
HOUSE BILL 2305

State of Washington

55th Legislature

1998 Regular Session

By Representatives Smith and Bush

Prefiled 12/24/97. Read first time 01/12/98. Referred to Committee on Government Administration.

1 AN ACT Relating to processing ballots; amending RCW 29.36.060 and
2 29.54.085; adding a new section to chapter 29.01 RCW; adding a new
3 section to chapter 29.36 RCW; and adding a new section to chapter 29.54
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.01 RCW
7 to read as follows:

8 "Tabulation" for purposes of electronic vote tallying systems means
9 producing returns of votes cast for elective positions and ballot
10 measures on the ballot, whether as precinct totals, partial cumulative
11 totals, or final cumulative totals. "Tabulation" for purposes of hand
12 counting ballots means reading ballots, counting the votes cast on
13 ballots, and producing returns of votes cast for elective positions and
14 ballot measures on the ballot, whether as precinct totals, partial
15 cumulative totals, or final cumulative totals.

16 **Sec. 2.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read
17 as follows:

1 (1) ~~The ((opening and subsequent))~~ processing and opening of return
2 envelopes ((for any primary or election may begin on or after)), in
3 which security envelopes containing absentee ballots are inserted, may
4 not commence until the tenth day ((prior to such)) before the primary
5 or election. The opening of the security envelopes ((and)) in which
6 absentee ballots are inserted may not commence until after 7:00 a.m. on
7 the day of the primary or election, at which time: (a) Absentee
8 ballots may be removed from their security envelopes; (b) absentee
9 ballots may be manually inspected for damage or incorrect or incomplete
10 marks in the same manner as ballots picked up from the precincts; (c)
11 where necessary a true duplicate copy may be made of an absentee ballot
12 that is damaged or has incorrect or incomplete marks so that it cannot
13 be properly read by an electronic vote tallying system, following the
14 procedure under RCW 29.54.085 for making a true duplicate copy of a
15 ballot picked up from a precinct; and (d) absentee ballots may be
16 otherwise processed up to the point of tabulation, including being run
17 through and read by an electronic vote tallying system. However,
18 tabulation of absentee ballots shall not commence until after 8:00
19 ((o'clock)) p.m. on the day of the primary or election.

20 (2) After opening the return envelopes, the county canvassing board
21 or its designees shall place all of the ((ballot)) security envelopes
22 in containers that can be secured with numbered seals. These sealed
23 containers shall be stored in a secure location until after ((8:00
24 o'clock p.m. of)) 7:00 a.m. on the day of the primary or election.
25 ~~((Absentee ballots that are to be tabulated on an electronic vote~~
26 ~~tallying system may be taken from the inner envelopes and all the~~
27 ~~normal procedural steps may be performed to prepare these ballots for~~
28 ~~tabulation before sealing the containers.))~~

29 (3) The canvassing board or its designees shall examine the
30 postmark, statement, and signature on each return envelope containing
31 the security envelope and absentee ballot((.—They)) and shall verify
32 that the voter's signature is the same as that in the registration
33 files for that voter. For absentee voters other than out-of-state
34 voters, overseas voters, and service voters, if the postmark is
35 illegible, the date on the return envelope to which the voter attests
36 shall determine the validity, as to the time of voting, of that
37 absentee ballot under this chapter. For any absentee voter, a
38 variation between the signature of the voter on the return envelope and
39 that in the registration files due to the substitution of initials or

1 the use of common nicknames is permitted so long as the surname and
2 handwriting are clearly the same.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.36 RCW
4 to read as follows:

5 Before processing and opening the return envelope, the county
6 auditor shall notify the chair of that county's central committee of
7 each major political party of the time, date, and place where this
8 initial processing will begin. The notice must include a request that
9 each major political party appoint at least four official observers to
10 observe the processing and tabulating of absentee ballots.

11 The appointed observers of these major political parties may be
12 present for the processing and tabulation of absentee ballots,
13 including: (1) Verifying signatures on return envelopes; (2) removing
14 security envelopes from return envelopes; (3) removing absentee ballots
15 from security envelopes; (4) inspecting absentee ballots for damage or
16 incorrect or incomplete marks; (5) making a true duplicate copy of an
17 absentee ballot that is damaged or has incorrect or incomplete marks so
18 that it cannot properly be read by an electronic vote tallying system;
19 (6) running absentee ballots through electronic vote tallying systems
20 so that the systems can read the absentee ballots; and (7) tabulating
21 returns for absentee ballots. Appointed observers must have access to
22 all areas where absentee ballots are handled, but may not touch a
23 ballot.

24 The failure of a party to appoint observers, or the failure of an
25 appointed observer to attend all or a portion of the processing and
26 tabulating of absentee ballots, does not preclude the processing and
27 tabulating of absentee ballots.

28 **Sec. 4.** RCW 29.54.085 and 1990 c 59 s 33 are each amended to read
29 as follows:

30 (1) The ballots picked up from the precincts during the polling
31 hours may be ~~((counted))~~ processed up to the point of being tabulated,
32 including being run through and read by an electronic vote tabulating
33 system, before the polls have closed. ~~((Election returns from the~~
34 count of these ballots)) The results of paper ballots that were
35 tabulated at precinct polling sites before the close of polls under RCW
36 29.54.018 must be held in secrecy until the polls have been closed ~~((as~~
37 provided by RCW 29.54.018)).

1 (2) Upon breaking the seals and opening the ballot containers from
2 the precincts, all voted ballots shall be manually inspected for
3 damage, write-in votes, and incorrect or incomplete marks. If it is
4 found that any ballot is damaged or has incorrect or incomplete marks
5 so that it cannot properly be counted by the vote tallying system, a
6 true duplicate copy shall be made of the ~~((damaged ballot in the~~
7 ~~presence of witnesses and substituted for the damaged ballot.))~~ ballot
8 using the following procedure:

9 (a) A ballot may not be duplicated until all the other ballots that
10 were picked up from precincts have been tabulated;

11 (b) Duplicate ballots must be a different color than the original
12 ballots;

13 (c) A team of two people shall make each duplicate ballot;

14 (d) The same identification number must be marked on the upper
15 right hand corner of both the original ballot and its duplicate ballot;

16 (e) The names of the two persons who duplicate the ballot must be
17 clearly written on both the original ballot and its duplicate ballot;

18 (f) Duplicate ballots must be tabulated in the same manner as other
19 ballots;

20 (g) After tabulation, each original ballot must be stapled to its
21 duplicate ballot, and sets of original ballots and their duplicate
22 ballots must be grouped by congressional, legislative, and precinct
23 order and stored in sealed containers;

24 (h) All damaged ballots shall be kept by the county auditor until
25 sixty days after the primary or election; and

26 (i) Notice of the making and tabulating of duplicate ballots must
27 be made in the same manner as notice of a special meeting is made under
28 RCW 42.30.080. In addition, this notice must be made to the chair of
29 the county central committee of each major political party in the
30 county at least twenty-four hours before the making and tabulating of
31 duplicate ballots.

32 (3) The returns produced by the vote tallying system, to which have
33 been added the counts of questioned ballots, write-in votes, and
34 absentee votes, constitute the official returns of the primary or
35 election in that county.

36 NEW SECTION. Sec. 5. A new section is added to chapter 29.54 RCW
37 to read as follows:

1 The secretary of state shall adopt rules providing for posters
2 summarizing election crimes and maximum penalties to be displayed
3 prominently in all locations where absentee ballots and ballots picked
4 up from precincts are processed and tabulated.

--- END ---