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SENATE BILL 5629

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State of Washington

60th Legislature

2007 Regular Session

By Senators Oemig, Kilmer and Rockefeller

Read first time 01/25/2007. Referred to Committee on Government Operations & Elections.

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~~

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

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

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

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

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

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

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

31 ((Except Sundays and legal holidays, the county auditor, as  
32 delegated by the county canvassing board, shall process absentee  
33 ballots and canvass the votes cast at that primary or election on a  
34 daily basis in counties with a population of seventy five thousand or  
35 more, or at least every third day for counties with a population of  
36 less than seventy five thousand, if the county auditor is in possession  
37 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.)) (1) If the county auditor is in possession of more than ten  
19 thousand absentee ballots that have yet to be processed, the county  
20 auditor must process and canvass absentee ballots on a daily basis.

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

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

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

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

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.

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

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

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

26 (4) In counties voting entirely by mail, a random audit of the  
27 ballot counting equipment may be conducted upon mutual agreement of the  
28 political party observers or at the discretion of the county auditor.  
29 The random audit procedures must be adopted by the county canvassing  
30 board. The random audit process shall involve a comparison of a manual  
31 count to the machine count and may involve up to either three precincts  
32 or three batches depending on the ballot counting procedures in place  
33 in the county. The random audit will be limited to one office or issue  
34 on the ballots in the precincts or batches that are selected for the  
35 audit. The selection of the precincts or batches to be audited must  
36 occur no later than 8:30 p.m. on election day and the audit must be  
37 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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