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HOUSE BILL 1823

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Appleton, Hudgins, and Dolan

1 AN ACT Relating to the disclosure of electronic ballot images;  
2 amending RCW 29A.04.008; adding a new section to chapter 29A.60 RCW;  
3 and adding new sections to chapter 29A.04 RCW.

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

5 **Sec. 1.** RCW 29A.04.008 and 2013 c 11 s 1 are each amended to  
6 read as follows:

7 As used in this title:

8 (1) "Ballot" means, as the context implies, either:

9 (a) The issues and offices to be voted upon in a jurisdiction or  
10 portion of a jurisdiction at a particular primary, general election,  
11 or special election;

12 (b) A facsimile of the contents of a particular ballot whether  
13 printed on a paper ballot or ballot card or as part of a voting  
14 machine or voting device, except a cast vote record and a voted  
15 ballot image as defined in sections 3 and 4 of this act;

16 (c) A physical or electronic record of the choices of an  
17 individual voter in a particular primary, general election, or  
18 special election, except a cast vote record and a voted ballot image  
19 as defined in sections 3 and 4 of this act; or

20 (d) The physical document on which the voter's choices are to be  
21 recorded;

1 (2) "Paper ballot" means a piece of paper on which the ballot for  
2 a particular election or primary has been printed, on which a voter  
3 may record his or her choices for any candidate or for or against any  
4 measure, and that is to be tabulated manually;

5 (3) "Ballot card" means any type of card or piece of paper of any  
6 size on which a voter may record his or her choices for any candidate  
7 and for or against any measure and that is to be tabulated on a vote  
8 tallying system;

9 (4) "Sample ballot" means a printed facsimile of all the issues  
10 and offices on the ballot in a jurisdiction and is intended to give  
11 voters notice of the issues, offices, and candidates that are to be  
12 voted on at a particular primary, general election, or special  
13 election;

14 (5) "Provisional ballot" means a ballot issued to a voter who  
15 would otherwise be denied an opportunity to vote a regular ballot,  
16 for any reason authorized by the Help America Vote Act, including but  
17 not limited to the following:

18 (a) The voter's name does not appear in the list of registered  
19 voters for the county;

20 (b) There is an indication in the voter registration system that  
21 the voter has already voted in that primary, special election, or  
22 general election, but the voter wishes to vote again;

23 (c) There is a question on the part of the voter concerning the  
24 issues or candidates on which the voter is qualified to vote;

25 (d) Any other reason allowed by law.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.60  
27 RCW to read as follows:

28 (1) After the time for recounts under chapter 29A.64 RCW and when  
29 there are no pending recounts, a cast vote record and any voted  
30 ballot image of tabulated ballots that are electronically captured  
31 during ballot counting are available for public inspection, except as  
32 provided in subsection (2) of this section. Voted ballot images or  
33 the record of a voter's choices contained in a cast vote record are  
34 not available for public inspection where there are less than ten  
35 instances of the corresponding ballot design.

36 (2) Cast vote records and voted ballot images that contain  
37 personally identifiable information, or distinguishing or identifying  
38 marks that compromise a voter's identity, are exempt from public  
39 inspection except:

1           (a)    When the personally identifiable information, or  
2 distinguishing or identifying mark can be redacted; or  
3           (b) By court order after finding that a voter's right to absolute  
4 secrecy of their vote would not be violated.  
5           (3) Public inspection of cast vote records and voted ballot  
6 images under this section does not include availability for copying.  
7           (4) Ballots remain subject to restrictions under RCW 29A.60.110  
8 and 29A.60.125.  
9           (5) "Cast vote record" and "voted ballot image" have the same  
10 meaning as defined in sections 3 and 4 of this act.

11           NEW SECTION.   **Sec. 3.** A new section is added to chapter 29A.04  
12 RCW to read as follows:

13           "Voted ballot image" means an identical digital image of the  
14 paper ballot or ballot card.

15           NEW SECTION.   **Sec. 4.** A new section is added to chapter 29A.04  
16 RCW to read as follows:

17           "Cast vote record" means a data file of how the tabulation system  
18 interpreted voter markings on each individual ballot.

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