| H-1223.1 | | |
|----------|--|--|
| | | |

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.

7

8

10

- 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 read as follows:
 - (1) The ballots picked up from the precincts during the polling hours may be counted only at the counting center before the polls have closed. Election returns from the count of these ballots must be held 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

p. 1 HB 1752

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

3

5

6

22

23

24

25

26

27

32

(3) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, write-in votes, and absentee votes, constitute the official returns of the primary or 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:

If inspection of the ballot reveals a physically damaged ballot or 9 ballot that may be otherwise unreadable or uncountable by the 10 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 marks on the ballot is clear and the electronic voting equipment might 15 not otherwise properly tally the ballot to reflect the intent of the 16 17 Ballots must be duplicated by teams of two or more people working together in view of the major party observers, if they choose 18 to witness the duplication. When duplicating ballots, the county 19 20 auditor shall take the following steps to create and maintain an audit 21 trail of the action taken:

- (1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
- (2) A log must be kept of the ballots duplicated, which must at 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
 - (c) The total number of ballots duplicated.
- Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.

HB 1752 p. 2

1 NEW SECTION. Sec. 3. A new section is added to chapter 29A.60 RCW 2 to read as follows:

3 4

5

6 7

8

9

11

12 13

14

15 16

17

18

19 20

21

22

23

24

25

26

27

28 29

30

31

32

33 34

35

For the purposes of this chapter, major political party observers shall be allowed close enough to election workers to provide meaningful oversight of the processing of ballots, including viewing individual ballots, hearing conversations between election workers, observing any modifications or duplications of ballots, and the selection of ballots for a random check.

- Sec. 4. RCW 29A.64.041 and 2004 c 271 s 179 are each amended to read as follows: 10
 - (1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The canvassing board shall not permit the tabulation of votes for any nomination, election, or issue other than the ones for which a recount was applied for or required.

- (2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.
- (3) The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. The designated observers shall be allowed close enough to the election workers performing the recount to provide meaningful oversight of the process, including viewing the individual ballots. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her

p. 3 HB 1752

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

--- END ---

HB 1752 p. 4