

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1233**

54th Legislature  
1995 Regular Session

Passed by the House March 7, 1995  
Yeas 96 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate April 10, 1995  
Yeas 45 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1233** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1233**

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Passed Legislature - 1995 Regular Session

**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Government Operations (originally sponsored by Representatives L. Thomas, R. Fisher and Wolfe; by request of Secretary of State)

Read first time 02/06/95.

1       AN ACT Relating to canvassing of election returns; amending RCW  
2 29.62.020 and 29.62.030; adding a new section to chapter 29.62 RCW; and  
3 repealing RCW 29.62.140.

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

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

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

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

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

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

17       (2) The members designated to the county canvassing board may not  
18 include individuals who are candidates for an office to be voted upon

1 at the primary or election to be canvassed, unless no other individuals  
2 qualify under subsection (1) of this section.

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

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

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

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

32 (2) At the request of any caucus of the state legislature, the  
33 county auditor shall transmit copies of all unofficial returns of state  
34 and legislative primaries or elections prepared by or for the county  
35 canvassing board to either the secretary of the senate or the chief  
36 clerk of the house.

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

3       If the primary or election is one at which (~~the county auditor~~)  
4 a member, or the officer designating a member, of the canvassing board  
5 is (~~to be nominated or elected, canvass of the returns~~) a candidate  
6 for an office, decisions regarding the determination of a voter's  
7 intent with respect to a vote cast for that specific office shall be  
8 made by the other two members of the board(~~+~~) not designated by that  
9 officer. If the two disagree, the (~~returns for that office shall be~~  
10 canvassed by the presiding judge of the superior court of the county)  
11 vote shall not be counted unless the number of those votes could affect  
12 the result of the primary or election, in which case the secretary of  
13 state or a designee shall make the decision on those votes. This  
14 section does not restrict participation in decisions as to the  
15 acceptance or rejection of entire ballots, unless the office in  
16 question is the only one for which the voter cast a vote.

17       NEW SECTION. **Sec. 4.** RCW 29.62.140 and 1965 c 9 s 29.62.140 are  
18 each repealed.

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