

---

**SUBSTITUTE SENATE BILL 6180**

---

**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators Oemig, Fairley, McDermott, and Kline)

READ FIRST TIME 01/24/08.

1       AN ACT Relating to postelection audits; and amending RCW  
2 29A.48.060, 29A.60.110, and 29A.60.170.

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

4       **Sec. 1.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to  
5 read as follows:

6       All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or  
7 29A.48.030 must contain the same offices, names of nominees or  
8 candidates, and propositions to be voted upon, including precinct  
9 offices, as if the ballot had been voted in person at the polling  
10 place. Except as otherwise provided by law, mail ballots must be  
11 treated in the same manner as absentee ballots issued at the request of  
12 the voter. If electronic vote tallying devices are used, political  
13 party observers must be given the opportunity to be present, and a test  
14 of the equipment must be performed as required by RCW 29A.12.130 before  
15 tabulating ballots. ~~((Political party observers may select at random  
16 ballots to be counted manually as provided by RCW 29A.60.170.))~~

17       **Sec. 2.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to  
18 read as follows:

1 Immediately after their tabulation, all ballots counted at a ballot  
2 counting center must be sealed in containers that identify the primary  
3 or election and be retained for at least sixty days or according to  
4 federal law, whichever is longer. All ballots tallied by poll-site  
5 ballot counting devices must be returned to the elections department in  
6 sealed ballot containers on election day. Counties composed entirely  
7 of islands or portions of counties composed of islands shall collect  
8 the ballots within twenty-four hours of the close of the polls.

9 Ballots tabulated in poll-site ballot counting devices must be  
10 sealed by two of the election precinct officers at the polling place,  
11 and a log of the seal and the names of the people sealing the container  
12 must be completed. One copy of this log must be retained by the  
13 inspector, one copy must be placed in the ballot transfer case, and one  
14 copy must be transported with the ballots to the elections department,  
15 where the seal number must be verified by the county auditor or a  
16 designated representative. Ballots may be transported by one election  
17 employee if the container is sealed at the poll and then verified when  
18 returned to the elections department. Auditors using poll-site ballot  
19 counting devices may conduct early pickup of counted ballots on  
20 election day.

21 In the presence of major party observers who are available, ballots  
22 may be removed from the sealed containers at the elections department  
23 and consolidated into one sealed container for storage purposes. The  
24 containers may only be opened by the canvassing board as part of the  
25 canvass, ~~((or))~~ to conduct recounts, ~~((or under))~~ to conduct a manual  
26 count pursuant to RCW 29A.60.170~~((+3))~~, or by order of the superior  
27 court in a contest or election dispute. If the canvassing board opens  
28 a ballot container, it shall make a full record of the additional  
29 tabulation or examination made of the ballots. This record must be  
30 added to any other record of the canvassing process in that county.

31 **Sec. 3.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to read  
32 as follows:

33 (1) The counting center in a county using voting systems is under  
34 the direction of the county auditor and must be observed by one  
35 representative from each major political party, if representatives have  
36 been appointed by the respective major political parties and these  
37 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 check 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 check procedures must be adopted by the county canvassing  
30 board prior to the processing of ballots. ~~((The random check process  
31 shall involve a comparison of a manual count to the machine count and  
32 may involve up to either three precincts or six batches depending on  
33 the ballot counting procedures in place in the county.))~~ The random  
34 check ~~((will))~~ must be limited to one office or issue on ~~((the))~~ all  
35 ballots ~~((in the precincts or batches))~~ that are selected for the  
36 check. The ~~((selection of the))~~ method for selecting the precincts  
37 ~~((or)),~~ batches, or ballots to be checked must be ~~((selected according  
38 to procedures established by the))~~ established in county canvassing

1 board procedures, and the check must be completed no later than  
2 (~~forty-eight hours after election day~~) seventy-two hours prior to  
3 certification. The random check shall be a comparison of the machine  
4 count to a manual count of either:

5 (a) Three precincts or six batches of ballots; or

6 (b) A sufficient number of ballots to satisfy a statistical  
7 sampling formula established in administrative rule by the secretary of  
8 state.

--- END ---