

SHB 2406 - H AMD 978

By Representatives Shea, Hudgins

ADOPTED 02/12/2018

1 On page 2, beginning on line 2, after "conduct" strike all
2 material through "methods:" on line 3 and insert "a random check of
3 the ballot counting equipment in accordance with RCW 29A.60.170, and
4 an audit of duplicated ballots. The audit of duplicated ballots must
5 involve a comparison of ballots duplicated under RCW 29A.60.125 to
6 the original ballot. The county canvassing board must establish
7 procedures for the auditing of duplicated ballots.

8 (2) In addition to the random check performed in subsection (1)
9 of this section, the county auditor may conduct an audit using one of
10 the following methods:"

11 Renumber the remaining subsections consecutively and correct any
12 internal references accordingly.

13 On page 2, beginning on line 26, after "(b)" strike all material
14 through "(c)" on line 28

15 Reletter the remaining subsections consecutively and correct any
16 internal references accordingly.

17 On page 4, line 16, after "party" insert "consistent with RCW
18 29A.40.100"

19 On page 4, beginning on line 22, after "equipment" strike all
20 material through "auditor" on line 24 and insert "((may)) must be
21 conducted ((upon mutual agreement of the political party observers or
22 at the discretion of the county auditor)) at least once per day that
23 incoming ballots are processed until the results are certified. The
24 first random check for each day must occur when the first set of
25 ballots are processed through the ballot counting equipment"

26 On page 4, line 30, after "involve" insert ", for each machine,"

27 On page 4, line 32, after "county" insert ", but not less than
28 one hundred ballots per random check. If there is not at least one

1 hundred ballots to randomly check for any given day, then a random
2 check must be conducted for all ballots processed for that day"

3 Beginning on page 4, line 36, after "board" strike all material
4 through "day" on page 5, line 6 and insert "~~((and the check must be~~
5 ~~completed no later than forty-eight hours after election day))~~". The
6 random check procedures must include a process, consistent with RCW
7 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for
8 expanding the audit to include additional ballots when a random check
9 conducted under this section results in a discrepancy. The procedure
10 must specify under what circumstances a discrepancy will lead to an
11 audit of additional ballots and the method to determine how many
12 additional ballots will be selected. Procedures adopted under RCW
13 29A.60.185 pertaining to investigations of any discrepancy found
14 during an audit must be followed"

15 On page 7, after line 7, insert the following:

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

18 County auditors must request that observers be appointed by the
19 major political parties to be present during the processing of
20 ballots at the counting center and other locations where incoming
21 ballots are handled or processed by election officials. County
22 auditors have discretion to also request that observers be appointed
23 by any campaigns or organizations. Appointed observers must be
24 allowed access to view each stage of processing of incoming ballots
25 including, but not limited to: Postelection audits conducted under
26 RCW 29A.60.185 and 29A.60.170, removal of ballots from drop boxes,
27 opening and sorting of ballots, signature verification, envelope
28 review, ballot review, scanning, tabulation, and adjudication
29 including duplication of ballots pursuant to RCW 29A.60.125. The
30 absence of the observers will not prevent the processing of ballots
31 if the county auditor has requested their presence.

32 "**Sec. 9.** RCW 29A.60.125 and 2005 c 243 s 10 are each amended to
33 read as follows:

34 If inspection of the ballot reveals a physically damaged ballot
35 or ballot that may be otherwise unreadable or uncountable by the
36 tabulating system, the county auditor may refer the ballot to the

1 county canvassing board or duplicate the ballot if so authorized by
2 the county canvassing board. The voter's original ballot may not be
3 altered. A ballot may be duplicated only if the intent of the voter's
4 marks on the ballot is clear and the electronic voting equipment
5 might not otherwise properly tally the ballot to reflect the intent
6 of the voter. Ballots must be duplicated by teams of two or more
7 people working together. When duplicating ballots, the county auditor
8 shall take the following steps to create and maintain an audit trail
9 of the action taken:

10 (1) Each original ballot and duplicate ballot must be assigned
11 the same unique control number, with the number being marked upon the
12 face of each ballot, to ensure that each duplicate ballot may be tied
13 back to the original ballot;

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

16 (a) The control number of each original ballot and the
17 corresponding duplicate ballot;

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

20 (c) The total number of ballots duplicated.

21 Original and duplicate ballots must be sealed in secure storage
22 at all times, except during duplication, inspection by the canvassing
23 board, ~~((~~o~~))~~ tabulation, or to conduct an audit under RCW
24 29A.60.185.

25 **Sec. 10.** RCW 29A.60.235 and 2017 c 300 s 1 are each amended to
26 read as follows:

27 (1) The county auditor shall prepare at the time of certification
28 an election reconciliation report that discloses the following
29 information:

30 (a) The number of registered voters;

31 (b) The number of ballots issued;

32 (c) The number of ballots received;

33 (d) The number of ballots counted;

34 (e) The number of ballots rejected;

35 (f) The number of provisional ballots issued;

36 (g) The number of provisional ballots received;

37 (h) The number of provisional ballots counted;

38 (i) The number of provisional ballots rejected;

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

- 1 (k) The number of federal write-in ballots counted;
- 2 (l) The number of federal write-in ballots rejected;
- 3 (m) The number of overseas and service ballots issued by mail,
4 email, web site link, or facsimile;
- 5 (n) The number of overseas and service ballots received by mail,
6 email, or facsimile;
- 7 (o) The number of overseas and service ballots counted by mail,
8 email, or facsimile;
- 9 (p) The number of overseas and service ballots rejected by mail,
10 email, or facsimile;
- 11 (q) The number of nonoverseas and nonservice ballots sent by
12 email, web site link, or facsimile;
- 13 (r) The number of nonoverseas and nonservice ballots received by
14 email or facsimile;
- 15 (s) The number of nonoverseas and nonservice ballots that were
16 rejected for:
- 17 (i) Failing to send an original or hard copy of the ballot by the
18 certification deadline; or
- 19 (ii) Any other reason, including the reason for rejection;
- 20 (t) The number of voters credited with voting; (~~and~~)
- 21 (u) The number of replacement ballots requested;
- 22 (v) The number of replacement ballots issued;
- 23 (w) The number of replacement ballots received;
- 24 (x) The number of replacement ballots counted;
- 25 (y) The number of replacement ballots rejected; and
- 26 (z) Any other information the auditor or secretary of state deems
27 necessary to reconcile the number of ballots counted with the number
28 of voters credited with voting, and to maintain an audit trail.
- 29 (2) The county auditor must make the report available to the
30 public at the auditor's office and must publish the report on the
31 auditor's web site at the time of certification. The county auditor
32 must submit the report to the secretary of state at the time of
33 certification in any form determined by the secretary of state.
- 34 (3)(a) The secretary of state must collect the reconciliation
35 reports from each county auditor and prepare a statewide
36 reconciliation report for each state primary and general election.
37 The report may be produced in a form determined by the secretary that
38 includes the information as described in this subsection (3). The
39 report must be prepared and published on the secretary of state's web

1 site within two months after the last county's election results have
2 been certified.

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

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

16 Correct the title.

EFFECT: (1) Eliminates the requirement that county auditors choose one of four audit options, and instead requires a random check of the ballot counting equipment each day, which includes a random check of at least 100 ballots per day.

(2) Authorizes county auditors to conduct the DRE audit, risk-limiting audit, and independent electronic audit in addition to the random check.

(3) Requires an audit of duplicated ballots prior to certification of the election, and expands the authorization to open sealed containers that store duplicated ballots for the purposes of an audit.

(4) Expands locations where political party observers must be allowed to observe the processing of ballots to include any location where incoming ballots are handled or processed, and provides examples of processes which must be accessible to observers for observation purposes.

(5) Requires the county auditor to include in its reconciliation report information about replacement ballots, and any other information necessary to maintain an audit trail.

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