
HOUSE BILL 2103

State of Washington 58th Legislature 2003 Regular Session

By Representatives Hunt, Haigh, Miloscia and Berkey

Read first time 02/25/2003. Referred to Committee on State Government.

1 AN ACT Relating to tabulation of ballots; and amending RCW
2 29.36.310, 29.54.015, 29.54.018, 29.54.085, and 29.54.097.

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

4 **Sec. 1.** RCW 29.36.310 and 2001 c 241 s 10 are each amended to read
5 as follows:

6 (1) The opening and subsequent processing of return envelopes for
7 any primary or election may begin on or after the tenth day before the
8 primary or election. (~~The tabulation of absentee ballots must not~~
9 ~~commence until after 8:00 p.m. on the day of the primary or election.~~)

10 (2) After opening the return envelopes, the county canvassing board
11 shall place all of the ballots in secure storage until (~~after 8:00~~
12 ~~p.m. of the day of the primary or election~~) tabulation. Absentee
13 ballots that are to be tabulated on an electronic vote tallying system
14 may be taken from the inner envelopes and all the normal procedural
15 steps may be performed to prepare these ballots for tabulation.
16 Election returns from the count of these ballots must be held in
17 secrecy, as provided in RCW 29.85.225, until the polls have been closed
18 on election day.

1 (3) Before opening a returned absentee ballot, the canvassing
2 board, or its designated representatives, shall examine the postmark,
3 statement, and signature on the return envelope that contains the
4 security envelope and absentee ballot. They shall verify that the
5 voter's signature on the return envelope is the same as the signature
6 of that voter in the registration files of the county. For registered
7 voters casting absentee ballots, the date on the return envelope to
8 which the voter has attested determines the validity, as to the time of
9 voting for that absentee ballot if the postmark is missing or is
10 illegible. For out-of-state voters, overseas voters, and service
11 voters, the date on the return envelope to which the voter has attested
12 determines the validity as to the time of voting for that absentee
13 ballot. For any absentee ballot, a variation between the signature of
14 the voter on the return envelope and the signature of that voter in the
15 registration files due to the substitution of initials or the use of
16 common nicknames is permitted so long as the surname and handwriting
17 are clearly the same.

18 **Sec. 2.** RCW 29.54.015 and 1990 c 59 s 53 are each amended to read
19 as follows:

20 (~~Immediately after the close of the polls and the completion of~~
21 ~~voting~~) On election day, the precinct election officers shall count
22 the number of voted ballots and make a record of any discrepancy
23 between this number and the number of voters who signed the poll book
24 for that precinct or polling place, complete the certifications in the
25 poll book, and prepare the ballots for transfer to the counting center
26 if necessary(~~, and~~). Immediately after the close of the polls and
27 the completion of voting, the precinct election officers shall seal the
28 voting devices.

29 **Sec. 3.** RCW 29.54.018 and 1990 c 59 s 54 are each amended to read
30 as follows:

31 (1) (~~Paper~~) Ballots may be tabulated at the precinct polling
32 place before the closing of the polls under rules adopted by the
33 secretary of state. The tabulation of ballots, paper or otherwise,
34 shall be open to the public, but no persons except those employed and
35 authorized by the county auditor may touch a ballot card or ballot
36 container or operate vote tallying equipment.

1 (2) The results of the tabulation of (~~paper~~) ballots at the polls
2 shall be delivered to the county auditor as soon as the tabulation is
3 complete. Election returns from the count of these ballots must be
4 held in secrecy, as provided in RCW 29.85.225, until the polls have
5 been closed.

6 **Sec. 4.** RCW 29.54.085 and 1999 c 158 s 15 are each amended to read
7 as follows:

8 (1) The ballots picked up from the precincts during the polling
9 hours may be counted (~~only~~) at the counting center before the polls
10 have closed. Election returns from the count of these ballots must be
11 held in secrecy until the polls have been closed as provided by RCW
12 29.54.018.

13 (2) Upon breaking the seals and opening the ballot containers from
14 the precincts, all voted ballots shall be manually inspected for
15 damage, write-in votes, and incorrect or incomplete marks. If it is
16 found that any ballot is damaged so that it cannot properly be counted
17 by the vote tallying system, a true duplicate copy shall be made of the
18 damaged ballot in the presence of witnesses and substituted for the
19 damaged ballot. All damaged ballots shall be kept by the county
20 auditor until sixty days after the primary or election.

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

25 **Sec. 5.** RCW 29.54.097 and 1999 c 158 s 12 are each amended to read
26 as follows:

27 (~~After the close of the polls,~~) Counties employing poll-site
28 ballot counting devices may telephonically or electronically transmit
29 the accumulated tally for each device to a central reporting location.
30 Before making a telephonic or electronic transmission the precinct
31 election officer must create a printed record of the results of the
32 election for that poll site. During the canvassing period the results
33 transmitted telephonically or electronically must be considered
34 unofficial until a complete reconciliation of the results has been
35 performed. This reconciliation may be accomplished by a direct loading
36 of the results from the memory pack into the central accumulator, or a

1 comparison of the report produced at the poll site on election
2 (~~night~~) day with the results received by the central accumulating
3 device.

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