
SUBSTITUTE SENATE BILL 5499

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to election reform; amending RCW 29A.04.530,
2 29A.04.611, 29A.40.110, 29A.60.021, 29A.60.050, 29A.60.070, 29A.60.180,
3 29A.60.190, 29A.60.210, 29A.60.250, 29A.64.021, 29A.64.030, 29A.64.061,
4 29A.68.011, and 29A.84.650; adding a new section to chapter 29A.40 RCW;
5 adding new sections to chapter 29A.44 RCW; adding new sections to
6 chapter 29A.60 RCW; adding a new section to chapter 29A.84 RCW; and
7 prescribing penalties.

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

9 **Sec. 1.** RCW 29A.04.530 and 2003 c 111 s 151 are each amended to
10 read as follows:

11 The secretary of state shall:

12 (1) Establish and operate, or provide by contract, training and
13 certification programs for state and county elections administration
14 officials and personnel, including training on the various types of
15 election law violations and discrimination, and training programs for
16 political party observers which conform to the rules for such programs
17 established under RCW 29A.04.630;

18 (2) Establish guidelines, in consultation with state and local law

1 enforcement, for signature verification processes. All election
2 personnel assigned to verify signatures must receive training on the
3 guidelines;

4 (3) Administer tests for state and county officials and personnel
5 who have received such training and issue certificates to those who
6 have successfully completed the training and passed such tests;

7 ((+3)) (4) Maintain a record of those individuals who have
8 received such training and certificates; and

9 ((+4)) (5) Provide the staffing and support services required by
10 the board created under RCW 29A.04.510.

11 **Sec. 2.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended to
12 read as follows:

13 The secretary of state as chief election officer shall make
14 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
15 with the federal and state election laws to effectuate any provision of
16 this title and to facilitate the execution of its provisions in an
17 orderly, timely, and uniform manner relating to any federal, state,
18 county, city, town, and district elections. To that end the secretary
19 shall assist local election officers by devising uniform forms and
20 procedures.

21 In addition to the rule-making authority granted otherwise by this
22 section, the secretary of state shall make rules governing the
23 following provisions:

24 (1) The maintenance of voter registration records;

25 (2) The preparation, maintenance, distribution, review, and filing
26 of precinct maps;

27 (3) Standards for the design, layout, and production of ballots,
28 including standards that require provisional ballots to be
29 distinguishable from the other ballots and incapable of being tabulated
30 by the poll-site ballot counting device;

31 (4) The examination and testing of voting systems for
32 certification;

33 (5) The source and scope of independent evaluations of voting
34 systems that may be relied upon in certifying voting systems for use in
35 this state;

36 (6) Standards and procedures for the acceptance testing of voting
37 systems by counties;

- 1 (7) Standards and procedures for testing the programming of vote
2 tallying software for specific primaries and elections;
- 3 (8) Standards and procedures for the preparation and use of each
4 type of certified voting system including procedures for the operation
5 of counting centers where vote tallying systems are used;
- 6 (9) Standards and procedures to ensure the accurate tabulation and
7 canvassing of ballots;
- 8 (10) Consistency among the counties of the state in the preparation
9 of ballots, the operation of vote tallying systems, and the canvassing
10 of primaries and elections;
- 11 (11) Procedures to ensure the secrecy of a voter's ballot when a
12 small number of ballots are counted at the polls or at a counting
13 center;
- 14 (12) The use of substitute devices or means of voting when a voting
15 device at the polling place is found to be defective, the counting of
16 votes cast on the defective device, the counting of votes cast on the
17 substitute device, and the documentation that must be submitted to the
18 county auditor regarding such circumstances;
- 19 (13) Procedures for the transportation of sealed containers of
20 voted ballots or sealed voting devices;
- 21 (14) The acceptance and filing of documents via electronic
22 facsimile;
- 23 (15) Voter registration applications and records;
- 24 (16) The use of voter registration information in the conduct of
25 elections;
- 26 (17) The coordination, delivery, and processing of voter
27 registration records accepted by driver licensing agents or the
28 department of licensing;
- 29 (18) The coordination, delivery, and processing of voter
30 registration records accepted by agencies designated by the governor to
31 provide voter registration services;
- 32 (19) Procedures to receive and distribute voter registration
33 applications by mail;
- 34 (20) Procedures for a voter to change his or her voter registration
35 address within a county by telephone;
- 36 (21) Procedures for a voter to change the name under which he or
37 she is registered to vote;

- 1 (22) Procedures for canceling dual voter registration records and
2 for maintaining records of persons whose voter registrations have been
3 canceled;
- 4 (23) Procedures for the electronic transfer of voter registration
5 records between county auditors and the office of the secretary of
6 state;
- 7 (24) Procedures and forms for declarations of candidacy;
- 8 (25) Procedures and requirements for the acceptance and filing of
9 declarations of candidacy by electronic means;
- 10 (26) Procedures for the circumstance in which two or more
11 candidates have a name similar in sound or spelling so as to cause
12 confusion for the voter;
- 13 (27) Filing for office;
- 14 (28) The order of positions and offices on a ballot;
- 15 (29) Sample ballots;
- 16 (30) Independent evaluations of voting systems;
- 17 (31) The testing, approval, and certification of voting systems;
- 18 (32) The testing of vote tallying software programming;
- 19 (33) Standards and procedures to prevent fraud and to facilitate
20 the accurate processing and canvassing of absentee ballots and mail
21 ballots;
- 22 (34) Standards and procedures to guarantee the secrecy of absentee
23 ballots and mail ballots;
- 24 (35) Uniformity among the counties of the state in the conduct of
25 absentee voting and mail ballot elections;
- 26 (36) Standards and procedures to accommodate out-of-state voters,
27 overseas voters, and service voters;
- 28 (37) The tabulation of paper ballots before the close of the polls;
- 29 (38) The accessibility of polling places and registration
30 facilities that are accessible to elderly and disabled persons;
- 31 (39) The aggregation of precinct results if reporting the results
32 of a single precinct could jeopardize the secrecy of a person's ballot;
- 33 (40) Procedures for conducting a statutory recount;
- 34 (41) Procedures for filling vacancies in congressional offices if
35 the general statutory time requirements for availability of absentee
36 ballots, certification, canvassing, and related procedures cannot be
37 met;

1 (42) Procedures for the statistical sampling of signatures for
2 purposes of verifying and canvassing signatures on initiative,
3 referendum, and recall election petitions;

4 (43) Standards and deadlines for submitting material to the office
5 of the secretary of state for the voters' pamphlet;

6 (44) Deadlines for the filing of ballot titles for referendum bills
7 and constitutional amendments if none have been provided by the
8 legislature;

9 (45) Procedures for the publication of a state voters' pamphlet;

10 (46) Procedures for conducting special elections regarding nuclear
11 waste sites if the general statutory time requirements for availability
12 of absentee ballots, certification, canvassing, and related procedures
13 cannot be met;

14 (47) Procedures for conducting partisan primary elections;

15 (48) Standards and procedures for the proper conduct of voting
16 during the early voting period to provide accessability for the blind
17 or visually impaired;

18 (49) Standards for voting technology and systems used by the state
19 or any political subdivision to be accessible for individuals with
20 disabilities, including nonvisual accessibility for the blind and
21 visually impaired, in a manner that provides the same opportunity for
22 access and participation, including privacy and independence, as other
23 voters;

24 (50) All data formats for transferring voter registration data on
25 electronic or machine-readable media for the purpose of administering
26 the statewide voter registration list required by the Help America Vote
27 Act (P.L. 107-252);

28 (51) Defining the interaction of electronic voter registration
29 election management systems employed by each county auditor to maintain
30 a local copy of each county's portion of the official state list of
31 registered voters;

32 (52) Provisions and procedures to implement the state-based
33 administrative complaint procedure as required by the Help America Vote
34 Act (P.L. 107-252); and

35 (53) Facilitating the payment of local government grants to local
36 government election officers or vendors.

1 **Sec. 3.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
2 read as follows:

3 (1) The opening and subsequent processing of return envelopes for
4 any primary or election may begin (~~(on or after the tenth day before~~
5 ~~the primary or election)) upon receipt. The tabulation of absentee
6 ballots must not commence until after 8:00 p.m. on the day of the
7 primary or election.~~

8 (2) All received absentee return envelopes must be placed in secure
9 locations from the time of delivery to the county auditor until their
10 subsequent opening. After opening the return envelopes, the county
11 canvassing board shall place all of the ballots in secure storage until
12 after 8:00 p.m. of the day of the primary or election. Absentee
13 ballots that are to be tabulated on an electronic vote tallying system
14 may be taken from the inner envelopes and all the normal procedural
15 steps may be performed to prepare these ballots for tabulation.

16 (3) Before opening a returned absentee ballot, the canvassing
17 board, or its designated representatives, shall examine the postmark,
18 statement, and signature on the return envelope that contains the
19 security envelope and absentee ballot. They shall verify that the
20 voter's signature on the return envelope is the same as the signature
21 of that voter in the registration files of the county. For registered
22 voters casting absentee ballots, the date on the return envelope to
23 which the voter has attested determines the validity, as to the time of
24 voting for that absentee ballot if the postmark is missing or is
25 illegible. For out-of-state voters, overseas voters, and service
26 voters, the date on the return envelope to which the voter has attested
27 determines the validity as to the time of voting for that absentee
28 ballot. For any absentee ballot, a variation between the signature of
29 the voter on the return envelope and the signature of that voter in the
30 registration files due to the substitution of initials or the use of
31 common nicknames is permitted so long as the surname and handwriting
32 are clearly the same.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.40 RCW
34 to read as follows:

35 If the canvassing board, or its designated representatives,
36 determines that the signature on the absentee or provisional ballot
37 return envelope does not match the signature as it appears on the

1 voter's original registration record, the county auditor shall notify
2 the voter no later than three days after discovery of the mismatched
3 signature by telephone or in writing, that the ballot cannot be
4 processed because the signature on the return envelope does not match
5 the signature as it appears on the voter's registration card. The
6 county auditor shall also send the voter a new voter registration form
7 and advise the voter that, in order for the ballot to be processed, the
8 voter must update his or her signature by either filling out a new
9 registration form and mailing it back to the auditor's office so that
10 it arrives not later than the day before the certification of the
11 primary or election; or appearing in person at the auditor's office not
12 later than the day before certification of the primary or election and
13 filling out a new registration form. A record must be kept of all
14 ballots with mismatched signatures and must include the date on which
15 the voter was contacted or on which the notice was mailed to the voter.

16 If the voter neglects to sign the affidavit on the absentee or
17 provisional return envelope, the auditor shall notify the voter, no
18 later than three days after discovery of the unsigned envelope either
19 by telephone or in writing, that the ballot will not be processed
20 unless the voter appears in person and signs the affidavit on the
21 return envelope not later than the day before certification of the
22 primary or election. As an alternative to personal appearance, the
23 auditor may provide the voter with a copy of the return envelope
24 affidavit and require the voter to sign the copy of the affidavit and
25 mail it back to the auditor so that it arrives no later than the day
26 before certification of the primary or election.

27 A voter may not cure a missing or mismatched signature for purposes
28 of counting the ballot in a recount.

29 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.44 RCW
30 to read as follows:

31 Provisional ballots must be issued, along with a provisional ballot
32 outer envelope and a security envelope, to voters as appropriate under
33 RCW 29A.04.008. The provisional ballot outer envelope must include a
34 place for the voter's name; registered address, both present and former
35 if applicable; date of birth; reason for the provisional ballot; the
36 precinct number and the precinct polling location at which the voter
37 has voted; and a space for the county auditor to list the disposition

1 of the provisional ballot. The provisional ballot outer envelope must
2 also contain a declaration as required for absentee ballot outer
3 envelopes under RCW 29A.40.091; a place for the voter to sign the oath;
4 and a summary of the applicable penalty provisions of this chapter.
5 The voter shall vote the provisional ballot in secrecy and, when done,
6 place the provisional ballot in the security envelope, then place the
7 security envelope into the outer envelope, and return it to the
8 precinct election official. The election official shall ensure that
9 the required information is completed on the outer envelope, have the
10 voter sign it in the appropriate space, and place the envelope in a
11 secure container. The official shall then give the voter written
12 information advising the voter how to ascertain whether the vote was
13 counted and, if applicable, the reason why the vote was not counted.

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.44 RCW
15 to read as follows:

16 Any person desiring to vote at any primary or election is required
17 to provide identification to the election officer before signing the
18 poll book. The identification required in this section can be
19 satisfied by providing a current and valid driver's license or state
20 identification card, a copy of a current utility bill, bank statement,
21 paycheck, or government check or other government document. The name
22 on the identification must match the name in the poll book and the
23 identification must also provide either a photo, signature, or matching
24 address. Any individual who desires to vote in person but cannot
25 provide identification as required in this section shall be issued a
26 provisional ballot.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.60 RCW
28 to read as follows:

29 Before certification of the primary or election, the county auditor
30 must examine and investigate all received provisional ballots to
31 determine whether the ballot can be counted. The auditor shall provide
32 the disposition of the provisional ballot and, if the ballot was not
33 counted, the reason why it was not counted, on a free access system
34 such as a toll-free telephone number, web site, mail, or other means.
35 A provisional ballot cannot be further investigated if the voter did
36 not sign the provisional ballot envelope or if the signature on the

1 envelope does not match the signature as it appears on the voter's
2 registration card until the voter signs or updates his or her signature
3 affidavit. The auditor must notify the voter in accordance with
4 section 4 of this act when the envelope is unsigned or when the
5 signatures do not match.

6 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.60 RCW
7 to read as follows:

8 If inspection of the ballot reveals a physically damaged ballot or
9 ballot that may be otherwise unreadable or uncountable by the
10 tabulating system, the county auditor may refer the ballot to the
11 county canvassing board or duplicate the ballot if so authorized by the
12 county canvassing board. A ballot may be duplicated only if the intent
13 of the voter's marks on the ballot is clear and the electronic voting
14 equipment might not otherwise properly tally the ballot to reflect the
15 intent of the voter. Ballots must be duplicated by teams of two or
16 more people working together. When duplicating ballots, the county
17 auditor shall take the following steps to create and maintain an audit
18 trail of the action taken:

19 (1) Each original ballot and duplicate ballot must be assigned the
20 same unique control number, with the number being marked upon the face
21 of each ballot, to ensure that each duplicate ballot may be tied back
22 to the original ballot;

23 (2) A log must be kept of the ballots duplicated, which must at
24 least include:

25 (a) The control number of each original ballot and the
26 corresponding duplicate ballot;

27 (b) The initials of at least two people who participated in the
28 duplication of each ballot; and

29 (c) The total number of ballots duplicated.

30 Original and duplicate ballots must be sealed in secure storage at
31 all times, except during duplication, inspection by the canvassing
32 board, or tabulation.

33 **Sec. 9.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to
34 read as follows:

35 (1) For any office at any election or primary, any voter may write
36 in on the ballot the name of any person for an office who has filed as

1 a write-in candidate for the office in the manner provided by RCW
2 29A.24.311 and such vote shall be counted the same as if the name had
3 been printed on the ballot and marked by the voter. (~~((For a partisan
4 primary in a jurisdiction using the physically separate ballot format,
5 a voter may write in on a party ballot only the names of write-in
6 candidates who affiliate with that major political party.))~~) No write-
7 in vote made for any person who has not filed a declaration of
8 candidacy pursuant to RCW 29A.24.311 is valid if that person filed for
9 the same office, either as a regular candidate or a write-in candidate,
10 at the preceding primary. Any abbreviation used to designate
11 office(~~((,))~~) or position(~~((, or political party shall))~~) will be accepted
12 if the canvassing board can determine, to (~~((their))~~) its satisfaction,
13 the voter's intent.

14 (2) The number of write-in votes cast for each office must be
15 recorded and reported with the canvass for the election.

16 (3) A write-in vote for an individual candidate for an office whose
17 name appears on the ballot for that same office is a valid vote for
18 that candidate as long as the candidate's name is clearly discernible,
19 even if other requirements of RCW 29A.24.311 are not satisfied and even
20 if the voter also marked a vote for that candidate such as to register
21 an over vote. These votes need not be tabulated unless: (a) The
22 difference between the number of votes cast for the candidate
23 apparently qualified to appear on the general election ballot or
24 elected and the candidate receiving the next highest number of votes is
25 less than the sum of the total number of write-in votes cast for the
26 office plus the over votes and under votes recorded by the vote
27 tabulating system; or (b) a manual recount is conducted for that
28 office.

29 (4) Write-in votes cast for an individual candidate for an office
30 whose name does not appear on the ballot need not be tallied ((if))
31 unless the total number of write-in votes and under votes recorded by
32 the vote tabulation system for the office is ((not)) greater than the
33 number of votes cast for the candidate apparently ((nominated))
34 qualified to appear on the general election ballot or elected((, and
35 the write-in votes could not have altered the outcome of the primary or
36 election. In the case of write-in votes for statewide office or for
37 any office whose jurisdiction encompasses more than one county, write-
38 in votes for an individual candidate must be tallied whenever the

1 county auditor is notified by either the office of the secretary of
2 state or another auditor in a multicounty jurisdiction that it appears
3 that the write in votes could alter the outcome of the primary or
4 election)).

5 ~~((4))~~ (5) In the case of write-in votes for a statewide
6 office ~~((s))~~ or any office whose jurisdiction ~~((s that))~~ encompasses more
7 than one county, ~~((if the total number of write in votes and under~~
8 ~~votes recorded by the vote tabulation system for an office within a~~
9 ~~county is greater than the number of votes cast for a candidate~~
10 ~~apparently nominated or elected in a primary or election, the auditor~~
11 ~~shall tally all write in votes for individual candidates for that~~
12 ~~office and notify the office of the secretary of state and the auditors~~
13 ~~of the other counties within the jurisdiction, that the write in votes~~
14 ~~for individual candidates should be tallied))~~ write-in votes for an
15 individual candidate must be tallied when the county auditor is
16 notified by either the secretary of state or another county auditor in
17 the multicounty jurisdiction that it appears that the write-in votes
18 must be tabulated under the terms of this section. In all other cases,
19 the county auditor determines when write-in votes must be tabulated.
20 Any abstract of votes must be modified to reflect the tabulation and
21 certified by the canvassing board. Tabulation of write-in votes may be
22 performed simultaneously with a recount.

23 **Sec. 10.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to
24 read as follows:

25 Whenever the precinct election officers or the counting center
26 personnel have a question about the validity of a ballot or the votes
27 for an office or issue that they are unable to resolve, they shall
28 prepare and sign a concise record of the facts in question or dispute.
29 These ballots shall be delivered to the canvassing board for
30 processing. A ballot is not considered rejected until the canvassing
31 board has rejected the ballot individually, or the ballot was included
32 in a batch or on a report of ballots that was rejected in its entirety
33 by the canvassing board. All ballots shall be preserved in the same
34 manner as valid ballots for that primary or election.

35 **Sec. 11.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to
36 read as follows:

1 The county auditor shall produce cumulative and precinct returns
2 for each primary and election and deliver them to the canvassing board
3 for verification and certification. The precinct and cumulative
4 returns of any primary or election are public records under chapter
5 42.17 RCW.

6 Cumulative returns for state offices, judicial offices, the United
7 States senate, and congress must be electronically transmitted to the
8 secretary of state immediately.

9 **Sec. 12.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to
10 read as follows:

11 Each registered voter casting an absentee ballot will be credited
12 with voting on his or her voter registration record only if the ballot
13 was counted. Absentee ballots must be retained for the same length of
14 time and in the same manner as ballots cast at the precinct polling
15 places.

16 **Sec. 13.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to
17 read as follows:

18 (1) On the tenth day after a special election or primary and on the
19 (~~fifteenth~~) twentieth day after a general election, the county
20 canvassing board shall complete the canvass and certify the results.
21 The secretary of state may adopt rules to provide that Thanksgiving
22 day, and the day after Thanksgiving day, are not counted in
23 establishing the twenty-day certification deadline. Each absentee
24 ballot that was returned before the closing of the polls on the date of
25 the primary or election for which it was issued, and each absentee
26 ballot with a postmark on or before the date of the primary or election
27 for which it was issued and received on or before the date on which the
28 primary or election is certified, must be included in the canvass
29 report.

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

1 **Sec. 14.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to
2 read as follows:

3 Whenever the canvassing board finds during the initial counting
4 process, or during any subsequent recount thereof, that there is an
5 apparent discrepancy or an inconsistency in the returns of a primary or
6 election, or that election staff has made an error regarding the
7 treatment or disposition of a ballot, the board may recanvass the
8 ballots or voting devices in any precincts of the county. The
9 canvassing board shall conduct any necessary recanvass activity on or
10 before the last day to certify or recertify the results of the primary
11 ((or)), election, or subsequent recount and correct any error and
12 document the correction of any error that it finds.

13 **Sec. 15.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to
14 read as follows:

15 As soon as the returns have been received from all the counties of
16 the state, but not later than the thirtieth day after the election, the
17 secretary of state shall ~~((make a))~~ canvass ~~((of such of the returns as~~
18 ~~are not required to be canvassed by the legislature and make out a~~
19 ~~statement thereof, file it in his or her office, and transmit a~~
20 ~~certified copy to the governor))~~ and certify the returns of the general
21 election as to candidates for state offices, the United States senate,
22 congress, and all other candidates whose districts extend beyond the
23 limits of a single county. The secretary of state shall transmit a
24 copy of the certification to the governor, president of the senate, and
25 speaker of the house of representatives.

26 **Sec. 16.** RCW 29A.64.021 and 2004 c 271 s 178 are each amended to
27 read as follows:

28 (1) If the official canvass of all of the returns for any office at
29 any primary or election reveals that the difference in the number of
30 votes cast for a candidate apparently nominated or elected to any
31 office and the number of votes cast for the closest apparently defeated
32 opponent is less than two thousand votes and also less than one-half of
33 one percent of the total number of votes cast for both candidates, the
34 county canvassing board shall conduct a recount of all votes cast on
35 that position.

1 (a) Whenever such a difference occurs in the number of votes cast
2 for candidates for a position the declaration of candidacy for which
3 was filed with the secretary of state, the secretary of state shall,
4 within three business days of the day that the returns of the primary
5 or election are first certified by the canvassing boards of those
6 counties, direct those boards to recount all votes cast on the
7 position.

8 (b)(i) For statewide elections, if the difference in the number of
9 votes cast for the apparent winner and the closest apparently defeated
10 opponent is less than one ((hundred-fifty)) thousand votes and also
11 less than one-fourth of one percent of the total number of votes cast
12 for both candidates, the votes shall be recounted manually or as
13 provided in subsection (3) of this section.

14 (ii) For elections not included in (b)(i) of this subsection, if
15 the difference in the number of votes cast for the apparent winner and
16 the closest apparently defeated opponent is less than one hundred fifty
17 votes and also less than one-fourth of one percent of the total number
18 of votes cast for both candidates, the votes shall be recounted
19 manually or as provided in subsection (3) of this section.

20 (2) A mandatory recount shall be conducted in the manner provided
21 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory
22 recount may be charged to any candidate.

23 (3) The apparent winner and closest apparently defeated opponent
24 for an office for which a manual recount is required under subsection
25 (1)(b) of this section may select an alternative method of conducting
26 the recount. To select such an alternative, the two candidates shall
27 agree to the alternative in a signed, written statement filed with the
28 election official for the office. The recount shall be conducted using
29 the alternative method if: It is suited to the balloting system that
30 was used for casting the votes for the office; it involves the use of
31 a vote tallying system that is approved for use in this state by the
32 secretary of state; and the vote tallying system is readily available
33 in each county required to conduct the recount. If more than one
34 balloting system was used in casting votes for the office, an
35 alternative to a manual recount may be selected for each system.

36 NEW SECTION. Sec. 17. A new section is added to chapter 29A.60
37 RCW to read as follows:

1 No later than thirty days after final certification, the county
2 auditor shall prepare and make publicly available at the auditor's
3 office or on the auditor's web site, an election reconciliation report
4 that discloses, at a minimum, the following information: The number of
5 ballots counted; the number of voters credited with voting; the number
6 of provisional ballots issued; the number of provisional ballots
7 counted; the number of provisional ballots rejected; the number of
8 absentee ballots issued; the number of absentee ballots counted; the
9 number of absentee ballots rejected; the number of federal write-in
10 ballots counted; the number of ballots sent to overseas voters and the
11 number of such ballots that were counted; and any other information the
12 auditor determines to be necessary to the process of reconciling the
13 number of votes counted with the number of voters credited with voting.

14 **Sec. 18.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to
15 read as follows:

16 An application for a recount shall state the office for which a
17 recount is requested and whether the request is for all or only a
18 portion of the votes cast in that jurisdiction of that office. The
19 person filing an application for a manual recount shall, at the same
20 time, deposit with the county canvassing board or secretary of state,
21 in cash or by certified check, a sum equal to twenty-five cents for
22 each ballot cast in the jurisdiction or portion of the jurisdiction for
23 which the recount is requested as security for the payment of any costs
24 of conducting the recount. If the application is for a machine
25 recount, the deposit must be equal to fifteen cents for each ballot.
26 These charges shall be determined by the county canvassing board or
27 boards under RCW (~~29A.64.080~~) 29A.64.081.

28 The county canvassing board shall determine ((a)) the date, time,
29 and ((a)) place or places at which the recount will be conducted.
30 (~~This time shall be less than three business days after the day upon~~
31 ~~which: The application was filed with the board; the request for a~~
32 ~~recount or directive ordering a recount was received by the board from~~
33 ~~the secretary of state; or the returns are certified which indicate~~
34 ~~that a recount is required under RCW 29A.64.020 for an issue or office~~
35 ~~voted upon only within the county.)) Not less than two days before the
36 date of the recount, the county auditor shall mail a notice of the time
37 and place of the recount to the applicant or affected parties and, if~~

1 the recount involves an office, to any person for whom votes were cast
2 for that office. The county auditor shall also notify the affected
3 parties by either telephone, fax, e-mail, or other electronic means at
4 the time of mailing. At least three attempts must be made over a two-
5 day period to notify the affected parties or until the affected parties
6 have received the notification. Each attempt to notify affected
7 parties must request a return response indicating that the notice has
8 been received. Each person entitled to receive notice of the recount
9 may attend, witness the recount, and be accompanied by counsel.

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

14 **Sec. 19.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to
15 read as follows:

16 Upon completion of the canvass of a recount, the canvassing board
17 shall prepare and certify an amended abstract showing the votes cast in
18 each precinct for which the recount was conducted. Copies of the
19 amended abstracts must be transmitted to the same officers who received
20 the abstract on which the recount was based.

21 If the nomination, election, or issue for which the recount was
22 conducted was submitted only to the voters of a county, the canvassing
23 board shall file the amended abstract with the original results of that
24 election or primary.

25 If the nomination, election, or issue for which a recount was
26 conducted was submitted to the voters of more than one county, the
27 secretary of state shall canvass the amended abstracts and shall file
28 an amended abstract with the original results of that election. The
29 secretary of state may require that the amended abstracts be certified
30 by each canvassing board on a uniform date. An amended abstract
31 certified under this section supersedes any prior abstract of the
32 results for the same offices or issues at the same primary or election.

33 **Sec. 20.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to
34 read as follows:

35 Any justice of the supreme court, judge of the court of appeals, or
36 judge of the superior court in the proper county shall, by order,

1 require any person charged with error, wrongful act, or neglect to
2 forthwith correct the error, desist from the wrongful act, or perform
3 the duty and to do as the court orders or to show cause forthwith why
4 the error should not be corrected, the wrongful act desisted from, or
5 the duty or order not performed, whenever it is made to appear to such
6 justice or judge by affidavit of an elector that:

7 (1) An error or omission has occurred or is about to occur in
8 printing the name of any candidate on official ballots; or

9 (2) An error other than as provided in subsections (1) and (3) of
10 this section has been committed or is about to be committed in printing
11 the ballots; or

12 (3) The name of any person has been or is about to be wrongfully
13 placed upon the ballots; or

14 (4) A wrongful act other than as provided for in subsections (1)
15 and (3) of this section has been performed or is about to be performed
16 by any election officer; or

17 (5) Any neglect of duty on the part of an election officer other
18 than as provided for in subsections (1) and (3) of this section has
19 occurred or is about to occur; or

20 (6) An error or omission has occurred or is about to occur in the
21 issuance of a certificate of election.

22 An affidavit of an elector under subsections (1) and (3) (~~above~~)
23 of this section when relating to a primary election must be filed with
24 the appropriate court no later than the second Friday following the
25 closing of the filing period for nominations for such office and shall
26 be heard and finally disposed of by the court not later than five days
27 after the filing thereof. An affidavit of an elector under subsections
28 (1) and (3) of this section when relating to a general election must be
29 filed with the appropriate court no later than three days following the
30 official certification of the primary election returns and shall be
31 heard and finally disposed of by the court not later than five days
32 after the filing thereof. An affidavit of an elector under subsection
33 (6) of this section shall be filed with the appropriate court no later
34 than ten days following the (~~issuance of a certificate of election~~)
35 official certification of the election as provided in RCW 29A.60.190,
36 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after
37 the official certification of the amended abstract as provided in RCW
38 29A.64.061.

1 NEW SECTION. **Sec. 21.** A new section is added to chapter 29A.84
2 RCW to read as follows:

3 A person who knowingly destroys, alters, defaces, conceals, or
4 discards a completed voter registration form or signed absentee or
5 provisional ballot signature affidavit is guilty of a class C felony
6 punishable under RCW 9A.20.021. This section does not apply to (1) the
7 voter who completed the voter registration form, or (2) a county
8 auditor or registration assistant who acts as authorized by voter
9 registration law.

10 **Sec. 22.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to
11 read as follows:

12 (1) Any person who intentionally or knowingly votes or attempts to
13 vote more than once ((at any)) in this state in the same primary or
14 general or special election, or who is registered to vote in another
15 state and who votes or attempts to vote in this state, is guilty of a
16 ((gross misdemeanor)) class C felony, punishable ((to the same extent
17 as a gross misdemeanor that is punishable)) under RCW 9A.20.021.

18 (2) Any person who recklessly or negligently violates this section
19 has committed a class 1 civil infraction as provided in RCW 7.80.120.
20 The county prosecuting attorney is authorized to enforce this
21 subsection.

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