

WAC 434-261-117 Conducting a risk-limiting audit. The audit board must locate and retrieve, or observe as county election staff locate and retrieve, each randomly selected ballot or VVPAT record from the appropriate storage container. The audit board must verify that the seals on the appropriate storage containers are those recorded on the applicable chain-of-custody logs.

(1) In counties conducting comparison audits, each randomly selected ballot must be examined and voter markings or choices in all contests must be reported using the RLA tool or other means specified by the secretary of state. The audit board may refer to the digital image of the audited ballot captured by the voting system in order to confirm it retrieved the correct ballot randomly selected for audit. The audit board must complete the audit of all ballots randomly selected for audit within four business days to allow time for additional ballots to be included if a discrepancy is identified in accordance with RCW 29A.60.185(3).

(2) In counties conducting ballot polling audits, the audit board must examine and report the voter markings or choices in only the target contest on each randomly selected ballot in a form approved by the secretary of state. The audit board may refer to the digital image of the audited ballot captured by the voting system in order to confirm it retrieved the correct ballot. The audit board must complete its reports of all ballots randomly within four business days to allow time for additional ballots to be included if a discrepancy is identified in accordance with RCW 29A.60.185(3).

(3) The audit board must interpret voter markings on ballots selected for audit in accordance with WAC 434-261-086. If the audit board members cannot unanimously agree on the voter's intent, they must indicate the inability to agree in the appropriate contest in the RLA tool's audit board user interface, or the ballot polling audit form approved by the secretary of state.

To the extent applicable, the secretary of state will compare the audit board's reports of the audited ballots to the corresponding CVRs and post the summary results of the comparison online. If there is a discrepancy that exceeds the risk limit, the RLA will continue until the risk limit for the target contests is met or until a full hand count results. If the county audit reports reflect that the risk limit has not been satisfied in a target contest, the secretary of state will randomly select additional ballots for audit using the same procedures described in WAC 434-261-116.

The formula used to determine if the risk limit has been satisfied will be maintained on file in the secretary of state's office.

The audit board must sign, date, and submit to the secretary of state a report of the results of the risk-limiting audit on the approved form within four business days. The report must include any discrepancies found.

The secretary of state will review the audit board's report and may direct the county auditor to conduct additional audit rounds, a random audit, a full hand count, or other action. The secretary of state may instruct the county to delay canvass until it completes any additional audit or other action.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-117, filed 12/18/18, effective 1/18/19.]