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HOUSE BILL 1917

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Shea, Armstrong, Short, Orcutt, Kristiansen, and  
Condotta

Read first time 02/03/09. Referred to Committee on State Government &  
Tribal Affairs.

1 AN ACT Relating to counting original ballots in the event of a  
2 manual recount; and amending RCW 29A.64.021 and 29A.64.041.

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

4 **Sec. 1.** RCW 29A.64.021 and 2005 c 243 s 19 are each amended to  
5 read as follows:

6 (1) If the official canvass of all of the returns for any office at  
7 any primary or election reveals that the difference in the number of  
8 votes cast for a candidate apparently nominated or elected to any  
9 office and the number of votes cast for the closest apparently defeated  
10 opponent is less than two thousand votes and also less than one-half of  
11 one percent of the total number of votes cast for both candidates, the  
12 county canvassing board shall conduct a recount of all votes cast on  
13 that position.

14 (a) Whenever such a difference occurs in the number of votes cast  
15 for candidates for a position the declaration of candidacy for which  
16 was filed with the secretary of state, the secretary of state shall,  
17 within three business days of the day that the returns of the primary  
18 or election are first certified by the canvassing boards of those

1 counties, direct those boards to recount all votes cast on the  
2 position.

3 (b)(i) For statewide elections, if the difference in the number of  
4 votes cast for the apparent winner and the closest apparently defeated  
5 opponent is less than one thousand votes and also less than one-fourth  
6 of one percent of the total number of votes cast for both candidates,  
7 the votes shall be recounted manually, as provided in RCW 29A.64.041,  
8 or as provided in subsection (3) of this section.

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

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

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

31 **Sec. 2.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to  
32 read as follows:

33 (1) At the time and place established for a recount, the canvassing  
34 board or its duly authorized representatives, in the presence of all  
35 witnesses who may be in attendance, shall open the sealed containers  
36 containing the ballots to be recounted, and shall recount the votes for  
37 the offices or issues for which the recount has been ordered. Ballots

1 shall be handled only by the members of the canvassing board or their  
2 duly authorized representatives. A recount conducted manually must  
3 count the original ballots and not those that have been duplicated.

4 Witnesses shall be permitted to observe the ballots and the process  
5 of tabulating the votes, but they shall not be permitted to handle the  
6 ballots. The canvassing board shall not permit the tabulation of votes  
7 for any nomination, election, or issue other than the ones for which a  
8 recount was applied for or required.

9 (2) At any time before the ballots from all of the precincts listed  
10 in the application for the recount have been recounted, the applicant  
11 may file with the board a written request to stop the recount.

12 (3) The recount may be observed by persons representing the  
13 candidates affected by the recount or the persons representing both  
14 sides of an issue that is being recounted. The observers may not make  
15 a record of the names, addresses, or other information on the ballots,  
16 poll books, or applications for absentee ballots unless authorized by  
17 the superior court. The secretary of state or county auditor may limit  
18 the number of observers to not less than two on each side if, in his or  
19 her opinion, a greater number would cause undue delay or disruption of  
20 the recount process.

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