
SENATE BILL 5273

State of Washington

54th Legislature

1995 Regular Session

By Senators Hale, Haugen, Winsley and Franklin; by request of Secretary of State

Read first time 01/18/95. Referred to Committee on Government Operations.

1 AN ACT Relating to canvassing of election returns; amending RCW
2 29.62.020 and 29.62.030; and adding a new section to chapter 29.62 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.62 RCW
5 to read as follows:

6 (1) The county canvassing board consists of three members,
7 designated in writing and filed in the office of the county auditor not
8 later than the day before the first day duties are to be undertaken by
9 the board, as follows:

10 (a) The county auditor shall designate one member, who shall be the
11 auditor or a deputy auditor;

12 (b) The county prosecutor shall designate one member, who shall be
13 the prosecutor or a deputy prosecutor; and

14 (c) The chair of the county legislative authority shall designate
15 one member, who shall be a member of the county legislative authority.

16 (2) The members designated to the county canvassing board may not
17 include individuals who are candidates for an office to be voted upon
18 at the primary or election to be canvassed, unless no other individuals
19 qualify under subsection (1) of this section.

1 (3) The county canvassing board may, under rules adopted by the
2 secretary of state, delegate in writing, or at a public meeting, the
3 performance of any task assigned by law to the board. The rules shall
4 not authorize delegation of the responsibility of certifying the
5 returns of a primary or election, of determining the validity of
6 challenged ballots, or of determining the validity of special ballots
7 referred to them by the county auditor.

8 (4) Meetings of the county canvassing board are public meetings
9 under chapter 42.30 RCW.

10 **Sec. 2.** RCW 29.62.020 and 1987 c 54 s 2 are each amended to read
11 as follows:

12 (1) No later than the tenth day after a special election or primary
13 and no later than the fifteenth day after a general election, the
14 county auditor shall convene the county canvassing board to process the
15 absentee ballots and canvass the votes cast at that primary or
16 election. On the tenth day after a special election or a primary and
17 on the fifteenth day after a general election, the canvassing board
18 shall complete the canvass and certify the results. All properly and
19 timely voted absentee ballots which have been received on or before the
20 date on which the primary or election is certified shall be included in
21 the canvass. (~~Meetings of the county canvassing board are public
22 meetings under chapter 42.30 RCW. The county canvassing board shall
23 consist of the county auditor, the chairman of the county legislative
24 authority, and the prosecuting attorney or designated representatives
25 of those officials.~~)

26 (2) At the request of any caucus of the state legislature, the
27 county auditor shall transmit copies of all unofficial returns of state
28 and legislative primaries or elections prepared by or for the county
29 canvassing board to either the secretary of the senate or the chief
30 clerk of the house.

31 **Sec. 3.** RCW 29.62.030 and 1965 c 9 s 29.62.030 are each amended to
32 read as follows:

33 If the primary or election is one at which (~~the county auditor~~)
34 a member, or the officer designating a member, of the canvassing board
35 is (~~to be nominated or elected, canvass of the returns~~) a candidate
36 for an office, decisions regarding the determination of a voter's
37 intent with respect to a vote cast for that specific office shall be

1 made by the other two members of the board((+)) not designated by that
2 officer. If the two disagree, the ((returns for that office shall be
3 canvassed by the presiding judge of the superior court of the county))
4 vote shall not be counted unless the number of those votes could affect
5 the result of the election, in which case the secretary of state or a
6 designee shall make the decision on those votes. This section does not
7 restrict participation in decisions as to the acceptance or rejection
8 of entire ballots, unless the office in question is the only one for
9 which the voter cast a vote.

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