

amended from time to time, or any other drug which is required by any applicable federal or state law or regulation to be used only on prescription, except upon the order or prescription of a physician, surgeon, dentist or veterinary surgeon duly licensed to practice in the state of Washington: *Provided, however,* That the above provision shall not apply to the possession by drug jobbers, drug wholesalers and drug manufacturers, to registered pharmacists or to physicians, dentists or veterinary surgeons.

Passed the Senate February 7, 1961.

Passed the House February 25, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 50.

[S. B. 18.]

ELECTIONS—STATUTORY RECOUNT ACT AMENDMENTS.

AN ACT relating to elections; amending section 1, chapter 215, Laws of 1955 and RCW 29.64.010; amending section 2, chapter 215, Laws of 1955 and RCW 29.64.020; and amending section 3, chapter 215, Laws of 1955 and RCW 29.64.030.

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

SECTION 1. Section 1, chapter 215, Laws of 1955 and RCW 29.64.010 are each amended to read as follows:

RCW 29.64.010
amended.

Any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

Statutory
recount pro-
ceedings.
Application
for recount.

Any person who was a candidate at any general election for election to an office or position who was

not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election.

All applications for recount shall be filed within three days after the canvassing board has declared the official results of the primary or election, as the case may be.

The provisions of the chapter shall apply to the recounting of votes cast by paper ballots and counted at the polling places and to the recheck of votes recorded on voting machines. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: *Provided*, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in section 2 of this 1961 amendatory act.

SEC. 2. Section 2, chapter 215, Laws of 1955 and RCW 29.64.020 are each amended to read as follows:

Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of five dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in RCW 29.64.060. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be five dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of \$.02; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of \$.02.

If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be five dollars for each voting machine used.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The clerk of the

RCW 29.64.020
amended.

Deposit of fees
—Notice and
time of
recount—
Attendance.

board shall mail notice of the time and place so fixed to the applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the clerk shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

RCW 29.64.030
amended.

SEC. 3. Section 3, chapter 215, Laws of 1955 and RCW 29.64.030 are each amended to read as follows:

Recounting
the ballots—
Request to
stop.

At the time and place fixed for making a recount of paper ballots, the canvassing board or their duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount them. Ballots shall be handled only by the members of the canvassing board, their duly authorized representatives or by the clerk or other employees of the board. Witnesses shall be permitted to see the ballots but they shall not be permitted to touch them, and the canvassing board shall not permit the counting or tabulation of votes shown on the ballots for any nomination, or for election to any office or position, or upon any

question or proposition, other than the votes shown on such ballots for the nomination, election, or question or proposition concerning which a recount of ballots was applied for.

At the time and place fixed for making a recheck of the votes cast on voting machines the canvassing board or their duly authorized representatives in the presence of all witnesses who may be in attendance, shall open the voting machines to be rechecked, and shall recheck them. Witnesses shall be permitted to watch the recheck of the voting machines, and the canvassing board shall not permit the rechecking of votes for any nomination, or for election to any office or position, or upon any question or proposition, other than the votes shown on such voting machines for the nomination, election, or question or proposition concerning which a recount of voting machines was applied for.

At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount and not recount the ballots from the precincts so listed and which have not been recounted prior to the time of such request: *Provided*, That this provision shall not apply to a recount when a recount is being made of any regular or special district election whereat the precincts were consolidated and as a result thereof the application for a recount embraced all ballots cast at such election.

If, upon such request, the board finds that the results of the votes in the precincts recounted, if substituted for the results of the votes in such precincts as shown in the abstract of the votes in such precincts, would not cause the applicant, if a person for whom votes were cast for nomination or election, to be declared nominated or elected or if an election upon a question or proposition would not cause a

result contrary to the result thereof as declared prior to such recount, it shall grant such request and shall not recount the ballots of the precincts listed in the application for recount which have not been recounted prior to such time. If the board finds otherwise, it may deny such request and shall continue to recount ballots until the ballots from all of the precincts listed in the application for recount have been recounted: *Provided*, That if such request is denied it may be renewed from time to time. Upon any such renewal the board shall consider and act upon the request in the same manner as provided in this section in connection with an original request.

Passed the Senate February 28, 1961.

Passed the House February 27, 1961.

Approved by the Governor March 6, 1961.

CHAPTER 51.

[S. B. 37.]

CITIES AND TOWNS—DETERMINATION OF
POPULATION OF TERRITORY ANNEXED.

AN ACT relating to determination of the population of territory annexed to cities and towns; and amending section 14, chapter 175, Laws of 1957 and RCW 35.13.260.

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

SECTION 1. Section 14, chapter 175, Laws of 1957 and RCW 35.13.260 are each amended to read as follows:

RCW 35.13.260 amended.

Annexation of unincorporated areas (to cities and towns). Determining population—Certificate—As basis for allocation of state funds.

Whenever any territory is annexed to a city or town, a certificate as hereinafter provided shall be submitted in triplicate to the state census board within thirty days of the effective date of annexation specified in the relevant ordinance. After approval of the certificate, the board shall retain the original copy in its files, and transmit the second copy to the secretary of state, and return the third copy to the city or town. Such certificates shall be in such form