

**WAC 434-261-116 Preparing for a risk-limiting audit.** (1) At least 45 days before a primary or election, a county intending to conduct a risk-limiting audit must notify the secretary of state. This notification must include information about the districts and offices to be included in the audit.

(2) After receiving notice from a county of the intent to conduct a risk-limiting audit and no later than 30 days before the primary or election, the secretary of state will establish and publish the risk limit(s) that will apply in risk-limiting audits for that election. The secretary of state may establish different risk limits for ballot comparison audits and ballot polling audits, and for audits of state-wide and county contests. In ballot comparison audits, the risk limit will not exceed five percent for statewide contests, and 10 percent for county contests.

(3) Observers are allowed in the same manner as RCW 29A.60.170 and WAC 434-261-020.

(4) The county must maintain an accurate ballot manifest in a form approved by the secretary of state and independent of the voting system.

(5) The county must secure and maintain in sealed ballot containers all tabulated ballots in the batches and order they are scanned. The county must maintain and document uninterrupted chain-of-custody for each ballot storage container.

(6) No later than the sixth day after election day, the county must pause or finish tabulating all ballots cast by voters registered in the county received and ready for counting. The results produced at this time constitute the unofficial results to be used in the risk-limiting audit. The county may, but is not required to, include in the unofficial results any provisional ballots that have been verified and accepted on or before the sixth day after election day. Immediately after producing the unofficial results, and to the extent permitted by its voting system, the county must also generate and preserve:

(a) An unofficial results report, showing overvotes, undervotes, and the number of valid write-in votes, if conducting a ballot polling audit; or

(b) A cast vote record export, if conducting a ballot comparison audit.

(7) Counties conducting a ballot comparison audit must verify that the number of individual cast vote records in its cast vote record export equals the aggregate number of ballot cards reflected in the county's ballot manifest at the time the unofficial results are produced.

(8) Copies of cast vote records used during the risk-limiting audit will be destroyed no later than 10 days following county certification.

(9) No later than 5:00 p.m. on the sixth day after election day, each county conducting a ballot comparison audit must submit as directed by the secretary of state:

(a) Its verified ballot manifest; and

(b) Its verified cast vote record export.

The secretary of state may direct counties to submit additional materials as required to conduct the risk-limiting audit.

(10) No later than 5:00 p.m. on the sixth day after election day, each county conducting a ballot polling audit must submit as directed by the secretary of state:

(a) Its verified ballot manifest; and

(b) Its unofficial results report, showing overvotes, undervotes, and the number of valid write-in votes.

The secretary of state may direct counties to submit additional materials as required to conduct the risk-limiting audit.

(11) The secretary of state will convene a public meeting on the seventh day after election day to establish a random seed for use with the risk-limiting audit tool's pseudorandom number generator.

The seed is a number consisting of at least 20 digits, and each digit will be selected in order by sequential rolls of a 10-sided die. The secretary of state will designate individuals to take turns rolling the die. The secretary of state will publish online the random seed after it is established.

(12) No later than 5:00 p.m. on the Friday after election day, the secretary of state will create a list of potential statewide contests using the criteria in (a) through (e) of this subsection, and then select by lot a statewide contest from that list. The secretary of state will also create for each county a list of potential contests wholly contained within that county using the criteria in (a) through (e) of this subsection, and select a contest by lot for each county from that list. These will be considered the target contests for the risk-limiting audit. The secretary of state will publish online a complete list of all target contests.

The secretary of state will consider at least the following factors in selecting the potential target contests:

- (a) Contests that contain two or more positions/candidates;
- (b) The geographical scope of the contests;
- (c) The number of ballots counted in the contests;
- (d) The closeness of the reported tabulation outcome of the contests; and
- (e) The ability of the county staff to complete the audit before the canvass deadline.

(13) In addition to the randomly selected contest(s) and in coordination with the secretary of state's office, counties may choose to conduct a risk-limiting audit of a congressional or legislative district if all counties represented by the district agree to participate.

(14) The risk-limiting audit tool will randomly select the individual ballots to audit. The risk-limiting audit tool will use a pseudorandom number generator with the seed established under this section to identify individual ballots as reflected in the county ballot manifests. No later than the seventh day after election day, the secretary of state will notify each county of the randomly selected ballots that each county must audit.

[Statutory Authority: RCW 29A.04.611. WSR 22-12-035, § 434-261-116, filed 5/25/22, effective 6/25/22; WSR 19-19-033, § 434-261-116, filed 9/11/19, effective 10/12/19. 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, § 434-261-116, filed 12/18/18, effective 1/18/19.]