
HOUSE BILL 1604

State of Washington 59th Legislature 2005 Regular Session

By Representatives O'Brien, Lovick, Ericks, Simpson and Hasegawa

Read first time 01/31/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to elections; amending RCW 29A.04.311, 29A.12.010,
2 29A.12.020, 29A.12.040, 29A.12.060, 29A.12.080, 29A.12.130, 29A.12.140,
3 29A.12.160, 29A.12.160, 29A.40.091, 29A.40.110, and 29A.48.050; adding
4 a new section to chapter 29A.36 RCW; adding new sections to chapter
5 29A.60 RCW; repealing RCW 29A.12.030, 29A.12.050, 29A.12.150, and
6 42.17.710; providing an effective date; and providing an expiration
7 date.

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

9 **Sec. 1.** RCW 29A.04.311 and 2004 c 271 s 105 are each amended to
10 read as follows:

11 Nominating primaries for general elections to be held in November,
12 and the election of precinct committee officers, must be held on the
13 ((third)) first Tuesday of the preceding ((September or on the seventh
14 Tuesday immediately preceding such general election, whichever occurs
15 first)) June.

16 **Sec. 2.** RCW 29A.12.010 and 2003 c 111 s 301 are each amended to
17 read as follows:

1 At any primary or election in any county, votes may be cast,
2 registered, recorded, or counted by means of one voting system(~~(s)~~)
3 that (~~have~~) has been approved under RCW 29A.12.020.

4 **Sec. 3.** RCW 29A.12.020 and 2003 c 111 s 302 are each amended to
5 read as follows:

6 The secretary of state shall (~~inspect, evaluate, and publicly test~~
7 ~~all voting systems or components of voting systems that are submitted~~
8 ~~for review under RCW 29A.12.030~~) select a single, universal form of
9 voting system and shall adopt rules to establish the process for the
10 selection. The process must include requests for proposals from voting
11 system manufacturers that wish to be considered. The secretary of
12 state's final selection must be the only voting system used in all
13 counties. The secretary of state shall determine whether the voting
14 system(~~(s)~~) conforms with all of the requirements of this title, the
15 applicable rules adopted in accordance with this title, and with
16 generally accepted safety requirements. The secretary of state shall
17 transmit a copy of the report of any examination under this section,
18 within thirty days after completing the examination, to the county
19 auditor of each county.

20 **Sec. 4.** RCW 29A.12.040 and 2003 c 111 s 304 are each amended to
21 read as follows:

22 (1) The secretary of state may rely on the results of independent
23 design, engineering, and performance evaluations in the examination
24 under RCW 29A.12.020 if the source and scope of these independent
25 evaluations are specified by rule.

26 (2) The secretary of state may contract with experts in mechanical
27 or electrical engineering or data processing to assist in examining a
28 voting system or component as part of the selection of a single voting
29 system to be used in all counties. The manufacturer or distributor who
30 has submitted a voting system for (~~testing under RCW 29A.12.030~~)
31 consideration shall pay the secretary of state a deposit to reimburse
32 the cost of any contract for consultation under this section and for
33 any other unrecoverable costs associated with the examination of a
34 voting system or component by the manufacturer or distributor who
35 submitted the voting system or component for examination.

1 ((~~vote tallying system~~)) unit to perform all of the functions that can
2 reasonably be expected to occur during conduct of that particular
3 primary or election. If any error is detected, the cause shall be
4 determined and corrected, and an errorless total shall be produced
5 before the primary or election.

6 Such tests shall be observed by at least one representative from
7 each major political party, if representatives have been appointed by
8 the respective major political parties and are present at the test, and
9 shall be open to candidates, the press, and the public. The county
10 auditor and any political party observers shall certify that the test
11 has been conducted in accordance with this section. Copies of this
12 certification shall be retained by the secretary of state and the
13 county auditor. All programming materials, test results, and test
14 ballots shall be securely sealed until the day of the primary or
15 general election.

16 **Sec. 8.** RCW 29A.12.140 and 2003 c 111 s 314 are each amended to
17 read as follows:

18 The secretary of state may publish recommended procedures for the
19 operation of the ((~~various~~)) single vote tallying system((~~s~~)) that
20 ((~~have~~)) has been approved. These procedures allow the office of the
21 secretary of state to restrict or define the use of the approved
22 system((~~s~~)) in elections.

23 **Sec. 9.** RCW 29A.12.160 and 2004 c 266 s 3 are each amended to read
24 as follows:

25 (1) The secretary of state shall adopt rules and establish
26 standards ((~~for voting technology and systems~~)) so that the single
27 voting system used by the state or any political subdivision ((~~to be~~))
28 is accessible for individuals with disabilities, including nonvisual
29 accessibility for the blind and visually impaired, in a manner that
30 provides the same opportunity for access and participation, including
31 privacy and independence, as other voters.

32 (2) At each polling location, at least one voting unit certified by
33 the secretary of state shall provide access to individuals who are
34 blind or visually impaired.

35 (3) ((~~Compliance with this provision in regard to voting technology~~
36 ~~and systems purchased prior to July 27, 2003, shall be achieved at the~~

1 ~~time of procurement of an upgrade of technology compatible with~~
2 ~~nonvisual voting methods or replacement of existing voting equipment or~~
3 ~~systems.~~

4 ~~(4))~~ Compliance with subsection ~~((s))~~ (2) ~~((and (3))~~) of this
5 section is contingent on available funds to implement this provision.

6 ~~((5))~~ (4) For purposes of this section, the following definitions
7 apply:

8 (a) "Accessible" includes receiving, using, selecting, and
9 manipulating voter data and controls.

10 (b) ~~((("Nonvisual" includes synthesized speech, Braille, and other~~
11 ~~output methods.~~

12 ~~(e))~~ "Blind and visually impaired" excludes persons who are both
13 deaf and blind.

14 ~~((6))~~ (5) This section does not apply to voting by absentee
15 ballot.

16 **Sec. 10.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to
17 read as follows:

18 (1) At each polling location, at least one voting unit certified by
19 the secretary of state shall provide access to individuals who are
20 blind or visually impaired.

21 (2) ~~((Compliance with this provision in regard to voting technology~~
22 ~~and systems purchased prior to July 27, 2003, shall be achieved at the~~
23 ~~time of procurement of an upgrade of technology compatible with~~
24 ~~nonvisual voting methods or replacement of existing voting equipment or~~
25 ~~systems.~~

26 ~~(3) Compliance with subsection (2) of this section is contingent on~~
27 ~~available funds to implement this provision.~~

28 (4)) For purposes of this section, the following definitions
29 apply:

30 (a) "Accessible" includes receiving, using, selecting, and
31 manipulating voter data and controls.

32 (b) ~~((("Nonvisual" includes synthesized speech, Braille, and other~~
33 ~~output methods.~~

34 ~~(e))~~ "Blind and visually impaired" excludes persons who are both
35 deaf and blind.

36 ~~((5))~~ (3) This section does not apply to voting by absentee
37 ballot.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.36
2 RCW to read as follows:

3 Provisional ballots must be a different color than standard ballots
4 and absentee ballots. The secretary of state shall make rules to
5 implement this section.

6 **Sec. 12.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
7 read as follows:

8 The county auditor shall send each absentee voter a ballot, a
9 security envelope in which to seal the ballot after voting, a larger
10 envelope in which to return the security envelope, and instructions on
11 how to mark the ballot and how to return it to the county auditor. The
12 instructions that accompany an absentee ballot for a partisan primary
13 must include instructions for voting the applicable ballot style, as
14 provided in chapter 29A.36 RCW. The larger return envelope must
15 contain a declaration by the absentee voter reciting his or her
16 qualifications and stating that he or she has not voted in any other
17 jurisdiction at this election, together with a summary of the penalties
18 for any violation of any of the provisions of this chapter. The return
19 envelope must provide space (~~((for the voter to indicate the date on
20 which the ballot was voted and))~~) for the voter to sign the oath. A
21 summary of the applicable penalty provisions of this chapter must be
22 printed on the return envelope immediately adjacent to the space for
23 the voter's signature. The signature of the voter on the return
24 envelope must affirm and attest to the statements regarding the
25 qualifications of that voter and to the validity of the ballot. For
26 out-of-state voters, overseas voters, and service voters, the signed
27 declaration on the return envelope constitutes the equivalent of a
28 voter registration for the election or primary for which the ballot has
29 been issued. The voter must be instructed to either return the ballot
30 to the county auditor by whom it was issued or attach sufficient first
31 class postage(~~(, if applicable, and mail the ballot to)~~). The ballot
32 must be received by the appropriate county auditor no later than 8:00
33 p.m. on the day of the election or primary for which the ballot was
34 issued.

35 If the county auditor chooses to forward absentee ballots, he or
36 she must include with the ballot a clear explanation of the
37 qualifications necessary to vote in that election and must also advise

1 a voter with questions about his or her eligibility to contact the
2 county auditor. This explanation may be provided on the ballot
3 envelope, on an enclosed insert, or printed directly on the ballot
4 itself. If the information is not included, the envelope must clearly
5 indicate that the ballot is not to be forwarded and that return postage
6 is guaranteed.

7 The secretary of state must adjust his or her rules in accordance
8 with this section.

9 **Sec. 13.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
10 read as follows:

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

15 (2) After opening the return envelopes, the county canvassing board
16 shall place all of the ballots in secure storage until after 8:00 p.m.
17 of the day of the primary or election. Absentee ballots that are to be
18 tabulated on an electronic vote tallying system may be taken from the
19 inner envelopes and all the normal procedural steps may be performed to
20 prepare these ballots for tabulation.

21 (3) Before opening a returned absentee ballot, the canvassing
22 board, or its designated representatives, shall examine the
23 ((~~postmark,~~)) statement((~~,~~)) and signature on the return envelope that
24 contains the security envelope and absentee ballot. They shall verify
25 that the absentee ballot was received no later than 8:00 p.m. on
26 election day. They shall verify that the voter's signature on the
27 return envelope is the same as the signature of that voter in the
28 registration files of the county. ((~~For registered voters casting~~
29 ~~absentee ballots, the date on the return envelope to which the voter~~
30 ~~has attested determines the validity, as to the time of voting for that~~
31 ~~absentee ballot if the postmark is missing or is illegible. For out-~~
32 ~~of state voters, overseas voters, and service voters, the date on the~~
33 ~~return envelope to which the voter has attested determines the validity~~
34 ~~as to the time of voting for that absentee ballot.)) For any absentee
35 ballot, a variation between the signature of the voter on the return
36 envelope and the signature of that voter in the registration files due~~

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

3 The secretary of state must adjust his or her rules in accordance
4 with this section.

5 **Sec. 14.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to
6 read as follows:

7 The voter shall return the ballot to the county auditor in the
8 return identification envelope. If mailed, a ballot must be
9 (~~postmarked~~) received by the county auditor not later than 8:00 p.m.
10 on the date of the primary or election. Otherwise, the ballot must be
11 deposited at the office of the county auditor or the designated place
12 of deposit not later than 8:00 p.m. on the date of the primary or
13 election.

14 NEW SECTION. **Sec. 15.** (1) Upon breaking the seals and opening the
15 ballot containers from the precincts, all voting positions on voted
16 ballots must be manually inspected on both sides of the ballot and
17 every voting position for unreadable ballots. The same manual
18 inspection process applies to absentee ballots, mail ballot precinct
19 ballots, and vote-by-mail ballots. This manual inspection must include
20 examining each voter response position, and is a required part of
21 processing ballots used with all electronic vote tabulating systems.

22 (2) The inspection of ballots tabulated at the poll site is not
23 required if the poll-site ballot programming provisions of RCW
24 29A.44.340 are being complied with.

25 (3) If the manual inspection process detects any physically damaged
26 ballots, unreadable ballots that might not be correctly counted by the
27 tabulating equipment, or that contain marks or punches that differ from
28 those specified in the voting instructions contained on or with the
29 ballot but clearly form a discernible and consistent pattern on the
30 ballot to the extent that the voter's intent can be clearly determined,
31 the county may either:

- 32 (a) Refer the ballots to the county canvassing board;
- 33 (b) Duplicate the ballots if authorized by the county canvassing
34 board under section 19 of this act; or
- 35 (c) Enhance the ballots if authorized by the county canvassing

1 board and enhancement can be accomplished without permanently obscuring
2 the original marks or punches of the voters as required by sections 17
3 and 18 of this act.

4 (4) In the case of punchcard ballots, if two or more corners or
5 attachment points are detached in a punch position, the vote is valid
6 and the chad must be removed without duplication, enhancement, or
7 reference to the county canvassing board. If fewer than two corners
8 are detached, then subsection (3) of this section applies.

9 NEW SECTION. **Sec. 16.** (1) If the voter returns voting responses
10 by mail on any form other than the ballot sent, the votes on it are
11 acceptable and will be tallied under the following conditions:

12 (a) Only votes for offices or measures for which the voter is
13 eligible are counted;

14 (b) The candidate or measure response position for which the voter
15 is voting can be clearly identified;

16 (c) The ballot issued is not returned, or if returned, contains no
17 marks or punches indicating an attempt to vote it;

18 (d) A valid signature on an absentee oath is on file with the
19 county auditor.

20 The votes accepted must then be duplicated to a ballot that can be
21 read by the electronic voting equipment as prescribed in section 19 of
22 this act.

23 (2) Corrected absentee ballots must be counted in the following
24 manner:

25 (a) If a voter follows the instructions for correcting a vote,
26 either the written instructions or other instructions given to the
27 voter by the county auditor, the correction must be made and the
28 corrected vote tabulated. The county auditor may enhance or duplicate
29 the ballot.

30 (b) If a voter appears to have corrected the ballot in a manner
31 other than as instructed, the vote for that candidate or issue must not
32 be tabulated unless the voter provides written instructions directing
33 how the vote should be counted.

34 (3) Where a voter has indicated a write-in vote on the ballot that
35 duplicates the name of a candidate who already appears on the ballot
36 for the same office, the ballot must be enhanced or duplicated to count

1 one vote for the candidate indicated. Such a vote must not be
2 considered an overvote or a write-in vote.

3 (4) An absentee ballot, a mail ballot precinct ballot, and a vote-
4 by-mail ballot may not be counted if a voter signs the oath with a mark
5 and does not have two witnesses attest to the signature.

6 (5) If a ballot contains marks or punches that differ from those
7 specified in the voting instructions, those marks or punches may not be
8 counted as valid votes unless there is a discernable and consistent
9 pattern, to the extent that the voter's intent can clearly be
10 determined. If there is such a pattern, the ballot must be enhanced or
11 duplicated to reflect the voter's intent.

12 NEW SECTION. **Sec. 17.** Optical scan system ballots may be enhanced
13 only when the enhancement will not permanently obscure the original
14 marks of the voters. Ballots must be enhanced by teams of two or more
15 people working together. When enhancing ballots, the county shall take
16 the following steps to create and maintain an audit trail of the
17 actions taken with respect to the enhanced ballots:

18 (1) Each ballot to be enhanced must be assigned a unique control
19 number, with the number being marked on the face of the enhanced
20 ballot.

21 (2) A log must be kept of the ballots enhanced and include at least
22 the following information:

- 23 (a) The control number of each ballot enhanced;
- 24 (b) The initials of at least two people who participated in
25 enhancing each ballot; and
- 26 (c) The total number of ballots enhanced.

27 (3) Enhanced ballots and ballots to be enhanced must be sealed into
28 secure storage at all times, except when the ballots are in the process
29 of being enhanced, are being tabulated, or are being inspected by the
30 canvassing board.

31 NEW SECTION. **Sec. 18.** Punch card ballots may be enhanced only
32 when the enhancement will not permanently obscure marks or punches of
33 the voters. Teams of two or more people working together shall enhance
34 ballots. When enhancing ballots, the county auditor shall take the
35 following steps to create and maintain an audit trail of the actions
36 taken with respect to the enhanced ballots:

1 (1) Each ballot to be enhanced must be assigned a unique control
2 number, with the number being marked on the enhanced ballot.

3 (2) A log must be kept of the ballots enhanced and include at least
4 the following information:

5 (a) The control number of each ballot enhanced;

6 (b) The initials of at least two people who participated in
7 enhancing each ballot; and

8 (c) The total number of ballots enhanced.

9 (3) When the county canvassing board rejects one or more votes on
10 a ballot that contains other valid votes, as in the case of special
11 ballots, the ballot must be duplicated without the rejected vote or the
12 vote may be overvoted on the original ballot. When overvoting, the
13 punch made by the county auditor must be clearly indicated on the
14 ballot and follow the rules for enhancement.

15 (4) Enhanced ballots and ballots to be enhanced must be sealed into
16 secure storage at all times, except when the ballots are in the process
17 of being enhanced, are being tabulated, or are being inspected by the
18 canvassing board.

19 NEW SECTION. **Sec. 19.** A ballot may be duplicated only if the
20 intent of the voter's marks on the ballot is clear and the electronic
21 voting equipment might not otherwise properly tally the ballot to
22 reflect the intent of the voter. Ballots must be duplicated by teams
23 of two or more people working together. When duplicating ballots, the
24 county auditor shall take the following steps to create and maintain an
25 audit trail of the actions taken with respect to the duplicated ballots
26 and the corresponding duplicate ballots:

27 (1) Each ballot to be duplicated and the corresponding duplicate
28 ballot must be assigned a unique control number, with the number being
29 marked upon the face of each ballot, the purpose being to insure that
30 each duplicate ballot may be tied back to the original ballot.

31 (2) A log must be kept of the ballots duplicated and include at
32 least the following information:

33 (a) The control number of each ballot duplicated and the
34 corresponding duplicate ballot;

35 (b) The initials of at least two people who participated in the
36 duplication of each ballot; and

37 (c) The total number of ballots duplicated.

1 (3) Duplicated ballots and the corresponding duplicate ballots, as
2 well as ballots requiring duplication must be sealed into secure
3 storage at all times, except when the ballots are in the process of
4 being duplicated, are being tabulated, or are being inspected by the
5 canvassing board.

6 NEW SECTION. **Sec. 20.** Written procedures must be established
7 detailing the situations in which ballots may be enhanced or
8 duplicated. These procedures must be included as a part of the county
9 canvassing board manual.

10 NEW SECTION. **Sec. 21.** As used in this chapter:

11 (1) "Canvassing" is that process of examining in detail a ballot,
12 groups of ballots, election subtotals, or grand totals, in order to
13 determine the final official returns of a primary, special, or general
14 election, and to safeguard the integrity of the election process.

15 (2) "County canvassing board" is that body charged by law with the
16 duty of canvassing absentee ballots, of ruling on the validity of
17 questioned or challenged ballots, of the verifying all unofficial
18 returns as listed in the auditor's abstract of votes, and the producing
19 of the official county canvass report. The board is composed of the
20 county auditor, prosecuting attorney, and chair of the board of the
21 county legislative authority, or their designated representatives.

22 (3) "Auditor's abstract of votes" is the report prepared by the
23 county auditor that lists the number of registered voters, votes cast,
24 all of the vote totals by precinct, or by combination of precincts if
25 applicable, and includes absentee ballot totals, legislative district
26 subtotals, if any, and county-wide totals. Vote totals in the
27 auditor's abstract of votes are unofficial until verified and certified
28 by the county canvassing board.

29 (4) "County canvass report" is the auditor's abstract of votes
30 after verification by the county canvassing board and must contain a
31 certificate that includes the oath as specified in RCW 29A.60.200, the
32 original signatures of each member of the county canvassing board, the
33 county seal, and all other material pertinent to the election.

34 (5) "Certified copy of the county canvass report" is the report
35 transmitted by the county auditor to the secretary of state that
36 contains registered voters and votes cast by precinct, or combination

1 of precincts if applicable, votes cast for and against state measures,
2 and votes cast for candidates for federal and statewide offices and for
3 any office whose jurisdiction encompasses more than one county,
4 absentee ballot totals for those measures and candidates, subtotals if
5 applicable, and county-wide totals. It must also include a
6 certificate, bearing original signatures and an original county seal,
7 identical to that included in the official county canvass report, and
8 any other material that may be pertinent to the canvass of the
9 election.

10 NEW SECTION. **Sec. 22.** The county auditor, prosecuting attorney,
11 and chair of the county legislative authority, or designees under this
12 chapter, are responsible for the performance of all duties of the
13 county canvassing board, as set forth in this chapter and chapter
14 29A.40 RCW, and the rules on canvassing adopted by the secretary of
15 state. These duties must be performed by the members of the board, or
16 they may in writing delegate representatives to perform these duties.
17 The written delegation of authority must be filed with the county
18 auditor before any person undertakes any action on behalf of the board.
19 In no instance may the members of the county canvassing board delegate
20 the responsibility of certifying the returns of any primary or
21 election, of determining the validity of any challenged ballots, or of
22 determining the validity of any special ballots referred to them by the
23 county auditor, to anyone other than a person authorized by law to act
24 on their behalf.

25 NEW SECTION. **Sec. 23.** After the election and before the official
26 canvass, the county auditor shall prepare a preliminary abstract of
27 votes, listing the number of registered voters and votes cast. The
28 preliminary abstract of votes must also list separately for votes cast
29 by absentee ballot and those cast at the polls, votes cast for and
30 against measures, votes cast for candidates, overvotes and undervotes,
31 by precinct or groups of precincts if precincts have been combined
32 under RCW 29A.16.060, for canvassing purposes. The county auditor
33 shall inspect the preliminary abstract of votes for errors or anomalies
34 that may affect the results of the election. Correction of any errors
35 or anomalies discovered must be made before the official canvass.

1 NEW SECTION. **Sec. 26.** The county canvassing board shall examine
2 each absentee ballot and related material and shall determine whether
3 or not the ballot will be counted. The canvassing board may employ
4 local law enforcement officials or any other persons they deem
5 necessary to assist them in this effort. If the canvassing board
6 determines the absentee ballot will be counted, they shall direct the
7 county auditor to do so. If the canvassing board determines that the
8 signature on the absentee ballot was not made by the voter to whom the
9 ballot was issued or that the voter has attempted to vote more than
10 once, they shall direct the auditor to refer all such ballots and
11 related materials to the prosecuting attorney.

12 NEW SECTION. **Sec. 27.** The county canvassing board shall examine
13 the auditor's abstract of votes and shall verify that all of the
14 individual precinct and absentee ballot totals have been included in
15 the abstract and that the subtotals and county-wide totals for
16 registered voters and votes cast are an accurate reflection of the sum
17 of those individual precinct and absentee ballot totals.

18 NEW SECTION. **Sec. 28.** Except as otherwise provided by law, mail
19 ballots must be canvassed in the same manner as absentee ballots issued
20 at the request of the voter. To be counted, the mail ballots must be
21 deposited at a designated place of return not later than 8:00 p.m. on
22 election day or postmarked not later than the day of the election. If
23 the postmark is missing or illegible, the county canvassing board may
24 rely on the date of the oath signed by the voter on the outside of the
25 return envelope. Any mail ballot may be challenged in the same manner
26 as absentee ballots are challenged, and the county canvassing board
27 must determine that the challenged ballot is valid before it may be
28 counted.

29 NEW SECTION. **Sec. 29.** If the county canvassing board, during the
30 verifications process, discovers that errors exist in the auditor's
31 abstract of votes or that discrepancies exist between that abstract and
32 the manual or adding machine totals for registered voters and votes
33 cast produced under section 27 of this act, the board shall investigate
34 those errors and discrepancies. They may take whatever corrective
35 steps a majority of the board deems necessary, including changing or

1 modifying the auditor's abstract of votes if the error or discrepancy
2 is discovered in that document. The canvassing board may then proceed
3 to verify votes cast on measures or for candidates if a majority of the
4 board believes that the nature of the errors or discrepancies
5 discovered warrant the further action on their part.

6 NEW SECTION. **Sec. 30.** If the canvassing board decides to take
7 corrective action with respect to any part of the auditor's abstract of
8 votes, they shall prepare a written narrative of the errors or
9 discrepancies discovered, the cause of those errors, if known, and the
10 corrective action taken. If the auditor's abstract of votes is altered
11 or modified by the canvassing board, those alterations and
12 modifications must be initialed by each member of the canvassing board,
13 additionally, the written narrative must be signed by each member of
14 the board.

15 NEW SECTION. **Sec. 31.** Upon completion of the verification of the
16 auditor's abstract of votes and the documentation of any corrective
17 action taken, the county canvassing board shall sign a certification
18 that the abstract is a full, true, and correct representation of the
19 votes cast for the issues and offices listed thereon. The
20 certification must also state the total number of registered voters and
21 votes cast in the county. The certification must contain the oath
22 required by RCW 29A.60.200, signed by the county auditor and attested
23 to by the chairman of the board of the county legislative authority,
24 and must have a space where the official seal of the county must be
25 attached. This certification, the auditor's abstract of votes, any
26 adding machine tapes produced during the verification process, and the
27 written narrative of errors and discrepancies discovered and corrected,
28 if applicable, constitute the official county canvass report. This
29 report may not be subsequently amended or altered, except in the event
30 a recount conducted under chapter 29A.64 RCW, or upon order of the
31 superior court, or by the county canvassing board reconvened
32 specifically for that purpose. The vote totals contained in it are the
33 official returns of that election.

34 NEW SECTION. **Sec. 32.** No later than the next business day after
35 the certification of the returns of any primary, special, or general

1 election at which votes were cast for or against state measures or for
2 candidates for federal and statewide office or for state legislative
3 and judicial offices whose jurisdiction encompasses more than one
4 county, the county auditor shall send a certified copy of that part of
5 the auditor's abstract of votes covering those issues and offices to
6 the secretary of state. This copy must be no larger than eleven inches
7 by fourteen inches and have a certificate identical to that
8 accompanying the official county canvass report, bearing the county
9 seal and original signatures of the officers required to sign that
10 document attached or affixed to it. A copy of the written narrative
11 documenting errors and discrepancies discovered and corrective action
12 taken must accompany the abstract if applicable. Copies of the adding
13 machine tapes used during the verification process need not be sent to
14 the secretary of state.

15 NEW SECTION. **Sec. 33.** The secretary of state shall ensure that
16 all material required to be submitted under state law has been included
17 in the certified copy of the auditor's abstract of votes transmitted to
18 his or her office. If the secretary of state determines that the
19 certified copy of the auditor's abstract of votes is incomplete, he or
20 she shall notify the county auditor of that fact and shall request that
21 the missing part of the abstract be forwarded immediately. No county's
22 certified copy of the abstract of votes may be considered as complete
23 for acceptance by the secretary of state until all of the material
24 required by statute and rule has been received by the secretary of
25 state. If the certified copy of the official abstract is illegible or
26 in improper form, the secretary of state shall return that abstract and
27 require an immediate resubmission of the abstract in proper or legible
28 form.

29 NEW SECTION. **Sec. 34.** Sections 15 through 33 of this act are
30 added to chapter 29A.60 RCW.

31 NEW SECTION. **Sec. 35.** The following acts or parts of acts are
32 each repealed:

33 (1) RCW 29A.12.030 (Submitting system or component for examination)
34 and 2003 c 111 s 303;

1 (2) RCW 29A.12.050 (Approval required--Modification) and 2003 c 111
2 s 305, 1990 c 59 s 21, & 1982 c 40 s 4;

3 (3) RCW 29A.12.150 (Recording requirements) and 2003 c 111 s 315,
4 1998 c 245 s 26, 1991 c 363 s 30, & 1990 c 184 s 1; and

5 (4) RCW 42.17.710 (Time limit for state official to solicit or
6 accept contributions) and 2003 c 164 s 3 & 1993 c 2 s 11.

7 NEW SECTION. **Sec. 36.** Section 9 of this act expires January 1,
8 2006.

9 NEW SECTION. **Sec. 37.** Section 10 of this act takes effect January
10 1, 2006.

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