

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1233

Chapter 139, Laws of 1995

54th Legislature
1995 Regular Session

COUNTY CANVASSING BOARDS

EFFECTIVE DATE: 7/23/95

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

CLYDE BALLARD

**Speaker of the
House of Representatives**

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

JOEL PRITCHARD

President of the Senate

Approved April 27, 1995

MIKE LOWRY

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.

TIMOTHY A. MARTIN

Chief Clerk

FILED

April 27, 1995 - 1:06 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1233

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.

Passed the House March 7, 1995.

Passed the Senate April 10, 1995.

Approved by the Governor April 27, 1995.

Filed in Office of Secretary of State April 27, 1995.