H-0236.2   _____

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State of Washington   60th Legislature   2007 Regular Session

By Representatives Appleton, Haigh and Hunt

Read first time 01/24/2007.   Referred to Committee on State Government & Tribal Affairs.

1   AN ACT Relating to modifying provisions on the canvassing of
2 ballots; amending RCW 29A.60.160 and 29A.60.170; reenacting and
3 amending RCW 29A.60.160; providing an effective date; and providing an
4 expiration date.

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

6   **Sec. 1.** RCW 29A.60.160 and 2005 c 243 s 15 and 2005 c 153 s 11 are
7 each reenacted and amended to read as follows:
8   (1) Except for an election conducted under the instant runoff
9 voting method for the pilot project authorized by RCW 29A.53.020,
10 ((~~[and] except Sundays and legal holidays, the county auditor, as~~
11 ~~delegated by the county canvassing board, shall process absentee~~
12 ~~ballots and canvass the votes cast at that primary or election on a~~
13 ~~daily basis in counties with a population of seventy-five thousand or~~
14 ~~more, or at least every third day for counties with a population of~~
15 ~~less than seventy-five thousand, if the county auditor is in possession~~
16 ~~of more than twenty-five ballots that have yet to be canvassed. The~~
17 ~~county auditor, as delegated by the county canvassing board, may use~~
18 ~~his or her discretion in determining when to process the remaining~~
19 ~~absentee ballots and canvass the votes during the final four days~~

before the certification of election results in order to protect the ~~secrecy of any ballot. In counties where this process has not been~~ ~~delegated to the county auditor, the county auditor shall convene the~~ ~~county canvassing board to process absentee ballots and canvass the~~ ~~votes cast at the primary or election as set forth in this section.~~

~~Except for an election conducted under the instant runoff voting~~ ~~method for the pilot project authorized by RCW 29A.53.020, each~~ ~~absentee ballot previously not canvassed that was received by the~~ ~~county auditor two days or more before processing absentee ballots and~~ ~~canvassing the votes as delegated by or processed by the county~~ ~~canvassing board, that either was received by the county auditor before~~ ~~the closing of the polls on the day of the primary or election for~~ ~~which it was issued, or that bears a postmark on or before the primary~~ ~~or election for which it was issued, must be processed at that time.~~ ~~The tabulation of votes that results from that day's canvass must be~~ ~~made available to the general public immediately upon completion of the~~ ~~canvass~~)) if the county auditor is in possession of more than ten thousand absentee ballots that have yet to be processed, the county auditor must process and canvass absentee ballots on a daily basis.

(2) At a minimum, the county auditor must process and canvass absentee ballots every third day.

(3) Sundays and legal holidays are not counted for purposes of this section.

(4) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.

(5) Tabulation results must be made available to the public immediately upon completion of the canvass.

Sec. 2. RCW 29A.60.160 and 2005 c 243 s 15 are each amended to read as follows:

((~~Except Sundays and legal holidays, the county auditor, as~~ ~~delegated by the county canvassing board, shall process absentee~~ ~~ballots and canvass the votes cast at that primary or election on a~~ ~~daily basis in counties with a population of seventy-five thousand or~~ ~~more, or at least every third day for counties with a population of~~ ~~less than seventy-five thousand, if the county auditor is in possession~~ ~~of more than twenty-five ballots that have yet to be canvassed. The~~

1 *county auditor, as delegated by the county canvassing board, may use*
2 *his or her discretion in determining when to process the remaining*
3 *absentee ballots and canvass the votes during the final four days*
4 *before the certification of election results in order to protect the*
5 *secrecy of any ballot. In counties where this process has not been*
6 *delegated to the county auditor, the county auditor shall convene the*
7 *county canvassing board to process absentee ballots and canvass the*
8 *votes cast at the primary or election as set forth in this section.*
9 *Each absentee ballot previously not canvassed that was received by*
10 *the county auditor two days or more before processing absentee ballots*
11 *and canvassing the votes as delegated by or processed by the county*
12 *canvassing board, that either was received by the county auditor before*
13 *the closing of the polls on the day of the primary or election for*
14 *which it was issued, or that bears a postmark on or before the primary*
15 *or election for which it was issued, must be processed at that time.*
16 *The tabulation of votes that results from that day's canvass must be*
17 *made available to the general public immediately upon completion of the*
18 *canvass.*)) <u>(1) If the county auditor is in possession of more than ten</u>
19 <u>thousand absentee ballots that have yet to be processed, the county</u>
20 <u>auditor must process and canvass absentee ballots on a daily basis.</u>
21   <u>(2) At a minimum, the county auditor must process and canvass</u>
22 <u>absentee ballots every third day.</u>
23   <u>(3) Sundays and legal holidays are not counted for purposes of this</u>
24 <u>section.</u>
25   <u>(4) In order to protect the secrecy of a ballot, the county auditor</u>
26 <u>may use discretion to decide when to process absentee ballots and</u>
27 <u>canvass the votes.</u>
28   <u>(5) Tabulation results must be made available to the public</u>
29 <u>immediately upon completion of the canvass.</u>

30   **Sec. 3.** RCW 29A.60.170 and 2003 c 111 s 1517 are each amended to
31 read as follows:
32   (1) The counting center in a county using voting systems is under
33 the direction of the county auditor and must be observed by one
34 representative from each major political party, if representatives have
35 been appointed by the respective major political parties and these
36 representatives are present while the counting center is operating.

The proceedings must be open to the public, but no persons except those
employed and authorized by the county auditor may touch any ballot or
ballot container or operate a vote tallying system.

(2) In counties in which ballots are not counted at the polling
place, the official political party observers, upon mutual agreement,
may request that a precinct be selected at random on receipt of the
ballots from the polling place and that a manual count be made of the
number of ballots and of the votes cast on any office or issue. The
ballots for that precinct must then be counted by the vote tallying
system, and this result will be compared to the results of the manual
count. This may be done as many as three times during the tabulation
of ballots on the day of the primary or election.

(3) In counties using poll-site ballot counting devices, the
political party observers, upon mutual agreement, may choose as many as
three precincts and request that a manual count be made of the number
of ballots and the votes cast on any office or issue. The results of
this count will be compared to the count of the precinct made by the
poll-site ballot counting device. These selections must be made no
later than thirty minutes after the close of the polls. The manual
count must be completed within forty-eight hours after the close of the
polls. The process must take place at a location designated by the
county auditor for that purpose. The political party observers must
receive timely notice of the time and location, and have the right to
be present. However, the process must proceed as scheduled if the
observers are unable to attend.

(4) In counties voting entirely by mail, a random audit of the
ballot counting equipment may be conducted upon mutual agreement of the
political party observers or at the discretion of the county auditor.
The random audit procedures must be adopted by the county canvassing
board. The random audit process shall involve a comparison of a manual
count to the machine count and may involve up to either three precincts
or three batches depending on the ballot counting procedures in place
in the county. The random audit will be limited to one office or issue
on the ballots in the precincts or batches that are selected for the
audit. The selection of the precincts or batches to be audited must
occur no later than 8:30 p.m. on election day and the audit must be
completed no later than forty-eight hours after election day.

1   NEW SECTION. **Sec. 4.** Section 1 of this act expires July 1, 2013.

2   NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,
3   2013.

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