Z-0109.2

HOUSE BILL 1030

State of Washington   **69th Legislature**   **2025 Regular Session**

By Representative Low; by request of Secretary of State

Prefiled 12/10/24.

1   AN ACT Relating to the conduct of limited audits of counted
2 ballots during the election certification period; amending RCW
3 29A.60.125, 29A.60.185, 29A.60.170, and 29A.04.611; and adding new
4 sections to chapter 29A.60 RCW.

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

6   **Sec. 1.** RCW 29A.60.125 and 2018 c 218 s 8 are each amended to
7 read as follows:
8   (1) If inspection of the ballot reveals a physically damaged
9 ballot or ballot that may be otherwise unreadable or uncountable by
10 the tabulating system, the county auditor may refer the ballot to the
11 county canvassing board or duplicate the ballot if so authorized by
12 the county canvassing board. The voter's original ballot may not be
13 altered. A ballot may be duplicated only if the intent of the voter's
14 marks on the ballot is clear and the electronic voting equipment
15 might not otherwise properly tally the ballot to reflect the intent
16 of the voter. Ballots must be duplicated by teams of two or more
17 people working together. When duplicating ballots, the county auditor
18 shall take the following steps to create and maintain an audit trail
19 of the action taken:
20   (((1))) (a) Each original ballot and duplicate ballot must be
21 assigned the same unique control number, with the number being marked

upon the face of each ballot, to ensure that each duplicate ballot
may be tied back to the original ballot;

(((2))) (b) A log must be kept of the ballots duplicated, which
must at least include:

(((a))) (i) The control number of each original ballot and the
corresponding duplicate ballot;

(((b))) (ii) The initials of at least two people who participated
in the duplication of each ballot; and

(((c))) (iii) The total number of ballots duplicated((-)); and

(c) Original and duplicate ballots must be sealed in secure
storage at all times, except during duplication, inspection by the
canvassing board, tabulation, or to conduct an audit under RCW
29A.60.185.

(2) Prior to certification of the election as required by RCW
29A.60.190, the county auditor shall conduct an audit of ballots
duplicated under this section. The audit of duplicated ballots must
involve a comparison of the duplicated ballot to the original ballot.
The county canvassing board must establish procedures for auditing
duplicated ballots.

Sec. 2.   RCW 29A.60.185 and 2018 c 218 s 2 are each amended to
read as follows:

(((1) Prior to certification of the election as required by RCW
29A.60.190, the county auditor shall conduct an audit of duplicated
ballots in accordance with subsection (2) of this section, and an
audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording
electronic voting devices, or other in-person ballot marking systems,
used in the county if there are races or issues with more than ten
votes cast on all direct recording electronic voting devices or other
in-person ballot marking systems in the county. This audit must be
conducted by randomly selecting by lot up to four percent of the
direct recording electronic voting devices or other in-person ballot
marking systems, or one direct recording electronic voting device or
other in-person ballot marking system, whichever is greater, and, for
each device or system, comparing the results recorded electronically
with the results recorded on paper. For purposes of this audit, the
results recorded on paper must be tabulated as follows: On one-fourth
of the devices or systems selected for audit, the paper records must
be tabulated manually; on the remaining devices or systems, the paper

1 records may be tabulated by a mechanical device determined by the
2 secretary of state to be capable of accurately reading the votes cast
3 and printed thereon and qualified for use in the state under
4 applicable state and federal laws. Three races or issues, randomly
5 selected by lot, must be audited on each device or system. This audit
6 procedure must be subject to observation by political party
7 representatives if representatives have been appointed and are
8 present at the time of the audit. As used in this subsection, "in-
9 person ballot marking system" or "system" means an in-person ballot
10 marking system that retains or produces an electronic voting record
11 of each vote cast using the system;
12   (b) A random check of the ballot counting equipment consistent
13 with RCW 29A.60.170(3);
14   (c) A risk-limiting audit. A "risk-limiting audit" means an audit
15 protocol that makes use of statistical principles and methods and is
16 designed to limit the risk of certifying an incorrect election
17 outcome. The secretary of state shall:
18   (i) Set the risk limit. A "risk limit" means the largest
19 statistical probability that an incorrect reported tabulation outcome
20 is not detected in a risk-limiting audit;
21   (ii) Randomly select for audit at least one statewide contest,
22 and for each county at least one ballot contest other than the
23 selected statewide contest. The county auditor shall randomly select
24 a ballot contest for audit if in any particular election there is no
25 statewide contest; and
26   (iii) Establish procedures for implementation of risk-limiting
27 audits, including random selection of the audit sample, determination
28 of audit size, and procedures for a comparison risk-limiting audit
29 and ballot polling risk-limiting audit as defined in (c)(iii)(A) and
30 (B) of this subsection.
31   (A) In a comparison risk-limiting audit, the county auditor
32 compares the voter markings on randomly selected ballots to the
33 ballot-level cast vote record produced by the ballot counting
34 equipment.
35   (B) In a ballot polling risk-limiting audit, the county auditor
36 of a county using ballot counting equipment that does not produce
37 ballot-level cast vote records reports the voter markings on randomly
38 selected ballots until the prespecified risk limit is met; or
39   (d) An independent electronic audit of the original ballot
40 counting equipment used in the county. The county auditor may either

conduct an audit of all ballots cast, or limit the audit to three
precincts or six batches pursuant to procedures adopted under RCW
29A.60.170(3). This audit must be conducted using an independent
electronic audit system that is, at minimum:
       (i) Approved by the secretary of state;
       (ii) Completely independent from all voting systems, including
ballot counting equipment, that is used in the county;
       (iii) Distributed or manufactured by a vendor different from the
vendor that distributed or manufactured the original ballot counting
equipment; and
       (iv) Capable of demonstrating that it can verify and confirm the
accuracy of the original ballot counting equipment's reported
results.
       (2) Prior to certification of the election, the county auditor
must conduct an audit of ballots duplicated under RCW 29A.60.125. The
audit of duplicated ballots must involve a comparison of the
duplicated ballot to the original ballot. The county canvassing board
must establish procedures for the auditing of duplicated ballots.
       (3) For each audit method, the secretary of state must adopt
procedures for expanding the audit to include additional ballots when
an audit results in a discrepancy. The procedure must specify under
what circumstances a discrepancy will lead to an audit of additional
ballots, and the method to determine how many additional ballots will
be selected. The secretary of state shall adopt procedures to
investigate the cause of any discrepancy found during an audit.
       (4) The secretary of state must establish rules by January 1,
2019, to implement and administer the auditing methods in this
section, including facilitating public observation and reporting
requirements.)) Prior to certification of the election as required by
RCW 29A.60.190, the county auditor shall conduct an audit using at
minimum one of the following methods:
       (1) A limited hand-count audit of randomly selected precincts or
batches of ballots to confirm the results of the ballot counting
equipment consistent with section 3 of this act; or
       (2) A risk-limiting audit as defined in section 4 of this act.

       NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.60
RCW to read as follows:
       A limited hand-count of randomly selected precincts or batches of
ballots to confirm the accuracy of the ballot counting equipment may

be conducted at the discretion of the county auditor. If political
party observers are present, they must be permitted to observe the
limited hand-count audit.

(1) The county canvassing board must adopt procedures for the
limited hand-count audit consistent with rules adopted under RCW
29A.04.611, consistent with RCW 29A.64.021 concerning mandatory
recounts prior to the processing of ballots.

(2) The limited hand-count audit must involve a comparison of a
manual count of ballots to the results for the selected precincts or
batches recorded by the original ballot counting equipment. The audit
must include at least one precinct or two batches per ballot scanner
depending on the ballot counting procedures in place in the county.
More precincts or batches can be selected at the discretion of the
county auditor. The hand-count audit is limited to one office or
issue on the ballots in the precincts or batches that are selected
for the audit. The selection of the precincts or batches to be
audited must be randomly selected according to procedures established
by the county canvassing board.

(3) The limited hand-count procedures adopted pursuant to
subsection (1) of this section must include a process, consistent
with rules adopted under RCW 29A.04.611, for expanding the audit to
include additional ballots when a random check conducted under this
section results in an unresolvable discrepancy. The procedure must
specify under what circumstances a discrepancy will lead to an audit
of additional ballots and the method to determine how many additional
ballots will be selected. The manual tally process must be completed
no later than 72 hours after election day.

(4) The results of the limited hand-count audit must be reported
to the secretary of state within three business days of completion.

NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.60
RCW to read as follows:

(1) At the discretion of the county auditor, or secretary of
state, audits may be conducted to confirm the outcome of an election
employing a defined "risk limit." The risk-limiting audit confirms
that the election outcome reported by the ballot counting system is
correct to a desired confidence level. The risk limit must be defined
in rule by the secretary of state using best available standards and
statistical analysis.

(2) The definitions in this subsection apply throughout this section, section 5 of this act, and RCW 29A.04.611 unless the context clearly requires otherwise.

(a) "Ballot comparison risk-limiting audit" is the comparison of voter markings on randomly selected ballots with the ballot-level cast vote record produced by the ballot counting equipment until the prespecified risk limit is met.

(b) "Ballot polling risk-limiting audit" involves the selection of a random sample of ballots for hand counting for a selected contest. The voter markings on randomly selected ballots are examined and reported until the sample meets the prespecified risk limit.

(c) "Batch comparison risk-limiting audit" involves the selection of a random sample of batches of ballots for hand counting for a selected contest. The voter markings on all ballots in the randomly selected batches are examined and reported until the sample meets the prespecified risk limit.

(d) "Cast vote record" means a physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election. Cast vote records must be treated in the same manner as voted physical ballots and must be securely handled and stored with the same privacy and security as voted physical ballots and are not subject to public disclosure.

(e) "Risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected by a risk-limiting audit.

(f) "Risk-limiting audit" means an audit protocol that uses statistical principles and methods and is intended to limit the risk of certifying an incorrect election outcome.

(3) A county conducting a risk-limiting audit must use software or processes approved by the secretary of state and independent of the voting system used by the county.

NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.60 RCW to read as follows:

(1) At such time that the ballot counting systems in all counties are capable of conducting a ballot comparison risk-limiting audit, the secretary of state may choose to conduct a ballot comparison risk-limiting audit on an issue or office that files with the secretary of state under RCW 29A.24.070 or chapter 29A.72 RCW.

(2) A state risk-limiting audit must be conducted in a manner consistent with rules adopted under RCW 29A.04.611. The secretary of state shall:

(a) Coordinate the reporting and compilation of results from the counties; and

(b) Report the results of the audit.

(3) For each county employing a ballot counting system capable of conducting a comparison risk-limiting audit, at the county auditor's discretion, the county auditor may randomly select at least one ballot contest contained within that county to perform a comparison risk-limiting audit. The audit must be conducted in a manner consistent with rules adopted under RCW 29A.04.611.

(4) In addition to the randomly selected contest or contests and in coordination with the secretary of state's office, counties may choose to conduct a risk-limiting audit of a shared district if all counties represented by the district agree to participate. The audit must be conducted in a manner consistent with rules adopted under RCW 29A.04.611.

Sec. 6. RCW 29A.60.170 and 2018 c 218 s 3 are each amended to read as follows:

(1) At least ((twenty-eight)) 28 days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

1   ((~~(3) A random check of the ballot counting equipment must be~~
 2   ~~conducted upon mutual agreement of the political party observers or~~
 3   ~~at the discretion of the county auditor. The random check procedures~~
 4   ~~must be adopted by the county canvassing board, and consistent with~~
 5   ~~rules adopted under RCW 29A.60.185(4), prior to the processing of~~
 6   ~~ballots. The random check process shall involve a comparison of a~~
 7   ~~manual count or electronic count if an audit under RCW~~
 8   ~~29A.60.185(1)(d) is conducted to the machine count from the original~~
 9   ~~ballot counting equipment and may involve up to either three~~
10   ~~precincts or six batches depending on the ballot counting procedures~~
11   ~~in place in the county. The random check will be limited to one~~
12   ~~office or issue on the ballots in the precincts or batches that are~~
13   ~~selected for the check. The selection of the precincts or batches to~~
14   ~~be checked must be selected according to procedures established by~~
15   ~~the county canvassing board. The random check procedures must include~~
16   ~~a process, consistent with RCW 29A.60.185(3) and rules adopted under~~
17   ~~RCW 29A.60.185(4), for expanding the audit to include additional~~
18   ~~ballots when a random check conducted under this section results in a~~
19   ~~discrepancy. The procedure must specify under what circumstances a~~
20   ~~discrepancy will lead to an audit of additional ballots and the~~
21   ~~method to determine how many additional ballots will be selected.~~
22   ~~Procedures adopted under RCW 29A.60.185 pertaining to investigations~~
23   ~~of any discrepancy found during an audit must be followed. The check~~
24   ~~must be completed no later than forty-eight hours after election day.~~
25   ~~(4)(a) By November 1, 2018, the secretary of state shall:~~
26   ~~(i) For each county, survey all random check procedures adopted~~
27   ~~by the county canvassing board under subsection (3) of this section;~~
28   ~~and~~
29   ~~(ii) Evaluate the procedures to identify the best practices and~~
30   ~~any discrepancies.~~
31   ~~(b) By December 15, 2018, the secretary of state shall submit a~~
32   ~~report, in compliance with RCW 43.01.036, to the appropriate~~
33   ~~committees of the legislature that provides recommendations, based on~~
34   ~~the evaluation performed under (a) of this subsection, for adopting~~
35   ~~best practices and uniform procedures.~~))

36   **Sec. 7.** RCW 29A.04.611 and 2023 c 466 s 32 are each amended to
37   read as follows:
38   The secretary of state as chief election officer shall make
39   reasonable rules in accordance with chapter 34.05 RCW not

1 inconsistent with the federal and state election laws to effectuate
2 any provision of this title and to facilitate the execution of its
3 provisions in an orderly, timely, and uniform manner relating to any
4 federal, state, county, city, town, and district elections. To that
5 end the secretary shall assist local election officers by devising
6 uniform forms and procedures.
7   In addition to the rule-making authority granted otherwise by
8 this section, the secretary of state shall make rules governing the
9 following provisions:
10   (1) The maintenance of voter registration records;
11   (2) The preparation, maintenance, distribution, review, and
12 filing of precinct maps;
13   (3) Standards for the design, layout, and production of ballots;
14   (4) The examination ((and)), testing, approval, and certification
15 of voting systems and vote tallying software for ((certification))
16 use in all elections;
17   (5) The source and scope of independent evaluations of voting
18 systems that may be relied upon in certifying voting systems for use
19 in this state;
20   (6) Standards and procedures for the acceptance testing of voting
21 systems by counties;
22   (7) Standards and procedures for testing the programming of vote
23 tallying software for specific primaries and elections;
24   (8) Standards and procedures for the preparation and use of each
25 type of certified voting system including procedures for the
26 operation of counting centers where vote tallying systems are used;
27   (9) Standards and procedures to ensure the accurate tabulation
28 and canvassing of ballots;
29   (10) Standards and procedures for each postelection audit method
30 including procedures for:
31   (a) Random selection of an audit sample;
32   (b) Determination of audit size;
33   (c) Comparison risk-limiting audits;
34   (d) Ballot polling risk-limiting audits;
35   (e) Batch risk-limiting audits;
36   (f) Conduct of a limited hand-count audit;
37   (g) Selecting the contest to be audited for state and county;
38   (h) Expanding an audit to include additional ballots if audit
39 results show a discrepancy, including thresholds for auditing
40 additional ballots; and

1 (i) The method to determine how many additional ballots will be
2 selected in an audit expanded under (h) of this subsection;
3 (11) Standards and procedures for investigating the cause of any
4 discrepancy found during a postelection audit;
5 (12) Consistency among the counties of the state in the
6 preparation of ballots, the operation of vote tallying systems, and
7 the canvassing of primaries and elections;
8 (((11))) (13) Procedures to ensure the secrecy of a voter's
9 ballot when a small number of ballots are counted, including the
10 aggregation of precinct results if reporting the results of a single
11 precinct could jeopardize the secrecy of a person's ballot;
12 (((12))) (14) The use of substitute devices or means of voting
13 when a voting device is found to be defective, the counting of votes
14 cast on the defective device, the counting of votes cast on the
15 substitute device, and the documentation that must be submitted to
16 the county auditor regarding such circumstances;
17 (((13))) (15) Procedures for the transportation of sealed
18 containers of voted ballots or sealed voting devices;
19 (((14))) (16) The acceptance and filing of documents via
20 electronic transmission;
21 (((15))) (17) Voter registration applications and records;
22 (((16))) (18) The use of voter registration information in the
23 conduct of elections;
24 (((17))) (19) The coordination, delivery, and processing of voter
25 registration records accepted by driver licensing agents or the
26 department of licensing;
27 (((18))) (20) The coordination, delivery, and processing of voter
28 registration records accepted by agencies designated by the governor
29 to provide voter registration services;
30 (((19))) (21) Procedures to receive and distribute voter
31 registration applications by mail;
32 (((20))) (22) Procedures for a voter to change his or her voter
33 registration address within a county by telephone;
34 (((21))) (23) Procedures for a voter to change the name under
35 which he or she is registered to vote;
36 (((22))) (24) Procedures for canceling dual voter registration
37 records and for maintaining records of persons whose voter
38 registrations have been canceled;

1 ((~~(23)~~)) (25) Procedures for the electronic transfer of voter
2 registration records between county auditors and the office of the
3 secretary of state;
4 ((~~(24)~~)) (26) Procedures and forms related to automatic voter
5 registration;
6 ((~~(25)~~)) (27) Procedures and forms for declarations of candidacy;
7 ((~~(26)~~)) (28) Procedures and requirements for the acceptance and
8 filing of declarations of candidacy by electronic means;
9 ((~~(27)~~)) (29) Procedures for the circumstance in which two or
10 more candidates have a name similar in sound or spelling so as to
11 cause confusion for the voter;
12 ((~~(28)~~)) (30) Filing for office;
13 ((~~(29)~~)) (31) The order of positions and offices on a ballot;
14 ((~~(30)~~)) (32) Sample ballots;
15 ((~~(31) Independent evaluations of voting systems and the testing,~~
16 ~~approval, and certification of voting systems;~~
17 ~~(32) The testing of vote tallying software programming;~~))
18 (33) Standards and procedures to prevent fraud and to facilitate
19 the accurate processing and canvassing of ballots, including
20 standards for the approval and implementation of hardware and
21 software for automated signature verification systems;
22 (34) Standards and procedures to guarantee the secrecy of
23 ballots;
24 (35) Uniformity among the counties of the state in the conduct of
25 elections;
26 (36) Standards and procedures to accommodate overseas voters and
27 service voters;
28 (37) The tabulation of paper ballots;
29 (38) The accessibility of voting centers;
30 (39) ((~~The aggregation of precinct results if reporting the~~
31 ~~results of a single precinct could jeopardize the secrecy of a~~
32 ~~person's ballot;~~
33 ~~(40)~~)) Procedures for conducting a statutory recount;
34 (40) Procedures for resolving discrepancies between results
35 produced by a ballot counting system and results of a risk-limiting
36 audit during a risk-limiting audit, and next steps in the case of a
37 failed audit;
38 (41) Procedures for filling vacancies in congressional offices if
39 the general statutory time requirements for availability of ballots,
40 certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting on accessible voting devices;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on ballot declarations.

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