Chapter 434-262 WAC
CANVASSING AND CERTIFICATION
(Formerly chapter 434-62 WAC)

WAC

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434-262-005 Authority and purpose. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-035 Canvassing board—Absentee ballot signature verification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-035, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-045 Canvassing mail ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-045, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-075 Election of political party precinct committee officers. [Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-262-075, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-262-075, filed 7/11/08, effective 8/11/08.] Repealed by 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-262-106 Machine recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. 05-24-040, § 434-262-106, filed 11/30/05, effective 12/31/05.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.

434-262-108 Manual recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. 05-24-040, § 434-262-108, filed 11/30/05, effective 12/31/05.] Repealed by 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.

434-262-135 Thirty day reconciliation report. [Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-135, filed 6/28/06, effective 7/29/06.] Repealed by 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-262-140 Microfilm copies of election returns. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-140, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.] Repealed by 09-03-110, filed 1/21/09, effective 2/21/09. Statutory Authority: RCW 29A.04.611.

434-262-150 Rejection of ballots or parts of ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-262-150, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-170 Referral of ballots to canvassing board. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-180 Tabulation of ballots to be continuous—Exception. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-190 Canvassing board—Opening ballot container. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-262-203 Poll-site ballot reconciliation—Central count optical scan. [Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-203, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-203, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-262-203, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-262-204 Poll-site ballot reconciliation—Precinct count optical scan and direct recording devices. [Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-204, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-204, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-262-204, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-262-210 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-262-210, filed 7/11/08, effective 8/11/08.] Repealed by 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.-611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.-020, and 29A.80.041.

WAC 434-262-010 Definitions. As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing ballots, ruling on the validity of questioned or challenged ballots, verifying all unofficial returns as listed in the auditor's abstract of votes, and producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chair of the board of the county legislative authority, or their designated representatives.

[Statutory Authority: RCW 29A.04.611. 12-14-074, § 434-262-010, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.-620, and 29A.04.630. 11-24-064, § 434-262-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-010, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-262-010, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

WAC 434-262-013 Crediting voters. (1) A voter may not be credited for voting if the ballot was voted after election day, was received later than the day before certification of the election, or will otherwise not be counted.

(2) The crediting of voters in the county election management system must be completed prior to certification of the election.

(3) The reconciliation of voters credited with ballots counted shall be completed prior to certification of the election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

(6) Following certification of the election, each credited voter's history of voting must be updated in the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-013, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-013, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-013, filed 8/19/05, effective 9/19/05.]

WAC 434-262-015 Canvassing board—Delegation of authority. The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of rejecting ballots. When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board. In the event the canvassing board concludes that criminal activity may have occurred, the county auditor must refer the ballot and any relevant material to the county sheriff or county prosecuting attorney.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-262-015, filed 2/19/08, effective 3/21/08; 05-17-145, § 434-262-015, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-015, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-015, filed 10/13/97, effective 11/13/97.]

WAC 434-262-017 Calculating validation figures and results for bonds and levies. (1) For bonds and levies other than school district levies, before determining a jurisdiction's validation figures, the number of votes cast in the jurisdiction in the last general election must be determined. For levies, the state Constitution states, "…the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election…" For example:

10,000 votes cast in the jurisdiction in the last general election x 40% = 4,000 votes x 3/5 = 2,400 votes

These numbers should be calculated based on the number of voters credited for voting in each jurisdiction, before adding, deleting, or transferring voters following the general election.

(2) When determining the results of a specific bond or levy, county auditors must not include overvotes or undervotes in the calculation. Rounding must not be used to reach the percentage of "yes" votes required for a bond or levy to pass.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-262-017, filed 2/19/08, effective 3/21/08; 06-14-046, § 434-262-017, filed 6/28/06, effective 7/29/06.]

WAC 434-262-020 Preliminary abstract of votes. (1) Prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. The preliminary abstract of votes must list separately for each precinct:

(a) Votes cast by mail ballot;

(b) Votes cast for and against measures;

(c) Votes cast for candidates; and

(d) Overvotes and undervotes.

(2) Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots.

(3) The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 07-09-036, § 434-262-020, filed 4/11/07, effective 5/12/07; 06-14-046, § 434-262-020, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-262-020, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-262-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

WAC 434-262-025 Canvassing board—Notice of open public meeting. All activities of the canvassing board shall be open to the public, although the board may limit the number of persons observing any aspect of the process whenever, in the judgment of the board, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-025, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-025, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-025, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-025, filed 10/13/97, effective 11/13/97.]

WAC 434-262-030 County auditor's abstract of votes. The county canvassing board shall meet and canvass all ballots. Upon completion of this canvass fourteen days after a primary or special election and twenty-one days after a general election, the county auditor shall present the auditor's abstract of votes, which must include:

(1) The number of registered voters eligible to vote in the election;

(2) The number of ballots cast in the election, by precinct;

(3) The votes cast for each race or issue, including write-ins, undervotes, and overvotes;

(4) Legislative and congressional district subtotals, if any; and

(5) The vote totals by county.

[Statutory Authority: RCW 29A.04.611. 12-14-074, § 434-262-030, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 09-12-078, § 434-262-030, filed 5/29/09, effective 6/29/09; 07-12-032, § 434-262-030, filed 5/30/07, effective 6/30/07; 06-14-046, § 434-262-030, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where a voter has already voted one ballot;

(b) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature on the ballot declaration, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures on the ballot declaration, both ballots must be counted;

(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has overvoted;

(f) Where the voter validly transferred out of the county.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 09-12-078, § 434-262-031, filed 5/29/09, effective 6/29/09; 08-15-052, § 434-262-031, filed 7/11/08, effective 8/11/08; 07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; 07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; 06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

WAC 434-262-032 Provisional ballots—Disposition. Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.

(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter must be offered the opportunity to reregister and the provisional ballot is not counted.

(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received for his or her precinct, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(5) If the voter is a registered voter in another county, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted, to the elections official for the jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days after a general election, and as soon as possible if past that date.

(6) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.

(7) If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

(8) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

(9) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-032, filed 12/6/11, effective 1/6/12.]

WAC 434-262-036 Canvassing procedure for ballot of a protected records voter. If the ballot of a protected records voter must be presented to the county canvassing board, the canvassing board must review the ballot in private executive session or take other necessary steps to ensure the privacy of the protected records voter.

[Statutory Authority: RCW 29A.04.611. 09-03-110, § 434-262-036, filed 1/21/09, effective 2/21/09.]

WAC 434-262-040 Verification of auditor's abstract of votes. The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the precinct ballot totals have been included in the abstract, and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those precinct ballot totals.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes. (1) If the county canvassing board, during the verification process, discovers that errors or discrepancies exist in the auditor's abstract of votes, the board shall investigate those errors or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may proceed to verify votes cast on other measures or races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant further action on their part.

(2) Changes in the results of an election following a recount are not considered errors or discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-050, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

WAC 434-262-060 Documentation of corrective action taken. If the canvassing board decides to take corrective action with respect to errors or discrepancies described in WAC 434-262-050, the canvassing board shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-060, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

WAC 434-262-070 Official county canvass report. (1) Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that:

(a) States that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon;

(b) Provides the total number of registered voters and votes cast in the county;

(c) Contains the oath required by RCW 29A.60.200, signed by all members of the board or their designees; and

(d) Shall have a space where the official seal of the county shall be attached.

(2) The official county canvass report shall include:

(a) The certification;

(b) The auditor's abstract of votes as described in WAC 434-262-030;

(c) The reconciliation report required by RCW 29A.60.235, which must include documentation that the number of ballots counted plus the number of ballots rejected is equal to the number of ballots received, and any additional information necessary to explain variances; and

(d) If applicable, a written narrative of errors and discrepancies discovered and corrected.

(3) The official county canvass report is the cumulative report referenced in RCW 29A.60.230. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29A.64 RCW, or upon order of the superior court. The vote totals contained therein shall constitute the official returns of that election.

[Statutory Authority: RCW 29A.04.611. 12-14-074, § 434-262-070, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

WAC 434-262-080 Transmittal of county canvass report to the secretary of state. Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit a copy of the official county canvass report to the secretary of state by electronic means.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-080, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-080, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. 00-10-010, § 434-262-080, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

WAC 434-262-090 Receipt of county canvass report by secretary of state. The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the copy of the county canvass report transmitted to his or her office. In the event the secretary of state determines that the report is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part be forwarded immediately. No county canvass report shall be considered complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-090, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

WAC 434-262-100 Canvass of returns by the secretary of state—Powers and duties. Upon receipt of a complete copy of the county canvass report from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election. This shall be accomplished by adding the certified returns from each county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

WAC 434-262-105 Audit of results of votes cast on direct recording electronic device. In an audit, the county auditor must compare the paper records with the electronic results cast on the direct recording electronic devices.

(1) The audits required by RCW 29A.60.185 must use the same three races or issues, randomly selected by lot, for every direct recording electronic device subject to the audit and utilized in the election. If there are not three countywide races or issues on the ballot, the county must select the maximum number of contests available but no more than three contests from each of the devices randomly selected for the audit.

(2) Only races and issues with more than ten votes cast on all direct recording electronic devices in the county may be selected for the audit. If the county does not have such a contest, it must not conduct the audit of paper records required by RCW 29A.60.185.

(3) Counties that utilized more than one direct recording electronic device in the primary or election must randomly select the devices until the aggregate total of votes cast in each selected contest is greater than ten. The devices must also be aggregated until the number of devices selected meets the minimum required by RCW 29A.60.185.

(4) Written procedures to perform audits of direct recording electronic devices as outlined in RCW 29A.60.185 and to resolve discrepancies identified in the audit must be promulgated by the county auditor.

(a) The procedures must provide for a process of randomly selecting by lot the direct recording electronic devices that will be audited.

(b) The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(i) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(ii) If a paper record indicates a ballot has been canceled, that ballot must be exempt from the audit; and

(iii) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(5) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary actions to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The

results as determined by the canvassing board must replace the electronic results in the official certification.

(6) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

(7) The aggregate total of paper records counted manually is subject to public disclosure.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-262-105, filed 10/1/07, effective 11/1/07; 07-09-036, § 434-262-105, filed 4/11/07, effective 5/12/07; 05-24-040, § 434-262-105, filed 11/30/05, effective 12/31/05.]

WAC 434-262-110 Certification of primary returns by the secretary of state. Pursuant to RCW 29A.60.240, upon completion of the canvass of each county auditor's abstract of votes and no later than seventeen days following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a primary election seventeen days following that primary because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received, and provide reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding county canvass reports have been received and filed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. 00-10-010, § 434-262-110, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

WAC 434-262-120 Certification of general election returns by the secretary of state. Pursuant to RCW 29A.60.250, upon completion of the canvass of each county's abstract of votes and no later than thirty days following a general election, the secretary of state shall certify to the governor, president of the senate, and speaker of the house of representatives the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a general election thirty days following that election because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, president of the senate, and speaker of the house of representatives those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding county canvass reports have been received.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. 11-24-064, § 434-262-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. 00-10-010, § 434-262-120, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

WAC 434-262-130 Certification of special primaries and special elections. Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

WAC 434-262-132 Election results for multicounty candidate races. In a candidate race in a multicounty jurisdiction, with the exception of certificates of election issued in accordance with RCW 29A.52.360 and 29A.52.370, the filing officer must collect and combine the certified results from the county canvassing boards in order to issue a certificate of election.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-262-132, filed 10/1/07, effective 11/1/07.]

WAC 434-262-133 Election results for multicounty local ballot measures. In a local ballot measure election for a multicounty jurisdiction, the county auditor from the county with the greatest number of registered voters in the jurisdiction must combine the final results for that ballot measure from all relevant counties.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-262-133, filed 10/1/07, effective 11/1/07.]

WAC 434-262-160 Write-in-voting—Voter intent. (1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate and, if the office or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a pref-

erence for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

[Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-262-160, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

WAC 434-262-200 Retention of records. All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be kept for twenty-two months from the date of the election.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-262-200, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]