

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1654

Chapter 373, Laws of 2007

60th Legislature
2007 Regular Session

BALLOT CANVASSING

EFFECTIVE DATE: 07/22/07 - Except section 2, which becomes effective 07/01/13.

Passed by the House April 14, 2007
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 8, 2007, 4:11 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1654** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 10, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1654

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Haigh and Hunt)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to modifying provisions on the canvassing of
2 ballots; amending RCW 29A.60.160 and 29A.60.170; reenacting and
3 amending RCW 29A.60.160; providing an effective date; and providing an
4 expiration date.

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

6 **Sec. 1.** RCW 29A.60.160 and 2005 c 243 s 15 and 2005 c 153 s 11 are
7 each reenacted and amended to read as follows:

8 (1) Except for an election conducted under the instant runoff
9 voting method for the pilot project authorized by RCW 29A.53.020,
10 (~~{and} except Sundays and legal holidays,~~) the county auditor, as
11 delegated by the county canvassing board, shall process absentee
12 ballots and canvass the votes cast at that primary or election on a
13 daily basis in counties with a population of seventy-five thousand or
14 more, or at least every third day for counties with a population of
15 less than seventy-five thousand, if the county auditor is in possession
16 of more than (~~twenty-five~~) five hundred ballots that have yet to be
17 canvassed. (~~The county auditor, as delegated by the county canvassing~~
18 ~~board, may use his or her discretion in determining when to process the~~
19 ~~remaining absentee ballots and canvass the votes during the final four~~

1 ~~days before the certification of election results in order to protect~~
2 ~~the secrecy of any ballot. In counties where this process has not been~~
3 ~~delegated to the county auditor, the county auditor shall convene the~~
4 ~~county canvassing board to process absentee ballots and canvass the~~
5 ~~votes cast at the primary or election as set forth in this section.~~

6 ~~Except for an election conducted under the instant runoff voting~~
7 ~~method for the pilot project authorized by RCW 29A.53.020, each~~
8 ~~absentee ballot previously not canvassed that was received by the~~
9 ~~county auditor two days or more before processing absentee ballots and~~
10 ~~canvassing the votes as delegated by or processed by the county~~
11 ~~canvassing board, that either was received by the county auditor before~~
12 ~~the closing of the polls on the day of the primary or election for~~
13 ~~which it was issued, or that bears a postmark on or before the primary~~
14 ~~or election for which it was issued, must be processed at that time.~~
15 ~~The tabulation of votes that results from that day's canvass must be~~
16 ~~made available to the general public immediately upon completion of the~~
17 ~~canvass.))~~

18 (2) Saturdays, Sundays, and legal holidays are not counted for
19 purposes of this section.

20 (3) In order to protect the secrecy of a ballot, the county auditor
21 may use discretion to decide when to process absentee ballots and
22 canvass the votes.

23 (4) Tabulation results must be made available to the public
24 immediately upon completion of the canvass.

25 **Sec. 2.** RCW 29A.60.160 and 2005 c 243 s 15 are each amended to
26 read as follows:

27 ~~((Except Sundays and legal holidays,))~~ (1) The county auditor, as
28 delegated by the county canvassing board, shall process absentee
29 ballots and canvass the votes cast at that primary or election on a
30 daily basis in counties with a population of seventy-five thousand or
31 more, or at least every third day for counties with a population of
32 less than seventy-five thousand, if the county auditor is in possession
33 of more than ((twenty-five)) five hundred ballots that have yet to be
34 canvassed. ((The county auditor, as delegated by the county canvassing
35 board, may use his or her discretion in determining when to process the
36 remaining absentee ballots and canvass the votes during the final four
37 days before the certification of election results in order to protect

1 ~~the secrecy of any ballot. In counties where this process has not been~~
2 ~~delegated to the county auditor, the county auditor shall convene the~~
3 ~~county canvassing board to process absentee ballots and canvass the~~
4 ~~votes cast at the primary or election as set forth in this section.~~

5 ~~Each absentee ballot previously not canvassed that was received by~~
6 ~~the county auditor two days or more before processing absentee ballots~~
7 ~~and canvassing the votes as delegated by or processed by the county~~
8 ~~canvassing board, that either was received by the county auditor before~~
9 ~~the closing of the polls on the day of the primary or election for~~
10 ~~which it was issued, or that bears a postmark on or before the primary~~
11 ~~or election for which it was issued, must be processed at that time.~~
12 ~~The tabulation of votes that results from that day's canvass must be~~
13 ~~made available to the general public immediately upon completion of the~~
14 ~~canvass.)~~

15 (2) Saturdays, Sundays, and legal holidays are not counted for
16 purposes of this section.

17 (3) In order to protect the secrecy of a ballot, the county auditor
18 may use discretion to decide when to process absentee ballots and
19 canvass the votes.

20 (4) Tabulation results must be made available to the public
21 immediately upon completion of the canvass.

22 **Sec. 3.** RCW 29A.60.170 and 2003 c 111 s 1517 are each amended to
23 read as follows:

24 (1) The counting center in a county using voting systems is under
25 the direction of the county auditor and must be observed by one
26 representative from each major political party, if representatives have
27 been appointed by the respective major political parties and these
28 representatives are present while the counting center is operating.
29 The proceedings must be open to the public, but no persons except those
30 employed and authorized by the county auditor may touch any ballot or
31 ballot container or operate a vote tallying system.

32 (2) In counties in which ballots are not counted at the polling
33 place, the official political party observers, upon mutual agreement,
34 may request that a precinct be selected at random on receipt of the
35 ballots from the polling place and that a manual count be made of the
36 number of ballots and of the votes cast on any office or issue. The
37 ballots for that precinct must then be counted by the vote tallying

1 system, and this result will be compared to the results of the manual
2 count. This may be done as many as three times during the tabulation
3 of ballots on the day of the primary or election.

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

17 (4) In counties voting entirely by mail, a random check of the
18 ballot counting equipment may be conducted upon mutual agreement of the
19 political party observers or at the discretion of the county auditor.
20 The random check procedures must be adopted by the county canvassing
21 board prior to the processing of ballots. The random check process
22 shall involve a comparison of a manual count to the machine count and
23 may involve up to either three precincts or six batches depending on
24 the ballot counting procedures in place in the county. The random
25 check will be limited to one office or issue on the ballots in the
26 precincts or batches that are selected for the check. The selection of
27 the precincts or batches to be checked must be selected according to
28 procedures established by the county canvassing board and the check
29 must be completed no later than forty-eight hours after election day.

30 NEW SECTION. Sec. 4. Section 1 of this act expires July 1, 2013.

31 NEW SECTION. Sec. 5. Section 2 of this act takes effect July 1,
32 2013.

Passed by the House April 14, 2007.

Passed by the Senate April 11, 2007.

Approved by the Governor May 8, 2007.

Filed in Office of Secretary of State May 10, 2007.