
Pierce County Canvassing Board

Policies

October 2018



Pierce County Auditor's Office
Elections Division
2501 S 35th St, Ste C
Tacoma, WA 98409

PierceCountyElections.org
253-798-VOTE (8683)

*Approved at October 26, 2018
Canvassing Board Meeting*

Table of Contents

Chapter I – Introduction	2
Chapter II – The Canvassing Board	4
Chapter III – Board Decisions	6
Chapter IV – Meetings	7
Chapter V – Election Center Security	9
Chapter VI – Mailing Authority	10
Chapter VII – General Statutory Requirements	11
Chapter VIII – Voter Signature Issues	14
Chapter IX – Qualifying Ballots	16
Chapter X – Provisional Ballots	18
Chapter XI – Voter Intent	21
Chapter XII – Post Election Audits	23
Chapter XIII – Other Canvassing Requirements	25
Chapter XIV – Recounts	27
Chapter XV – Voter Registration Challenges	34
Chapter XVI – Logic and Accuracy Testing	38
Glossary	41

CHAPTER I – INTRODUCTION

Section I – Authorization

The Pierce County Canvassing Board (“Canvassing Board”) is established under the authority of RCW 29A.60, to canvass the returns of all elections.

Section II - Delegation of Responsibilities

Except as otherwise provided by law, the Canvassing Board may delegate the performance of any of its tasks assigned by law. The delegation of such authority must occur in writing or at an open public meeting in accordance with rules adopted by the Secretary of State. The written delegation of authority shall be filed with the Pierce County Auditor (“Auditor”) annually . in substantially the form as set forth in attached. (RCW 29A.60.140)

Section III - Responsibilities

The responsibilities of the Canvassing Board include:

1. Processing ballots (Authority: RCW 29A.40.110).
2. Verifying and certifying results (Authority: RCW 29A.60.070 and 29A.60.200).
3. Determining the validity of ballots (Authority: RCW 29A.60.050).
4. Determining voter intent in accordance with the Washington Voter Intent Manual published by the Secretary of State. (Authority: WAC 434-261-086).
5. Opening sealed ballot containers (Authority: RCW 29A.60.110).
6. Taking corrective action on the “Abstract of Votes” (Authority: WAC 434-262-060).
7. Rejecting ballots in whole or part (Authority: WAC 434-262-031, WAC 434-262).

8. Conducting a recount (Authority: RCW 29A.64.021).
9. Adopting administrative rules (Authority: RCW 29A.60.140).

Section IV - Purpose of this Manual

This manual serves as the local administrative rules to facilitate and govern the canvassing process in Pierce County. Statutes directing the policies are: chapters and sections of RCW Chapter 29A and 42, WAC Chapter 434. Any of the administrative rules contained in this manual that do not specifically refer to statutory or regulatory authority are guidelines based on past practices and decisions of the Canvassing Board.

CHAPTER II – THE CANVASSING BOARD

Section I - Composition of the Canvassing Board

The Canvassing Board shall be composed of the Auditor, who shall act as Chair of the Canvassing Board; the Pierce County Prosecuting Attorney (“Prosecutor”); and the Chair of the Pierce County Council (“Council”). Any member may designate a representative.

1. Designated Representatives: The Auditor may designate representatives, whom shall be a Deputy Auditor. The Prosecutor may designate representatives, whom shall be a Deputy Prosecutor. The Chair of the Council may designate representatives , whom shall be a member of the Council (WAC 434-262-015, RCW 29A.60.140).
2. Designation Authorization: A member of the Canvassing Board shall file the name of the Designated Representative in writing with the Auditor not later than the day before the first day the Designated Representative’s duties are undertaken (RCW 29A. 60.140).

Section II - Oath

Before certifying the returns of any election, the Chair of the Council, or his or her Designated Representative, shall administer an oath to the Auditor or the Auditor’s Designated Representative attesting to the authenticity of the information presented to the Canvassing Board. This oath must be signed by the Auditor or Designated Representative and filed with the returns of the election. (RCW 29A.60.200).

Section III – Verifying Results; Certificate of Election

The Canvassing Board shall verify the results of each election from the ballots cast and shall execute a Certificate of Election in the form prescribed by law signed by **all members** of the Canvassing Board or their Designated Representatives (RCW 29A.60.200).

With respect to special elections, the Canvassing Board shall execute and transmit to each individual sponsoring district a separate Certificate of Election verifying the final official results of that special election. The sponsoring district shall be responsible for determining whether the issue passed or failed.

CHAPTER III – BOARD DECISIONS

Section I - Quorum

Two-thirds of the members of the Canvassing Board shall constitute a quorum.

Section II - Decisions of the Canvassing Board

A majority vote, defined as two of three votes, is required for all Board decisions and actions. Decisions of the Board are final and not subject to appeal except as provided under statutory provisions for contesting elections.

When a member of the Canvassing Board is on the ballot, that member shall recuse himself or herself when making decisions regarding the determination of a voters' intent with respect to votes cast for that member's office. This recusal shall also apply to the member's Designated Representative. The determination of a voter intent with respect to ballots cast in that contest shall be made by the other two members of the Board. If the two members vote and do not agree, the votes shall not be counted unless the number of those votes could affect the result of the election, in which case the Secretary of State or his or her designee shall make the decision regarding those votes.

However, the member of the Canvassing Board whose name appears on the ballot may fully participate in decisions accepting or rejecting entire ballots cast, unless the office in question is the only one for which the voter cast a vote (RCW 29A.60.150).

CHAPTER IV -- MEETINGS

Section I – Regular Meetings

Canvassing and Certifying Elections

The Canvassing Board shall meet to canvass ballots and certify the election no later than the statutory deadline for election certification.. (RCW 29A.60.190).

Any Canvassing Board meeting may be adjourned and reconvened at a later time, date, or location at the discretion of the Canvassing Board.

Section II – Special Meetings

The Canvassing Board may meet at any time to perform its statutory duties, which may include administrative hearings regarding voter registration challenges, conducting recounts, adopting rules or to respond to any other special circumstances that may arise.

Section III - Meeting Location

Unless otherwise specified in a public notice, the Canvassing Board shall meet at the Pierce County Elections Center, located at 2501 South 35th Street, Suite C, Tacoma, WA 98409.

Section IV - Public Meetings

All meetings of the Canvassing Board are open public meetings under RCW 42.30 and shall be appropriately noticed. (RCW 29A.60.140) (5).

Section V – Public Comment

Public comment shall be taken at the meeting at such time or times as may be designated by the Chair of the Canvassing Board. Members of the public who wish to comment must first wait to be recognized by the Chair and asked for comment. The time allowed for comment may be limited by the

Chair. Written comments may be submitted at any time during the meeting and will be entered into the Canvassing Board record. Any comments or other behavior by members of the public deemed inappropriate or disruptive by the Chair will result in removal from the Pierce County Elections Center.

Section VI – Minutes

All meetings of the Canvassing Board shall be recorded and the record shall serve as the official minutes of each meeting.

CHAPTER V -- ELECTION CENTER SECURITY

The Pierce County Elections Center (“Elections Center”) is a public facility which provides for the secure processing of ballots and ballot tabulation in compliance with state law.

Employee entrances remain locked at all times. When in use and open, the loading dock door is monitored.

Election employees are required to wear an Elections Center badge identifying their level of authorization to access areas of the center while working. Two employees need to be present in any area with unsecured ballots.

Secure storage can be a container or a room. Secure storage uses numbered, tamper evident seals and logs to detect inappropriate access. The tabulation system is wholly contained in a secure location, and the secure location employs the same security measures as ballot containers. (WAC 434-261-045)

Visitors are required to sign-in, wear a visitors’ badge and be escorted at all times.

Members of the public who attend meetings in the Elections Center must remain in designated seating areas and may not engage in inappropriate or disruptive behavior. Election staff shall take appropriate action to maintain overall security during this time. Inside doors can be locked or unlocked, depending on the need for extra security and/or meeting area definition. Members of the public who fail or refuse to remain seated in designated public seating areas, or who engage in inappropriate or disruptive behavior, may be removed from the Elections Center.

CHAPTER VI – MAILING AUTHORITY

Section I - Postage Rates

All outbound mailings from the Pierce County Elections Division to voters may be mailed at nonprofit mail rates. These mailings are used to update and maintain voter mailing lists as permitted under the National Voter Registration Act of 1993.

Section II - Return Postage

All inbound ballots will be postage paid via a business reply mail permit, no postage required for voters. Ballots for overseas voters and service voters will be sent with free return postage if the ballot is mailed through the United States Postal Service, United States Armed Forces Postal Service, or the postal service of a United States foreign embassy per 39 USC 3406.

If a voter returns a ballot in a different envelope without sufficient postage, the Auditor has in place an agreement with the United States Postal Service (“USPS”) to not return ballots to the voter for insufficient postage. Ballots with insufficient postage are to be delivered to the Elections Center. Pierce County will compensate the USPS for any postage due.

CHAPTER VII – GENERAL STATUTORY REQUIREMENTS

Section I - Processing Ballots

Prior to initial processing of ballots, the 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. Failure to appoint or attend shall not delay the processing or tabulation of ballots (WAC 434-250-110) (1).

The Auditor has established an observer program. As part of the program each major political party appoints an observer coordinator. The coordinator is responsible for coordinating and scheduling their observers. The observer coordinator serves as the point of contact for communications between the party and the Auditor.

The Auditor has extended the observer program to include independent observers for interested parties that do not want to identify with a major political party. This observer group is currently coordinated through the League of Woman Voters. The independent coordinator is not required by state law and can be modified or canceled by the Auditor.

The Auditor tabulates ballots on an electronic, digital scan vote tabulation system. Initial processing consists of verifying signatures, opening envelopes, removing ballots, inspecting ballots and repairing/re-making ballots. After initial processing, all ballots must be kept in secure storage until they are ready for final processing (RCW 29A.40.110, WAC 434-250-110) (2).

Auditor staff responsible for checking voter signatures shall be instructed in the signature verification process. Auditor staff shall periodically be trained and updated on signature verification techniques by representatives of the Washington State Patrol (WAC 434-250-120)

Auditor staff shall ensure all secrecy and return envelopes are empty by making a physical inspection of the envelopes. A zip tie or string is then threaded through the pre-punched hole in the envelope to ensure that nothing is left inside the envelope. Scanning of ballots occurs after initial processing. Valid ballots are scanned by batch in the tabulation room. No tabulation occurs during the scanning process; instead, a digital picture of the ballot is uploaded to the tabulation server. Scanning may start at any time after initial processing is completed

Tabulation, which is the production and release of election results, may not occur until after 8:00 p.m. on the day of the election (WAC 434-250-110) (4).

Processing and canvassing of ballots must be done daily (except Saturdays, Sundays, and legal holidays) if there are over 500 ballots unprocessed. Tabulation results must be made available to the public immediately upon completion of the canvass and shall be uploaded to the state reporting site as well as posted on the Auditor's website. (RCW 29A.60.160)

Section II - Accessible Voting Centers

The Auditor shall establish for each election, a voting center that shall remain open during business hours (8:30 a.m. to 4:30 p.m.) for 18 days prior to the election. The Auditor may establish additional voting centers throughout the county. All voting centers must be accessible to persons with disabilities. Voting centers must provide at least one accessible touch screen marking device. These devices allow the voter to mark the ballot, review their choices and print a marked paper ballot. The voter then places the ballot in the envelope packet provided and signs the oath.

Ballots cast at a voting center shall be deposited in a ballot box, returned to the Election Center, and processed in the same manner as ballots returned by mail or ballot drop box.

Voting centers also serve as an extension of the Auditor's office. Services include:

- Voter registration
- Ballot deposit site
- Provisional ballots
- Voting assistance from staff
- Replacement ballots
- Voters' Pamphlets (if published)

Section III – Public Viewing

All phases of ballot processing, including recounts, are open to the public, subject to reasonable procedures to ensure that order and integrity of the process is maintained (WAC 434-250-120). The Auditor shall establish a public viewing area from which interested parties may observe the processing and tabulation of ballots. Individuals in the public viewing area shall be able to view ballot processing but shall not be in direct contact with the ballots or election staff. The public viewing area shall be open and accessible whenever ballot processing is conducted.

CHAPTER VIII – VOTER SIGNATURE ISSUES

Section I - Unsigned Ballot Envelope

If a voter neglects to sign the voter declaration, the Auditor shall send a copy of the declaration to the voter by first class mail. If the voter returns the signed declaration, the ballot shall be counted. If the Auditor's office does not receive the signed declaration by three business days prior to certification of the election, the Auditor shall attempt to contact the voter by telephone. The Auditor typically uses an automated calling system to contact voters. Additionally, the Auditor shall attempt to contact voters by email.

If an unsigned declaration is received within three business days prior to certification of the election, no notice will be mailed to the voter. The Auditor's staff shall attempt to notify the voter by telephone and/or email.

The Auditor shall:

1. Require the voter to appear in person and sign the return envelope not later than the day before certification of the election (RCW 29A.60.165(1a));

OR

2. Provide the voter with a copy of the return envelope oath and require the voter to sign the copy of the oath and return it to the Auditor not later than the day before certification of the election (RCW 29A.60.165(1b));

A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter returned the signed declaration. (RCW 29A.60.165(4)).

Section II - Signature Does Not Match

If the handwriting of the signature on the voter declaration is not the same as the signature in the registration file, the Auditor shall notify the voter by first class mail, enclosing a copy of the voter declaration and advise the voter of the correct procedures for updating his or her signature.

If the Auditor's office has not received the copy of the voter declaration by three business days prior to certification of the election, or the voter has not responded to the above-mailed notification, then Auditor staff shall attempt to notify the voter by telephone.

For the ballot in question to be counted the voter must:

1. Appear in person and sign a new voter registration form no later than the day before certification of the election (RCW 29A.60.165(2)(a) (i);

OR

2. Sign a signature update form that includes both the ballot declaration required by WAC 434-230-015 and the voter registration oath required by RCW 29A.08.230. The updated signature must match the signature on the returned ballot envelope. These materials must be returned no later than the day before certification of the election (RCW 29A.60.165(2)(a)(ii).

A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the copy of the voter declaration (RCW 29A.60.165(4)).

CHAPTER IX – QUALIFYING BALLOTS

Section I - Requirements

Ballots shall be counted if they meet the following criteria (WAC 434-250-120):

1. The ballot is returned in the return envelope or similar envelope provided it contains the same data and signed voter declaration.
2. The voter declaration is signed with a valid signature.
3. The signature has been verified, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark.
4. The envelope is postmarked no later than the date of the election or dropped off at an official drop-off location not later than 8:00 p.m. on Election Day.
5. The ballot is received on or before certification of the election.

All personnel assigned to the duty of signature verification shall subscribe to an oath regarding the discharge of his or her duties and shall receive training in the signature checking process.

Section II – Service and Overseas Voters

Auditor staff shall make every effort to ensure service, overseas and out of state voters are afforded the opportunity to have their vote counted. The emailing and faxing of ballots as well as participating in the Federal Voting Assistance Program (FVAP) shall be performed to ensure every voter receives a ballot in a timely manner.

For service voters and overseas voters, the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope that shows a date after the date of the election shall not be counted (RCW 29A.40.110(4)).

Section III - Legible Postmarks

For all other ballots, the date of mailing shall be the postmark, if present and legible. If the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All ballots showing a postmark after the date of the election, or a date indicated by the voter after the date of the election if the postmark is missing or illegible, shall not be counted (RCW 29A.40.110(4)).

Additional information may be used by the Canvassing Board to determine timeliness of ballots. For electronically received ballots the digital receipt date may be considered. Ballot received through the USPS have a special florescent barcode with tracking information, this data may be considered if all other aforementioned methods are inconclusive.

CHAPTER X – PROVISIONAL BALLOTS

Section I - Provisional Ballots

Provisional ballots may be issued on or before Election Day at the Auditor's Office or at a voting center (RCW 29A.44.207, 29A.04.008) (WAC 434-250-085) when:

1. A voter who has already received credit for voting requests to vote again.
2. There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote.
3. A voter is unable to provide valid identification. (RCW 29A.44.205)

Section II - Processing Provisional Ballots

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the Auditor shall research each ballot and determine if it should be counted.

A provisional ballot cannot be counted unless it can be determined the voter is properly registered to vote. Count/No Count determinations are made using the following criteria:

If the voter was previously registered and later canceled and the Auditor determines that the cancellation was in error, the voter's registration will be immediately restored and the provisional ballot counted.

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, only those votes for the positions and measures for which the voter was eligible to vote are counted.

If a provisional voter has not returned a voted ballot, the provisional ballot is counted.

If the voter voted a provisional ballot because he or she failed to produce identification as required by RCW 29A.44.205 the ballot is counted if the signature on the envelope matches the signature in the voter registration record provided the voter's identity had previously been verified as part of the voter registration process. If the voter is provisionally registered, pending verification of identity, the voter must provide required identification no later than the day before certification for the ballot to be counted.

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.

If the voter was previously registered and later canceled and the Auditor determines that the cancellation was not in error, the voter will be offered the opportunity to re-register and the provisional ballot is not counted.

If a voter who voted a provisional ballot has already returned a ballot, the provisional ballot is not counted. If a ballot is returned after the provisional ballot has been counted the ballot is not counted.

If the voter is a registered voter in another county, the ballot will be forwarded to the Elections Department for the jurisdiction in which the voter is registered. The ballot will be forwarded within seven calendar days after a primary or special election and fifteen calendar days after a general election, and as soon as possible if past that date.

Provisional ballots noted for reasons not covered by this section or state statute will be sent to the Canvassing Board for determination. (WAC 434-253-047)

Section III - Reporting

The Auditor shall report the number of provisional ballots received, the number found valid and counted, the number rejected and the reason for not counting the ballots as part of the canvassing report prior to certification.

Provisional voters will be given an opportunity to learn the disposition and reason their ballot was not counted, free of charge. Voters may contact the Elections Center for this information. Provisional voters whose ballot was not counted will also be sent notification indicating why the ballot was not counted and what to do to prevent this from happening in the future.

CHAPTER XI – VOTER INTENT

Section I – Uniform Standards of What Constitutes a Vote

Washington is a “Voter Intent” state, meaning that every effort shall be made to count each valid vote in which voter intent can be determined;

WAC 434-261-086 and the Statewide Voter Intent Manual, published by the Secretary of State, sets forth uniform standards for what constitutes a valid vote in Washington. The Canvassing Board shall follow these rules when determining how to count a ballot or individual vote.

If a situation arises that is not addressed in state law, administrative rule or the Voter Intent Manual, the authority to determine voter intent rests with the County Canvassing Board.

Section II – Damaged or Unreadable Ballot Remake Guidelines

All ballots must be visually inspected for damage and voter intent. If inspection of the ballot reveals an issue that will not be tabulated correctly or flagged for resolution, it shall be duplicated following the duplication procedures outlined by the Secretary of State. Each ballot (original and duplicate) shall be assigned a unique control number with the same number marked on the face of the ballot or assigned a unique image number by the tabulation system which can be reviewed, retrieved and audited. A log is maintained by the two-person team performing the duplication as well as the team conducting the audit. All original ballots are kept in secure storage and archived with the election. Scenarios for duplication are included in the Auditor’s office’s policies, procedures, and tasks manual (PPTs).

Examples of ballots needing duplication include, but are not limited to:

- Soiled ballots (foreign matter, stains)
- Physically damaged ballots (damaged from post office, damaged during processing, damaged during tabulation)
- Ballots where voter intent will not be correctly tabulated without duplication or flagged for resolution automatically
- Different format ballots (e-ballots, federal write-in ballots, other)

Section III – Ballot Resolution

Ballots identified as needing resolution for voter intent (including but not limited to corrections, light marks, damaged tracking marks) will be processed by teams of two. The teams shall resolve ballots in accordance with the state voter intent manual. This resolution includes the review of over-voted ballots, blank ballots and ballots identified as unreadable by the scanner. This ballot resolution can be performed as part of the ballot scanning process which occurs prior to Election Day and tabulation; and will continue up to certification.

Section IV – Election Review

After tabulation of results, teams of two shall perform an election review. At least one member of the election review team shall be full-time employees of the Auditor. This review looks at over votes, undervotes, blank votes and least confident marks. The purpose of the review is to confirm the accuracy of the results as a part of the canvass and certification process. All decisions shall be based upon the state voter intent manual. If any voter intent questions cannot be determined the ballot shall be referred to the Canvassing Board to rule on the voter intent.

CHAPTER XII – POST ELECTION AUDITS

Prior to certification of the election the Auditor shall conduct an audit of all duplicated ballots, votes cast on a direct recording electronic device (DRE), if utilized by the Auditor, and the ballot counting equipment. (RCW 29A.60.185)

All duplicated ballots are audited per section II of this chapter since the Auditor does not currently utilize DRE equipment.

The audit of ballot counting equipment can be:

- A random check consistent with RCW 29A.60.170 (3)
- A risk-limiting audit as defined in RCW 29A.60.185 [1(c)]
- An audit using an independent electronic audit system described in RCW 29A.60.185 [1(d)]

The Auditor uses the first method, a random check consistent with RCW 29A.60.170 (3), and the procedure is as follows:

1. Observers, if present (Auditor or Designated Representative if no observers are present):
 - a. Select one race or issue to compare machine count results to hand tally.
 - b. All batches that have been scanned and resolved prior to the audit will make up the available pool of batches for the random audit.
 - c. Audit must be completed no later than 48 hours after Election Day and will be scheduled and posted with the notice of election.
2. Randomly select one batch from each scanner used in the election. A report will be produced with batches from each scanner. Currently, the Auditor has five scanners, so up to five batches will be audited.
3. All ballot scanning and resolution will be stopped during this audit.
4. A team of two election workers will hand counts the ballots and record totals.

5. A different election worker will print the results for the batch from the administration station.
6. The hand tally will be compared to the results of the machine count.
7. Should results not match; a visual scan of the ballots will be performed to identify a possible reason for the discrepancy. Ballots requiring additional resolution will be processed per voter intent.
8. All audit findings and any actions taken are reported to the Canvassing Board.
9. Should a discrepancy be found during the audit that can't be resolved, the audit will be expanded per the procedures developed by the secretary of state's office.

CHAPTER XIII – OTHER CANVASSING REQUIREMENTS

Section I - Resolving Ties

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.

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 (RCW 29A.60.221).

Section II - Resolving Discrepancies

Whenever the Canvassing Board finds that there is an apparent discrepancy or an inconsistency in the returns of an election, the Canvassing Board may re-canvass the ballots or voting devices in any precincts of the County. The Canvassing Board shall correct any error and document the correction of any error that it finds (RCW 29A.60.210).

Section III - Auditor's Abstract of Votes

No later than the 14th day following any primary or tenth day following a special election and the twenty-first day following any general election the Canvassing Board shall meet and canvass all ballots not previously processed under the provisions of RCW 29A.40, (WAC 434-262-030).

Upon completion of this canvass the Canvassing Board shall direct the Auditor to prepare an abstract of votes pursuant to WAC 434-262-010.

The Auditor or other election official may aggregate or redact results from more than one precinct if the Auditor finds that reporting a single precinct's ballot results would jeopardize the secrecy of a person's vote. (RCW 29A.60.230 (3))

As an alternative, the Auditor may also choose to protect the secrecy of ballots cast by redacting the information from reports and electronic files containing vote totals.

The ensuing report, containing a count of all ballots cast in the election and countywide totals shall constitute the Auditor's abstract of votes.

Section IV – Election Reconciliation Report

The Auditor shall prepare, make publicly available at the Auditor's Office or on the Auditor's website, and submit at the time of certification, an election reconciliation report in the form required by the Secretary of State.

CHAPTER XIV – RECOUNTS

Section I – Requested Recount

Who May Apply

An officer of a political party or any person for whom votes were cast in an election who was not declared advancing or elected may file a written application for a recount of the votes or a portion of the votes cast at that election for all persons for whom votes were cast for that office (RCW 29A.64.011).

How to Apply

An officer of a political party or any person for whom votes were cast at any election may file a written application for a recount of the votes or a portion of the votes cast at that election for all candidates for election to that office (RCW 29A.64.011).

Any group of five or more registered voters may file a written application for a recount of the votes or a portion of the votes cast upon any question or issue. They shall designate one of the members of the group as chairman and shall indicate the voting residence of each member of the group (RCW 29A.64.011).

Where to Apply

An application for a recount of the votes cast for an office or on a ballot measure must be filed with the officer with whom filings are made for the jurisdiction (RCW 29A.64.011).

When to Apply

An application for a recount shall be filed within two business days after the County Canvassing Board or Secretary of State has declared the official results of the or election for the office or issue for which the recount is requested (RCW 29A.64.011).

Vote Tabulation Systems

An application for a recount must specify whether the recount shall be done manually or by the vote tabulation system. A recount done by the vote tabulation system must use programming that recounts and reports only the office or ballot measure in question. The County shall also provide for a test of the logic and accuracy of that program (RCW 29A.64.011).

This chapter applies to the recounting of votes cast by paper ballots and to the recounting of votes recorded on ballots counted by a vote tabulation system (RCW 29A.64.011).

Deposit

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction for that office. The person filing an application shall, at the same time, deposit with the County Auditor or Secretary of State, in cash or by certified check, a sum equal to twenty five cents (manual or hand recount) or fifteen cents (electronic or machine recount) for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of all costs of conducting the recount. The requestor shall be subject to all costs to conduct the recount; these charges shall be determined by the Canvassing Board under RCW 29A.64.081 (RCW 29A.64.030).

Request to Stop

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 Canvassing Board a written request to stop the recount.

Expenses/Charges of Recounts

The Canvassing Board shall determine the expenses for conducting a recount of votes. These expenses may include but are not limited to preparatory, sorting, direct supply, direct labor, and advertising costs.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and if a balance remains after the recount, the balance shall be returned to the applicant.

If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the Canvassing Board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered or requested. (RCW 29A.64.081)

Section II – Mandatory Recount

When Required

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 nominated 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 Canvassing Board shall conduct a recount of all votes cast on that position (RCW 29A.64.021)(1).

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 Board of those counties, direct those boards to recount all votes cast on the position (RCW 29A.64.021) (1a).

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 one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually (RCW 29A.64.021)(1b).

For non-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 hundred-fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually. (RCW 29A.64.021)(1b).

A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate (RCW 29A.64.021) (2).

Vote Tabulation Options

The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under Section I of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tabulation system that is approved for use in this state by the Secretary of State; and the vote tabulation system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system (RCW 29A.64.021)(3).

Section III – All Recounts

Time and Place

The County Canvassing Board shall determine a time and place at which the recount will be conducted. This time shall be based upon when:

The application was filed with the board.

The request for a recount or directive ordering a recount was received by the Canvassing Board from the Secretary of State; or the returns are certified which indicate that a recount is required under RCW 29A.64.021 for an issue or office voted upon only within the County (RCW 29A.64.030).

Notice of Recount

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. (RCW 29A.64.030).

Recounting the Votes

At the time and place established for a recount, the Canvassing Board or its designated representative, 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. (RCW 29A.64.041) Ballots shall be handled only by the members of the Canvassing Board or their designated representatives.

Amended Abstracts

Upon completion 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 shall be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of the County, the Canvassing Board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the Secretary of State shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. 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)

Limitations

After being counted, the votes cast in any single precinct may not be recounted and the results recertified more than twice (RCW 29A.64.070).

Observer Guidelines

Subject to reasonable and equitable guidelines adopted by the Canvassing Board, all interested persons may attend and witness a recount.

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 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 (RCW 29A.64.041).

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. (RCW 29A.64.041).

The observers may not make a record of the names, addresses, or other information on the ballots, or applications for ballots unless authorized by the superior court. The Secretary of State or the 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).

Due to space limitations, ballot security and/or safety, it may be necessary to prioritize the spaces allocated for observing. Priority shall be given in the following order:

- Candidates of the affected race or their designated representative.
- Designated representative for the proponents and opponents of a measure.
- Legal counsel.
- Official political party observers.

- Additional observers for the candidates or ballot measure.
- General public and the media.

If at any time the conduct or activities of the observers, media, or public becomes an unreasonable distraction or otherwise impedes the progress of the recount, the process will be stopped until the situation has been corrected or the room has been cleared. Conversations are to be kept to a minimum and at a level that will not disturb the counting process or the canvassing authority.

State law does not make a provision for the challenge of ballots or voters during a recount. The recount procedure provided for by statute is a mechanical function of re-tabulation of the ballots cast and accepted as valid by the Canvassing Board during the canvass of the election. The decision of these officials with respect to the inclusion or exclusion of a particular ballot during the canvass is NOT in question during the recount.

Standard observer rules apply during recounts.

CHAPTER XV – VOTER REGISTRATION CHALLENGES

Section I - Duty of Canvassing Board

The Canvassing Board is statutorily charged with the duty to convene, hear and rule upon voter registration challenges filed with the Auditor 45 days or less before election (RCW 29A.08.820).

If the challenge is filed more than 45 days prior to the election, the Auditor is not required to convene the Canvassing Board and shall rule on the challenge independently.

Section II - Procedures for Challengers

Qualifications of Challenger

A challenge may be initiated by a registered voter or by the Prosecutor at any time. (RCW 29A.08.810).

All challengers must file a signed affidavit and satisfy the challenger duties set forth in RCW 29A.08.810 and WAC 434-324-115. The Auditor's Office shall maintain a supply of challenge forms available to interested parties.

Challenging a Voter

Challenges by a registered voter or the Prosecutor: A challenger must file a challenge with the Auditor not later than 45 days before an election. A challenge may be made not later than ten days prior to the election or within ten days of the voter being added to the voter database, whichever is later, for any voter who registered or changed residence less than 60 days before the election. (RCW 29A.08.820).

Section III - Rights of Challenged Voters

Challenged voters may:

Vote a ballot which shall be placed in a sealed envelope separate from other voted ballots and transmitted to the Canvassing Board at the close of the election (RCW 29A.08.820).

Properly transfer or re-register until the day before the primary, special or general election by applying personally to the Auditor (RCW 29A.08.840).

Present testimony and evidence, either in person or by affidavit, to the canvassing board prior to them making their determination (RCW 29A.08.840).

Section IV - Notification

State law (RCW 29A.08.840) requires the Auditor to notify, by certified mail, any voter whose registration has been challenged.

The notification must be mailed to the address at which the challenged voter is registered, to any address provided by the challenger as required by RCW 29A.08.840, and to any other address that the Auditor could reasonably expect the challenged voter might receive such notification.

Included with the notification must be a copy of the affidavit and a request that the voter appear at a hearing at the place and time specified, in order to assist the Auditor in determining the validity of his/her registration (RCW 29A.08.840).

The challenge will be posted on the Auditor's website.

The challenger shall be provided with a copy of the hearing notification and request mailed to the challenged voter. If either the challenger or the challenged voter, or both, are unable to appear in person they may file affidavits, stating under oath the reasons they believe the challenge to be valid or invalid (RCW 29A.08.840).

Section V - Time of Hearing

The Canvassing Board hearing shall occur no later than the time of canvassing for the particular election. The decision of the Canvassing Board shall be made within the same time limit (RCW 29A.08.820).

Section VI – Presumption

Registration creates a presumption that a voter has the right to vote as registrations are presumed valid (RCW 29A.08.810).

Section VII - Burden and Standards of Proof

The burden is always on the challenger to prove by clear and convincing evidence that the challenged voter's registration is improper (RCW 29A.08.840).

Section VIII - Evidence

Oath: All witnesses shall be placed under oath.

Number of Witnesses: The number of witnesses shall not be limited unless the testimony becomes repetitive or goes beyond the time limits for presenting testimony.

Length of Hearing: The challenger and challenged voter shall each have thirty (30) minutes to present evidence.

Questioning of Witnesses: Members of the Canvassing Board shall be free to examine any witness at any time in the proceeding. Cross-examination shall not be allowed.

Recording: The Canvassing Board hearing shall be either recorded or transcribed.

Section IX - Decision

The decision of the Canvassing Board shall be made at the conclusion of the evidentiary portion of the hearing. The Canvassing Board's decision shall be final (RCW 29A.08.840).

Section X - Remedies

The Canvassing Board shall give the challenged voter the opportunity to present testimony, either in person or by affidavit and evidence to the canvassing board before making their determination. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final (RCW 29A.08.840).

CHAPTER XVI – LOGIC AND ACCURACY TESTING

Requirements

An official logic and accuracy test (“logic and accuracy test”) is required no later than three days prior to the election. The purpose of this test is to ensure the entire tabulation system is functioning properly and fully prepared for the counting and tabulation of results on Election Day. (RCW 29A.12.130) (WAC 434-335).

The Auditor shall notify the parties, the press, the public, and candidates of the date and time of the test (WAC 434-335-320).

Section I - Test Observers

The logic and accuracy test shall 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 (WAC 434-335-290).

The observers shall be instructed as election observers, by the Auditor (WAC 434-335-290).

The logic and accuracy test shall be open to candidates, the press, and the public (WAC 434-335-290).

If any observer hinders or disturbs the logic and accuracy process, the Auditor or representative may remove that observer 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 shall not delay or stop the test from being conducted (WAC 434-335-290).

Section II –Emergency Test

If the logic and accuracy test cannot be completed at the scheduled time and place, an emergency test shall be scheduled by the Auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system (WAC 434-335-310).

If no representative of the Secretary of State's office is able to attend the emergency test, the Auditor and another member of the Canvassing Board or their designated representative shall observe the test and certify the results. Observers and notification shall be provided for pursuant to WAC 434-335-290 and 434-335-320 (WAC 434-335-310).

Section III -- Test Certification

The Auditor or Deputy Auditor, the Secretary of State's Representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29A.12.130 (WAC 434-335-330).

Copies of this certification shall be retained by the Secretary of State and the Auditor and may be posted by electronic media (WAC 434-335-330).

All programming materials, test results, and test ballots shall be securely sealed until the or election (WAC 434-335-330).

Section IV - Test Deck Preparation

The test deck or decks used for the logic and accuracy test will be prepared by the Auditor's Office (WAC 434-335-445).

The Auditor is responsible for preparing the counting system and testing it before the logic and accuracy test (WAC 434-335-440).

The ballot counting system shall be fully programmed, cleaned and maintained, tested, and functional before the logic and accuracy test (WAC 434-335-440).

Section V – Test Ballot Selection

Prior to the logic and accuracy test, the Secretary of State shall review the provided election materials with the Auditor to ensure it is a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the logic and accuracy test (WAC 434-335-450).

Section VI – Preparation of logic and accuracy test decks.

A test deck of ballots will be prepared and used in the logic and accuracy test to verify that the vote tabulating system is programmed to correctly count the ballots.

The pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two votes, the third candidate in each race three votes, etc. Once the pattern is completed for each race and issue, each remaining ballot style must be tested by using a minimum of one ballot that has a first choice marked for each race and issue. Additional votes may be added to ensure all responses for a race or issue have unique results. Another pattern may be used if it meets the requirements outlined in this section and is approved by the Secretary of State's office prior to marking the test deck.

The test deck will test that the vote tabulating system is programmed to accurately count write-in votes, overvotes and blank ballots. The test deck must also include a sampling of all ballots that will be used during the election, including ballot on demand. (WAC 434-335-445)

Section VII – Logic and accuracy testing of accessible voting units.

(1) The logic and accuracy test of accessible voting units must be completed before they may be used for marking or casting ballots. The Auditor must complete the testing to have in-person accessible voting available starting 18 days before the day of an election.

(2) This test serves as the official logic and accuracy test. A log must be created during the test, recording the time of each test, the precinct numbers, the seal number, the machine number, and the initials of each person testing the system. The log must be included in the logic and accuracy test materials. This process is open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320.

Statutory Glossary of Terms

Administer: To direct or manage; to tender (e.g. by oath).

Auditor's Abstract of Votes: A report prepared by the County Auditor which lists registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and county-wide totals. Vote totals in the Auditor's abstract of votes shall be unofficial until verified and certified by the County Canvassing Board ((WAC 434-262-010) (4)).

By Lot: An object used in making a choice or determination by chance. The form (i.e. coin toss, number draw, card draw) chosen by the Canvassing Board shall be used for all ties during that election.

Canvassing: The process of examining in detail a ballot, groups of ballots, election sub-totals 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 ((WAC 434-262-010)(1)).

Final Processing: The scanning of ballots by an electronic vote tabulation system, but does not include tabulation (WAC 434-240-225).

Initial Processing: All steps taken to prepare ballots for tabulation, except for the scanning of ballots by an electronic vote tabulation system. Initial processing includes, but is not limited to: Removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing (WAC 434-240-225).

Overvote: A measure or race where two or more voting positions are marked.

Residence: for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her home.

Scanning area: The portions of each ballot that the system scans in order to read the vote marks made by voters.

Tabulation: The production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals (WAC 434-240-225).

Target Area or Voting Response Area: The area defined by ballot instructions which the voter places their mark to indicate their vote (WAC 434-335-430).

Undervote: A race or measure that is un-voted (no voting position is marked).

Voter Intent State: Every effort is made to count each valid vote. Voters are not disenfranchised because they marked a ballot differently than directed. When voter intent can be discerned, votes will be counted.

Sample Forms and Documents

**Notice of Election and Public Meetings
Pierce County Canvassing Board
General Election November 6, 2018**

Deadlines - Voter Registration - Monday, Oct. 8, 2018 is the last day to change your address or register by mail or online. Register online at myvote.wa.gov. New voters can register in person through Monday, Oct. 29, 2018. Individuals with Disabilities - Accessible marking units are available at the Pierce County Election Center beginning Friday, Oct. 19, 2018, (Hours: 8:30 a.m. to 4:30 p.m. M-F). Or, use an accessible marking unit at a Voting Center on Nov. 6 from 7:00 a.m. to 8:00 p.m. Visit our website for Voting Center locations.

Public Meetings -The Canvassing Board of Pierce County, pursuant to chapter 29A.60 RCW, will hold open public meetings at the dates and times listed below. A record of each meeting is available for public inspection and copying.

Preparation of Voting Systems – Oct. 1, 2018 through Oct. 16, 2018, 8:00 a.m.- 4:30 p.m. (extended hours, if necessary);

Logic and Accuracy Test – Oct. 16, 2018, 10:00 a.m.;

Ballot Processing – Oct. 22 through Nov. 26, 2018, 8:00 a.m. - 4:30 p.m. (extended hours, if necessary);

Election Results – Nov. 6, 2018, Approximately 8:15 p.m.;

Post-Election Audit of Batches – Nov. 8, 2018, 10:00 a.m.;

Canvassing Board Meeting – Nov. 21, 2018, 10:00 a.m.;

Canvassing Board Meeting/Certification of Election – Nov. 27, 2018, 11:00 a.m.

All meetings and activities will be conducted at the Pierce County Election Center, 2501 South 35th Street, Suite C, Tacoma, WA 98409, PierceCountyElections.org, pcelections@piercecountywa.gov, 253-VOTE (8683) or 800-446-4979

CERTIFICATE OF ELECTION

Official Name of District (additional name)

We, the undersigned members of the Pierce County Election Canvassing Board for the State of Washington, do hereby certify that on xxxx x, 20xx, an Election was held in the above named district.

The Proposition submitted to the voters in said district for their approval and adoption or rejection is as follows:

Special Election - Proposition No. 1
Name of proposition

Official Ballot Title: Complete text of ballot title goes here.

Approved:	x,xxx	00.00%
Rejected:	x,xxx	00.00%

Validation requirement goes here.

The Canvassing Board is responsible for certifying the final official vote totals only. The sponsoring District is responsible for making the final legal determination of whether the measure passed or failed based on the certified vote totals and applicable law.

Based on the pass/fail requirement determined by the District, the results of the canvass indicate this measure **PASSED or FAILED** having received a simple majority of the votes cast.

Dated at Tacoma, Washington, this xxst day of xxxx, 20xx.

Auditor or Designee

Pierce County Council Chair or Designee

Prosecuting Attorney or Designee

Delegation of authority to serve on Canvassing Board

I, _____, Pierce County _____, hereby designate _____, to act in my place on the Pierce County Canvassing Board for the time frame noted below.

Name of Designee:

Title: _____

Time Frame of Delegation:

Signed by: _____

Such delegation is made under the authority of WAC 434-262-015, and in accordance with Chapter 130 of the Washington State Laws.

Delegation of Authority

Ballot Processing and Signature Verification

We, the members of the Pierce County Canvassing Board, authorize the Auditor's Office election staff to process ballots and to compare signatures on return ballot envelopes to the signatures as they appear on the voter's registration record as stated in the County Canvassing Board Policies and Procedures manual for all elections held in 2018.

ADOPTED BY THE Pierce County Canvassing Board this 28th day of November, 2017.

Pierce County Auditor

Pierce County Council Chair or designee

Pierce County Prosecuting Attorney or designee

Delegation of Authority

Recounts

We, the members of the Pierce County Canvassing Board, authorize and give the Pierce County Auditor, at any time a recount is called, to provide notice of the recount, continue to work, to set costs for the recount and to complete the election, as designated in the County Canvassing Board Policy Manual for all elections held in 2018.

ADOPTED BY THE Pierce County Canvassing Board this 28th day of November, 2017.

Pierce County Auditor or designee

Pierce County Council Chair or designee

Pierce County Prosecuting Attorney or designee