

WSR 25-23-049

PROPOSED RULES

SECRETARY OF STATE

[Filed November 13, 2025, 10:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-06-065.

Title of Rule and Other Identifying Information: Random check of the ballot counting equipment.

Hearing Location(s): On January 8, 2026, at 10:30 a.m., at the Washington Secretary of State, Washington State Library, 6880 Capitol Boulevard S.E., Tumwater, WA 98501. When attending the hearing in person, enter the front lobby of the Washington State Library. You will be escorted to the conference room at 10:25 a.m. to be present when the hearing begins at 10:30 a.m. If you arrive after that time, there will be a staff member available in the lobby to escort you to the conference room.

Date of Intended Adoption: January 9, 2026.

Submit Written Comments to: Dave Piersma, P.O. Box 40229, Olympia, WA 98504, email dave.piersma@sos.wa.gov, fax 360-664-4619, beginning November 17, 2025, 8:00 a.m., by January 7, 2026, 5:00 p.m.

Assistance for Persons with Disabilities: Contact Dave Piersma, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, by January 7, 2026, 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making will establish procedures to expand a random check of the ballot counting equipment conducted under RCW 29A.60.170 to include additional ballots if a discrepancy is found.

Reasons Supporting Proposal: RCW 29A.60.185 requires the secretary of state to establish rules to implement and administer auditing methods within the statute.

Statutory Authority for Adoption: RCW 29A.04.611 and 29A.60.185.

Statute Being Implemented: RCW 29A.60.185.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stuart Holmes, Olympia, 360-902-4151.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Scope of exemption for rule proposal:

Is fully exempt.

November 14, 2025
Amanda Doyle
Chief of Staff

RDS-6297.2

AMENDATORY SECTION (Amending WSR 14-06-040, filed 2/26/14, effective 3/29/14)

WAC 434-261-108 Random check of ballot counting equipment. ((If a random check of up to six batches of ballots is conducted pursuant to RCW 29A.60.170 in a county that uses optical scan voting equipment, each batch must be tabulated on a different scanner if more than one scanner is used in the election. If there are more scanners used in the election than batches to be checked, then the scanners must be selected at random.)) When conducting a random check of ballot counting equipment, a county auditor must establish the number of counting boards.

(1) Each board shall be comprised of no less than two members, made up of:

(a) One representative from each of the two major political parties; or

(b) Two staff persons.

(2) Counting boards shall manually count each precinct or batch in the same manner as manual recounts, as described in WAC 434-264-110.