
HOUSE BILL 1785

State of Washington

65th Legislature

2017 Regular Session

By Representatives Hudgins, Dolan, and Jinkins

Read first time 01/30/17. Referred to Committee on State Govt,
Elections & IT.

1 AN ACT Relating to standardizing the administration of elections;
2 amending RCW 29A.36.111, 29A.60.235, and 29A.12.060; adding a new
3 section to chapter 29A.36 RCW; adding a new section to chapter 29A.40
4 RCW; adding a new section to chapter 29A.08 RCW; adding a new section
5 to chapter 29A.12 RCW; and creating a new section.

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

7 **PART I**
8 **BALLOT STANDARDS**

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

11 (1) The secretary of state, in conjunction with the Washington
12 state association of county auditors, shall develop a uniform ballot
13 format to be used by each county. The format must be implemented by
14 the year 2027, or upon replacement of vote tallying equipment,
15 whichever occurs first.

16 (2) Every ballot for a single combination of issues, offices, and
17 candidates shall be uniform within a precinct and shall identify the
18 type of primary or election, the county, and the date of the primary
19 or election, and the ballot or voting device shall contain
20 instructions on the proper method of recording a vote, including

1 write-in votes. Each position, together with the names of the
2 candidates for that office, shall be clearly separated from other
3 offices or positions in the same jurisdiction. The offices in each
4 jurisdiction shall be clearly separated from each other. No paper
5 ballot or ballot card may be marked by or at the direction of an
6 election official in any way that would permit the identification of
7 the person who voted that ballot.

8 ~~((+2))~~ (3) An ~~((elections [election]))~~ election official may not
9 enter into or extend any contract with a vendor if such contract may
10 allow the vendor to acquire an ownership interest in any data
11 pertaining to any voter, any voter's address, registration number, or
12 history, or any ballot.

13 (4) The secretary of state, in consultation with the department
14 of enterprise services and with county auditors, may develop a master
15 contract for vote tallying equipment for purchase by counties.

16 NEW SECTION. Sec. 2. A new section is added to chapter 29A.36
17 RCW to read as follows:

18 A county auditor or county council may establish an equipment
19 replacement fund that must be used explicitly to replace vote
20 tallying equipment. Only the county auditor may authorize
21 expenditures from the fund. Election billing charges must be
22 sufficient to fund the replacement of vote tallying equipment by the
23 year 2024.

24 **PART II**

25 **BALLOT DROP BOX STANDARDIZATION**

26 NEW SECTION. Sec. 3. A new section is added to chapter 29A.40
27 RCW to read as follows:

28 (1) Whereas more than half of the state's counties provide at
29 least one permanent ballot drop box for every fifteen thousand county
30 residents, the legislature intends to standardize this practice
31 across counties. Therefore, by November 1, 2017, the county auditor
32 of each county must ensure that a minimum of one permanent ballot
33 drop box for every fifteen thousand county residents is available for
34 the secure deposit of paper ballots. The auditor may round down to
35 the nearest fifteen thousand county residents when determining the
36 number of drop boxes needed.

1 (2) The county auditor may determine, in consultation with the
2 advisory committee established under RCW 29A.04.223(2), the location
3 of each ballot drop box within the county in order to maximize
4 accessibility for all county residents.

5 (3) County officials are encouraged to purchase permanent ballot
6 drop boxes produced or provided in whole or in part from class II
7 inmate work programs operated by the department of corrections as
8 identified in chapter 72.60 RCW.

9 (4) Permanent ballot drop boxes must comply with all applicable
10 state and federal requirements as adopted in rule by the secretary of
11 state.

12 **PART III**
13 **ELECTION RECONCILIATION REPORTS**

14 **Sec. 4.** RCW 29A.60.235 and 2011 c 10 s 62 are each amended to
15 read as follows:

16 (1) The county auditor shall prepare(~~(, make publicly available~~
17 ~~at the auditor's office or on the auditor's web site, and submit))~~ at
18 the time of certification an election reconciliation report that
19 discloses the following information:

- 20 ~~((1))~~ (a) The number of registered voters;
21 ~~((2))~~ (b) The number of ballots issued;
22 ~~((3))~~ (c) The number of ballots received;
23 ~~((4))~~ (d) The number of ballots counted;
24 ~~((5))~~ (e) The number of ballots rejected;
25 ~~((6))~~ (f) The number of provisional ballots issued;
26 ~~((7))~~ (g) The number of provisional ballots received;
27 ~~((8))~~ (h) The number of provisional ballots counted;
28 ~~((9))~~ (i) The number of provisional ballots rejected;
29 ~~((10))~~ (j) The number of federal write-in ballots received;
30 ~~((11))~~ (k) The number of federal write-in ballots counted;
31 ~~((12))~~ (l) The number of federal write-in ballots rejected;
32 ~~((13))~~ (m) The number of overseas and service ballots issued;
33 ~~((14))~~ (n) The number of overseas and service ballots received;
34 ~~((15))~~ (o) The number of overseas and service ballots counted;
35 ~~((16))~~ (p) The number of overseas and service ballots rejected;
36 ~~((17))~~ (q) The number of voters credited with voting; and

1 ((18)) (r) Any other information the auditor or secretary of
2 state deems necessary to reconcile the number of ballots counted with
3 the number of voters credited with voting.

4 (2) The county auditor must make the report available to the
5 public at the auditor's office and must publish the report on the
6 auditor's web site at the time of certification. The county auditor
7 must submit the report to the secretary of state at the time of
8 certification in any form determined by the secretary of state.

9 (3)(a) The secretary of state must collect the reconciliation
10 reports from each county auditor and prepare a statewide
11 reconciliation report for each state primary and general election.
12 The report may be produced in a form determined by the secretary that
13 includes the information as described in this subsection (3). The
14 report must be prepared and published on the secretary of state's web
15 site within two months after the last county's election results have
16 been certified.

17 (b) The state report must include a comparison among counties on
18 rates of votes received, counted, and rejected, including
19 provisional, write-in, and overseas ballots. The comparison
20 information may be in the form of rankings, percentages, or other
21 relevant quantifiable data that can be used to measure performance
22 and trends.

23 (c) The state report must also include an analysis of the data
24 that can be used to develop a better understanding of election
25 administration and policy. The analysis must combine data, as
26 available, over multiple years to provide broader comparisons and
27 trends regarding voter registration and turnout and ballot counting.
28 The analysis must incorporate national election statistics to the
29 extent such information is available.

30 **PART IV**
31 **VOTER REGISTRATION**

32 **NEW SECTION. Sec. 5.** A new section is added to chapter 29A.08
33 RCW to read as follows:

34 The secretary of state shall, in consultation with county
35 auditors, establish voter registration standards by which county
36 election officials must manage new and existing voter registrations.
37 The standards established under this section must be reviewed jointly

1 by the secretary and county auditors at least once every six years
2 and the secretary must update the standards accordingly.

3 NEW SECTION. **Sec. 6.** By September 1, 2017, the secretary of
4 state shall convene and facilitate a work group consisting of
5 appropriate stakeholders to review voter registration practices by
6 counties and develop strategies and recommendations for standardizing
7 those practices. The work group must adopt recommendations that seek
8 to maximize voter registration rates, minimize voter registration
9 rejections, reduce barriers to voter registration, reduce the number
10 of provisional ballots issued, increase public trust in the integrity
11 of the voter registration process, and enhance the state's
12 performance in nationally recognized election performance indicators.
13 The secretary of state must implement the work group's
14 recommendations by establishing requirements for voter registration
15 standards as described in section 5 of this act by January 1, 2018.

16 **PART V**

17 **VOTING SYSTEM REPLACEMENT STANDARDS**

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.12
19 RCW to read as follows:

20 (1) At least once every six years, the secretary of state must
21 conduct a comprehensive survey of voting systems in use in each
22 county. When conducting the survey, the secretary must collect at a
23 minimum the following information for each county:

24 (a) The age, expected lifespan, manufacturer, date of purchase,
25 original cost, and estimated replacement cost of each of the major
26 components of the county voting system;

27 (b) The county voting system manufacturer's recommended
28 maintenance schedule and a history of the major maintenance performed
29 on the voting system over the past six years;

30 (c) Whether the county plans to replace the system or components
31 of the system in the next six years and whether any local funds have
32 been identified for the replacement;

33 (d) An estimate of how widespread the use of the manufacturer's
34 voting system equipment is, both within Washington, and outside of
35 the state; and

36 (e) Any other information as determined by the secretary of
37 state.

1 (2) The secretary of state must complete and report the results
2 of the voting systems survey to the appropriate committees of the
3 legislature in accordance with RCW 43.01.036 by December 1, 2017, and
4 subsequently by December 1st every six years thereafter. The report:

5 (a) Must address each of the criteria established in subsection
6 (1) of this section;

7 (b) Must include a ranked list of voting equipment in use by each
8 county in order of equipment age;

9 (c) Must provide an analysis of any present or long-term security
10 risks associated with the voting system currently in use by counties;
11 and

12 (d) May include recommendations to the legislature regarding
13 county voting systems and practices.

14 (3) Beginning in December 2018, voting systems survey reports to
15 the legislature must include data on county compliance with voting
16 system standards established under RCW 29A.12.060.

17 **Sec. 8.** RCW 29A.12.060 and 2003 c 111 s 306 are each amended to
18 read as follows:

19 (1) By June 1, 2018, the secretary of state shall, in
20 consultation with county auditors, develop and publish mandatory
21 voting system maintenance and replacement standards. The standards
22 must include requirements for system component replacement based on
23 age and expected lifespan, and may include any other criteria
24 established by the secretary in rule. When developing the standards,
25 the secretary may consider best practices implemented in other
26 states, manufacturer recommendations, and any applicable federal
27 guidelines.

28 (2) The county auditor of a county in which voting systems are
29 used is responsible for the preparation, maintenance, and operation
30 of those systems and may employ and direct persons to perform some or
31 all of these functions. By June 1, 2027, each county must be in full
32 compliance with the voting system maintenance and replacement
33 standards published by the secretary of state.

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