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HOUSE BILL 1708

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State of Washington

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2023 Regular Session

By Representatives Volz, Abbarno, Walsh, Schmidt, Schmick, Corry, Couture, Hutchins, Harris, Dent, Low, Klicker, Cheney, McClintock, and Chambers

1 AN ACT Relating to requiring each ballot to have a unique serial  
2 number that permits a voter to view their voted ballot through an  
3 online portal; amending RCW 29A.40.091, 29A.40.130, and 42.56.420;  
4 and adding a new section to chapter 29A.40 RCW.

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

6 **Sec. 1.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to  
7 read as follows:

8 (1) The county auditor shall send each voter a ballot, a security  
9 envelope in which to conceal the ballot after voting, a larger  
10 envelope in which to return the security envelope, a declaration that  
11 the voter must sign, and instructions on how to obtain information  
12 about the election, how to mark the ballot, and how to return the  
13 ballot to the county auditor. The calendar date of the election must  
14 be prominently displayed in bold type, twenty-point font or larger,  
15 on the envelope sent to the voter containing the ballot and other  
16 materials listed in this subsection((÷

17 ~~(a) For all general elections in 2020 and after;~~

18 ~~(b) For all primary elections in 2021 and after; and~~

19 ~~(c) For all elections in 2022 and after)).~~

20 (2) The ballot must be imprinted with a 16-digit serial number  
21 that is unique to each voter in each election, and it must be

1 accompanied by a detachable copy of the number for the voter to keep.  
2 The county auditor may not retain any documentation that connects the  
3 serial number to a particular voter's identity.

4 (3) The voter must swear under penalty of perjury that he or she  
5 meets the qualifications to vote, and has not voted in any other  
6 jurisdiction at this election. The declaration must clearly inform  
7 the voter that it is illegal to vote if he or she is not a United  
8 States citizen; it is illegal to vote if he or she is serving a  
9 sentence of total confinement under the jurisdiction of the  
10 department of corrections for a felony conviction or is currently  
11 incarcerated for a federal or out-of-state felony conviction; and it  
12 is illegal to cast a ballot or sign a ballot declaration on behalf of  
13 another voter. The ballot materials must provide space for the voter  
14 to sign the declaration, indicate the date on which the ballot was  
15 voted, and include a telephone number.

16 ~~((3))~~ (4) For overseas and service voters, the signed  
17 declaration constitutes the equivalent of a voter registration.  
18 Return envelopes for overseas and service voters must enable the  
19 ballot to be returned postage free if mailed through the United  
20 States postal service, United States armed forces postal service, or  
21 the postal service of a United States foreign embassy under 39 U.S.C.  
22 3406.

23 ~~((4))~~ (5) The voter must be instructed to either return the  
24 ballot to the county auditor no later than 8:00 p.m. the day of the  
25 election or primary, or mail the ballot to the county auditor with a  
26 postmark no later than the day of the election or primary. Return  
27 envelopes for all election ballots must include prepaid postage.  
28 Service and overseas voters must be provided with instructions and a  
29 privacy sheet for returning the ballot and signed declaration by fax  
30 or email. A voted ballot and signed declaration returned by fax or  
31 email must be received by 8:00 p.m. on the day of the election or  
32 primary.

33 ~~((5))~~ (6) The county auditor's name may not appear on the  
34 security envelope, the return envelope, or on any voting instructions  
35 or materials included with the ballot if he or she is a candidate for  
36 office during the same year.

37 ~~((6))~~ (7) For purposes of this section, "prepaid postage" means  
38 any method of return postage paid by the county or state.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 29A.40  
2    RCW to read as follows:

3        The secretary of state must create an online portal in which  
4    voters can input the serial number associated with their ballot in  
5    order to view an electronic record of all the votes cast on their  
6    ballot.

7        **Sec. 3.**    RCW 29A.40.130 and 2011 c 10 s 42 are each amended to  
8    read as follows:

9        (1) Each county auditor shall maintain in his or her office, open  
10    for public inspection, a record of all voters issued a ballot and all  
11    voters who returned a ballot. For each primary, special election, or  
12    general election, any political party, committee, or person may  
13    request a list of all registered voters who have or have not voted.  
14    Such requests shall be handled as public records requests pursuant to  
15    chapter 42.56 RCW.

16        (2) Within 30 days after a primary, special election, or general  
17    election, each county auditor must scan and upload a copy of each  
18    voted ballot into the online portal created by the secretary of state  
19    under section 2 of this act.

20        **Sec. 4.**    RCW 42.56.420 and 2022 c 140 s 1 are each amended to  
21    read as follows:

22        The following information relating to security is exempt from  
23    disclosure under this chapter:

24        (1) Those portions of records assembled, prepared, or maintained  
25    to prevent, mitigate, or respond to criminal terrorist acts, which  
26    are acts that significantly disrupt the conduct of government or of  
27    the general civilian population of the state or the United States and  
28    that manifest an extreme indifference to human life, the public  
29    disclosure of which would have a substantial likelihood of  
30    threatening public safety, consisting of:

31        (a) Specific and unique vulnerability assessments or specific and  
32    unique response or deployment plans, including compiled underlying  
33    data collected in preparation of or essential to the assessments, or  
34    to the response or deployment plans; and

35        (b) Records not subject to public disclosure under federal law  
36    that are shared by federal or international agencies, and information  
37    prepared from national security briefings provided to state or local

1 government officials related to domestic preparedness for acts of  
2 terrorism;

3 (2) Those portions of records containing specific and unique  
4 vulnerability assessments or specific and unique emergency and escape  
5 response plans at a city, county, or state adult or juvenile  
6 correctional facility, or secure facility for persons civilly  
7 confined under chapter 71.09 RCW, the public disclosure of which  
8 would have a substantial likelihood of threatening the security of a  
9 city, county, or state adult or juvenile correctional facility,  
10 secure facility for persons civilly confined under chapter 71.09 RCW,  
11 or any individual's safety;

12 (3) Information compiled by school districts or schools in the  
13 development of their comprehensive safe school plans under RCW  
14 28A.320.125, to the extent that they identify specific  
15 vulnerabilities of school districts and each individual school;

16 (4) Information regarding the public and private infrastructure  
17 and security of computer and telecommunications networks, consisting  
18 of security passwords, security access codes and programs, access  
19 codes for secure software applications, security and service recovery  
20 plans, security risk assessments, and security test results to the  
21 extent that they identify specific system vulnerabilities, and other  
22 such information the release of which may increase risk to the  
23 confidentiality, integrity, or availability of security, information  
24 technology infrastructure, or assets;

25 (5) The system security and emergency preparedness plan required  
26 under RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170,  
27 and 81.112.180;

28 (6) Personally identifiable information of employees, and other  
29 security information, of a private cloud service provider that has  
30 entered into a criminal justice information services agreement as  
31 contemplated by the United States department of justice criminal  
32 justice information services security policy, as authorized by 28  
33 C.F.R. Part 20; and

34 (7)(a) In addition to the information in subsection (4) of this  
35 section, the following related to election security:

36 (i) The continuity of operations plan for election operations and  
37 any security audits, security risk assessments, or security test  
38 results, relating to physical security or cybersecurity of election  
39 operations or infrastructure. These records are exempt from  
40 disclosure in their entirety;

1 (ii) Those portions of records containing information about  
2 election infrastructure, election security, or potential threats to  
3 election security, the public disclosure of which may increase risk  
4 to the integrity of election operations or infrastructure; (~~and~~)

5 (iii) Voter signatures on ballot return envelopes, ballot  
6 declarations, and signature correction forms, including the original  
7 documents, copies, and electronic images; and a voter's phone number  
8 and email address contained on ballot return envelopes, ballot  
9 declarations, or signature correction forms. The secretary of state,  
10 by rule, may authorize in-person inspection of unredacted ballot  
11 return envelopes, ballot declarations, and signature correction forms  
12 in accordance with RCW 29A.04.260;

13 (iv) Any information or documents related to the development,  
14 maintenance, and administration of the portal established in section  
15 2 of this act; and

16 (v) Any data that has been uploaded to the portal established in  
17 section 2 of this act.

18 (b) The exemptions specified in (a) of this subsection do not  
19 include information or records pertaining to security breaches,  
20 except as prohibited from disclosure pursuant to RCW 29A.12.200.

21 (c) The exemptions specified in (a) of this subsection do not  
22 prohibit an audit authorized or required under Title 29A RCW from  
23 being conducted.

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