
HOUSE BILL 2056

State of Washington

54th Legislature

1995 Regular Session

By Representative Boldt

Read first time 02/28/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to recounts of votes cast at an election or
2 primary; and amending RCW 29.64.010, 29.64.020, and 29.64.060.

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

4 **Sec. 1.** RCW 29.64.010 and 1987 c 54 s 3 are each amended to read
5 as follows:

6 An officer of a political party or any person for whom votes were
7 cast in a primary who was not declared nominated may file a written
8 application for a recount of the votes or a portion of the votes cast
9 at that primary for all persons for whom votes were cast for nomination
10 to that office.

11 An officer of a political party or any person for whom votes were
12 cast at any election may file a written application for a recount of
13 the votes or a portion of the votes cast at that election for all
14 candidates for election to that office.

15 Any group of five or more registered voters may file a written
16 application for a recount of the votes or a portion of the votes cast
17 upon any candidate, question, or issue. They shall designate one of
18 the members of the group as chairman and shall indicate the voting
19 residence of each member of the group.

1 An application for a recount of the votes cast for a state or local
2 office or on a ballot measure in a jurisdiction that is entirely within
3 one county shall be filed with the county auditor of that county. An
4 application for a recount of the votes cast for a federal office or for
5 any state office or on a ballot measure in a jurisdiction that is not
6 entirely within a single county shall be filed with the secretary of
7 state.

8 An application for a recount in a jurisdiction using a vote tally
9 system shall specify whether the recount shall be done manually or by
10 the vote tally system. A recount done by the vote tally system shall
11 use separate and distinct programming from that used in the original
12 count, and shall also provide for a separate and distinct test of the
13 logic and accuracy of that program.

14 An application for a recount shall be filed within three days,
15 excluding Saturdays, Sundays, and holidays, after the county canvassing
16 board or secretary of state has declared the official results of the
17 primary or election for the office or issue for which the recount is
18 requested.

19 This chapter applies to the recounting of votes cast by paper
20 ballots, to the recheck of votes recorded on voting machines, and to
21 the recounting of votes recorded on ballot cards and counted by a vote
22 tally system.

23 **Sec. 2.** RCW 29.64.020 and 1991 c 81 s 36 are each amended to read
24 as follows:

25 An application for a recount shall state the office for which a
26 recount is requested and whether the request is for all or only a
27 portion of the votes cast in that jurisdiction of that office. The
28 person filing an application shall, at the same time, deposit with the
29 county canvassing board or secretary of state, in cash or by certified
30 check, a sum (~~equal to five cents for each ballot cast in the~~
31 ~~jurisdiction or portion of the jurisdiction for which the recount is~~
32 ~~requested as security for the payment of any costs of conducting the~~
33 ~~recount. These charges shall be determined by the county canvassing~~
34 ~~board or boards~~) determined as provided under RCW 29.64.060.

35 The county canvassing board shall determine a time and a place or
36 places at which the recount will be conducted. This time shall be less
37 than five days after the day upon which: The application was filed
38 with the board; the request for a recount or directive ordering a

1 recount was received by the board from the secretary of state; or the
2 returns are certified which indicate that a recount is required under
3 RCW 29.64.015 for an issue or office voted upon only within the county.
4 The county auditor shall mail a notice of the time and place of the
5 recount to the applicant or affected parties and, if the recount
6 involves an office, to any person for whom votes were cast for that
7 office. The notice shall be mailed by certified mail not less than two
8 days before the date of the recount. Each person entitled to receive
9 notice of the recount may attend, witness the recount, and be
10 accompanied by counsel.

11 Proceedings of the canvassing board are public under chapter 42.30
12 RCW. Subject to reasonable and equitable guidelines adopted by the
13 canvassing board, all interested persons may attend and witness a
14 recount.

15 **Sec. 3.** RCW 29.64.060 and 1990 c 59 s 68 are each amended to read
16 as follows:

17 The ~~((expenses))~~ true and fair costs for conducting a recount of
18 votes shall be fixed before the September primary every year by the
19 ~~((canvassing board.~~

20 ~~The cost of the recount shall be deducted from the amount deposited~~
21 ~~by the applicant for the recount at the time of filing the request for~~
22 ~~the recount, and the balance shall be returned to the applicant. If~~
23 ~~the costs of the recount exceed the deposit, the applicant shall pay~~
24 ~~the difference. No charges may be deducted by the canvassing board~~
25 ~~from the deposit for a recount if the recount changes the result of the~~
26 ~~nomination or election for which the recount was ordered))~~ secretary of
27 state for each office or measure that may be on the ballot throughout
28 the entire state in any election or primary and by the county
29 legislative authority of each county in which the office or measure may
30 be on the ballot in that county in all other instances. The cost must
31 stay the same until the next year, when it may be altered if deemed
32 necessary.

33 If the recount changes the result of the election or primary, all
34 moneys shall be returned to the applicant.

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