
HOUSE BILL 2435

State of Washington 60th Legislature 2008 Regular Session

By Representatives Miloscia, Armstrong, Hunt, and Upthegrove

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1 AN ACT Relating to postelection audits; and amending RCW
2 29A.48.060, 29A.60.110, and 29A.60.170.

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

4 **Sec. 1.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to
5 read as follows:

6 All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or
7 29A.48.030 must contain the same offices, names of nominees or
8 candidates, and propositions to be voted upon, including precinct
9 offices, as if the ballot had been voted in person at the polling
10 place. Except as otherwise provided by law, mail ballots must be
11 treated in the same manner as absentee ballots issued at the request of
12 the voter. If electronic vote tallying devices are used, political
13 party observers must be given the opportunity to be present, and a test
14 of the equipment must be performed as required by RCW 29A.12.130 before
15 tabulating ballots. ~~((Political party observers may select at random
16 ballots to be counted manually as provided by RCW 29A.60.170.))~~

17 **Sec. 2.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to
18 read as follows:

1 Immediately after their tabulation, all ballots counted at a ballot
2 counting center must be sealed in containers that identify the primary
3 or election and be retained for at least sixty days or according to
4 federal law, whichever is longer. All ballots tallied by poll-site
5 ballot counting devices must be returned to the elections department in
6 sealed ballot containers on election day. Counties composed entirely
7 of islands or portions of counties composed of islands shall collect
8 the ballots within twenty-four hours of the close of the polls.

9 Ballots tabulated in poll-site ballot counting devices must be
10 sealed by two of the election precinct officers at the polling place,
11 and a log of the seal and the names of the people sealing the container
12 must be completed. One copy of this log must be retained by the
13 inspector, one copy must be placed in the ballot transfer case, and one
14 copy must be transported with the ballots to the elections department,
15 where the seal number must be verified by the county auditor or a
16 designated representative. Ballots may be transported by one election
17 employee if the container is sealed at the poll and then verified when
18 returned to the elections department. Auditors using poll-site ballot
19 counting devices may conduct early pickup of counted ballots on
20 election day.

21 In the presence of major party observers who are available, ballots
22 may be removed from the sealed containers at the elections department
23 and consolidated into one sealed container for storage purposes. The
24 containers may only be opened by the canvassing board as part of the
25 canvass, ~~((or))~~ to conduct recounts, ~~((or under))~~ to conduct a manual
26 count pursuant to RCW 29A.60.170~~((+3))~~, or by order of the superior
27 court in a contest or election dispute. If the canvassing board opens
28 a ballot container, it shall make a full record of the additional
29 tabulation or examination made of the ballots. This record must be
30 added to any other record of the canvassing process in that county.

31 **Sec. 3.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to read
32 as follows:

33 (1) The counting center in a county using voting systems is under
34 the direction of the county auditor and must be observed by one
35 representative from each major political party, if representatives have
36 been appointed by the respective major political parties and these
37 representatives are present while the counting center is operating.

1 The proceedings must be open to the public, but no persons except those
2 employed and authorized by the county auditor may touch any ballot or
3 ballot container or operate a vote tallying system.

4 ~~(2) ((In counties in which ballots are not counted at the polling
5 place, the official political party observers, upon mutual agreement,
6 may request that a precinct be selected at random on receipt of the
7 ballots from the polling place and that a manual count be made of the
8 number of ballots and of the votes cast on any office or issue. The
9 ballots for that precinct must then be counted by the vote tallying
10 system, and this result will be compared to the results of the manual
11 count. This may be done as many as three times during the tabulation
12 of ballots on the day of the primary or election.~~

13 ~~(3) In counties using poll site ballot counting devices, the
14 political party observers, upon mutual agreement, may choose as many as
15 three precincts and request that a manual count be made of the number
16 of ballots and the votes cast on any office or issue. The results of
17 this count will be compared to the count of the precinct made by the
18 poll site ballot counting device. These selections must be made no
19 later than thirty minutes after the close of the polls. The manual
20 count must be completed within forty eight hours after the close of the
21 polls. The process must take place at a location designated by the
22 county auditor for that purpose. The political party observers must
23 receive timely notice of the time and location, and have the right to
24 be present. However, the process must proceed as scheduled if the
25 observers are unable to attend.~~

26 ~~(4) In counties voting entirely by mail,))~~ A random check of the
27 ballot counting equipment may be conducted upon mutual agreement of the
28 political party observers or at the discretion of the county auditor.
29 The random check procedures must be adopted by the county canvassing
30 board prior to the processing of ballots. ~~((The random check process
31 shall involve a comparison of a manual count to the machine count and
32 may involve up to either three precincts or six batches depending on
33 the ballot counting procedures in place in the county.))~~ The random
34 check ~~((will))~~ must be limited to one office or issue on ~~((the))~~ all
35 ballots ~~((in the precincts or batches))~~ that are selected for the
36 check. The ~~((selection of the))~~ method for selecting the precincts
37 ~~((or)),~~ batches, or ballots to be checked must be ~~((selected according
38 to procedures established by the))~~ established in county canvassing

1 board procedures, and the check must be completed no later than forty-
2 eight hours after election day. The random check shall be a comparison
3 of the machine count to a manual count of either:

4 (a) Three precincts or six batches of ballots; or

5 (b) A sufficient number of ballots to satisfy a statistical
6 sampling formula established in administrative rule by the secretary of
7 state.

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