tallied but before certification of
31 the special election, primary, or general election; and

32 (iii) No later than 24 hours after certification of the special
33 election, primary, or general election.

34 (2) The forensic image must be created using write-blocking
35 technology, or more advanced technology if available, to prevent
36 future alteration of the drive contents captured in the forensic
37 image.

38 (3) Software upgrades to voting systems are prohibited beginning
39 30 days prior to the special election, primary, or general election,

1 and ending 90 days after certification of the special election,
2 primary, or general election.

3 (4) A full forensic audit of the forensic images must be
4 conducted in accordance with section 2 of this act.

5 (5) As used in this section:

6 (a) "Forensic image" means a copy of unaltered electronic
7 information capturing all the ones and zeros and all the data
8 contained on any and all devices, including but not limited to:
9 Networking, analyzing, monitoring, storage to include all types of
10 internal and external or data devices, routing, switching, and
11 firewall devices, that are involved in any way with the process of an
12 election. A forensic image must capture the deleted space on the
13 drive and account for any recent formatting, deleted files or data,
14 hidden files or data, and file or data fragments.

15 (b) "Voting system" has the same meaning as in RCW 29A.12.005.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.04
17 RCW to read as follows:

18 County auditors must retain all digital and hardcopy election
19 data for 22 months after the primary, special election, and general
20 election, including but not limited to: All data from voting systems,
21 paper ballots, county auditor logs created and maintained in
22 accordance with section 2 of this act, and the forensic imaging data
23 required to be captured under section 5 of this act. For increased
24 transparency and accountability, ballot images that do not contain
25 any personally identifiable information shall be made available for
26 in-person inspection after the election date, along with other
27 reasonable election data from the audit results in section 2 of this
28 act and RCW 29A.60.185, so long as they do not contain any personally
29 identifiable information.

30 **Sec. 7.** RCW 29A.60.170 and 2018 c 218 s 3 are each amended to
31 read as follows:

32 (1) At least twenty-eight days prior to any special election,
33 general election, or primary, the county auditor shall request from
34 the chair of the county central committee of each major political
35 party a list of individuals who are willing to serve as observers.
36 The county auditor has discretion to also request observers from any
37 campaign or organization. The county auditor may delete from the
38 lists names of those persons who indicate to the county auditor that

1 they cannot or do not wish to serve as observers, and names of those
2 persons who, in the judgment of the county auditor, lack the ability
3 to properly serve as observers after training has been made available
4 to them by the auditor.

5 (2) The counting center is under the direction of the county
6 auditor and must be open to observation by one representative from
7 each major political party, if representatives have been appointed by
8 the respective major political parties and these representatives are
9 present while the counting center is operating. The proceedings must
10 be open to the public, but no persons except those employed and
11 authorized by the county auditor may touch any ballot or ballot
12 container or operate a vote tallying system.

13 (3) A random check of the ballot counting equipment must be
14 conducted upon mutual agreement of the political party observers or
15 at the discretion of the county auditor. The random check procedures
16 must be adopted by the ~~((county canvassing board, and consistent with~~
17 ~~rules adopted under RCW 29A.60.185(4), prior to the processing of~~
18 ~~ballots. The random check process shall involve a comparison of a~~
19 ~~manual count or electronic count if an audit under RCW~~
20 ~~29A.60.185(1)(d) is conducted to the machine count from the original~~
21 ~~ballot counting equipment and may involve up to either three~~
22 ~~precincts or six batches depending on the ballot counting procedures~~
23 ~~in place in the county. The random check will be limited to one~~
24 ~~office or issue on the ballots in the precincts or batches that are~~
25 ~~selected for the check. The selection of the precincts or batches to~~
26 ~~be checked must be selected according to procedures established by~~
27 ~~the county canvassing board. The random check procedures must include~~
28 ~~a process, consistent with RCW 29A.60.185(3) and rules adopted under~~
29 ~~RCW 29A.60.185(4), for expanding the audit to include additional~~
30 ~~ballots when a random check conducted under this section results in a~~
31 ~~discrepancy. The procedure must specify under what circumstances a~~
32 ~~discrepancy will lead to an audit of additional ballots and the~~
33 ~~method to determine how many additional ballots will be selected.~~
34 ~~Procedures adopted under RCW 29A.60.185 pertaining to investigations~~
35 ~~of any discrepancy found during an audit must be followed)) state~~
36 ~~auditor and be based on procedures that meet the current version of~~
37 ~~the best practices for securing election systems as established and~~
38 ~~published by the federal cybersecurity and infrastructure security~~
39 ~~agency. The check must be completed no later than forty-eight hours~~
40 after election day.

1 ~~((4) (a) By November 1, 2018, the secretary of state shall:~~
2 ~~(i) For each county, survey all random check procedures adopted~~
3 ~~by the county canvassing board under subsection (3) of this section;~~
4 ~~and~~
5 ~~(ii) Evaluate the procedures to identify the best practices and~~
6 ~~any discrepancies.~~
7 ~~(b) By December 15, 2018, the secretary of state shall submit a~~
8 ~~report, in compliance with RCW 43.01.036, to the appropriate~~
9 ~~committees of the legislature that provides recommendations, based on~~
10 ~~the evaluation performed under (a) of this subsection, for adopting~~
11 ~~best practices and uniform procedures.))~~

12 **Sec. 8.** RCW 29A.40.100 and 2011 c 10 s 40 are each amended to
13 read as follows:

14 County auditors must request in writing that at least two
15 observers be appointed by each of the major political parties to be
16 present during the processing of ballots at the counting center.
17 County auditors have discretion to also request that observers be
18 appointed by any campaigns or organizations. If the county auditor
19 elects to request that observers be appointed by a campaign for a
20 particular race, the county auditor must invite all campaigns for
21 that race to appoint an observer to be present. The absence of the
22 observers will not prevent the processing of ballots if the county
23 auditor has requested their presence at least one week in advance in
24 writing and provided the date and time of the observation. Observers
25 must not be prohibited or otherwise prevented from in-person
26 observation of the processing of ballots during any stage of
27 canvassing or election auditing.

28 **Sec. 9.** RCW 29A.72.230 and 2003 c 111 s 1823 are each amended to
29 read as follows:

30 Upon the filing of an initiative or referendum petition, the
31 secretary of state, with oversight and validation of the process by
32 the state auditor, shall proceed to verify and canvass the names of
33 the legal voters on the petition. The verification and canvass of
34 signatures on the petition ~~((may))~~ must be observed by persons
35 representing the advocates and opponents of the proposed measure so
36 long as they make no record of the names, addresses, or other
37 information on the petitions or related records during the
38 verification process except upon the order of the ~~((superior court of~~

1 ~~Thurston county))~~ state auditor. (~~The secretary of state may limit~~
2 ~~the number of observers to not less than two on each side, if in his~~
3 ~~or her opinion, a greater number would cause undue delay or~~
4 ~~disruption of the verification process. Any such limitation shall~~
5 ~~apply equally to both sides.)) The ((~~secretary of state may use~~))
6 state auditor shall adopt by rule any statistical sampling techniques
7 authorized for use for this verification and canvass (~~which have~~
8 ~~been adopted by rule as provided by chapter 34.05 RCW~~). No petition
9 will be rejected on the basis of any statistical method employed, and
10 no petition will be accepted on the basis of any statistical method
11 employed if such method indicates that the petition contains fewer
12 than the requisite number of signatures of legal voters. If the
13 secretary of state with agreement of the state auditor finds the same
14 name signed to more than one petition, he or she shall reject all but
15 the first such valid signature. For an initiative to the legislature,
16 the secretary of state shall transmit a certified copy of the
17 proposed measure to the legislature at the opening of its session
18 and, as soon as the signatures on the petition have been verified and
19 canvassed, the secretary of state shall send to the legislature a
20 certificate of the facts relating to the filing, verification, and
21 canvass of the petition.~~

22 **Sec. 10.** RCW 29A.60.110 and 2018 c 218 s 4 are each amended to
23 read as follows:

24 (1) Immediately after their tabulation, all ballots counted at a
25 ballot counting center must be sealed in containers that identify the
26 primary (~~or~~), general election, or special election and be retained
27 for at least (~~sixty days or according to federal law, whichever is~~
28 ~~longer~~) 22 months.

29 (2) In the presence of major party observers (~~who are available,~~
30 ~~ballots may be removed from the sealed containers at the elections~~
31 ~~department and consolidated into one sealed container for storage~~
32 ~~purposes. The~~), with a minimum of two observers from each party
33 being present, containers may only be opened by the canvassing board
34 as part of the canvass, to conduct recounts, to conduct a random
35 check (~~under RCW 29A.60.170~~), to conduct an audit under (~~RCW~~
36 ~~29A.60.185~~) section 2 of this act, or by order of (~~the superior~~) a
37 court judge in a contest or election dispute. If the canvassing board
38 opens a ballot container, it shall be done in the presence of at
39 least two observers from each of the major political parties, and the

1 candidates on the ballot or their designated representatives if
2 designated in writing, and the ballot issue representatives, must
3 also be invited to attend. The canvass board shall make a full
4 written record of the additional tabulation or examination made of
5 the ballots along with the date, time, and names of canvass board
6 members who conducted the tabulation or examination. A live video
7 camera recording must capture the opening of ballot containers and
8 removal or handling of any ballots for any purpose. This record must
9 be added to any other record of the canvassing process and storage
10 process in that county, and retained for 22 months.

11 **Sec. 11.** RCW 42.56.420 and 2021 c 26 s 1 are each amended to
12 read as follows:

13 The following information relating to security is exempt from
14 disclosure under this chapter:

15 (1) Those portions of records assembled, prepared, or maintained
16 to prevent, mitigate, or respond to criminal terrorist acts, which
17 are acts that significantly disrupt the conduct of government or of
18 the general civilian population of the state or the United States and
19 that manifest an extreme indifference to human life, the public
20 disclosure of which would have a substantial likelihood of
21 threatening public safety, consisting of:

22 (a) Specific and unique vulnerability assessments or specific and
23 unique response or deployment plans, including compiled underlying
24 data collected in preparation of or essential to the assessments, or
25 to the response or deployment plans which are not related to the
26 validity and legitimacy of the election process or outcome; and

27 (b) Records not subject to public disclosure under federal law
28 that are shared by federal or international agencies, and information
29 prepared from national security briefings provided to state or local
30 government officials related to domestic preparedness for acts of
31 terrorism;

32 (2) Those portions of records containing specific and unique
33 vulnerability assessments or specific and unique emergency and escape
34 response plans at a city, county, or state adult or juvenile
35 correctional facility, or secure facility for persons civilly
36 confined under chapter 71.09 RCW, the public disclosure of which
37 would have a substantial likelihood of threatening the security of a
38 city, county, or state adult or juvenile correctional facility,

1 secure facility for persons civilly confined under chapter 71.09 RCW,
2 or any individual's safety;

3 (3) Information compiled by school districts or schools in the
4 development of their comprehensive safe school plans under RCW
5 28A.320.125, to the extent that they identify specific
6 vulnerabilities of school districts and each individual school;

7 (4) Information regarding the public and private infrastructure
8 and security of computer and telecommunications networks, consisting
9 of security passwords, security access codes and programs, access
10 codes for secure software applications, security and service recovery
11 plans, security risk assessments, and security test results to the
12 extent that they identify specific system vulnerabilities which are
13 not related to the validity and legitimacy of the election process or
14 outcome, and other such information the release of which may increase
15 risk to the confidentiality, integrity, or availability of security,
16 information technology infrastructure, or assets which are not
17 related to the validity and legitimacy of the election process or
18 outcome;

19 (5) The system security and emergency preparedness plan required
20 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,
21 and 81.112.180; and

22 (6) Personally identifiable information of employees, and other
23 security information, of a private cloud service provider that has
24 entered into a criminal justice information services agreement as
25 contemplated by the United States department of justice criminal
26 justice information services security policy, as authorized by 28
27 C.F.R. Part 20 (~~;~~ and

28 ~~(7) In addition to the information in subsection (4) of this~~
29 ~~section, the following related to election security:~~

30 ~~(a)(i) The continuity of operations plan for election operations~~
31 ~~and any security audits, security risk assessments, or security test~~
32 ~~results, relating to physical security or cybersecurity of election~~
33 ~~operations or infrastructure. These records are exempt from~~
34 ~~disclosure in their entirety; and~~

35 ~~(ii) Those portions of records containing information about~~
36 ~~election infrastructure, election security, or potential threats to~~
37 ~~election security, the public disclosure of which may increase risk~~
38 ~~to the integrity of election operations or infrastructure.~~

1 ~~(b) The exemptions specified in (a) of this subsection do not~~
2 ~~include information or records pertaining to security breaches,~~
3 ~~except as prohibited from disclosure pursuant to RCW 29A.12.200.~~

4 ~~(c) The exemptions specified in (a) of this subsection do not~~
5 ~~prohibit an audit authorized or required under Title 29A RCW from~~
6 ~~being conducted).~~

7 **Sec. 12.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
8 2011 c 10 s 41 are each reenacted and amended to read as follows:

9 (1) The secretary of state and state auditor shall establish
10 chain of custody procedures for handling ballots at all times, which
11 must be documented in writing no less than 90 days before the primary
12 or election. State and county election officials and election
13 personnel shall, for each step of ballot processing, attest that they
14 are following the chain of custody procedures established under this
15 subsection, or, if not, the reason for deviating from the established
16 procedure. The attestation must include the election official's or
17 election personnel's initials, date, and time of attestation.

18 (2) The opening and subsequent processing of return envelopes for
19 any primary ((~~or~~)), general election, or special election ((~~may~~))
20 must begin upon receipt. The tabulation of ((~~absentee~~)) ballots must
21 not commence until after 8:00 p.m. on the day of the primary or
22 election. All ballots must be processed and counted no later than
23 11:59 p.m. on the seventh day after the primary, special election, or
24 general election, not including Saturdays, Sundays, and legal
25 holidays.

26 ((~~(2)~~)) (3) All received return envelopes must be placed in
27 secure locations with live video cameras focused on where the ballots
28 are kept for storage at all times during the election process from
29 the time of delivery to the county auditor until their subsequent
30 opening. After opening the return envelopes, the county canvassing
31 board shall place all of the ballots in secure, tamper-proof storage
32 until processing. ((~~Ballots~~)) Under the surveillance of a live video
33 camera, ballots may be taken from the inner envelopes and all the
34 normal procedural steps may be performed to prepare these ballots for
35 tabulation. Ballots that are not actively being processed for
36 counting or actively being counted must remain in secure, locked, and
37 tamper-proof storage with live video cameras focused on where the
38 ballots are kept for storage at all times. Ballots that have yet to
39 be counted must be stored in batches and clearly labeled and

1 separated from ballots that have been processed and counted in a
2 manner such that they are incapable of being comingled. The stored
3 batches of counted ballots must be accompanied with information that
4 specifies which specific tabulation machine was used to count those
5 ballots to provide for easy auditing of the ballots and voting
6 systems as needed.

7 ((+3)) (4) The canvassing board, or its designated official
8 representatives, shall examine the postmark on the return envelope
9 and signature on the declaration before processing the ballot. The
10 ballot must either be received no later than 8:00 p.m. on the day of
11 the primary or election, or must be postmarked no later than the day
12 of the primary or election. All personnel assigned to verify
13 signatures must receive training on statewide standards for signature
14 verification. Personnel shall verify that the voter's signature on
15 the ballot declaration is the same as the signature of that voter in
16 the registration files of the county. (~~Verification may be conducted~~
17 ~~by an automated verification system approved by the secretary of~~
18 ~~state.~~) A variation between the signature of the voter on the ballot
19 declaration and the signature of that voter in the registration files
20 due to the substitution of initials or the use of common nicknames is
21 permitted so long as the surname and handwriting are clearly the
22 same.

23 ((+4)) (5) If the postmark is missing or illegible, the date on
24 the ballot declaration to which the voter has attested determines the
25 validity, as to the time of voting, for that ballot. For overseas
26 voters and service voters, the date on the declaration to which the
27 voter has attested determines the validity, as to the time of voting,
28 for that ballot. Any legally registered overseas voter or service
29 voter may return the signed declaration and voted ballot by fax or
30 email by 8:00 p.m. on the day of the primary or election, and the
31 county auditor must use established procedures to maintain the
32 secrecy of the ballot.

33 (6) The canvassing board, or its designated representatives,
34 shall examine each returned ballot and ensure that it contains the
35 official watermark. A ballot that does not contain the official
36 watermark is invalid and may not be counted.

37 **Sec. 13.** RCW 29A.60.160 and 2016 c 134 s 2 are each amended to
38 read as follows:

1 (1) The county auditor, as delegated by the county canvassing
2 board, shall process ballots and canvass the votes cast (~~at that~~
3 ~~primary or election on a daily basis in counties with a population of~~
4 ~~seventy-five thousand or more, or at least every third day for~~
5 ~~counties with a population of less than seventy-five thousand, if the~~
6 ~~county auditor is in possession of more than five hundred ballots~~
7 ~~that have yet to be canvassed.~~

8 ~~(2) Saturdays, Sundays, and legal holidays are not counted for~~
9 ~~purposes of this section.~~

10 ~~(3) In order to protect the secrecy of a ballot, the county~~
11 ~~auditor may use discretion to decide when to process ballots and~~
12 ~~canvass the votes)) on a daily basis, not including Saturdays,~~
13 ~~Sundays, or legal holidays.~~

14 ~~((4))~~ (2) Tabulation results must be made available to the
15 public immediately upon completion of the canvass. Records of ballots
16 counted must be made available to the public at the end of each day
17 that the county auditor has processed ballots during and after an
18 election.

19 **Sec. 14.** RCW 29A.60.190 and 2019 c 7 s 5 are each amended to
20 read as follows:

21 (1)(a) Ten days after a special election held in February or
22 April, ten days after a presidential primary held pursuant to chapter
23 29A.56 RCW, fourteen days after a primary, or twenty-one days after a
24 general election except as specified in (b) of this subsection, the
25 county canvassing board shall complete the canvass and the secretary
26 of state and state auditor shall certify the results. Saturdays,
27 Sundays, and legal holidays are not counted for purposes of this
28 section. Each ballot that was returned before 8:00 p.m. on the day of
29 the special election, general election, primary, or presidential
30 primary, and each ballot bearing a postmark on or before the date of
31 the special election, general election, primary, or presidential
32 primary and received (~~no later than the day before certification,~~)
33 by 11:59 p.m. of the seventh day after the election not including
34 Saturdays, Sundays, and legal holidays must be included in the
35 canvass report.

36 (b) The secretary of state or state auditor may not certify a
37 general election until after all audits required under section 2 of
38 this act, or section 4 of this act as related to RCW 29A.60.185 for
39 special or primary elections, are complete. If an audit is still

1 active 21 days after the general election, then the secretary of
2 state and state auditor shall certify the election with input from
3 the state election audit board, no later than 45 days after the
4 election.

5 (2) As part of the election certification process:

6 (a) The county auditor must certify in writing that the number of
7 votes cast in the county for the primary or election are equal to or
8 less than the number of registered voters in the county; and

9 (b) The secretary of state and the state auditor shall certify in
10 writing that the number of votes cast statewide in the primary or
11 election are equal to or less than the number of registered voters in
12 the state.

13 **Sec. 15.** RCW 29A.60.240 and 2013 c 11 s 64 are each amended to
14 read as follows:

15 (1) The secretary of state and the state auditor shall, as soon
16 as possible but in any event not later than seventeen days following
17 the primary, canvass and certify the returns of all primary elections
18 as to candidates for statewide offices, United States senators and
19 representatives in Congress, and all legislative and judicial
20 candidates whose district extends beyond the limits of a single
21 county.

22 (2) As part of the election certification process:

23 (a) The county auditor must certify in writing that the number of
24 votes cast in the county are equal to or less than the number of
25 registered voters in the county; and

26 (b) The secretary of state and the state auditor shall certify in
27 writing the number of votes cast statewide are equal to or less than
28 the number of registered voters in the state.

29 **Sec. 16.** RCW 29A.60.250 and 2013 c 11 s 65 are each amended to
30 read as follows:

31 (1) As soon as the returns have been received from all the
32 counties of the state, but not later than the (~~thirtieth~~) 45th day
33 after the general election, the secretary of state and the state
34 auditor in the presence of the state election audit board shall
35 canvass and certify the returns of the general election as to
36 candidates for statewide offices, the United States senate, congress,
37 and all legislative and judicial candidates whose districts extend
38 beyond the limits of a single county. The secretary of state shall

1 transmit a copy of the certification to the state election audit
2 board, governor, president of the senate, and speaker of the house of
3 representatives.

4 (2) As part of the election certification process:

5 (a) The county auditor must certify in writing that the number of
6 votes cast in the county are equal to or less than the number of
7 registered voters in the county; and

8 (b) The secretary of state and the state auditor shall certify in
9 writing the number of votes cast statewide are equal to or less than
10 the number of registered voters in the state.

11 **Sec. 17.** RCW 29A.60.260 and 2003 c 111 s 1526 are each amended
12 to read as follows:

13 (1) The votes on proposed amendments to the state Constitution,
14 recommendations for the calling of constitutional conventions and
15 other questions submitted to the people must be counted, canvassed,
16 and returned by each county canvassing board in the manner provided
17 by law for counting, canvassing, and returning votes for candidates
18 for state offices. The secretary of state and the state auditor
19 shall, in the presence of the ((governor)) state election audit
20 board, within thirty days after the election, canvass the votes upon
21 each question and certify to the ((governor)) state election audit
22 board the result. The ((governor)) state election audit board shall
23 forthwith issue a proclamation giving the whole number of votes cast
24 in the state for and against such measure and declaring the result.
25 If the vote cast upon an initiative or referendum measure is equal to
26 less than one-third of the total vote cast at the election, the
27 ((governor)) state election audit board shall proclaim the measure to
28 have failed.

29 (2) As part of the election certification process:

30 (a) The county auditor must certify in writing that the number of
31 votes cast in the county are equal to or less than the number of
32 registered voters in the county; and

33 (b) The secretary of state and the state auditor must certify in
34 writing the number of votes cast statewide are equal to or less than
35 the number of registered voters in the state.

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

1 A voter may only designate a person with whom the voter has an
2 established relationship to return a voted ballot on his or her
3 behalf, and no person may return a ballot on behalf of another voter
4 who does not meet the criteria in this section. No entity or
5 organization may return a ballot on behalf of another voter. As used
6 in this section, a person with an established relationship to the
7 voter means the registered voter's spouse, family member, legal
8 guardian, or person the voter has an in-person continuous
9 relationship with of 12 months or more.

10 NEW SECTION. **Sec. 19.** A new section is added to chapter 29A.84
11 RCW to read as follows:

12 A person who willfully violates section 18 of this act regarding
13 the return of ballots on behalf of another person is guilty of a
14 class C felony punishable under RCW 9A.20.021.

15 **Sec. 20.** RCW 29A.08.125 and 2018 c 109 s 7 are each amended to
16 read as follows:

17 (1) The office of the secretary of state shall maintain a
18 statewide voter registration database. This database must be a
19 centralized, uniform, interactive computerized statewide voter
20 registration list that contains the name and registration information
21 of every legally registered voter in the state.

22 (2) The statewide list (~~(is the official list of registered~~
23 ~~voters for the conduct of all elections))~~ must match the information
24 of legally registered voters in the county's voter registration
25 system. The county auditor's voter registration list is the official
26 list of legally registered voters for the county. If there is a
27 discrepancy between the county's voter registration system and the
28 statewide voter registration database, the county's voter
29 registration system is the official list.

30 (3) The statewide list must include, but is not limited to, the
31 full legal name, date of birth, residence address, signature, gender,
32 and date of registration of every legally registered voter in the
33 state.

34 (4) A unique identifier must be assigned to each registered voter
35 in the state for auditing purposes.

36 (5) The database must be coordinated with other government
37 databases within the state including, but not limited to, the
38 department of corrections, the department of licensing, the

1 department of health, the administrative office of the courts, and
2 county auditors. (~~The database may also be coordinated with the~~
3 ~~databases of election officials in other states.~~) These efforts must
4 be for the sole purpose of validating the accuracy of the information
5 in the statewide voter registration database. The secretary of state
6 must provide any valid updates resulting from these efforts to the
7 county auditor. The county auditor must retain a copy of these
8 transferred files from the secretary of state for 22 months and must
9 store them separately from the county registered voter file.

10 (6) Authorized employees of the secretary of state and each
11 county auditor must have immediate electronic access to the
12 information maintained in the database, accessible only by a unique
13 password provided to each employee, the secretary of state, and
14 county auditor.

15 (7) Voter registration information received by each county
16 auditor must be electronically entered into the database. The office
17 of the secretary of state must provide support, as needed, to enable
18 each county auditor to enter and maintain voter registration
19 information in the state database.

20 (8) The secretary of state has data (~~authority~~) guidance
21 oversight over all voter registration data. Each county auditor has
22 data authority over his or her county's voter registration data.

23 (9) The voter registration database must be designed to
24 accomplish at a minimum, the following:

25 (a) (~~Comply with the help America vote act of 2002 (P.L.~~
26 ~~107-252);~~

27 ~~(b))~~ Identify, investigate, and remove duplicate voter
28 registrations, identified by a comparison of the name, date of birth,
29 and address;

30 (~~(e))~~ (b) Identify suspected duplicate voters;

31 (~~(d))~~ (c) Screen against any available databases maintained by
32 other government agencies to identify voters who are ineligible to
33 vote due to a felony conviction, lack of Washington state residency
34 or United States citizenship, or mental incompetence;

35 (~~(e))~~ (d) Provide images of voters' signatures for the purpose
36 of checking signatures on initiative and referendum petitions;

37 (~~(f))~~ (e) Provide for a comparison between the voter
38 registration database and the department of licensing change of
39 address database;

1 ~~((g))~~ (f) Provide access for county auditors that includes the
2 capability to update registrations and search for duplicate or
3 invalid registrations;

4 ~~((h))~~ (g) Provide for the cancellation of registrations of
5 voters who have moved out of state; and

6 ~~((i))~~ (h) Provide for the separate storage of pending
7 registration records for all future voters who have not yet reached
8 eighteen years of age in a manner that these records will not appear
9 on the official list of legally registered voters authorized to vote
10 until the future registrant is no longer in pending status as defined
11 under RCW 29A.08.615.

12 (10) The secretary of state may, upon agreement with other
13 appropriate jurisdictions, screen against any available databases
14 ~~((maintained by election officials in other states and databases))~~
15 maintained by federal agencies including, but not limited to, the
16 federal bureau of investigation, the federal court system, the
17 federal bureau of prisons, and the bureau of citizenship and
18 immigration services for the purpose of verifying a voter
19 registration meets the required criteria to legally vote in
20 Washington.

21 (11) The database shall retain information regarding previous
22 successful appeals of proposed cancellations of registrations in
23 order to avoid repeated cancellations for the same reason. Any
24 canceled voter registrations must be completely removed from the
25 official statewide voter registration database and the county's voter
26 registration database and retained in a separate database located on
27 different equipment from the statewide voter registration database
28 and the county's voter registration database. All canceled voter
29 registrations must remain inactive in this manner unless and until
30 such time the voter legally meets the requirements to vote again in
31 Washington state.

32 (12) Each county auditor ~~((shall))~~ must maintain a list of all
33 legally registered voters within the county that are ~~((contained))~~
34 also to be maintained on the ~~((official))~~ statewide voter
35 registration list. In addition to the information maintained in the
36 statewide database, the county database must also maintain the
37 applicable taxing district and precinct codes for each voter in the
38 county, and a list of elections in which the individual voted.

39 (13) Each county auditor shall allow only secure and fully
40 auditable electronic access and information transfer between the

1 county's voter registration system and the official statewide voter
2 registration list.

3 **Sec. 21.** RCW 29A.08.105 and 2009 c 369 s 8 are each amended to
4 read as follows:

5 (1) (~~In compliance with the Help America Vote Act (P.L.~~
6 ~~107-252), the~~) The centralized statewide voter registration list
7 maintained by the secretary of state (~~is~~) must match the voter
8 registration data submitted by each county auditor to be the official
9 list of eligible voters for all elections.

10 (2) In all counties, the county auditor shall be the chief
11 registrar of voters for every precinct within the county.

12 **Sec. 22.** RCW 29A.08.620 and 2011 c 10 s 17 are each amended to
13 read as follows:

14 (1) Each county auditor must request change of address
15 information from the postal service for all mail ballots no later
16 than 90 days prior to the primary, special election, or general
17 election.

18 (2) (~~The~~) Periodically and no later than 60 days prior to the
19 primary, special election, or general election the county auditor
20 shall, based on the information received under subsection (1) of this
21 section, transfer the registration of a voter and send an
22 acknowledgment notice to the new address informing the voter of the
23 transfer if change of address information received by the county
24 auditor from the postal service, the department of licensing, or
25 another agency designated to provide voter registration services
26 indicates that the voter has moved within the county.

27 (3) (~~The~~) Periodically and no later than 60 days prior to the
28 primary, special election, or general election the county auditor
29 shall, based on the information received under subsection (1) of this
30 section, place a voter on inactive status and send to (~~all~~) the
31 last known (~~addresses~~) address a confirmation notice (~~and a voter~~
32 ~~registration application~~) that there is a change of address if
33 change of address information received by the county auditor from the
34 postal service, the department of licensing, or another agency
35 designated to provide voter registration services indicates that the
36 voter has moved from one county to another.

37 (4) (~~The~~) Periodically and no later than 60 days prior to the
38 primary, special election, or general election the county auditor

1 shall, based on the information received under subsection (1) of this
2 section, place a voter on inactive status and send to ~~((all))~~ the
3 last known ~~((addresses))~~ address a confirmation notice if any of the
4 following occur:

5 (a) Any document mailed by the county auditor to a voter is
6 returned by the postal service as undeliverable without address
7 correction information; or

8 (b) Change of address information received from the postal
9 service, the department of licensing, or another state agency
10 designated to provide voter registration services indicates that the
11 voter has moved out of the state.

12 **Sec. 23.** RCW 29A.08.510 and 2009 c 369 s 26 are each amended to
13 read as follows:

14 The registrations of deceased voters ~~((may))~~ must be canceled
15 from voter registration lists as follows:

16 (1) ~~((Periodically))~~ (a) At least quarterly, and no later than 60
17 days before a primary, special election, or general election, the
18 registrar of vital statistics of the state shall prepare a list of
19 persons who resided in each county, for whom a death certificate was
20 transmitted to the registrar and was not included on a previous list,
21 and shall supply the list to the secretary of state. The secretary of
22 state shall also obtain the current social security administration's
23 death master file at least on a quarterly basis but no later than 60
24 days before a primary, special election, or general election. The
25 secretary of state shall send, in a separate file, the information
26 received pursuant to this subsection to the county auditor in each
27 county where the county voter registration database needs to be
28 updated to reflect the information received.

29 (b) The secretary of state and county auditors shall compare
30 ~~((this list))~~ these lists with the registration records and cancel
31 the registrations of deceased voters no later than 50 days before a
32 primary, special election, or general election.

33 (2) In addition, each county auditor may also use appropriate
34 government agencies and newspaper obituary articles as a source of
35 information for identifying deceased voters and canceling a
36 registration. The auditor must verify the identity of the voter by
37 matching the voter's date of birth or an address. The auditor shall
38 keep a written current log and record the date and source of the
39 information in the cancellation records along with the date and time

1 of the cancellation and the first and last name of the election
2 employee making the cancellation.

3 (3) In addition, ~~((any))~~ a legally registered voter who provides
4 proof to the county auditor's office of an established relationship
5 with a deceased registered voter may sign a statement, subject to the
6 penalties of perjury, to the effect that to his or her personal
7 knowledge or belief another registered voter is deceased. This
8 statement may be filed with the county auditor or the secretary of
9 state. Upon the receipt of such signed statement, the county auditor
10 or the secretary of state shall cancel the registration from the
11 official state voter registration list. As used in this subsection, a
12 person with an established relationship to the deceased registered
13 voter means the deceased registered voter's spouse, family member,
14 legal guardian, or executor of his or her will.

15 **Sec. 24.** RCW 29A.08.540 and 2004 c 267 s 127 are each amended to
16 read as follows:

17 (1) Registration records of persons whose voter registrations
18 have been canceled as authorized under this title must be preserved
19 ~~((in the manner prescribed by rule by the secretary of state))~~ for at
20 least 22 months for audit purposes, and in a manner determined by the
21 county auditor to ensure that canceled registrations do not appear on
22 the voter registration list until such time as the voter is properly
23 registered. Information from such canceled registration records is
24 available for public inspection ~~((and copying to the same extent~~
25 ~~established by RCW 29A.08.710 for other voter registration~~
26 ~~information))~~. For each cancellation, the county auditor shall keep a
27 current log and record the source of the information used to cancel a
28 voter's registration, the date the information was received, the date
29 and time of the cancellation, and the first and last name of the
30 election employee making the cancellation in the voter registration
31 database.

32 (2) Records of transfers of registrations under this title must
33 be preserved for at least 22 months for audit purposes, and in a
34 manner determined by the county auditor to ensure that canceled
35 registrations do not appear on the voter registration list until such
36 time as the voter is properly registered.

37 **Sec. 25.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to
38 read as follows:

1 The (~~secretary of state~~) state auditor shall inspect, evaluate,
2 and publicly test all voting systems or components of voting systems
3 that are submitted for review (~~under RCW 29A.12.030~~). The
4 (~~secretary of state~~) state auditor shall determine whether the
5 voting systems conform with all of the requirements of this title,
6 the applicable rules adopted in accordance with this title, and with
7 (~~generally accepted safety requirements~~) the most current version
8 of the best practices for securing election systems as established
9 and published by the federal cybersecurity and infrastructure
10 security agency. The state auditor must issue a report within 30 days
11 providing details of this review, that includes the state auditor's
12 findings and recommendations. The (~~secretary of state~~) state
13 auditor shall transmit a copy of the report of any examination under
14 this section, within thirty days after completing the examination, to
15 the secretary of state and the county auditor of each county.

16 NEW SECTION. Sec. 26. A new section is added to chapter 29A.12
17 RCW to read as follows:

18 The secretary of state and state auditor shall ensure that
19 election practices within the state adhere to the most current
20 version of the best practices for securing election systems as
21 established and published by the federal cybersecurity and
22 infrastructure security agency and to the state auditor's
23 recommendations. The state auditor must review and verify that these
24 published best practices have been used and these standards have been
25 properly met.

26 **Sec. 27.** RCW 29A.12.030 and 2003 c 111 s 303 are each amended to
27 read as follows:

28 The manufacturer or distributor of a voting system or component
29 of a voting system may submit that system or component to the
30 (~~secretary of state~~) state auditor for examination (~~under RCW~~
31 ~~29A.12.020~~)).

32 **Sec. 28.** RCW 29A.12.040 and 2003 c 111 s 304 are each amended to
33 read as follows:

34 (~~(1) The secretary of state may rely on the results of~~
35 ~~independent design, engineering, and performance evaluations in the~~
36 ~~examination under RCW 29A.12.020 if the source and scope of these~~
37 ~~independent evaluations are specified by rule.~~

1 ~~(2))~~ The ~~((secretary of state))~~ state auditor may contract with
2 experts in software, hardware, network, cybersecurity, mechanical, or
3 electrical engineering or data processing to assist in examining a
4 voting system or component. The manufacturer or distributor who has
5 submitted a voting system for testing ~~((under RCW 29A.12.030))~~ shall
6 pay the ~~((secretary of state))~~ state auditor a deposit to reimburse
7 the cost of any contract for consultation under this section and for
8 any other unrecoverable costs associated with the examination of a
9 voting system or component by the manufacturer or distributor who
10 submitted the voting system or component for examination.

11 **Sec. 29.** RCW 29A.12.070 and 2020 c 101 s 3 are each amended to
12 read as follows:

13 An agreement to purchase or lease a voting system or a component
14 of a voting system is subject to that system or component passing:

15 (1) An acceptance test sufficient to demonstrate that the
16 equipment is the same as that certified by the ~~((secretary of state))~~
17 state auditor and that the equipment is operating correctly as
18 delivered to the county; and

19 (2) A logic and accuracy test and vulnerability test conducted by
20 ~~((a))~~ an independent private sector vendor certified by the federal
21 ~~((or state public entity which includes participation by))~~
22 cybersecurity and infrastructure security agency, separate from the
23 manufacturer or distributor of the system being tested, with
24 participation by the state auditor and local elections officials.

25 **Sec. 30.** RCW 29A.12.080 and 2013 c 11 s 22 are each amended to
26 read as follows:

27 No voting device shall be approved by the ~~((secretary of state))~~
28 state auditor unless it passes a logic and accuracy test,
29 vulnerability test, and:

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

31 (2) Remains disconnected from the internet and other mechanisms
32 that could allow remote access to the voting systems or network;

33 (3) Permits the voter to vote for any person for any office and
34 upon any measure that he or she has the right to vote for;

35 ~~((3))~~ (4) Correctly registers all votes cast for any and all
36 persons and for or against any and all measures; and

37 ~~((4) Provides that a vote for more than one candidate cannot be~~
38 ~~cast by one single operation of the voting device or vote tally~~

1 ~~system except when voting for president and vice president of the~~
2 ~~United States; and~~

3 ~~(5) Except for functions or capabilities unique to this state,~~
4 ~~has)) (5) Has been tested and certified by an independent ((testing~~
5 ~~authority designated by the United States election assistance~~
6 ~~commission)) private sector vendor certified by the federal~~
7 ~~cybersecurity and infrastructure security agency separate from the~~
8 ~~manufacturer or distributor of the system being tested, with~~
9 ~~participation by the state auditor and local elections officials. A~~
10 ~~county auditor has the authority to conduct an additional test and~~
11 ~~certification of the voting devices by an independent third party and~~
12 ~~have the cost reimbursed by the secretary of state.~~

13 **Sec. 31.** RCW 29A.12.101 and 2006 c 207 s 3 are each amended to
14 read as follows:

15 (1) The ((secretary of state)) state auditor shall not approve a
16 vote tallying system unless it:

17 ~~((1))~~ (a) Correctly counts votes on ballots ((on which the
18 ~~proper number of votes have been marked for any office or issue));~~

19 ~~((2))~~ (b) Ignores votes marked for any office or issue where
20 more than the allowable number of votes have been marked, but
21 correctly counts the properly voted portions of the ballot;

22 ~~((3))~~ (c) Accumulates a count of the specific number of ballots
23 tallied for each precinct, total votes by candidate for each office,
24 and total votes for and against each issue of the ballot in that
25 precinct;

26 ~~((4))~~ (d) Produces precinct and cumulative totals in printed
27 form; and

28 ~~((5) Except for functions or capabilities unique to this state,~~
29 ~~has)) (e) Has been tested and certified by an independent ((testing~~
30 ~~authority designated by the United States election assistance~~
31 ~~commission)) private sector vendor certified by the federal~~
32 ~~cybersecurity and infrastructure security agency, separate from the~~
33 ~~manufacturer or distributor of the system being tested.~~

34 (2) The state auditor shall inspect, evaluate, and publicly test
35 all voting systems or components of voting systems that are submitted
36 for review. The state auditor shall determine whether the voting
37 systems conform with all of the requirements of this title, the
38 applicable rules adopted in accordance with this title, and with the
39 most current version of the best practices for securing election

1 systems as established and published by the federal cybersecurity and
2 infrastructure security agency.

3 **Sec. 32.** RCW 29A.12.130 and 2003 c 111 s 313 are each amended to
4 read as follows:

5 At least three days before each state primary or general
6 election, the office of the ~~((secretary of state))~~ state auditor
7 shall provide for the conduct of tests of the programming for each
8 vote tallying system to be used at that primary or general election.
9 The test must verify that the system will correctly count the vote
10 cast for all candidates and on all measures appearing on the ballot
11 at that primary or general election. The test shall verify the
12 capability of the vote tallying system to perform all of the
13 functions that can reasonably be expected to occur during conduct of
14 that particular primary or election. If any error is detected, the
15 cause shall be determined and corrected, and an errorless total
16 ~~((shall))~~ must be produced before the primary or election.

17 Such tests ~~((shall))~~ must be observed by at least ~~((one))~~ two
18 representatives from each major political party~~((, if representatives~~
19 ~~have been appointed by the respective major political parties and are~~
20 ~~present at the test,))~~ and ~~((shall))~~ must be open to candidates, the
21 press, and the public. The county auditor and any political party
22 observers shall certify that the test has been conducted in
23 accordance with this section. Copies of this certification shall be
24 retained by the secretary of state, the state auditor, and the county
25 auditor. All programming materials, test results, and test ballots
26 ~~((shall))~~ must be ~~((securely sealed until the day of the primary or~~
27 ~~general election))~~ made available for audit under section 2 of this
28 act.

29 **Sec. 33.** RCW 29A.12.140 and 2003 c 111 s 314 are each amended to
30 read as follows:

31 The ~~((secretary of state))~~ state auditor may publish recommended
32 procedures for the operation of the various vote tallying systems
33 that have been approved. These procedures allow the office of the
34 ~~((secretary of state))~~ state auditor to restrict or define the use of
35 approved systems in elections.

36 **Sec. 34.** RCW 29A.12.150 and 2013 c 11 s 24 are each amended to
37 read as follows:

1 The (~~secretary of state~~) state auditor shall not certify under
2 this title any voting device or machine for use in conducting a
3 primary or general or special election in this state unless the
4 device or machine correctly records on a separate ballot the votes
5 cast by each elector for any person and for or against any measure
6 and such separate ballots are available for audit purposes after such
7 a primary or election.

8 **Sec. 35.** RCW 29A.12.160 and 2011 c 10 s 25 are each amended to
9 read as follows:

10 (1) At each voting center, at least one voting unit certified by
11 the (~~secretary of state~~) state auditor shall provide access to
12 individuals who are blind or visually impaired.

13 (2) For purposes of this section, the following definitions
14 apply:

15 (a) "Accessible" includes receiving, using, selecting, and
16 manipulating voter data and controls.

17 (b) "Nonvisual" includes synthesized speech, Braille, and other
18 output methods.

19 (c) "Blind and visually impaired" excludes persons who are both
20 deaf and blind.

21 **Sec. 36.** RCW 29A.12.180 and 2018 c 218 s 6 are each amended to
22 read as follows:

23 (1) A manufacturer or distributor of a voting system or component
24 of a voting system that is certified by the (~~secretary of state~~
25 ~~under RCW 29A.12.020~~) state auditor shall disclose to the state
26 election audit board in the case of a general election, secretary of
27 state (~~and~~), state auditor, attorney general, and county auditors
28 of counties affected, any breach of the security of its system
29 immediately following discovery of the breach if:

30 (a) The breach has, or is reasonably likely to have, compromised
31 the security, confidentiality, or integrity of an election in (~~any~~)
32 the state or nation; or

33 (b) Personal information of residents in any state was, or is
34 reasonably believed to have been, acquired by an unauthorized person
35 as a result of the breach and the personal information was not
36 secured. For purposes of this subsection, "personal information" has
37 the meaning given in RCW 19.255.010.

1 (2) Notification under subsection (1) of this section must be
2 made in the most expedient time possible and without unreasonable
3 delay.

4 **Sec. 37.** RCW 29A.12.190 and 2018 c 218 s 7 are each amended to
5 read as follows:

6 (1) The (~~secretary of state~~) state auditor may decertify a
7 voting system or any component of a voting system and withdraw
8 authority for its future use or sale in the state if, at any time
9 after certification, the (~~secretary of state~~) state auditor
10 determines that:

11 (a) The system or component fails to meet the standards set forth
12 in applicable federal (~~guidelines~~) cybersecurity and infrastructure
13 security agency standards;

14 (b) The system or component was materially misrepresented in the
15 certification application;

16 (c) The applicant has installed unauthorized modifications to the
17 certified software or hardware; or

18 (d) (~~Any other reason authorized by rule adopted by the~~
19 ~~secretary of state~~) There is a legitimate concern that a system or
20 component would compromise the security of elections in the state.
21 The state auditor shall submit a written report of the concerns to
22 the state election audit board during a general election, secretary
23 of state, and county auditors of affected counties. The secretary of
24 state and state auditor shall post a working link to the state
25 auditor's report on their respective websites. The link must be
26 predominantly displayed on the top one-third of the website.

27 (2) The (~~secretary of state~~) state auditor may decertify a
28 voting system or any component of a voting system and withdraw
29 authority for its future use or sale in the state if the manufacturer
30 or distributor of the voting system or component thereof fails to
31 (~~comply with the notification requirements of RCW 29A.12.180~~)
32 notify the secretary of state and state auditor of any security
33 breach in accordance with the notification requirements in RCW
34 29A.12.180.

35 **Sec. 38.** RCW 29A.12.200 and 2020 c 101 s 2 are each amended to
36 read as follows:

37 (1) The secretary of state and state auditor must annually
38 consult with the (~~Washington state fusion center,~~) state chief

1 information officer(~~r~~) and each county auditor to identify
2 instances of security breaches of election systems or election data.

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

6 (3) By December 31st of each year, the state auditor with the
7 consultation of the secretary of state must submit a report to the
8 state election audit board for the general election of the current
9 year, governor, state chief information officer, (~~Washington state~~
10 ~~fusion center~~) and the chairs and ranking members of the
11 appropriate legislative committees from the senate and house of
12 representatives that includes information on any instances of
13 security breaches identified under subsection (1) of this section and
14 options to increase the security of the election systems and election
15 data, and to prevent future security breaches. The report, and any
16 related material, data, or information provided pursuant to
17 subsection (1) of this section or used to assemble the report, may
18 only be distributed to, or otherwise shared with, the individuals
19 specifically mentioned in this subsection (3), as well as county
20 auditors for audit purposes, and an independent private sector vendor
21 certified by the federal cybersecurity agency separate from the
22 manufacturer or distributor of the voting system being used in the
23 current election.

24 (4) For the purposes of this section:

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

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

31 NEW SECTION. Sec. 39. A new section is added to chapter 29A.04
32 RCW to read as follows:

33 Prior to working on any election, an election official, employee,
34 or volunteer must sign and date an oath as follows:

35 "I will help conduct the election and any election audit
36 honestly, truthfully, with good faith effort, and to the best of my
37 ability. I acknowledge that any intentional and knowing fraud
38 committed on my part is a gross misdemeanor and punishable under RCW
39 9A.20.021."

1 NEW SECTION. **Sec. 40.** A new section is added to chapter 29A.84
2 RCW to read as follows:

3 Unless otherwise specified under this chapter, an election
4 official, election employee, or election volunteer who knowingly and
5 intentionally uses his or her position to commit fraud is guilty of a
6 class C felony, punishable under RCW 9A.20.021.

7 **Sec. 41.** RCW 29A.36.111 and 2009 c 414 s 1 are each amended to
8 read as follows:

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

21 (~~(An elections [election] official may not enter into or~~
22 ~~extend any contract with a vendor if such contract may allow the~~
23 ~~vendor to acquire an ownership interest in any data pertaining to any~~
24 ~~voter, any voter's address, registration number, or history, or any~~
25 ~~ballot.)) All ballots, including replacement ballots, provisional
26 ballots, duplicated ballots, and paper records from voting devices to
27 be electronically or manually tabulated, must contain an official
28 watermark approved by the secretary of state and state auditor. A
29 ballot that is not the original ballot mailed to the voter must
30 include an official watermark that is visually distinct from the
31 watermark contained in original ballots. Ballots for overseas and
32 service voters must include an official watermark that is visually
33 distinct from the watermark contained in original ballots and
34 nonoriginal ballots, and must be visible on the ballot received by
35 the county. The watermark must be sufficient to prove that the ballot
36 is an official ballot and not a reproduction. The secretary of state
37 and the state auditor shall take measures to secure the software or
38 firmware used to store the electronic file of the watermark. Only~~

1 ballots containing the official watermark are valid and may be
2 counted.

3 **Sec. 42.** RCW 29A.60.235 and 2018 c 218 s 9 are each amended to
4 read as follows:

5 (1) The county auditor shall prepare at the time of certification
6 an election reconciliation report that discloses the following
7 information:

8 (a) The number of registered voters;

9 (b) The number of ballots issued;

10 (c) The number of ballots received;

11 (d) The number of ballots counted;

12 (e) The number of ballots rejected;

13 (f) The number of provisional ballots issued;

14 (g) The number of provisional ballots received;

15 (h) The number of provisional ballots counted;

16 (i) The number of provisional ballots rejected;

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

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

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

20 (m) The number of overseas and service ballots issued by mail,
21 email, website link, or facsimile;

22 (n) The number of overseas and service ballots received by mail,
23 email, or facsimile;

24 (o) The number of overseas and service ballots counted by mail,
25 email, or facsimile;

26 (p) The number of overseas and service ballots rejected by mail,
27 email, or facsimile;

28 (q) The number of nonoverseas and nonservice ballots sent by
29 email, website link, or facsimile;

30 (r) The number of nonoverseas and nonservice ballots received by
31 email or facsimile;

32 (s) The number of nonoverseas and nonservice ballots that were
33 rejected for:

34 (i) Failing to send an original or hard copy of the ballot by the
35 certification deadline; or

36 (ii) Any other reason, including the reason for rejection;

37 (t) The number of voters credited with voting;

38 (u) The number of replacement ballots requested;

39 (v) The number of replacement ballots issued;

1 (w) The number of replacement ballots received;
2 (x) The number of replacement ballots counted;
3 (y) The number of replacement ballots rejected; and
4 (z) Any other information the state auditor or (~~secretary of~~
5 ~~state~~) county auditor deems necessary to reconcile the number of
6 ballots counted with the number of voters credited with voting, and
7 to maintain an audit trail.

8 (2) The county auditor must make the report available to the
9 public at the auditor's office and must publish the report on the
10 auditor's website (~~at the time of certification~~) upon completion of
11 the report. The county auditor must submit the report in writing to
12 the secretary of state, state auditor, and state election audit board
13 for a general election, at the time of (~~certification in any form~~
14 ~~determined by the secretary of state~~) completion of the report.

15 (3) (a) The secretary of state, state auditor, and state election
16 audit board for a general election, must (~~collect~~) receive the
17 reconciliation reports from each county auditor (~~and~~). The
18 secretary of state must prepare a statewide reconciliation report for
19 each state primary and general election, which must be thoroughly
20 reviewed and reconciled using the county auditor reports for final
21 approval by the state auditor and, for a general election, the state
22 election audit board. The report may be produced in a form determined
23 by the (~~secretary~~) state auditor that includes the information as
24 described in this subsection (3). The report must be prepared and
25 published on the secretary of state's and the state auditor's website
26 (~~within two months after the last county's election results have~~
27 ~~been certified~~) immediately upon completion.

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

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

1 **Sec. 43.** RCW 29A.08.775 and 2011 c 10 s 19 are each amended to
2 read as follows:

3 Only voters who appear on the official (~~statewide~~) county voter
4 registration list are eligible to participate in elections. (~~Each~~
5 ~~county~~) The secretary of state shall maintain a copy of (~~that~~)
6 each county's (~~portion of the state list~~) official voter
7 registration list. The (~~county~~) secretary of state and state
8 auditor must ensure that voter registration data used for the
9 production, issuance, and processing of ballots in the administration
10 of each election are the same as the official (~~statewide~~) county
11 voter registration list.

12 **Sec. 44.** RCW 43.09.050 and 1992 c 118 s 6 are each amended to
13 read as follows:

14 The auditor shall:

15 (1) Except as otherwise specifically provided by law, audit the
16 accounts of all collectors of the revenue and other holders of public
17 money required by law to pay the same into the treasury;

18 (2) In his or her discretion, inspect the books of any person
19 charged with the receipt, safekeeping, and disbursement of public
20 moneys;

21 (3) Investigate improper governmental activity under chapter
22 42.40 RCW;

23 (4) Inform the attorney general in writing of the necessity for
24 the attorney general to direct prosecutions in the name of the state
25 for all official delinquencies in relation to the assessment,
26 collection, and payment of the revenue, against all persons who, by
27 any means, become possessed of public money or property, and fail to
28 pay over or deliver the same, and against all debtors of the state;

29 (5) Give information in writing to the legislature, whenever
30 required, upon any subject relating to the financial affairs of the
31 state, or touching any duties of his or her office;

32 (6) Report to the director of financial management in writing the
33 names of all persons who have received any moneys belonging to the
34 state, and have not accounted therefor;

35 (7) Authenticate with his or her official seal papers issued from
36 his or her office;

37 (8) Make his or her official report annually on or before the
38 31st of December; and

1 (9) Perform duties required under chapter . . . , Laws of 2022
2 (this act).

3 NEW SECTION. **Sec. 45.** The following acts or parts of acts
4 related to exempting election security information from public
5 records disclosure are each repealed:

6 (1) 2021 c 26 s 2 (uncodified) (making exemptions apply to
7 records requests already made but for which disclosure has not yet
8 occurred); and

9 (2) 2021 c 26 s 3 (uncodified) (emergency clause).

10 NEW SECTION. **Sec. 46.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of
12 the state government and its existing public institutions, and takes
13 effect immediately.

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