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**SUBSTITUTE HOUSE BILL 1752**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** House Committee on State Government Operations & Accountability (originally sponsored by Representatives Green, Nixon, Shabro, Haigh, Upthegrove, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville; by request of Secretary of State)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to ballot processing and canvassing; amending RCW  
2 29A.04.611, 29A.12.080, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070,  
3 29A.60.160, 29A.60.190, 29A.60.210, 29A.60.230, 29A.60.250, 29A.64.030,  
4 29A.64.061, and 29A.68.011; and adding new sections to chapter 29A.60  
5 RCW.

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

7 **Sec. 1.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended to  
8 read as follows:

9 The secretary of state as chief election officer shall make  
10 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
11 with the federal and state election laws to effectuate any provision of  
12 this title and to facilitate the execution of its provisions in an  
13 orderly, timely, and uniform manner relating to any federal, state,  
14 county, city, town, and district elections. To that end the secretary  
15 shall assist local election officers by devising uniform forms and  
16 procedures.

17 In addition to the rule-making authority granted otherwise by this  
18 section, the secretary of state shall make rules governing the  
19 following provisions:

- 1 (1) The maintenance of voter registration records;
- 2 (2) The preparation, maintenance, distribution, review, and filing  
3 of precinct maps;
- 4 (3) Standards for the design, layout, and production of ballots,  
5 including standards that require provisional ballots to be  
6 distinguishable from the other ballots and incapable of being tabulated  
7 by the poll-site ballot counting device or mixed in and counted with  
8 regular ballots at counting facilities;
- 9 (4) The examination and testing of voting systems for  
10 certification;
- 11 (5) The source and scope of independent evaluations of voting  
12 systems that may be relied upon in certifying voting systems for use in  
13 this state;
- 14 (6) Standards and procedures for the acceptance testing of voting  
15 systems by counties;
- 16 (7) Standards and procedures for testing the programming of vote  
17 tallying software for specific primaries and elections;
- 18 (8) Standards and procedures for the preparation and use of each  
19 type of certified voting system including procedures for the operation  
20 of counting centers where vote tallying systems are used;
- 21 (9) Standards and procedures to ensure the accurate tabulation and  
22 canvassing of ballots;
- 23 (10) Consistency among the counties of the state in the preparation  
24 of ballots, the operation of vote tallying systems, and the canvassing  
25 of primaries and elections;
- 26 (11) Procedures to ensure the secrecy of a voter's ballot when a  
27 small number of ballots are counted at the polls or at a counting  
28 center;
- 29 (12) The use of substitute devices or means of voting when a voting  
30 device at the polling place is found to be defective, the counting of  
31 votes cast on the defective device, the counting of votes cast on the  
32 substitute device, and the documentation that must be submitted to the  
33 county auditor regarding such circumstances;
- 34 (13) Procedures for the transportation of sealed containers of  
35 voted ballots or sealed voting devices;
- 36 (14) The acceptance and filing of documents via electronic  
37 facsimile;
- 38 (15) Voter registration applications and records;

1           (16) The use of voter registration information in the conduct of  
2 elections;

3           (17) The coordination, delivery, and processing of voter  
4 registration records accepted by driver licensing agents or the  
5 department of licensing;

6           (18) The coordination, delivery, and processing of voter  
7 registration records accepted by agencies designated by the governor to  
8 provide voter registration services;

9           (19) Procedures to receive and distribute voter registration  
10 applications by mail;

11           (20) Procedures for a voter to change his or her voter registration  
12 address within a county by telephone;

13           (21) Procedures for a voter to change the name under which he or  
14 she is registered to vote;

15           (22) Procedures for canceling dual voter registration records and  
16 for maintaining records of persons whose voter registrations have been  
17 canceled;

18           (23) Procedures for the electronic transfer of voter registration  
19 records between county auditors and the office of the secretary of  
20 state;

21           (24) Procedures and forms for declarations of candidacy;

22           (25) Procedures and requirements for the acceptance and filing of  
23 declarations of candidacy by electronic means;

24           (26) Procedures for the circumstance in which two or more  
25 candidates have a name similar in sound or spelling so as to cause  
26 confusion for the voter;

27           (27) Filing for office;

28           (28) The order of positions and offices on a ballot;

29           (29) Sample ballots;

30           (30) Independent evaluations of voting systems;

31           (31) The testing, approval, and certification of voting systems;

32           (32) The testing of vote tallying software programming;

33           (33) Standards and procedures to prevent fraud and to facilitate  
34 the accurate processing and canvassing of absentee ballots and mail  
35 ballots;

36           (34) Standards and procedures to guarantee the secrecy of absentee  
37 ballots and mail ballots;

1 (35) Uniformity among the counties of the state in the conduct of  
2 absentee voting and mail ballot elections;

3 (36) Standards and procedures to accommodate out-of-state voters,  
4 overseas voters, and service voters;

5 (37) The tabulation of paper ballots before the close of the polls;

6 (38) The accessibility of polling places and registration  
7 facilities that are accessible to elderly and disabled persons;

8 (39) The aggregation of precinct results if reporting the results  
9 of a single precinct could jeopardize the secrecy of a person's ballot;

10 (40) Procedures for conducting a statutory recount;

11 (41) Procedures for filling vacancies in congressional offices if  
12 the general statutory time requirements for availability of absentee  
13 ballots, certification, canvassing, and related procedures cannot be  
14 met;

15 (42) Procedures for the statistical sampling of signatures for  
16 purposes of verifying and canvassing signatures on initiative,  
17 referendum, and recall election petitions;

18 (43) Standards and deadlines for submitting material to the office  
19 of the secretary of state for the voters' pamphlet;

20 (44) Deadlines for the filing of ballot titles for referendum bills  
21 and constitutional amendments if none have been provided by the  
22 legislature;

23 (45) Procedures for the publication of a state voters' pamphlet;

24 (46) Procedures for conducting special elections regarding nuclear  
25 waste sites if the general statutory time requirements for availability  
26 of absentee ballots, certification, canvassing, and related procedures  
27 cannot be met;

28 (47) Procedures for conducting partisan primary elections;

29 (48) Standards and procedures for the proper conduct of voting  
30 during the early voting period to provide accessibility for the blind  
31 or visually impaired;

32 (49) Standards for voting technology and systems used by the state  
33 or any political subdivision to be accessible for individuals with  
34 disabilities, including nonvisual accessibility for the blind and  
35 visually impaired, in a manner that provides the same opportunity for  
36 access and participation, including privacy and independence, as other  
37 voters;

1 (50) All data formats for transferring voter registration data on  
2 electronic or machine-readable media for the purpose of administering  
3 the statewide voter registration list required by the Help America Vote  
4 Act (P.L. 107-252);

5 (51) Defining the interaction of electronic voter registration  
6 election management systems employed by each county auditor to maintain  
7 a local copy of each county's portion of the official state list of  
8 registered voters;

9 (52) Provisions and procedures to implement the state-based  
10 administrative complaint procedure as required by the Help America Vote  
11 Act (P.L. 107-252); and

12 (53) Facilitating the payment of local government grants to local  
13 government election officers or vendors.

14 **Sec. 2.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to  
15 read as follows:

16 No voting device shall be approved by the secretary of state unless  
17 it:

18 (1) Secures to the voter secrecy in the act of voting;

19 (2) Permits the voter to vote for any person for any office and  
20 upon any measure that he or she has the right to vote for;

21 (3) Permits the voter to vote for all the candidates of one party  
22 or in part for the candidates of one or more other parties;

23 (4) Correctly registers all votes cast for any and all persons and  
24 for or against any and all measures;

25 (5) Provides that a vote for more than one candidate cannot be cast  
26 by one single operation of the voting device or vote tally system  
27 except when voting for president and vice president of the United  
28 States; (~~and~~)

29 (6) Except for functions or capabilities unique to this state, has  
30 been tested, certified, and used in at least one other state or  
31 election jurisdiction; and

32 (7) Beginning on January 1, 2006, in the case of a poll-site based  
33 electronic voting system, produces a machine-countable paper record for  
34 each vote that may be reviewed and accepted or rejected by the voter  
35 before finalizing his or her vote, as a part of the voting process.  
36 Rejected records must either be destroyed or marked in order to clearly  
37 identify the record as rejected.

1       **Sec. 3.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to  
2 read as follows:

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

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

14       (3) Before opening a returned absentee ballot, the canvassing  
15 board, or its designated representatives, shall examine the postmark,  
16 statement, and signature on the return envelope that contains the  
17 security envelope and absentee ballot. They shall verify that the  
18 voter's signature on the return envelope is the same as the signature  
19 of that voter in the registration files of the county. For registered  
20 voters casting absentee ballots, the date on the return envelope to  
21 which the voter has attested determines the validity, as to the time of  
22 voting for that absentee ballot if the postmark is missing or is  
23 illegible. For out-of-state voters, overseas voters, and service  
24 voters, the date on the return envelope to which the voter has attested  
25 determines the validity as to the time of voting for that absentee  
26 ballot. (~~((For any absentee ballot, a variation between the signature~~  
27 ~~of the voter on the return envelope and the signature of that voter in~~  
28 ~~the registration files due to the substitution of initials or the use~~  
29 ~~of common nicknames is permitted so long as the surname and handwriting~~  
30 ~~are clearly the same.))~~)

31       NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.60 RCW  
32 to read as follows:

33       A voter's signature on an absentee or provisional ballot is  
34 considered a match if at least three of the following criteria are met:

- 35       (1) The capital letters match;  
36       (2) Letters tail off alike;  
37       (3) Letter spacing is the same;

- 1 (4) The space between the signature and the line is the same;
- 2 (5) The beginning and ending of the signature and the slant are
- 3 consistent;
- 4 (6) Unique letters in the signature match;
- 5 (7) The overall appearances match.

6 In determining whether a signature on an absentee or provisional  
7 ballot matches the signature on the registration file, the age of the  
8 voter and the date of the signature on the registration file may also  
9 be considered.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.60 RCW  
11 to read as follows:

12 (1) If the voter neglects to sign the outside envelope of an  
13 absentee or provisional ballot, the auditor shall notify the voter by  
14 telephone and advise the voter of the correct procedures for completing  
15 the unsigned affidavit. If the auditor is not able to provide the  
16 information personally to the voter by telephone, then the voter must  
17 be contacted by first class mail and advised of the correct procedures  
18 for completing the unsigned affidavit. Leaving a voice mail message  
19 for the voter is not to be considered as personally contacting the  
20 voter. In order for the ballot to be counted, the voter must either:

21 (a) Appear in person and sign the envelope no later than the day  
22 before the certification of the primary or election; or

23 (b) Sign a copy of the envelope provided by the auditor, and return  
24 it to the auditor no later than the day before the certification of the  
25 primary or election.

26 (2)(a) If the handwriting of the signature on an absentee or  
27 provisional ballot envelope is not the same as the handwriting of the  
28 signature on the registration file, the auditor shall notify the voter,  
29 either by telephone or by first class mail, and advise the voter of the  
30 correct procedures for updating his or her signature on the voter  
31 registration file. In order for the ballot to be counted, the voter  
32 must either:

33 (i) Appear in person and sign a new registration form no later than  
34 the day before the certification of the primary or election; or

35 (ii) Sign a new registration form provided by the auditor, and  
36 return it to the auditor no later than the day before the certification  
37 of the primary or election.

1 (b) If the signature on an absentee or provisional ballot envelope  
2 is not the same as the signature on the registration file because the  
3 name is different, the ballot may be counted as long as the handwriting  
4 is clearly the same. The auditor shall send the voter a change-of-name  
5 form under RCW 29A.08.440 and direct the voter to complete the form.

6 (c) If the signature on an absentee or provisional ballot envelope  
7 is not the same as the signature on the registration file because the  
8 voter used initials or a common nickname, the ballot may be counted as  
9 long as the surname and handwriting are clearly the same.

10 (3) A voter may not cure a missing or mismatched signature for  
11 purposes of counting the ballot in a recount.

12 (4) A record must be kept of the date on which the voter was  
13 contacted or the notice was mailed, as well as the date on which the  
14 voter signed the envelope, a copy of the envelope, a new registration  
15 form, or a change-of-name form. The records are public records under  
16 chapter 42.17 RCW once the election is certified by the county  
17 canvassing board under RCW 29A.60.190. That record is a public record  
18 under chapter 42.17 RCW and may be disclosed to interested parties on  
19 written request.

20 **Sec. 6.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to  
21 read as follows:

22 (1) For any office at any election or primary, any voter may write  
23 in on the ballot the name of any person for an office who has filed as  
24 a write-in candidate for the office in the manner provided by RCW  
25 29A.24.311 and such vote shall be counted the same as if the name had  
26 been printed on the ballot and marked by the voter. (~~For a partisan~~  
27 ~~primary in a jurisdiction using the physically separate ballot format,~~  
28 ~~a voter may write in on a party ballot only the names of write-in~~  
29 ~~candidates who affiliate with that major political party.)) No write-  
30 in vote made for any person who has not filed a declaration of  
31 candidacy pursuant to RCW 29A.24.311 is valid if that person filed for  
32 the same office, either as a regular candidate or a write-in candidate,  
33 at the preceding primary. Any abbreviation used to designate  
34 office(~~(,)~~) or position(~~(, or political party shall)~~) will be accepted  
35 if the canvassing board can determine, to (~~their~~) its satisfaction,  
36 the voter's intent.~~



1 (2) The number of write-in votes cast for each office must be  
2 recorded and reported with the canvass for the election.

3 (3) A write-in vote for an individual candidate for an office whose  
4 name appears on the ballot for that same office is a valid vote for  
5 that candidate as long as the candidate's name is clearly discernible,  
6 even if other requirements of RCW 29A.24.311 are not satisfied and even  
7 if the voter also marked a vote for that candidate such as to register  
8 an overvote. These votes need not be tabulated unless (a) the  
9 difference between the number of votes cast for the candidate  
10 apparently qualified to appear on the general election ballot or  
11 elected and the candidate receiving the next highest number of votes is  
12 less than the sum of the total number of write-in votes cast for the  
13 office plus the overvotes and undervotes recorded by the vote  
14 tabulating system; or (b) a manual recount is conducted for that  
15 office;

16 (4) Write-in votes cast for an individual candidate for an office  
17 whose name does not appear on the ballot need not be tallied ((if))  
18 unless the total number of write-in votes and undervotes recorded by  
19 the vote tabulation system for the office is ((not)) greater than the  
20 number of votes cast for the candidate apparently ((nominated))  
21 qualified to appear on the general election ballot or elected((, and  
22 the write in votes could not have altered the outcome of the primary or  
23 election. In the case of write in votes for statewide office or for  
24 any office whose jurisdiction encompasses more than one county, write-  
25 in votes for an individual candidate must be tallied whenever the  
26 county auditor is notified by either the office of the secretary of  
27 state or another auditor in a multicounty jurisdiction that it appears  
28 that the write in votes could alter the outcome of the primary or  
29 election)).

30 ((+4)) (5) In the case of write-in votes for statewide office((s))  
31 or any office whose jurisdiction((s that)) encompasses more than one  
32 county, ((if the total number of write in votes and under votes  
33 recorded by the vote tabulation system for an office within a county is  
34 greater than the number of votes cast for a candidate apparently  
35 nominated or elected in a primary or election, the auditor shall tally  
36 all write in votes for individual candidates for that office and notify  
37 the office of the secretary of state and the auditors of the other  
38 counties within the jurisdiction, that the write in votes for

1 ~~individual candidates should be tallied))~~ write-in votes for an  
2 individual candidate must be tallied when the county auditor is  
3 notified by either the secretary of state or another county auditor in  
4 the multicounty jurisdiction that it appears that the write-in votes  
5 must be tabulated under the terms of this section. In all other cases,  
6 the county auditor determines when write-in votes must be tabulated.  
7 Any abstract of votes must be modified to reflect the tabulation and  
8 certified by the canvassing board. Tabulation of write-in votes may be  
9 performed simultaneously with a recount.

10 **Sec. 7.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to  
11 read as follows:

12 Whenever the precinct election officers or the counting center  
13 personnel have a question about the validity of a ballot or the votes  
14 for an office or issue that they are unable to resolve, they shall  
15 prepare and sign a concise record of the facts in question or dispute.  
16 These ballots shall be delivered to the canvassing board for  
17 processing. Only the canvassing board has authority to reject a  
18 ballot, or a vote for an office or issue on a ballot, as invalid. The  
19 canvassing board may not delegate this authority. All ballots shall be  
20 preserved in the same manner as valid ballots for that primary or  
21 election.

22 **Sec. 8.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to  
23 read as follows:

24 The county auditor shall produce cumulative and precinct returns  
25 for each primary and election and deliver them to the canvassing board  
26 for verification and certification. The precinct and cumulative  
27 returns of any primary or election are public records under chapter  
28 42.17 RCW.

29 Cumulative returns for state offices, judicial offices, the United  
30 States senate, and congress must be electronically transmitted to the  
31 secretary of state immediately.

32 **Sec. 9.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to  
33 read as follows:

34 ~~((At least every third day after a primary or election and before~~  
35 ~~certification of the election results,))~~ Except Sundays and legal

1 holidays, the county auditor, as delegated by the county canvassing  
2 board, shall process absentee ballots and canvass the votes cast at  
3 that primary or election on a daily basis in counties with a population  
4 of seventy-five thousand or more, or at least every third day for  
5 counties with a population of less than seventy-five thousand, if the  
6 county auditor is in possession of more than twenty-five ballots that  
7 have yet to be canvassed. The county auditor, as delegated by the  
8 county canvassing board, may use his or her discretion in determining  
9 when to process the remaining absentee ballots and canvass the votes  
10 during the final four days before the certification of election results  
11 in order to protect the secrecy of any ballot. In counties where this  
12 process has not been delegated to the county auditor, the county  
13 auditor shall convene the county canvassing board to process absentee  
14 ballots and canvass the votes cast at the primary or election as set  
15 forth in this section.

16 Each absentee ballot previously not canvassed that was received by  
17 the county auditor two days or more before processing absentee ballots  
18 and canvassing the votes as delegated by or processed by the county  
19 canvassing board, that either was received by the county auditor before  
20 the closing of the polls on the day of the primary or election for  
21 which it was issued, or that bears a postmark on or before the primary  
22 or election for which it was issued, must be processed at that time.  
23 The tabulation of votes that results from that day's canvass must be  
24 made available to the general public immediately upon completion of the  
25 canvass.

26 **Sec. 10.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to  
27 read as follows:

28 (1) On the tenth day after a special election or primary and on the  
29 (~~fifteenth~~) twentieth day after a general election, the county  
30 canvassing board shall complete the canvass and certify the results.  
31 Each absentee ballot that was returned before the closing of the polls  
32 on the date of the primary or election for which it was issued, and  
33 each absentee ballot with a postmark on or before the date of the  
34 primary or election for which it was issued and received on or before  
35 the date on which the primary or election is certified, must be  
36 included in the canvass report.

1 (2) At the request of a caucus of the state legislature, the county  
2 auditor shall transmit copies of all unofficial returns of state and  
3 legislative primaries or elections prepared by or for the county  
4 canvassing board to either the secretary of the senate or the chief  
5 clerk of the house of representatives.

6 **Sec. 11.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to  
7 read as follows:

8 Whenever the canvassing board finds that there is an apparent  
9 discrepancy or an inconsistency in the returns of a primary or election  
10 caused by an error by the county auditor or his or her staff, the board  
11 may recanvass the ballots or voting devices in any precincts of the  
12 county. The canvassing board shall conduct any necessary recanvass  
13 activity on or before the last day to certify the primary or election  
14 under RCW 29A.60.190, and correct any error and document the correction  
15 of any error that it finds.

16 **Sec. 12.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to  
17 read as follows:

18 (1) Immediately after the official results of a state primary or  
19 general election in a county are ascertained, the county auditor or  
20 other election officer shall make an abstract of the number of  
21 registered voters in each precinct and of all the votes cast in the  
22 county at such state primary or general election for and against state  
23 measures and for each candidate for federal, state, and legislative  
24 office or for any other office which the secretary of state is required  
25 by law to canvass. The cumulative report of the election and a copy of  
26 the certificate of the election must be transmitted to the secretary of  
27 state immediately((7)) through electronic means, and mailed with the  
28 abstract of votes no later than the next business day following the  
29 certification by the county canvassing board.

30 (2) After each general election, the county auditor or other  
31 election officer shall provide to the secretary of state a report of  
32 the number of absentee ballots cast in each precinct for and against  
33 state measures and for each candidate for federal, state, and  
34 legislative office or for any other office which the secretary of state  
35 is required by law to canvass. The report may be included in the  
36 abstract required by this section or may be transmitted to the

1 secretary of state separately, but in no event later than March 31st of  
2 the year following the election. Absentee ballot results may be  
3 incorporated into votes cast at the polls for each precinct or may be  
4 reported separately on a precinct-by-precinct basis.

5 (3) If absentee ballot results are not incorporated into votes cast  
6 at the polls, the county auditor or other election official may  
7 aggregate results from more than one precinct if the auditor, pursuant  
8 to rules adopted by the secretary of state, finds that reporting a  
9 single precinct's absentee ballot results would jeopardize the secrecy  
10 of a person's ballot. To the extent practicable, precincts for which  
11 absentee results are aggregated must be contiguous.

12 **Sec. 13.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to  
13 read as follows:

14 As soon as the returns have been received from all the counties of  
15 the state, but not later than the thirtieth day after the election, the  
16 secretary of state shall ~~((make a)) canvass ((of such of the returns as  
17 are not required to be canvassed by the legislature and make out a  
18 statement thereof, file it in his or her office, and transmit a  
19 certified copy to the governor))~~ and certify the returns of the general  
20 election as to candidates for state offices, the United States senate,  
21 congress, and all other candidates whose districts extend beyond the  
22 limits of a single county. The secretary of state shall transmit a  
23 copy of the certification to the governor, president of the senate, and  
24 speaker of the house of representatives.

25 **Sec. 14.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to  
26 read as follows:

27 An application for a recount shall state the office for which a  
28 recount is requested and whether the request is for all or only a  
29 portion of the votes cast in that jurisdiction of that office. The  
30 person filing an application for a manual recount shall, at the same  
31 time, deposit with the county canvassing board or secretary of state,  
32 in cash or by certified check, a sum equal to twenty-five cents for  
33 each ballot cast in the jurisdiction or portion of the jurisdiction for  
34 which the recount is requested as security for the payment of any costs  
35 of conducting the recount. If the application is for a machine

1 recount, the deposit must be equal to fifteen cents for each ballot.  
2 These charges shall be determined by the county canvassing board or  
3 boards under RCW (~~29A.64.080~~) 29A.64.081.

4 The county canvassing board shall determine ((a)) the date, time,  
5 and ((a)) place or places at which the recount will be conducted.  
6 (~~This time shall be less than three business days after the day upon~~  
7 ~~which: The application was filed with the board; the request for a~~  
8 ~~recount or directive ordering a recount was received by the board from~~  
9 ~~the secretary of state; or the returns are certified which indicate~~  
10 ~~that a recount is required under RCW 29A.64.020 for an issue or office~~  
11 ~~voted upon only within the county.)) Not less than two days before the  
12 date of the recount, the county auditor shall mail a notice of the time  
13 and place of the recount to the applicant or affected parties and, if  
14 the recount involves an office, to any person for whom votes were cast  
15 for that office. The county auditor shall also notify the affected  
16 parties by either telephone, fax, e-mail, or other electronic means at  
17 the time of mailing. At least three attempts must be made over a two-  
18 day period to notify the affected parties or until the affected parties  
19 have received the notification. Each attempt to notify affected  
20 parties must request a return response indicating that the notice has  
21 been received. Each person entitled to receive notice of the recount  
22 may attend, witness the recount, and be accompanied by counsel.~~

23 Proceedings of the canvassing board are public under chapter 42.30  
24 RCW. Subject to reasonable and equitable guidelines adopted by the  
25 canvassing board, all interested persons may attend and witness a  
26 recount.

27 **Sec. 15.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to  
28 read as follows:

29 Upon completion of the canvass of a recount, the canvassing board  
30 shall prepare and certify an amended abstract showing the votes cast in  
31 each precinct for which the recount was conducted. Copies of the  
32 amended abstracts must be transmitted to the same officers who received  
33 the abstract on which the recount was based.

34 If the nomination, election, or issue for which the recount was  
35 conducted was submitted only to the voters of a county, the canvassing  
36 board shall file the amended abstract with the original results of that  
37 election or primary.

1 If the nomination, election, or issue for which a recount was  
2 conducted was submitted to the voters of more than one county, the  
3 secretary of state shall canvass the amended abstracts and shall file  
4 an amended abstract with the original results of that election. The  
5 secretary of state may require that the amended abstracts be certified  
6 by each canvassing board on a uniform date. An amended abstract  
7 certified under this section supersedes any prior abstract of the  
8 results for the same offices or issues at the same primary or election.

9 **Sec. 16.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to  
10 read as follows:

11 Any justice of the supreme court, judge of the court of appeals, or  
12 judge of the superior court in the proper county shall, by order,  
13 require any person charged with error, wrongful act, or neglect to  
14 forthwith correct the error, desist from the wrongful act, or perform  
15 the duty and to do as the court orders or to show cause forthwith why  
16 the error should not be corrected, the wrongful act desisted from, or  
17 the duty or order not performed, whenever it is made to appear to such  
18 justice or judge by affidavit of an elector that:

19 (1) An error or omission has occurred or is about to occur in  
20 printing the name of any candidate on official ballots; or

21 (2) An error other than as provided in subsections (1) and (3) of  
22 this section has been committed or is about to be committed in printing  
23 the ballots; or

24 (3) The name of any person has been or is about to be wrongfully  
25 placed upon the ballots; or

26 (4) A wrongful act other than as provided for in subsections (1)  
27 and (3) of this section has been performed or is about to be performed  
28 by any election officer; or

29 (5) Any neglect of duty on the part of an election officer other  
30 than as provided for in subsections (1) and (3) of this section has  
31 occurred or is about to occur; or

32 (6) An error or omission has occurred or is about to occur in the  
33 issuance of a certificate of election.

34 An affidavit of an elector under subsections (1) and (3) (~~above~~)  
35 of this section when relating to a primary election must be filed with  
36 the appropriate court no later than the second Friday following the  
37 closing of the filing period for nominations for such office and shall

1 be heard and finally disposed of by the court not later than five days  
2 after the filing thereof. An affidavit of an elector under subsections  
3 (1) and (3) of this section when relating to a general election must be  
4 filed with the appropriate court no later than three days following the  
5 official certification of the primary election returns and shall be  
6 heard and finally disposed of by the court not later than five days  
7 after the filing thereof. An affidavit of an elector under subsection  
8 (6) of this section shall be filed with the appropriate court no later  
9 than ten days following the (~~issuance of a certificate of election~~)  
10 official certification of the election as provided in RCW 29A.60.190,  
11 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after  
12 the official certification of the amended abstract as provided in RCW  
13 29A.64.061.

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