

their duties. Any member of the board shall be removed by the mayor on request of the recognized commercial organization making the nomination, as hereinbefore stated, when it is shown that a majority vote of the entire membership of such recognized organization favoring such removal has been cast at any regular meeting of such organization. No part of said publicity fund shall ever be paid to any newspaper, magazine or periodical published within the city or county where such city is situated, for advertising or write-ups or for any other service or purpose whatsoever, and no part of such fund shall be expended for the purpose of making any exhibits at any fair, exposition or the like.

Removal
by mayor.

Limitation
on expendi-
tures of
publicity
fund.

Passed the House February 19, 1913.

Passed the Senate March 5, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 58.

[H. B. 474.]

AUTHORIZING VOTING MACHINES.

AN ACT to provide for the use, at the option of indicated local authorities, of voting machines at any primary, general, special or other election within the State of Washington; creating a state board of voting machine examiners and defining its powers and duties; providing rules and regulations for the conduct of elections held with voting machines; providing for the casting, registering, recording and counting of ballots or votes by voting machines, where used; and providing penalties for violation of the provisions of this act.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. *Use of Voting Machines at Elections.*

At all state, county, city, town, township and district elections of any character, primary, general, special or otherwise, hereafter held in the State of Washington, ballots or votes may be cast, registered, recorded and counted by means of voting machines, as hereinafter provided.

Machines
may be used.

SEC. 2. *State Board of Voting Machine Examiners.*

The governor, the secretary of state, and the state treasurer and their successors in office are hereby created and constituted the state board of voting machine examiners. It shall be the duty of said board to examine all makes of voting machines submitted to it and determine whether such machines comply with the requirements of this act, and can safely be used by voters at elections under the provisions of this act. Any person or corporation owning or being interested in a voting machine may submit same to said board for examination, and said board shall thereupon publicly examine and report upon such machine, pursuant to the provisions of this act. For the purpose of assistance in examining such machine the said board may employ not more than three expert machinists at a cost of not more than ten dollars for each day employed. The compensation of said machinists shall be paid by the person or corporation submitting the machine. Within thirty days after completing the examination of any voting machine the board shall make and file with the secretary of state its report on such machine together with such written or printed description and such drawings and photographs as shall clearly identify such machine and the mechanical operation thereof; and within ten days after receiving such report, the secretary of state shall send a copy thereof to the county commissioners of each county, to the common council of each city, and to the board or governing body of each district or other municipality within the state. Any voting machine that shall receive the approval of a majority of said board may be used for conducting any or all elections subject to the provisions of this act. Any machine that shall not receive said approval shall not be adopted for or used at any election. After a voting machine has been approved by said board, any change, or improvement therein that does not impair its accuracy, efficiency, or capacity, shall not render necessary a re-examination or re-approval thereof.

Examiners
of machines.

Examiners
may employ
experts.

Report of
examiners.

Report to be
sent to each
county.

Only
approved
machines
may be used.

SEC. 3. *Definition of Terms Employed in This Act.*

The list of offices and candidates, and the statements of questions used on the voting machines shall be deemed an official ballot and the words "ballot labels," as used in this act shall mean the cards, paper, or other material containing the names of officers and candidates, and statements of questions to be voted on. The word "diagram" shall mean an illustration of the official ballot when placed upon the machine, showing the names of the parties, offices and candidates, and statements of the questions in their proper places, together with the voting devices therefor, and shall be considered a sample ballot. The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election. The words "irregular ballot" shall mean the paper or other material on which a vote is cast for persons whose names do not appear on the ballot labels. The words "vote indicators" shall mean those devices with which votes are indicated for parties, candidates, or for or against questions. The words "candidate counters" and "question counters" shall mean the counters on which are registered the votes cast for candidates and on questions respectively. The words "public counter" shall mean a counter or other device, which shall at all times publicly indicate how many times the machine has been voted on at an election. The words "protective counter" or "protective devices" shall mean a counter or device that will register each time the machine is operated, and shall be so constructed, and so connected that it cannot be reset, altered or operated, except by operating the machine. The words "voting machine booth" shall mean the enclosure occupied by the voter when voting. The word "model" shall mean a mechanically-operated model of a portion of the face of the machine illustrating the manner of voting. The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election. The words "statement of canvass" shall mean a statement and return in book form of

Definitions.

"Ballot labels."

"Diagram."

"Question."

"Irregular ballot."

"Vote indicators."

"Candidate counters" and "Question counters."

"Public counter."

"Protective counter" or "protective devices."

"Voting machine booth."

"Model."

"Custodian."

"Statement of canvass."

the votes cast at any election, together with suitable certificates of its correctness.

SEC. 4. *Requirements of Voting Machines.*

Requirements
of machine.

No voting machine shall be approved by the state board of voting machine examiners unless it be so constructed as to fulfill the following requirements: It shall secure to the voter secrecy in the act of voting. It shall provide facilities for voting for the candidates of as many political parties or organizations as may make nominations, and for or against as many questions as may be submitted. The voting devices for the candidates shall be arranged in separate parallel party lines, one or more lines for each party and in parallel office rows transverse thereto. It shall permit the voter to vote for any person for any office that he shall have the right to vote for but none other. It shall, except at primary elections, permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties. It shall, except at primary elections, provide means whereby the voter can by a single operation vote for all the candidates of one party. It shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for but no more. It shall prevent the voter from voting for the same person more than once for the same office. It shall permit the voter to vote for or against any question he may have the right to vote on but none other. It shall correctly register or record all votes cast for any and all persons and for or against any and all questions. It shall be provided with a lock or locks by which all operation of the registering mechanism can be prevented as soon as the polls of the election are closed. It shall be provided with a "protective counter," or "protective device" whereby any operating or tampering with the machine before or after the election will be detected. It shall be provided with a counter which shall show at all times during an election how many persons have voted. It shall be provided with a mechanical model, illustrating the manner of voting on the

Unlimited
expression
permitted.

Party
tickets.

Protective
device.

Model.

machine suitable for the instruction of voters. It may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot label therefor containing only the words "presidential electors" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president, and a registering device therefor which shall register the vote cast for said electors when thus voted for collectively: *Provided, however,* That means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party and in part for those of one or more other parties or in part or in whole for persons not nominated by any party.

Party
emblem.

SEC. 5. Voting Machines May Be Adopted, Procured and Used.

The county commissioners of any county, the common council of any city or town, the township board of any township or the board or governing body of any district or municipality, at any regular meeting or at a special meeting called for the purpose, may adopt, purchase, or otherwise procure, and provide for the use of, any voting machine approved by the state board of voting machine examiners; and thereafter said machine shall be used for voting at all primaries and elections for public offices and on all questions and for receiving, registering and counting the votes thereof in such election district or districts as such county commissioners, council or board shall direct. The county commissioners or council may, not later than forty days before any election, create, unite, combine, or divide one or more election districts or precincts for the purpose of using one or more voting machines therein at such election, and such uniting, combining or dividing shall be done in the manner now prescribed by law for the change of election districts. More than one voting machine may be used in the same election district. The number of voters to be in each of said districts or precincts shall be determined by said commissioners, council or board, but shall not exceed six hundred for each machine.

Machines
may be
used

Precincts
arranged
for machines.

SEC. 6. *Payment for Voting Machines.*

The county commissioners of any county, the council of any city, the supervisors of any town or township, or the governing board of any district or municipality may, on the adoption and purchase of a voting machine or machines, provide for the payment thereof in such a manner as they may deem for the best interest of the county, city, town or township, district or municipality, and may for that purpose issue bonds, warrants, certificates of indebtedness, notes or other negotiable obligations, which shall be a charge upon such county, city, town, township, district, or municipality, or may pay for the same in cash out of the general fund or otherwise; and may make such contract for the purchase of such machines with regard to price, manner of purchase and time of payment as to the said officials shall seem proper, and in estimating the amount of taxes for the general fund, if any, such amount shall be added, extending over such time as may be required to fully pay for such machines. Such bonds, certificates, warrants, notes or other obligations may be issued to bear interest not to exceed 5% per annum. They may be made payable at such time or times as the authorities may determine, but shall not be issued or sold at less than par.

Purchase of machines, payments.

Terms of purchase.

Bonds.

SEC. 7. *Printed Matter and Supplies.*

Within a proper and reasonable time before each election at which voting machines are to be used, the secretary of state shall prepare samples of the printed matter and supplies named in this section, and shall furnish one of each thereof to the board or official in charge of the election of each county, city, township or district in which the machines are to be used; such samples to meet the requirements of the election to be held and to suit the construction of the machine to be used. The board or officials charged with the duty of providing ballots shall provide for each voting machine for each election the following printed matter and supplies: Suitable printed or written directions to the custodian for testing and preparing the voting

Instructions furnished by Secretary of State.

machines for the election; one certificate on which the custodian can certify that he has properly tested and prepared the voting machine for the election; one certificate on which some person other than the custodian can certify that the voting machine has been examined and found to have been properly prepared for the election; one certificate on which the party representatives can certify that they have witnessed the testing and preparation of the machines; one certificate on which the deliverer of the machines can certify that he has delivered the machines to the polling places in good order; one card stating the penalty for tampering with or injuring a voting machine; two seals for sealing a voting machine; one envelope in which the keys to the voting machine can be sealed and delivered to the election officers, said envelope to have printed or written thereon the designation and location of the election district in which the machine is to be used, the number of the machine, the number shown on the protective counter thereof after the machine has been prepared for the election and the number or other designation on such seal as the machine is sealed with; said envelope to have attached to it a detachable receipt for the delivery of the keys of the voting machine to the inspector of election; one envelope in which the keys to the voting machine can be returned by the inspector of election; one card stating the name and telephone address of the custodian on the day of election; two statements of canvass on which the election officers can report the canvass of the votes as shown on the voting machine together with other necessary information relating to the election, said statements of canvass to take the place of all tally-keepers, statements and returns as provided heretofore; three complete sets of ballot labels; two diagrams; five suitable printed instructions to the inspector of election; three notices to inspectors and judges of election to attend the instruction meetings; three certificates that the inspector and judges of an election have attended the instruction meeting, have received the necessary instruction, and are qualified to conduct the election with the machine.

Certificate of
condition of
machine, etc.

Keys.

Ballot labels.

The ballot labels shall be printed in black ink on clear white material of such size and arrangement as to suit the construction of the machine: *Provided, however,* The ballot labels for questions may contain a condensed statement of each question to be voted on, accompanied by the words "Yes" and "No"; the titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit, and where more than one candidate can be voted for an office, there shall be printed below the office title the words "vote for any two", or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated.

Presidential electors.

If the election be one at which all the candidates for the office of presidential electors are to be voted for with one device, the county commissioners shall furnish for each machine at least five lists of the names of the presidential electors nominated and at least fifty paper ballots with which the voter can vote thereon for part of the candidates for the office of the presidential electors of one party and part of the candidates therefor of one or more other parties or for persons for that office not nominated by any party. For election districts in which voting machines are to be used no paper ballots shall be furnished for any offices to be voted for on the machine except as hereinafter provided.

Machines exclusively in certain precincts.

SEC. 8. *Instruction to Voters Before Election.*

School for voters.

Before each election at which voting machines are to be used the custodian shall place on public exhibition a suitable number of machines for the proper instruction of voters. Such machines shall be so arranged and so equipped with ballot labels as to best illustrate the method of voting at that election, and so far as practical shall contain the names of the offices to be filled, the names of the candidates to be voted for, together with their proper party designations, and statements of the questions to be voted on. Not more than ten nor less than three days before each election at which voting machines are to be used the board or officials charged with the duty of pro-

viding ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of such voting machines as shall be on public exhibition; or in lieu of such publication said board or officials may send by mail or otherwise at least three days before the elections a printed copy of same to each registered voter.

Extension
course.

SEC. 9. *Instruction of Election Officials.*

The election board of each election district in which a voting machine is used shall consist of one inspector, two judges and two clerks of election. Where more than one machine is to be used in an election district, one additional inspector shall be appointed for each additional machine. In any voting precinct or district where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk. Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election that are to serve thereat in the use of the machine and their duties in connection therewith; and he shall give to each inspector and judge that has received such instructions and is fully qualified to conduct the election with the machine a certificate to that effect. For the purpose of giving such instructions, the custodian shall call such meeting or meetings of the inspectors and judges as shall be necessary. Each inspector and judge shall attend such meeting or meetings and receive such instructions as shall be necessary for the proper conduct of the election with the machine; and, as compensation for the time spent in receiving such instruction each inspector and judge that shall qualify for and serve in the election shall receive the sum of one dollar, to be paid to him at the same time and in the same manner as compensation is paid to him for his services on election day. No inspector or judge of election shall serve in any elec-

Officers of
election.

Election
officials to
attend
school of
instruction.

Compensation.

Officers
must be
graduates.

tion at which a voting machine is used unless he shall have received such instruction and is fully qualified to perform his duties in connection with the machine and has received a certificate to that effect from the custodian of the machines: *Provided, however,* That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

Exceptions.

SEC. 10. *Testing and Preparing Voting Machines for Election.*

Care of
machines.

The county commissioners of a county, the council of a city, or other governing body of any district in which voting machines are to be used shall cause same to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be known as the voting machine custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election, and shall be paid for the time actually spent in the discharge of their duties in the same manner and amount as other election officers are paid. One custodian shall be employed for each twenty machines; if more than one be employed they shall be selected from the political parties entitled to representation on a board of election officers.

One cus-
todian for
twenty
machines.

Machines
put in order.

In preparing a voting machine for an election, the custodian shall, according to the printed directions furnished by the county commissioners, council or other governing body, arrange the machine and labels therefor so that it will in every particular meet the requirements for voting and counting at such election, thoroughly test same, and certify thereto to said commissioners, council, or other governing body. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a political party entitled to the use of a party voting device, provided such placing does not prevent such independently nominated candidates from being voted for individually, and provided it does not prevent

Independent
candidates.

or interfere with the operating of the party voting device of such party. It may also be so arranged that candidates nominated independently, or by political organizations which have nominated but one candidate, each shall be placed in the same party row and voted for individually; and in that event the party voting device of such party row shall be locked against movement, and the political designations of such candidates shall be printed upon the ballot labels in connection with their names.

Before preparing the voting machine for any election, the custodian shall give written notice to at least three of the principal political parties stating the time and place where machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election. Such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials, but shall not interfere with the custodians or assume any of their duties and shall serve without pay. When a machine has been so examined by such representatives, it shall be sealed with a numbered metal seal, and such representative shall certify to the number of the machine; that the public counter and all the candidate and question counters register "000"; the number registered on the protective counter, and the number or other designating mark on the seal. After being prepared for the election each machine shall be examined by some person other than the custodian preparing it and a certificate thereof filed with the county commissioners. The custodian shall cause all voting machines to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the county commissioners or council shall provide proper protection therefor. The county commissioners, council, board, or officials, in charge, shall provide a lantern or proper light for every machine, which light shall be in good order and give sufficient light to enable voters while

Political parties to have notice of machine fixing.

Sealing machine.

Delivery of voting machines.

in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

SEC. 11. *Delivery of Election Supplies and Keys.*

Delivery
of keys.

The board of officials having charge of the elections, shall cause to be delivered to the inspector or one of the judges of election not later than forty-five minutes before the time for opening the polls the keys for the voting machine, which shall be delivered in a sealed envelope on which shall be written the designation and location of the election district, the number of the voting machine, the number or other designative mark on the seal, and the number registered on the protective counter as reported by the custodian for which a receipt shall be taken on the blank attached thereto, two diagrams, one extra set of ballot labels, one envelope containing seal for sealing the machine after the polls are closed, one envelope for the return of the keys, two statements of canvass, and all other supplies necessary for conducting the election.

Diagrams
and labels.

SEC. 12. *Opening the Polls.*

Opening
of polls.

The election officers of each election district in which a voting machine is to be used shall meet at the polling place thereof at least forty-five minutes before the time set for opening the polls, and before unlocking the machine for voting shall proceed as follows: They shall see that the voting machine is placed where it can be conveniently attended by the election officers and conveniently operated by the voters, and where, unless its construction requires otherwise, the ballot labels thereon can be plainly seen by the election officers and the public when not being voted on. They shall see that the model is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting, before entering the machine booth. They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them. They shall see that the lantern or other means provided for giving light is in such condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot

Location of
machine.

Duty of
election
officials.

labels. They shall see that the ballot labels are in the proper places on the machine. They shall see if the number or other designating mark on the seal sealing the machine, also the number registered on the protective counter agree with the number written on the envelope containing the keys; and if same do not agree they shall at once notify the custodian and delay unlocking the machine and opening the polls until he shall have re-examined the machine. If such numbers or marks do so agree the election officers shall then proceed to see if the public counter and all the candidate and question counters register "000". If any of such counters shall be found to register some number other than "000", the judge of election shall at once notify the custodian who shall set such counter at "000". After performing their duties as provided in this section, the election officers shall certify there-to in the appropriate places on the statement of canvass as provided thereon. When the polls are declared open, the inspector or judge of election shall break the seal and unlock the machine for voting.

SEC. 13. *Conducting the Election.*

Before each voter enters the voting machine [booth] each clerk shall insert in his list of voters opposite the voter's name the letter V and the number of his vote. The election officers shall, so far as possible, inform him how to operate the machine and illustrate same upon the model, and call his attention to the diagram. No voter shall remain within the voting machine booth longer than two minutes, and if he shall refuse to leave at the end of that time, he shall be removed by the election officers: *Provided, however,* That they may grant him a longer time if other voters are not waiting to vote. Whenever a voter who has the right to vote only on certain offices and certain questions shall enter the machine, the election officer shall so adjust same that he can vote on such office and questions, but on no others. If any voter shall, in the presence of the election officers, declare that by reason of physical disability he is unable to register or record his

Limit of
time in
voting.

Assistance
in voting.

vote upon the machine, two election officers of opposite political parties shall enter the voting machine [booth] with him and indicate and register his vote for such candidates and for or against such questions as he shall designate. If any voter shall, after entering the voting machine [booth], ask for information regarding its operation, the election officers shall give him such necessary information. Any election officer who shall deceive any voter in registering or recording his vote under this section, or who shall register or record such vote in any other way than as designated by such voter, or who shall give information to any person as to what candidates or for or against what questions such voters voted, or who shall seek to suggest or persuade any voter to vote for any party, or for any candidate, or for or against any question shall be guilty of a felony and shall be punished by being fined not less than fifty dollars nor more than five hundred dollars or imprisoned in a state prison for not less than six months or more than one year or by both such fine and imprisonment. Except as herein provided for in cases of physically disabled voters, the operation of voting shall be secret. The election officers shall occasionally examine the face of the machine and the ballot labels to determine if same have been injured or tampered with. No voter shall be permitted to enter the machine booth or move the operating lever more than once.

Felony to
mislead
voter.

Operation
of machine
secret.

Disabled
machine.

New
machine.

Result.

In case any voting machine used in any election district shall, during or before the time the polls are opened, become injured so as to render it inoperative in whole or in part, it shall be the duty of the judge immediately to give notice thereof to the officials charged with the care of the machine, and it shall be the duty of said official, if possible, to repair the machine at once, or to substitute another machine for the injured machine; and, at the close of the polls, if a machine has been so substituted the records of both machines shall be taken and the votes shown on their corresponding counters shall be added together in ascertaining the result of the election. If no other

machine can be procured for use at such election, and the injured machine cannot be repaired in time for further use at such election the officers of said election may permit the use of unofficial paper ballots by the voters, which ballots may be received by the election officers, and placed by them in a receptacle, to be provided therefor and counted with the votes registered on the voting machine, and the result declared the same as though there had been no accident to the voting machine; any marking of such unofficial ballots by the voters which shall clearly indicate their intentions shall be deemed a proper and sufficient method of marking such ballots; the unofficial ballots thus voted shall be preserved and returned to the county commissioners, city council or other governing body, with a certificate or statement setting forth how and why the same came to be voted. For this purpose the printed diagram of reduced size referred to in section eight (8) of this act, may be used if such can be procured.

Unofficial
paper ballots
permitted.

SEC. 14. *Canvassing the Vote.*

At the hour for closing the polls, the judge of election shall declare the polls of the election closed and shall not permit any further operation of the machine except provided as follows, namely: That such voters as shall at the hour of closing be within the polling room and awaiting their turn to vote shall be considered as having begun the act of voting and shall be permitted to cast their votes upon the machine. As soon as such voters have voted, the election officers shall lock and seal the machine, unlock and open the doors of the counter compartment, and canvass the votes registered on the counters therein and the votes recorded on or in the device or devices for voting for persons not nominated and shall make two statements of canvass thereof in the following manner: One election officer shall call the designating number and letter of each candidate's counter in the order given on the statement of canvass, and another election officer under the scrutiny of one of a different political party shall repeat such number and letter as it is read, and announce the vote regis-

Closing
of polls.

Canvass of
machine.

Announce-
ment of vote.

tered on such counter, which shall thereupon be entered in ink on each of the statements of canvass. The canvass of each office shall be completed before proceeding to the next. The vote on each question shall be canvassed in the same manner. The votes cast on the irregular ballots shall then be canvassed. All votes for persons whose names do not appear on the ballot labels must be cast in the proper places on or in the device for irregular ballots; and all votes for persons whose names do appear upon the ballot labels must be cast on the counters therefor, and any votes not so cast shall not be counted: *Provided, however,* That all elections at which presidential electors are voted for with one device, the voter may vote on or in the device for irregular ballots in part for the presidential electors of one party and in part for those of one or more other parties, or in part or in whole for persons not nominated by any party. After completing and writing down the canvass of the votes cast, the election officers shall verify the same by comparing the figures on the statements of canvass with the figures on the counters in the machine and the names recorded on or in the device for voting for persons not nominated, and shall then certify, in the appropriate place on each of these statements of canvass, as to the number of voters that voted at the election as shown by the poll list and by the number registered on the public counter; the number registered on the protective counter and the number or other designating marks on the seal with which the machine has been sealed. After completing and certifying to the statements of canvass, the inspector or a judge shall read therefrom in a distinct voice the name of each candidate, the designating number and letter of his counter as stated thereon, and the vote entered for each; also the vote for and against each question. During the canvassing and announcing of the vote, the counter compartment shall remain open, and opportunity shall be given any person lawfully present to examine the counters to determine the correctness of the vote as announced. The counter compartment shall

Splitting
national vote.

Public may
examine
machine
after
election.

then be locked and all the keys of the machine shall be delivered in a sealed envelope to the officers or board in charge of the election. One copy of the statement of canvass shall be delivered forthwith in a sealed envelope to the office of the county auditor, city comptroller, city clerk, or other governing body, and if the election be one at which state or county offices are voted for, one copy of the returns shall be delivered in a sealed envelope to the county clerk.

SEC. 15. *Provisions for Re-Canvass of Vote.*

The registering mechanism of each voting machine used in any election shall remain locked and sealed against operation for a period of thirty days following such election: *Provided, however,* That whenever it shall appear that there is a discrepancy in the returns of any election district, the county commissioners, council, board or other governing body shall summon the inspector and judges of election thereof, who shall in their presence make a record of the number or other designating mark on the seal, and the number on the protective counter, open the counter compartment, and, without unlocking said machine against voting, shall re-canvass the vote cast thereon. Before making such re-canvass the county commissioners, council or board, shall give notice in writing to the custodian and to each political party or organization that shall have nominated candidates for the election, of the time and place where said re-canvass is to be made; and each of such political parties or organizations may send two representatives to be present at such re-canvass. If, upon such re-canvass, it should be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the county commissioners, council, board or other governing body, with the assistance of the custodian, shall in the presence of the said inspector and judges of election and the authorized representatives of the several political parties or organizations, unlock the voting and counting

Re-canvass.

Notice of
re-canvass.

mechanism of said machine and proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before being tested the counters shall be set at "000", after which each counter shall be operated at least one hundred times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof, and said statement shall be witnessed by the persons present and shall be filed with the officer or board in charge of the election.

SEC. 16. *Penalty for Injuring or Tampering With a Voting Machine.*

Felony to tamper with machine.

Any person who shall tamper with or injure or attempt to injure any voting machine to be used or being used in an election, or who shall prevent or attempt to prevent the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a felony and shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars or imprisonment in the state prison for not less than one year or more than five years, or both such fine and imprisonment.

SEC. 17. *Joint Purchase and Use of Machine.*

Counties and cities may join in purchase of machines.

In purchasing the necessary voting machines to be used at general, primary or other elections, as herein provided, the board of county commissioners of the several counties, and the legislative bodies of the incorporated cities, towns or districts therein, may by agreement entered into by said board of county commissioners and the legislative body of any incorporated city, town or district in such county, provide for the joint purchase and subsequent ownership thereof, and for the care, maintenance and use of the same.

SEC. 18. *Primary and Election Laws Made Applicable to Use of Voting Machines.*

All the provisions of the primary and election laws and of any city charter or ordinance not inconsistent with this

act shall apply to all elections in districts or precincts where voting machines are used; and any provisions of law or of any city charter or ordinance which conflict with the use of such machines as herein set forth, shall not apply to the districts or precincts in which voting machines are used; and all acts or parts of acts or city charters or ordinances in conflict with any of the provisions of this act, shall be of no force or effect in election districts or precincts where voting machines are used.

Laws
applicable.

Passed the House February 27, 1913.

Passed the Senate March 5, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 59.

[H. B. 478.]

GRANTING SMITH'S COVE WATERWAY TO THE PORT OF SEATTLE.

AN ACT vacating a portion of Smith's Cove Waterway, in the city of Seattle, and vesting the title of the vacated portion in the port of Seattle.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That all of that portion of the Smith's Cove waterway, in the city of Seattle, north of the southerly line of Garfield street in said city of Seattle, as the same appears upon the plat of said city, be, and the same is hereby, vacated as a waterway of the State of Washington.

Description.

SEC. 2. After the date of the passage and approval of this act, and the time when the same shall become effective, the title to all of that portion of the said Smith Cove waterway hereby vacated shall be vested in the port of Seattle: *Provided, however,* That before such vacation shall become effective, or the title to said property shall vest in said port of Seattle the said port of Seattle shall procure the consent of all owners of property abutting upon the said waterway of said vacation, but the said port of Seattle shall possess no right to acquire any such con-

Title to vest
in port.

Consent of
abutting
owners.