SUBSTITUTE HOUSE BILL 2614

State of Washington   **65th Legislature**   **2018 Regular Session**

By House State Government, Elections & Information Technology (originally sponsored by Representatives Bergquist, McDonald, Hudgins, and Wylie)

READ FIRST TIME 01/30/18.

1   AN ACT Relating to ballots returned electronically; amending RCW
2   29A.60.185; and reenacting and amending RCW 29A.40.110.

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

4   **Sec. 1.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
5   2011 c 10 s 41 are each reenacted and amended to read as follows:
6   (1) The opening and subsequent processing of return envelopes for
7   any primary or election may begin upon receipt. The tabulation of
8   absentee ballots must not commence until after 8:00 p.m. on the day
9   of the primary or election.
10   (2) All received return envelopes must be placed in secure
11 locations from the time of delivery to the county auditor until their
12 subsequent opening. After opening the return envelopes, the county
13 canvassing board shall place all of the ballots in secure storage
14 until processing. Ballots may be taken from the inner envelopes and
15 all the normal procedural steps may be performed to prepare these
16 ballots for tabulation.
17   (3) The canvassing board, or its designated representatives,
18 shall examine the postmark on the return envelope and signature on
19 the declaration before processing the ballot. The ballot must either
20 be received no later than 8:00 p.m. on the day of the primary or
21 election, or must be postmarked no later than the day of the primary

1   or election. All personnel assigned to verify signatures must receive
2   training on statewide standards for signature verification. Personnel
3   shall verify that the voter's signature on the ballot declaration is
4   the same as the signature of that voter in the registration files of
5   the county. Verification may be conducted by an automated
6   verification system approved by the secretary of state. A variation
7   between the signature of the voter on the ballot declaration and the
8   signature of that voter in the registration files due to the
9   substitution of initials or the use of common nicknames is permitted
10   so long as the surname and handwriting are clearly the same.

11   (4) If the postmark is missing or illegible, the date on the
12   ballot declaration to which the voter has attested determines the
13   validity, as to the time of voting, for that ballot. For overseas
14   voters and service voters, the date on the declaration to which the
15   voter has attested determines the validity, as to the time of voting,
16   for that ballot.

17   (a) Any overseas voter or service voter may return the signed
18   declaration and voted ballot by fax or email by 8:00 p.m. on the day
19   of the primary or election, and the county auditor must use
20   established procedures to maintain the secrecy of the ballot.

21   (b) For ballots returned electronically by a voter who is not an
22   overseas voter or service voter, the signed declaration must be
23   received no later than the day before the county canvassing board
24   certifies the election or primary results. Other than the deadline,
25   the auditor must process a signed declaration the same as for
26   completing an unsigned declaration, as provided under RCW 29A.60.165.

27   **Sec. 2.** RCW 29A.60.185 and 2005 c 242 s 5 are each amended to
28   read as follows:

29   (1) Prior to certification of the election as required by RCW
30   29A.60.190, the county auditor shall conduct an audit of results of
31   votes cast on the direct recording electronic voting devices used in
32   the county. This audit must be conducted by randomly selecting by lot
33   up to four percent of the direct recording electronic voting devices
34   or one direct recording electronic voting device, whichever is
35   greater, and, for each device, comparing the results recorded
36   electronically with the results recorded on paper. For purposes of
37   this audit, the results recorded on paper must be tabulated as
38   follows: On one-fourth of the devices selected for audit, the paper
39   records must be tabulated manually; on the remaining devices, the

paper records may be tabulated by a mechanical device determined by
the secretary of state to be capable of accurately reading the votes
cast and printed thereon and qualified for use in the state under
applicable state and federal laws. Three races or issues, randomly
selected by lot, must be audited on each device. This audit procedure
must be subject to observation by political party representatives if
representatives have been appointed and are present at the time of
the audit.

(2) Prior to certification of the election, for ballots returned
electronically, pursuant to RCW 29A.40.110, the county auditor shall
conduct an audit of such ballots if at least forty of such ballots
are returned by 8:00 p.m. on the day of the election.

(a) Upon providing notice to each voter, pursuant to RCW
29A.40.110, the auditor must randomly select twenty-five percent of
such voters and include in their notice a request for the voter to
return his or her original ballot along with the signed declaration.

(b) The auditor must analyze any original ballot returned no
later than one week before the county canvassing board certifies the
election or primary results, to ensure it matches the electronically
returned ballot. If the auditor finds that any electronically
returned ballot was manipulated, altered, or intercepted by another
person, then the auditor must request every voter who submitted an
electronic ballot, pursuant to RCW 29A.40.110, to return the original
ballot. The request must be made in the same manner as providing
notice to return the voter's signed declaration. The request must
clearly indicate that the failure to return the original ballot does
not affect the validity of that person's electronically submitted
ballot.

(c) The auditor must analyze each returned original ballot to
ensure it matches the electronically returned ballot. The auditor
must conduct the audit in a manner to ensure the secrecy of the vote
is maintained.

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