Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

State Government & Tribal Relations Committee

HB 1745

Brief Description: Ensuring election integrity at the county level.

Sponsors: Representatives Chase and Walsh.

Brief Summary of Bill

- Requires independent post-certification audits of election results by manual hand count in a certain number of precincts of each county.
- Requires an audit of the 2024 general election in each county.

Hearing Date: 2/11/25

Staff: Connor Schiff (786-7093).

Background:

Prior to election certification, the county auditor must conduct a comparison of duplicated ballots to original ballots. The county auditor must also conduct an additional audit using at least one of the following methods:

- an audit of votes cast on direct recording electronic (DRE) voting devices if more than 10 votes were cast on DRE devices or other in-person ballot marking systems on any race in the county;
- a random check of ballot counting equipment comparing the electronic count of ballots to the machine count from the original ballot counting equipment, which must be conducted if requested by observers from both major political parties;
- a risk-limiting audit, which uses statistical principles and methods to determine, based on a random sampling of paper ballots, whether ballot counting equipment interpreted and

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tallied the results correctly within an acceptable probability (or risk limit); or
- any independent electronic audit of the original ballot counting equipment using an accurate and independent system approved by the Secretary of State.

There are two types of risk-limiting audits authorized in statute:
- a ballot comparison risk-limiting audit, in which the county auditor compares the voter markings on the ballot to the ballot-level cast vote record (CVR) produced by the ballot counting equipment until the prespecified risk limit is met; and
- a ballot polling risk-limiting audit, used in counties where the ballot counting equipment does not produce a ballot-level CVR, where the county auditor reports the markings on randomly selected ballots for a selected contest until the prespecified risk limit is met.

Summary of Bill:

Immediately after the certification of an election, an impartial, independent company must perform a statistically significant manual hand count of all physical ballots tabulated for that election in at least 12 precincts in a county. The chairpersons of the Democratic and Republican parties (chairpersons) of the county each choose six precincts to be audited. Additional precincts must be audited if the 12 selected precincts are less than 5 percent of the county's cast ballots. The chairpersons of the county select the races or ballot measures to be audited. The selected races and ballot measures are not required to be the same for each precinct. During the manual hand count, the voter markings on the ballots for the selected race or measure are compared to the results generated by the county's tabulation equipment for those same ballots. Public election observers are permitted to observe all parts of the auditing process.

Within 30 days of the effective date of the act, an audit of the 2024 general election must be performed in each county. For the audit of the 2024 general election, the independent auditing company for each county must be agreed upon by the chairpersons of the county. For subsequent election cycles, the chairpersons of a county are permitted to select different companies to perform audits of the county.

For each election, the independent company must submit a report to the Legislature about the audit findings and recommendations to improve ballot integrity by December 31 of the year of that election.

Appropriation: None.

Fiscal Note: Requested on February 3, 2025.

Effective Date: The bill contains an emergency clause and takes effect immediately.