
HOUSE BILL 1752

State of Washington

59th Legislature

2005 Regular Session

By Representatives Green, Nixon, Shabro, Haigh, Upthegrove, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville; by request of Secretary of State

Read first time 02/03/2005. Referred to Committee on State Government Operations & Accountability.

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

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;
- 8 (4) The examination and testing of voting systems for
9 certification;
- 10 (5) The source and scope of independent evaluations of voting
11 systems that may be relied upon in certifying voting systems for use in
12 this state;
- 13 (6) Standards and procedures for the acceptance testing of voting
14 systems by counties;
- 15 (7) Standards and procedures for testing the programming of vote
16 tallying software for specific primaries and elections;
- 17 (8) Standards and procedures for the preparation and use of each
18 type of certified voting system including procedures for the operation
19 of counting centers where vote tallying systems are used;
- 20 (9) Standards and procedures to ensure the accurate tabulation and
21 canvassing of ballots;
- 22 (10) Consistency among the counties of the state in the preparation
23 of ballots, the operation of vote tallying systems, and the canvassing
24 of primaries and elections;
- 25 (11) Procedures to ensure the secrecy of a voter's ballot when a
26 small number of ballots are counted at the polls or at a counting
27 center;
- 28 (12) The use of substitute devices or means of voting when a voting
29 device at the polling place is found to be defective, the counting of
30 votes cast on the defective device, the counting of votes cast on the
31 substitute device, and the documentation that must be submitted to the
32 county auditor regarding such circumstances;
- 33 (13) Procedures for the transportation of sealed containers of
34 voted ballots or sealed voting devices;
- 35 (14) The acceptance and filing of documents via electronic
36 facsimile;
- 37 (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.40.110 and 2003 c 111 s 1011 are each amended to
15 read as follows:

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

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

27 (3) Before opening a returned absentee ballot, the canvassing
28 board, or its designated representatives, shall examine the postmark,
29 statement, and signature on the return envelope that contains the
30 security envelope and absentee ballot. They shall verify that the
31 voter's signature on the return envelope is the same as the signature
32 of that voter in the registration files of the county. For registered
33 voters casting absentee ballots, the date on the return envelope to
34 which the voter has attested determines the validity, as to the time of
35 voting for that absentee ballot if the postmark is missing or is
36 illegible. For out-of-state voters, overseas voters, and service
37 voters, the date on the return envelope to which the voter has attested

1 determines the validity as to the time of voting for that absentee
2 ballot. (~~For any absentee ballot, a variation between the signature~~
3 ~~of the voter on the return envelope and the signature of that voter in~~
4 ~~the registration files due to the substitution of initials or the use~~
5 ~~of common nicknames is permitted so long as the surname and handwriting~~
6 ~~are clearly the same.))~~

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.60 RCW
8 to read as follows:

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

- 11 (1) The capital letters match;
- 12 (2) Letters tail off alike;
- 13 (3) Letter spacing is the same;
- 14 (4) The space between the signature and the line is the same;
- 15 (5) The beginning and ending of the signature and the slant are
16 consistent;
- 17 (6) Unique letters in the signature match;
- 18 (7) The overall appearances match.

19 In determining whether a signature on an absentee or provisional
20 ballot matches the signature on the registration file, the age of the
21 voter and the date of the signature on the registration file may also
22 be considered.

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

25 (1) If the voter neglects to sign the outside envelope of an
26 absentee or provisional ballot, the auditor shall notify the voter,
27 either by telephone or by first class mail, and advise the voter of the
28 correct procedures for completing the unsigned affidavit. In order for
29 the ballot to be counted, the voter must either:

- 30 (a) Appear in person and sign the envelope no later than the day
31 before the certification of the primary or election; or
- 32 (b) Sign a copy of the envelope provided by the auditor, and return
33 it to the auditor no later than the day before the certification of the
34 primary or election.

35 (2)(a) If the handwriting of the signature on an absentee or
36 provisional ballot envelope is not the same as the handwriting of the

1 signature on the registration file, the auditor shall notify the voter,
2 either by telephone or by first class mail, and advise the voter of the
3 correct procedures for updating his or her signature on the voter
4 registration file. In order for the ballot to be counted, the voter
5 must either:

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

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

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

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

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

22 (4) A record must be kept of the date on which the voter was
23 contacted or the notice was mailed, as well as the date on which the
24 voter signed the envelope, a copy of the envelope, a new registration
25 form, or a change-of-name form. The records are public records under
26 chapter 42.17 RCW once the election is certified by the county
27 canvassing board under RCW 29A.60.190.

28 **Sec. 5.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to
29 read as follows:

30 (1) For any office at any election or primary, any voter may write
31 in on the ballot the name of any person for an office who has filed as
32 a write-in candidate for the office in the manner provided by RCW
33 29A.24.311 and such vote shall be counted the same as if the name had
34 been printed on the ballot and marked by the voter. ~~((For a partisan
35 primary in a jurisdiction using the physically separate ballot format,
36 a voter may write in on a party ballot only the names of write-in
37 candidates who affiliate with that major political party.))~~ No write-

1 in vote made for any person who has not filed a declaration of
2 candidacy pursuant to RCW 29A.24.311 is valid if that person filed for
3 the same office, either as a regular candidate or a write-in candidate,
4 at the preceding primary. Any abbreviation used to designate
5 office(~~(,)~~) or position(~~(, or political party shall)~~) will be accepted
6 if the canvassing board can determine, to (~~(their)~~) its satisfaction,
7 the voter's intent.

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

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

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

37 (~~(+4)~~) (5) In the case of write-in votes for statewide office(~~(s)~~)
38 or any office whose jurisdiction(~~(s that)~~) encompasses more than one

1 county, (~~if the total number of write in votes and under votes~~
2 ~~recorded by the vote tabulation system for an office within a county is~~
3 ~~greater than the number of votes cast for a candidate apparently~~
4 ~~nominated or elected in a primary or election, the auditor shall tally~~
5 ~~all write in votes for individual candidates for that office and notify~~
6 ~~the office of the secretary of state and the auditors of the other~~
7 ~~counties within the jurisdiction, that the write in votes for~~
8 ~~individual candidates should be tallied)) write-in votes for an
9 individual candidate must be tallied when the county auditor is
10 notified by either the secretary of state or another county auditor in
11 the multicounty jurisdiction that it appears that the write-in votes
12 must be tabulated under the terms of this section. In all other cases,
13 the county auditor determines when write-in votes must be tabulated.
14 Any abstract of votes must be modified to reflect the tabulation and
15 certified by the canvassing board. Tabulation of write-in votes may be
16 performed simultaneously with a recount.~~

17 NEW SECTION. Sec. 6. A new section is added to chapter 29A.60 RCW
18 to read as follows:

19 (1) Each poll site ballot that was not tabulated at the poll site,
20 each mail ballot, and each provisional ballot must be manually
21 inspected. Inspection must include both sides of the ballot and each
22 voter response on the ballot.

23 (2) If the manual inspection reveals a physically damaged ballot,
24 an unreadable ballot that might not be correctly counted by the
25 tabulating equipment, or marks that differ from those specified in the
26 voting instructions, the county auditor may:

27 (a) Refer the ballot to the county canvassing board; or

28 (b) If authorized by the county canvassing board, duplicate the
29 ballot.

30 (3) A ballot may be duplicated only if the intent of the voter's
31 marks on the ballot is clear and the electronic voting equipment might
32 not otherwise properly tally the ballot to reflect the intent of the
33 voter. The voter's intent may be determined if the marks on the ballot
34 clearly form a discernible and consistent pattern on the ballot.

35 (4) Ballots must be duplicated by teams of two or more people
36 working together. When duplicating ballots, the county auditor shall

1 take the following steps to create and maintain an audit trail of the
2 action taken:

3 (a) Each original ballot and duplicate ballot must be assigned the
4 same unique control number, with the number being marked upon the face
5 of each ballot, to insure that each duplicate ballot may be tied back
6 to the original ballot;

7 (b) A log must be kept of the ballots duplicated, which must at
8 least include:

9 (i) The control number of each original ballot and the
10 corresponding duplicate ballot;

11 (ii) The initials of at least two people who participated in the
12 duplication of each ballot; and

13 (iii) The total number of ballots duplicated.

14 (5) Original ballots, duplicate ballots, and original ballots
15 requiring duplication must be sealed in secure storage at all times,
16 except during duplication, inspection by the canvassing board, or
17 tabulation.

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

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

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

32 The county auditor shall produce cumulative and precinct returns
33 for each primary and election and deliver them to the canvassing board
34 for verification and certification. The precinct and cumulative
35 returns of any primary or election are public records under chapter
36 42.17 RCW.

1 Cumulative returns for state offices, judicial offices, the United
2 States senate, and congress must be electronically transmitted to the
3 secretary of state immediately.

4 **Sec. 9.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to
5 read as follows:

6 (1) On the tenth day after a special election or primary and on the
7 (~~fifteenth~~) twentieth day after a general election, the county
8 canvassing board shall complete the canvass and certify the results.
9 Each absentee ballot that was returned before the closing of the polls
10 on the date of the primary or election for which it was issued, and
11 each absentee ballot with a postmark on or before the date of the
12 primary or election for which it was issued and received on or before
13 the date on which the primary or election is certified, must be
14 included in the canvass report.

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

20 **Sec. 10.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to
21 read as follows:

22 Whenever the canvassing board finds that there is an apparent
23 discrepancy or an inconsistency in the returns of a primary or election
24 caused by an error by the county auditor or his or her staff, the board
25 may recanvass the ballots or voting devices in any precincts of the
26 county. The canvassing board shall conduct any necessary recanvass
27 activity on or before the last day to certify the primary or election
28 under RCW 29A.60.190, and correct any error and document the correction
29 of any error that it finds.

30 **Sec. 11.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to
31 read as follows:

32 (1) Immediately after the official results of a state primary or
33 general election in a county are ascertained, the county auditor or
34 other election officer shall make an abstract of the number of
35 registered voters in each precinct and of all the votes cast in the

1 county at such state primary or general election for and against state
2 measures and for each candidate for federal, state, and legislative
3 office or for any other office which the secretary of state is required
4 by law to canvass. The cumulative report of the election and a copy of
5 the certificate of the election must be transmitted to the secretary of
6 state immediately((7)) through electronic means, and mailed with the
7 abstract of votes no later than the next business day following the
8 certification by the county canvassing board.

9 (2) After each general election, the county auditor or other
10 election officer shall provide to the secretary of state a report of
11 the number of absentee ballots cast in each precinct for and against
12 state measures and for each candidate for federal, state, and
13 legislative office or for any other office which the secretary of state
14 is required by law to canvass. The report may be included in the
15 abstract required by this section or may be transmitted to the
16 secretary of state separately, but in no event later than March 31st of
17 the year following the election. Absentee ballot results may be
18 incorporated into votes cast at the polls for each precinct or may be
19 reported separately on a precinct-by-precinct basis.

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

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

29 As soon as the returns have been received from all the counties of
30 the state, but not later than the thirtieth day after the election, the
31 secretary of state shall ~~((make a))~~ canvass ~~((of such of the returns as
32 are not required to be canvassed by the legislature and make out a
33 statement thereof, file it in his or her office, and transmit a
34 certified copy to the governor))~~ and certify the returns of the general
35 election as to candidates for state offices, the United States senate,
36 congress, and all other candidates whose districts extend beyond the

1 limits of a single county. The secretary of state shall transmit a
2 copy of the certification to the governor, president of the senate, and
3 speaker of the house of representatives.

4 **Sec. 13.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to
5 read as follows:

6 An application for a recount shall state the office for which a
7 recount is requested and whether the request is for all or only a
8 portion of the votes cast in that jurisdiction of that office. The
9 person filing an application for a manual recount shall, at the same
10 time, deposit with the county canvassing board or secretary of state,
11 in cash or by certified check, a sum equal to twenty-five cents for
12 each ballot cast in the jurisdiction or portion of the jurisdiction for
13 which the recount is requested as security for the payment of any costs
14 of conducting the recount. If the application is for a machine
15 recount, the deposit must be equal to fifteen cents for each ballot.
16 These charges shall be determined by the county canvassing board or
17 boards under RCW (~~29A.64.080~~) 29A.64.081.

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

1 Proceedings of the canvassing board are public under chapter 42.30
2 RCW. Subject to reasonable and equitable guidelines adopted by the
3 canvassing board, all interested persons may attend and witness a
4 recount.

5 **Sec. 14.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to
6 read as follows:

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

12 If the nomination, election, or issue for which the recount was
13 conducted was submitted only to the voters of a county, the canvassing
14 board shall file the amended abstract with the original results of that
15 election or primary.

16 If the nomination, election, or issue for which a recount was
17 conducted was submitted to the voters of more than one county, the
18 secretary of state shall canvass the amended abstracts and shall file
19 an amended abstract with the original results of that election. The
20 secretary of state may require that the amended abstracts be certified
21 by each canvassing board on a uniform date. An amended abstract
22 certified under this section supersedes any prior abstract of the
23 results for the same offices or issues at the same primary or election.

24 **Sec. 15.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to
25 read as follows:

26 Any justice of the supreme court, judge of the court of appeals, or
27 judge of the superior court in the proper county shall, by order,
28 require any person charged with error, wrongful act, or neglect to
29 forthwith correct the error, desist from the wrongful act, or perform
30 the duty and to do as the court orders or to show cause forthwith why
31 the error should not be corrected, the wrongful act desisted from, or
32 the duty or order not performed, whenever it is made to appear to such
33 justice or judge by affidavit of an elector that:

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

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

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

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

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

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

14 An affidavit of an elector under subsections (1) and (3) (~~above~~)
15 of this section when relating to a primary election must be filed with
16 the appropriate court no later than the second Friday following the
17 closing of the filing period for nominations for such office and shall
18 be heard and finally disposed of by the court not later than five days
19 after the filing thereof. An affidavit of an elector under subsections
20 (1) and (3) of this section when relating to a general election must be
21 filed with the appropriate court no later than three days following the
22 official certification of the primary election returns and shall be
23 heard and finally disposed of by the court not later than five days
24 after the filing thereof. An affidavit of an elector under subsection
25 (6) of this section shall be filed with the appropriate court no later
26 than ten days following the (~~issuance of a certificate of election~~)
27 official certification of the election as provided in RCW 29A.60.190,
28 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after
29 the official certification of the amended abstract as provided in RCW
30 29A.64.061.

31 NEW SECTION. **Sec. 16.** Section 6 of this act takes effect January
32 1, 2006.

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