

RCW 29A.60.185 Audit of results. (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 records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c)(iii)(A) and (B) of this subsection.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot 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. [2018 c 218 s 2; 2005 c 242 s 5.]

Intent—2018 c 218: "It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process." [2018 c 218 s 1.]