Chapter 434-264 WAC
RECOUNTS
(Formerly chapter 434-62 WAC)

WAC 434-264-005 Application. This chapter applies to all contests subject to a recount pursuant to chapter 29A.64 RCW and to manual and machine recounts unless otherwise noted. In addition, each county auditor must promulgate written procedures regarding the conduct of a recount.

WAC 434-264-010 Recount. (1) A recount is the process for retabulating the votes, including write-ins, for a specific office or issue on all valid ballots cast in a primary or election.

(2) All questions of voter registration, voter qualification, and voter intent previously considered during the original count shall not be reconsidered during a recount. If a ballot has been duplicated in accordance with WAC 434-261-005, the duplicate shall be counted.

(3) Prior to beginning the recount, the county auditor shall exercise due diligence to confirm that all returned ballots have been identified and reconciled, and that no ballots have been erroneously omitted from the original count.

(4) If any ballots or votes are discovered during the recount process that were erroneously not counted or canvassed during the original count or during a previous recount, the ballots shall be presented to the county canvassing board in accordance with RCW 29A.60.050, and the county canvassing board shall determine whether such ballots are to be included in the recount.


WAC 434-264-030 Observers—Designated. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-040, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

WAC 434-264-040 Observers—Priority. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-050, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

WAC 434-264-050 Observers—Process. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-055, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-264-005 Application. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-005, filed 5/30/07, effective 6/30/07.]

434-264-010 Recount. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-010, filed 5/30/07, effective 6/30/07.]

434-264-020 Recount—Restrictions. [Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-264-020, filed 9/1/09, effective 10/2/09; WSR 09-03-110, § 434-264-020, filed 1/21/09, effective 2/21/09; WSR 07-12-032, § 434-264-020, filed 5/30/07, effective 6/30/07.]

434-264-030 Observers—Designated. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-040, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

434-264-040 Observers—Priority. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-050, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.


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WAC 434-264-060 Recount—Irregular votes. For optical and digital scan ballots in which voter intent was not previously determined, the validity of the vote will be determined according to the statewide standards on determining voter intent manual required by WAC 434-261-086.

The county canvassing board must make the final determination of voter intent on ballots referred to the county canvassing board not addressed by the statewide standards on determining voter intent.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-080, filed 5/30/07, effective 6/30/07.]
witness the sealing of the ballots and the recording of the seal numbers. Observers must also be allowed to witness the confirmation of the seal numbers at the resumption of the recount.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-120, filed 5/30/07, effective 6/30/07.]

**WAC 434-264-130 Recount—Completion.** On completion of the recount:

1. The county auditor must prepare an amended abstract of the recounted ballots for the county canvassing board. The amended abstract must include a revised cumulative summary, as well as the votes cast in each precinct for the office or measure that was recounted.

2. The results must be formally reviewed and approved by the county canvassing board.

3. If the results of the manual count do not match the results of the original count, the county canvassing board must verify all ballots have been recounted. The county canvassing board shall take all necessary steps to investigate and resolve any discrepancies.

4. The county canvassing board must certify the amended abstract that, for each precinct, displays the results of the office that has been recounted. The new abstract must be included in the amended certified canvass report.

5. Copies of the certified amended abstract must be distributed to the same persons or agencies as the original certified abstract of votes.

6. The amended certified canvass report must be available to the public by the next business day following the recount.

7. Interim reports of the recount may be published at the discretion of the county canvassing board.

8. If the recount involves ballots from more than one county, the secretary of state may require that amended abstracts be certified by each county canvassing board on a uniform date.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-264-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-130, filed 5/30/07, effective 6/30/07.]