
HOUSE BILL 1752

State of Washington

61st Legislature

2009 Regular Session

By Representatives Hurst and Hunt

Read first time 01/28/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to the observation of election procedures; amending
2 RCW 29A.60.120, 29A.60.125, and 29A.64.041; and adding a new section to
3 chapter 29A.60 RCW.

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

5 **Sec. 1.** RCW 29A.60.120 and 2003 c 111 s 1512 are each amended to
6 read as follows:

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

11 (2) Upon breaking the seals and opening the ballot containers from
12 the precincts, all voted ballots must be manually inspected for damage,
13 write-in votes, and incorrect or incomplete marks. If it is found that
14 any ballot is damaged so that it cannot properly be counted by the vote
15 tallying system, a true duplicate copy must be made of the damaged
16 ballot in the presence of witnesses and the major party observers, if
17 they choose to witness the duplication, and substituted for the damaged
18 ballot. All damaged ballots must be kept by the county auditor until

1 sixty days after the primary or election or according to federal law,
2 whichever is longer.

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

7 **Sec. 2.** RCW 29A.60.125 and 2005 c 243 s 10 are each amended to
8 read as follows:

9 If inspection of the ballot reveals a physically damaged ballot or
10 ballot that may be otherwise unreadable or uncountable by the
11 tabulating system, the county auditor may refer the ballot to the
12 county canvassing board or duplicate the ballot if so authorized by the
13 county canvassing board. The voter's original ballot may not be
14 altered. A ballot may be duplicated only if the intent of the voter's
15 marks on the ballot is clear and the electronic voting equipment might
16 not otherwise properly tally the ballot to reflect the intent of the
17 voter. Ballots must be duplicated by teams of two or more people
18 working together in view of the major party observers, if they choose
19 to witness the duplication. When duplicating ballots, the county
20 auditor shall take the following steps to create and maintain an audit
21 trail of the action taken:

22 (1) Each original ballot and duplicate ballot must be assigned the
23 same unique control number, with the number being marked upon the face
24 of each ballot, to ensure that each duplicate ballot may be tied back
25 to the original ballot;

26 (2) A log must be kept of the ballots duplicated, which must at
27 least include:

28 (a) The control number of each original ballot and the
29 corresponding duplicate ballot;

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

32 (c) The total number of ballots duplicated.

33 Original and duplicate ballots must be sealed in secure storage at
34 all times, except during duplication, inspection by the canvassing
35 board, or tabulation.

1 opinion, a greater number would cause undue delay or disruption of the
2 recount process.

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