

# SKAGIT COUNTY CANVASSING BOARD ADMINISTRATIVE RULES

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#### Skagit County Canvassing Board Administrative Rules

#### Purpose of the Rules

This manual shall serve as the administrative rules implementing the various statutes contained in RCW 29A and WAC 434 governing the conduct of the Skagit County Canvassing Board and the canvassing of elections as required by law. Statutory and regulatory authority for a provision contained in these rules is cited where applicable. Provisions of these policies and procedures that do not specifically refer to statutory or regulatory authority are guidelines based on past practices and decisions of the Board. They are provided to promote consistency; however, questions brought before the Board will be reviewed on a case-by-case basis. In the event of any conflict between these policies and procedures and either state law and/or state administrative regulations, state law and/or regulations shall control.

## CHAPTER I – CANVASSING BOARD

# Canvassing

"Canvassing" means the process of examining ballots or groups of ballots, subtotals, and cumulative totals in order to determine the official returns of a primary, special, or general election and includes the tabulation of any votes that were not previously tabulated.

#### RCW 29A.04.013

"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.

"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.

WAC 434-262-010

#### Canvassing Board Manual

Administrative rules for guiding and governing the county's election process. The manual is adopted and updated as needed in open public meetings.

Responsibilities of the Canvassing Board

- 1. Processing incoming ballots (RCW 29A.40.110 and WAC 434-250-110)
- 2. Verifying and certifying the results from the ballots received (RCW 29A.60.070 and .200)
- 3. Determining the validity of all questionable, challenged and provisional ballots (RCW 29A.60.140(3) and WAC 434-261-120)
- 4. Determining voter intent in accordance with the statewide standards in the Voter Intent Manual published by the Secretary of State (WAC 434-261-086)
- 5. Rejecting ballots or parts of ballots (RCW 29A.60.040 and .050, WAC 434-262-031)
- 6. Determining tie votes by lot (RCW 29A.60.221)
- 7. Resolving discrepancies in results (WAC 434-262-050 and -060)
- 8. Scheduling and conducting recount elections (RCW 29A.64.021)
- 9. Adopting administrative rules (RCW 29A.60.140(4))

Membership of the Canvassing Board

The County Canvassing Board consists of three members.

- 1. The County Auditor, who chairs the Board, or his/her designee, who shall be a Deputy Auditor.
- 2. The County Prosecutor or his/her designee, who shall be a Deputy Prosecutor.
- 3. The Chair of the County Legislative body or his/her designee, who shall be another member of the County Legislative body.

Any designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board.

The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

RCW 29A.60.140

Delegation to Serve on Canvassing Board

The delegation form must contain the following information

- 1. Name of board member
- 2. Board member's position
- 3. Delegate name
- 4. Delegate's title
- 5. Time frame of delegation
- 6. Board member's signature
- 7. Date of signature

Authorization for Canvassing Board Administrative Rules

The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

RCW 29A.60.140(4)

#### 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.

WAC 434-262-025

#### Canvassing Board - Delegation of Authority

The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter <u>29A.60</u> RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters <u>29A.40</u> and <u>29A.60</u> 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.

#### WAC 434-262-015

Meetings and Activities of the Canvassing Board

Meetings of the county canvassing board are public meetings under chapter <u>42.30</u> RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter <u>42.30</u> RCW, and once adopted must be available to the public to review and copy under chapter <u>42.56</u> RCW.

#### RCW 29A.60.140(5)

#### Observers

Members of the public may attend Canvassing Board meetings. If a member of the public wishes to address the Canvassing Board, they may do so as outlined below under Public Comment. Members of the public may not disrupt the Canvassing Board meeting. To maintain order, the Canvassing Board may remove disruptive individuals from the meeting.

#### **Public Comment**

The Canvassing Board Meeting will provide an opportunity for public comment at the preliminary Canvassing Board meeting for each election. At the Public Comment time, the Chair of the Canvassing Board or their delegate will recognize any member of the public wishing to speak. Public comments will be limited to three minutes per speaker, or as allowed by the Chair. Written comments may be submitted in person or via email to <u>scelections@co.skagit.wa.us</u> on the day of the preliminary meeting but must be submitted before the close of the preliminary meeting, to be included with the Canvassing Board minutes.

Those members of the public wishing to reach out to the Canvassing Board can email the Skagit County Elections Office at <u>scelections@co.skagit.wa.us</u>. The Elections Office will forward any correspondence directed to the Canvassing Board to the current members.

**Please note:** depending the nature of the comment or request, any action or discussion may not take place until the next scheduled meeting.

## **Canvassing Procedure**

Before canvassing the returns of a primary or election, the chair of the county legislative authority or the chair's designee shall administer an oath to the county auditor or the auditor's designee attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor or designee and filed with the returns of the primary or election.

The county canvassing board shall proceed to verify the results from the ballots received. The board shall execute a certificate of the results of the primary or election signed by all members of the board or their designees.

#### RCW 29A.60.200

Procedure When Member a Candidate

Members of the county canvassing board may not include individuals who are candidates for an office to be voted upon at the primary or election. If no individual is available to serve on the canvassing board who is not a candidate at the primary or election the individual who is a candidate must not make decisions regarding the determination of a voter's intent with respect to a vote cast for that specific office; the decision must be made by the other two members of the board.

RCW 29A.60.150

Canvassing Board Meeting - Emergency Procedure

If a member cannot attend a canvassing board meeting due to an emergency, a designee may be appointed according to RCW <u>29A.60.140</u> at any time, including the day of the meeting. If a designee cannot be appointed, the member may participate in the meeting remotely.

When ballots are considered during the meeting, the remote member must have access to an online computer application which allows viewing of ballots. Images of ballots cannot be recorded, copied, scanned, emailed, or faxed to the member nor can the member record ballot images.

All three county canvassing board members or designees must certify an election. If an election is certified during the meeting where a member or designee is attending remotely, a copy of the certification document must be sent electronically to the remote member. The certification document must be signed in the following manner:

- (a) The members physically present at the meeting must sign the certification document.
- (b) A copy of the certification documentation is sent electronically to the remote member.
- (c) The remote member must print the signature page of the certification, sign the page, and return the signed page electronically to the canvassing board meeting location.
- (d) The remote member's signed signature page is printed and attached to the certification document signed by the other members of the board, completing the certification document.

WAC 434-262-016

Canvass Board - Certification of Election Results

Ten days after a special election held in February or April, ten days after a presidential primary held pursuant to chapter <u>29A.56</u> RCW, fourteen days after a primary, or twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each ballot that was returned before 8:00 p.m. on the day of the special election, general election, primary, or presidential primary, and each ballot bearing a postmark on or before the date of the special election, general election, primary, or presidential primary and received no later than the day before certification, must be included in the canvass report.

RCW 29A.60.190

# **CHAPTER II – OBSERVERS**

#### Observers

Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to processing ballots for a primary or election, the county auditor shall notify the major political parties in writing of the maximum number of official observers allowed to observe ballot processing and the date ballot processing begins. Where more than one observer is appointed, the political party shall designate one of the observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

The counting center is under the direction of the county auditor. All observers are authorized to observe the processing of ballots for the current election as defined by WAC <u>434-250-110</u>. Observers may not touch or record images of voted ballots, challenge signature check decisions, object to decisions to count or not count votes or ballots, or disrupt ballot processing. The county auditor shall provide written rules for observers. The county auditor may require an observer who does not follow the established rules to leave the counting center.

#### WAC 434-261-020

#### Logic and Accuracy Test Observers

The official logic and accuracy test must be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers must be instructed as election observers by the county auditor. The official logic and accuracy test must be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the observer may be removed from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers may not delay or stop the test from being conducted. WAC 434-335-290

# CHAPTER III – ELECTIONS SECURITY

Counting Center Location - Direction of Proceedings

The county auditor shall designate a location to serve as the counting center. If that location is other than the county auditor's office or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto. <u>WAC 434-261-010</u>

#### Secure Storage

Secure storage is a container or room that stores voted ballots and electronic data containing voted ballot images. Secure storage must employ the use of numbered seals and logs, or other security measures, that document each individual's access to the voted ballots or voted ballot images, and detect inappropriate access to the secure storage. Voted ballots and voted electronic ballot images must remain in secure storage except during processing, duplication, resolution, inspection by the canvassing board, or tabulation. Unsecured ballots must be accompanied by at least two county auditor staff at all times.

A secure location is a room or other facility where programming and equipment used for ballot tabulation are stored. A secure location must use the same security measures as for voted ballots and voted ballot images.

Use of numbered seals requires:

- 1. A seal log that documents the numbers of the seals and the individuals applying or removing seals; and
- 2. At least two individuals present when seals are applied or removed. Both must sign the seal log.

Closing of unstaffed ballot boxes must follow WAC <u>434-250-100</u>. Voted ballots and voted ballot images may only be accessed in accordance with RCW <u>29A.60.110</u> and <u>29A.60.125</u>.

WAC 434-261-045

# Ballot Containers, Sealing, Opening

Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW **29A.60.170**, to conduct an audit under RCW **29A.60.185**, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county. **RCW 29A.60.110** 

# CHAPTER IV – LOGIC AND ACCURACY TEST

Logic and Accuracy Test Conduct

The county must provide adequate personnel to properly operate the ballot tabulation system. Whenever possible, the system shall be operated during the test by the same person or persons who will be responsible for operating the system on election day. The official logic and accuracy test shall be conducted as follows:

- 1. Every ballot tabulator and scanner to be used in the primary or election shall be tested. Digital scan test decks shall be scanned during the official logic and accuracy test.
- 2. Undervotes recorded by a digital scan system used to resolve or adjudicate ballots digitally shall be auto-resolved. Some undervotes may be manually resolved to demonstrate the process.
- 3. Optical scan tabulators and digital scan tabulators not used to resolve or adjudicate ballots digitally shall be set to out-stack blank ballots, overvotes, and write-in votes.
- 4. A printout of the test results shall be produced and compared to the expected test results. If the test results do not match the expected test results, the reason for the discrepancy must be satisfactorily determined and corrections made, if necessary.
- 5. The upload of results to the secretary of state's office shall be tested and verified.

WAC 434-335-280

Logic and Accuracy Test Observers

See rules regarding Logic and Accuracy Test Observers under Chapter II - Observers

## CHAPTER V – BALLOT HANDLING

Ballots by Mail

All elections in Skagit County are conducted by mail.

#### Skagit County Resolution No. R20050132

Each active registered voter of the state, overseas voter, and service voter shall automatically be issued a mail ballot for each general election, special election, or primary. Overseas voters and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter. Each active registered voter shall continue to receive a ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status.

#### RCW 29A.40.010

#### **Mailing Ballots**

The county auditor must mail ballots to each service and overseas voter at least thirty days before each special election, and at least forty-five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

Each county auditor shall certify to the office of the secretary of state the dates the ballots were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely. <u>RCW 29A.40.070</u>

**Ballot Processing** 

"Initial processing" means all steps taken to prepare ballots for tabulation. Initial processing includes, but is not limited to:

(a) Identification and receipt of current and suspended ballots:

(b) Sorting of suspended ballots due to voter registration transfers:

(c) Processing of current and suspended ballots:

(d) Verification of the signature and postmark on the ballot declaration by the county of current registration;

(e) Removal of the security envelope or sleeve from the return envelope;

(f) Removal of the ballot from the security envelope;

(g) Manual inspection for damage, write-in votes, and incorrect or incomplete marks; (h) Duplication of ballots;

(i) Digital scanning and resolution of ballots by batch where tabulation does not take place; and

(j) Other preparation of ballots for final processing.

"Final processing" means the reading of ballots by a digital scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

"Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

#### WAC 434-250-110

#### **Processing Returned Ballots**

The opening and subsequent processing of return envelopes for any election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the election.

All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot. RCW 29A.40.110

# Verification of the Signature and Return Date

Ballots shall be counted if they meet the following criteria (WAC 434-250-120). The voter has not already cast a ballot that has been accepted in the election. The ballot declaration is signed with a valid signature. A valid signature may be the voter's name or a distinctive mark or symbol signed by the voter. If the voter is unable to sign his or her name, the voter may make a mark or symbol with two witnesses' signatures. A signature stamp accompanied by two witness signatures is an acceptable mark. A power of attorney cannot be used as a signature for a voter. The signature has been verified by the county of current registration pursuant to WAC 434-379-020.

The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election. A postmark is any official mark, imprint, or application that verifies when a ballot entered the U.S. postal system. The mailing date of a ballot sent through a commercial mailing service, such as FedEx or UPS, may be considered a postmark. The postmark on the envelope is the official date of mailing. If there are two postmarks, the earlier postmark is the date of mailing. A hand cancellation by an agent of the U.S. Postal Service is a postmark.

If the postmark is illegible or missing, the date of the voter's signature is the date of mailing as per RCW <u>29A.40.110</u>. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors may use available U.S. Postal Service tools to verify the date of mailing.

The ballot is deposited in a ballot drop box no later than 8:00 p.m. on Election Day; or the ballot is received by fax or email no later than 8:00 p.m. on election day. Only service overseas voters can submit ballots by fax or email.

Consistent with WAC <u>434-250-080</u>, the voter's current ballot and signed declaration shall be accepted for initial processing; ballots previously or subsequently received are not counted nor rejected by the county canvassing board. Such ballots shall be invalid and categorized as informational only.

The signature verification process shall be open to the public, subject to reasonable procedures adopted by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

WAC 434-250-120

# Signature Verification Standard

A signature must be matched to the signature on file in the voter registration records. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

- (1) The signature is handwritten.
- (2) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;
- (3) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;
- (4) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;
- (5) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

WAC 434-379-020

## Initial Processing - Manual Inspection

All voted ballots must be manually inspected for damage, write-in votes, and incorrect or incomplete marks. If it is found that any ballot is damaged so that it cannot properly be counted by the vote tallying system, a true duplicate copy must be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All damaged ballots must be kept by the county auditor until sixty days after the primary or election or according to federal law, whichever is longer.

RCW 29A.60.120

## **Opening of Returned Ballots**

Return ballot envelopes shall be opened in batches by election workers hired for the purpose. The election workers will conduct all activities in ballot processing teams of two. Whenever possible, the two members should be of different political parties. The ballot processing teams have the responsibility of expressing any concerns about ballot secrecy, security, or accounting. Upon opening, all inner security sleeves for the batch shall be extracted from the return envelopes. The return envelopes are verified as empty and set aside. The ballots shall be removed from the security sleeves. The security sleeves verified as empty are set aside. Manual Inspection of Ballots

All voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot is readable by the vote tabulating system. The county auditor must ensure that write-in votes are tabulated according to RCW 29A.60.021, consistent with the voter's intent. Ballots must be inspected for overvotes, undervotes, and write-in votes prior to tabulation. This manual inspection is a required part of processing ballots.

The state of Washington is a voter intent state. When a voter's choice or intention can be determined, that vote shall be counted. If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, such ballots may be duplicated or resolved, if necessary, and counted according to the statewide standards on what is a vote, as provided in WAC 434-261-086. The county canvassing board may authorize the county auditor to duplicate ballots that may be unreadable or uncountable by the tabulating system. Write-in votes without a readable mark in the target area must be processed according to the statewide standards on what is a vote found in WAC 434-261-086. The county canvassing board may authorize to the statewide standards on what is a vote found in WAC 434-261-086. The county be processed according to the statewide standards on what is a vote found in WAC 434-261-086. The county canvassing board may authorize the county auditor to duplicate ballots that may be unreadable or uncountable by the tabulating system. Write-in votes without a readable mark in the target area must be processed according to the statewide standards on what is a vote found in WAC 434-261-086. The county canvassing board shall make the final determination of voter intent for ballots not addressed in the statewide standards on what is a vote.

WAC 434-261-070

Damaged Ballots See Chapter VI – Duplication of Ballots

## Scanning for Tabulation

The ballot processing team scans the ballots in preparation for tabulation. Overvotes, undervotes, and write-ins are resolved prior to tabulation. Any ballot with a question of voter intent will not be scanned for tabulation and securely stored until reviewed by the canvassing board.

Manual Inspection of Ballot - Acceptability of Marks - Voter Intent

When questions arise on what is a vote, the canvassing board shall refer to the Secretary of State publication titled Voter Intent: Statewide Standards on What Is A Vote.

Questionable marks not covered by the rules in the voter intent manual must be determined by county canvassing boards according to all applicable laws of the state of Washington and the canvassing board manual. Where more than one rule may apply, the county canvassing board has authority to determine which rule is most appropriate.

WAC 434-261-086

Questions on Validity of Ballot - Rejection

Whenever the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election. <u>RCW 29A.60.050</u>

Rejection of Ballots or Parts - Write-in Votes

A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

Those parts of a ballot are invalid and no votes may be counted for those issues or offices where more votes are cast for the office or issue than are permitted by law; write-in votes do not contain all of the information required under RCW <u>29A.60.021</u>; or that issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. No write-in vote may be rejected due to a variation in the form of the name if the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote. <u>RCW 29A.60.040</u>

## Rejection of Ballots or Parts of Ballots

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. 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 returned together:
  - (i) If the two ballots are returned with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once.
  - (ii) If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety;
  - (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 <u>434-261-086</u>;
  - (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;
  - (g) Where the ballot was created for a prior election.

WAC 434-262-031

Votes on Something Other Than a Ballot

If the voter returns voting responses by mail on any form other than a ballot, the votes thereon shall be acceptable and tallied provided that:

- a) Only votes for offices or measures for which the voter is eligible are counted.
- *b)* The candidate or measure response position for which the voter is voting can be clearly identified.
- c) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.
- d) A valid signature on a ballot declaration is received with the voting responses.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

*Votes on a ballot from a previous primary or election cannot be counted for another primary or election. These ballots must be rejected per WAC <u>434-262-031</u>.* 

WAC 434-261-075

Periodic Count of Remaining Ballots - After Election Night

The county auditor, as delegated by the county canvassing board, shall process ballots and canvass votes cast at that primary or election daily (excluding Saturdays, Sundays, and legal holidays) if the county auditor is in possession of more than five hundred ballots that have yet to be canvassed. In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process ballots and canvass the votes. Tabulation results must be made available to the public immediately upon completion of the canvass. Records of ballots counted must be made available to the public at the end of each day that the county auditor has processed ballots during and after an election.

RCW 29A.60.160

# **CHAPTER VI – DUPLICATION OF BALLOTS**

Ballot Duplication Procedures

A ballot duplication occurs when:

- A ballot cannot be physically run through the ballot scanner due to damage,
- A ballot is printed on multiple pieces of paper from the online voter portal,
- A ballot that may be otherwise unreadable or uncountable by the tabulation system, or
- The tabulations system cannot determine the precinct to which to attribute the voter's choice(s).

Ballot duplication will be performed by a team of two employees.

The duplication team will use the choices made on the original unscannable ballot to mark a scannable ballot with the same choices. If the voter intent is not clear, the ballot will be referred to the canvassing board.

A second team of two different employees will confirm all ballot duplications.

## **Documentation**

When duplicating ballots, designated staff shall take the following steps to create and maintain an audit trail of the action:

- 1. Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot.
- 2. A log must be kept of the ballots duplicated, which must at least include:
  - a. The control number of each original ballot and the corresponding duplicate ballot;
  - b. The initials of at least two people who participated in the duplication of each ballot; and
  - c. The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all time, except during duplication, inspection by the canvassing board, tabulation, or to conduct an audit under RCW 29A. 60.185

# **CHAPTER VII – VOTER SIGNATURE ISSUES**

Unsigned Ballot Declaration or Mismatched Signatures

# Unsigned Return Envelopes

Ballots in unsigned return envelopes will not be accepted for processing until a valid signature has been obtained.

The voter will be notified by first class mail what the correct procedures are for completing and returning the unsigned declaration form. If the voter has not responded to the previously mailed letter, by the last three days before the day of certification, the elections office will attempt to contact the voter by telephone.

# Signature Mismatches

When a member of the elections staff encounters any return envelope with a signature that does not appear to match a signature on file for the voter, the elections staff member will mark the voter record as challenged in the voter registration/election management system.

The return envelope will be reviewed/or researched by a designated elections staff member.

If the second elections staff member confirms that the signature does not match the voter signature on file, the voter shall be notified by first class mail, advising them of the correct procedure for resolving the signature match issue. If the voter has not responded to the previously mailed letter, by the last three days before the day of certification, the elections office will attempt to contact the voter by telephone.

# Presentation to Canvassing Board

A member of the elections staff will present the unsigned or mismatched ballot envelopes to the Canvassing Board for review.

If a valid unsigned or mismatched declaration is not received by 4:30 pm the day before certification of a special, primary or general election, the Canvassing Board shall reject the ballot and the ballot will not be counted.

# CHAPTER VIII – WRITE-IN VOTES

Write-in Voting - Counting of Vote

Write-in votes cast for an individual candidate for an office shall be counted and reported when a valid declaration of write-in candidacy has been filed and the total number of write-in votes cast for the office could result in a declared write-in candidate qualifying for the general election or winning the election.

RCW 29A.60.021

# **CHAPTER IX – POST ELECTION AUDITS**

#### Audit of results

Prior to certification of the election as required by RCW <u>29A.60.190</u>, the county auditor shall conduct a random audit of up to six batches, by doing a manual count, and comparing the results against the tabulation results. The audit will involve one office/issue and take place no later than forty-eight hours after Election Day.

Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated under RCW <u>29A.60.125</u>. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots.

RCW 29A.60.185

#### Random Batch Audit Procedure

The purpose of this procedure is to manually audit the ballot tabulator results to verify the machine is correctly counting the ballots. An Official Logic & Accuracy Test is performed prior to each election for the same purpose.

A random batch audit will take place no later than forty-eight hours after Election Day,

#### Random Check of Digital Scan Ballot Counting Equipment

Upon the mutual agreement of the political party observers, or at the discretion of the county auditor, a random check of the digital scan ballot counting equipment shall be conducted for a special, primary, or general election. The random check shall involve a comparison of a manual count of ballots to the machine count, and will involve six groups of ballot batches.

#### Selection of Batches

The six batches will be randomly selected from a range.

#### Preparing for the Random Check

- 1. Prior to any scanning or tabulation. Print the election night cumulative reporta-
- 2. Resolve ALL election night unassigned write-ins.
- 3. Print cumulative report that includes election night unassigned write-ins.
- 4. Read, resolve write-ins, and tabulate the 6 random batches.
- 5. Print cumulative results that include the 6 random batches.
- 6. Print random audit tally sheet.

# Performing Random Count

Manual counts shall be conducted by a team of two.

Bring the groups of ballots and tally sheet to where the audit will be performed.

The results from the cumulative reports shall not be given to team members with the ballots; only the groups of ballots that are part of the audit.

The hand tally sheet will contain the following categories:

Response 1 Response 2 Response 3, 4, 5, etc...(depending on number of candidates/options in race) Write-ins (if applicable) Undervotes Overvotes

The team only counts one batch at a time:

- 1. Locate and separate the ballots for the race/issue to be counted.
- 2. Sort the ballots to be counted by response categories listed above.
- 3. Count each category and write the number on scratch paper.
- 4. Once each person has counted each category, compare numbers to verify that both people have the same count.
  - a. If the numbers don't match, recount and compare.
  - b. If they still don't match, have a third-party count and verify.
- 5. Once all categories are verified, write-down results on the audit tally sheet.
- 6. Place batch back together and set aside.
- 7. Repeat first 6 steps until all batches have been tallied.
- 8. Bring filled out audit tally sheet to supervisor for verification.
  - a. If the hand count results don't match the machine results, re-check counts & verify.

If the hand count and cumulative results match, the county team members will sign the audit tally sheet.

If the random batch audit has a discrepancy and is unable to be finished, a new set of 6 random batches will be picked prior to scanning and the process will need to be repeated.

Audit of Duplicated Ballots Procedure

All duplicated ballots will be audited before the duplicated ballots are scanned. A team of two different employees than the team of two who duplicated the ballots will conduct the audit.

- 1. Teams of two that were not involved in the duplicating process will conduct the audit.
  - a. Items needed:
    - i. Spoiled ballots
    - ii. Duplicated ballots
    - iii. Ballot log
- 2. One person will read the original (spoiled) ballot & the other will verify the marks on the duplicated ballot.
- 3. One member will also read the ballot log to verify control number and precinct.
- 4. If there are any discrepancies:
  - a. The auditing team stops their process.
  - b. A third person verifies the discrepancy.
  - c. A duplication team will duplicate a new ballot to replace the incorrect one.
  - d. The incorrect ballot is shredded.
  - e. The correctly duplicated ballot is placed back into the stack.
  - f. Auditing team continues with new correctly duplicated ballot.

Once finished, spoiled ballots can now be securely stored per retention rules and duplicated ballots are ready to be scanned.

# **CHAPTER X – RECOUNT**

A recount may be either mandatory or requested. (RCW 29A.64 Recounts)

#### Mandatory Recount

If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently qualified for the general election ballot or elected to any office, and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

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

For statewide elections, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one thousand votes and also less than onefourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

A mandatory recount shall be conducted in the manner provided by RCW <u>29A.64.030</u>, <u>29A.64.041</u>, and <u>29A.64.061</u>. No cost of a mandatory recount may be charged to any candidate.

RCW 29A.64.021

Deposit of Fees - Notice - Public Proceeding

An application for a recount shall state the office or ballot measure for which a recount is requested, and whether the request is for all precincts or only a portion of the precincts in that jurisdiction. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW 29A.64.081.

The county canvassing board shall determine the date, time, and place or places at which the recount will be conducted. Not less than one day before the date of the recount, the county auditor shall notify the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office of the date, time, and place of the recount. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.

Proceedings of the canvassing board are public under chapter <u>42.30</u> RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.

## RCW 29A.64.030

#### Procedure - Request to Stop - Observers

At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

The canvassing board shall not permit the tabulation of votes for any nomination, election, or issue other than the ones for which a recount was applied for or required.

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

The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The observers may not make a record of the names, addresses, or other information on the ballots, declarations, or lists of voters unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.

#### RCW 29A.64.041

## Amended Abstracts

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

If the office or issue for which the recount was conducted was filed with the county auditor, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the office or issue for which a recount was conducted was filed with the secretary of state, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date.

An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

RCW 29A.64.061

# CHAPTER XI – TIED RACE

Tie in Primary or Final Election

If, at a primary, two or more candidates are tied for first place, the order on the general election ballot shall be decided by lot. If, at a primary, two or more candidates are tied for second place, the candidate that advances to the general election shall be decided by lot.

If, at a final election and following a recount, two or more candidates are tied for first place, the winner shall be decided by lot.

RCW 29A.60.221

# CHAPTER XII – PROVISIONAL BALLOTS

#### Provisional Ballots

"Provisional ballot" means a ballot issued to a voter who would otherwise be denied an opportunity to vote a regular ballot, or for any other reason authorized by the Help America Vote Act or Washington State Law.

#### RCW 29A.04.008 (5)

Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW <u>29A.40.091</u>, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

#### RCW 29A.40.160(10)

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 voted ballot received from an unregistered voter, other than a service, overseas, or conditionally registered voter, is considered a provisional ballot. 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 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.

(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, register the voter and count the ballot.

(3) If a registered voter has voted a ballot for a previous address, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(4) If the voter is registered in another county, the auditor shall immediately forward the ballot to the elections official for the jurisdiction in which the voter is registered. The provisional 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.

(5) 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.

(6) 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.

(7) 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.

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

WAC 434-262-032

# **CHAPTER XIII – CHALLENGES**

Times for Filing Challenges - Hearings - Treatment of Challenged Ballots

Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than forty-five days before the election. The county auditor presides over the hearing.

Only if the challenged voter registered to vote less than sixty days before the election, or changed residence less than sixty days before the election without transferring his or her registration, may a challenge be filed not later than ten days before any primary or election, general or special, or within ten days of the voter being added to the voter registration database, whichever is later.

If the challenge is filed within forty-five days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately in the voter registration system, and the county canvassing board presides over the hearing.

If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot.

*If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election.* 

RCW 29A.08.820

County Auditor Duties - Dismissal of Challenges – Notification – Hearings - Counting or Cancellation of Ballots

If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.

If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter. If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW <u>29A.08.112</u> and <u>29A.04.151</u>, and Article VI, section 4 of the state Constitution. A challenged voter may transfer or reregister until the day before the election. The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing. All notices must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit.

The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW <u>29A.08.112</u> or <u>29A.04.151</u>, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.

If the challenge is based on an allegation under RCW <u>29A.08.810(1)(a)</u>, (b), (d), or (e) and the canvassing board sustains the challenge, the challenged ballot shall not be counted. If the challenge is based on an allegation under RCW <u>29A.08.810(1)(c)</u> and the canvassing board sustains the challenge, the board shall permit the voter to correct his or her voter registration and any races and ballot measures on the challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.

If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and the pending challenged ballot must be accepted as valid. Challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter <u>34.05</u> RCW.

#### RCW 29A.08.840

## Voter Registration Challenges

All county auditors and the secretary of state shall furnish to the public on request forms that allow a registered voter to challenge the registration of another voter pursuant to RCW <u>29A.08.810</u> through <u>29A.08.850</u>. The secretary of state must make the form available on its web site.

Voter registration challenges filed with the county auditor shall be published on the county auditor's web site as required by RCW <u>29A.08.835</u>. The final decision of the county auditor or canvassing board shall also be posted on the county auditor's web site. The challenge and final decision must remain on the county auditor's web site for one month after the final decision was made.

WAC 434-324-115

Notification Requirements

The auditor shall, within seventy-two hours of receipt, publish on the auditor's web site the entire content of any voter challenge filed under chapter <u>29A.08 RCW</u>. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

RCW 29A.08.835

# **CHAPTER XIV – COUNTY CANVASS REPORT**

County Auditor's Abstract of Votes

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

- (1) The number of registered voters eligible to vote in the election, by precinct;
- (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, by precinct;
- (4) Cumulative vote totals including write-ins, undervotes, and overvotes; and

(5) An aggregate total of votes cast for each declared candidate qualifying for the general election or elected. Individual write-in vote tallies for candidates not meeting the minimum threshold according to chapter <u>29A.60</u> RCW shall not be included in the official abstract of votes and results displayed online.

*Write-in votes for candidates whose names appear on the ballot for that office should be counted according to WAC <u>434-261-086</u>.* 

WAC 434-262-030

Abstract by Election Officer -Transmittal to Secretary of State

Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The cumulative report of the election and a copy of the certificate of the election must be transmitted to the secretary of state immediately. The county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which results are aggregated must be contiguous.

<u>RCW 29A.60.230</u>

# Crediting Voters for Voting

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.

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

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.

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.

The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Following each general election, the county auditor shall use this data to produce the number of voters participating in the election for each taxing district in the county as required by WAC <u>434-262-017</u>. Once the list is copied and the taxing district voter turnout report is complete, changes to the database may be made.

Following certification of the election, each credited voter's history of voting must be updated in the statewide voter registration database.

WAC 434-262-013

## Official County Canvass Report

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 the county auditor and attested to by the chair or designee who administered the oath; and
- (d) Shall have a space where the official seal of the county shall be attached.

The official county canvass report shall include: (a) The certification; (b) The auditor's abstract of votes as described in WAC <u>434-262-030</u>. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter <u>29A.64</u> RCW, or upon order of the superior court. The vote totals therein shall constitute the official returns of that election; and

(c) If applicable, a written narrative of errors and discrepancies discovered and corrected. The certification shall be signed by all members of the county canvassing board or their designees.

The official county canvass report for every primary and election must be submitted to the secretary of state on the day the election was certified.

The county auditor must prepare a reconciliation report for every primary and election as required by RCW **29A.60.235** and state rule, and submit the complete report as directed by the secretary of state. The secretary of state shall review the reconciliation for each county and work with the county auditor to resolve discrepancies. If a discrepancy is resolved, the county auditor shall submit a correct reconciliation report to the secretary of state seven days following the certification of the election. The corrected report then becomes the official reconciliation report for that election. The county auditor shall post the corrected report on the county auditor website.

WAC 434-262-070

#### **Reconciliation Reports**

The county auditor shall prepare at the time of certification an election reconciliation report found at the state's website. The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's website at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

RCW 29A.60.235

# **ADOPTION**

The foregoing Administrative Rules are adopted by the Skagit County Canvassing Board this

12<sup>th</sup> day of July, 2022.

Saufra 1

Sandra Perkins, Skagit County Auditor

Peter Browning, Skagit County Commissioner

Melinda Miller, Skagit County Prosecuting Attorney Designee