

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

Sec. 1. Section 36.69.090, chapter 4, Laws of 1963 as last amended by section 30, chapter 126, Laws of 1979 ex. sess. and RCW 36.69.090 are each amended to read as follows:

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election (~~on the first Tuesday after the first Monday of November~~) in each odd-numbered year. Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election. (~~Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than sixty nor less than forty-six days prior to said election. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.~~) Elections shall be held in accordance with the provisions of Title 29 RCW dealing with general elections. All commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. At the first election following the formation of the district, the two candidates receiving the highest number of votes shall serve for ~~((a))~~ terms of ~~((six years, the two candidates receiving the next highest number of votes shall serve for))~~ four years, and the ~~((two))~~ three candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for ~~((six))~~ four year terms; PROVIDED, That if there would otherwise be two commissioners elected at the November 1987 general election, the candidate receiving the highest number of votes shall serve a four-year term, and the commissioner receiving the second highest number of votes shall serve a two-year term.

Passed the House February 18, 1987.

Passed the Senate April 1, 1987.

Approved by the Governor April 15, 1987.

Filed in Office of Secretary of State April 15, 1987.

CHAPTER 54

[Substitute Senate Bill No. 5045]

ELECTIONS—ABSENTEE BALLOTS—VOTE CANVASSING—RECOUNTS

AN ACT Relating to elections; amending RCW 29.30.075, 29.62.020, 29.64.010, 29.64.015, and 29.64.020; and repealing RCW 29.30.360.

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

Sec. 1. Section 29.30.075, chapter 9, Laws of 1965 as last amended by section 56, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.075 are each amended to read as follows:

~~((In counties using absentee paper ballots, at least twenty days before any primary, each))~~ Except where a recount or litigation under RCW 29.04.030 is pending, the county auditor shall have ((prepared)) sufficient ((paper)) absentee ballots ((for use by)) ready to mail to absentee voters of that county at least twenty days before any primary, general election, or special election.

Sec. 2. Section 29.62.020, chapter 9, Laws of 1965 and RCW 29.62.020 are each amended to read as follows:

~~((On))~~ No later than the tenth day after ((each)) a special election or primary ((or as soon as he has received the returns from all the precincts included therein)) and no later than the fifteenth day after a general election, the county auditor shall ((call a meeting of)) convene the county canvassing board ((at his office on a day and hour certain, for the purpose of canvassing the votes cast therein)) to process the absentee ballots and canvass the votes cast at that primary or election. On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. All properly and timely voted absentee ballots which have been received on or before the date on which the primary or election is certified shall be included in the canvass. Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. The county canvassing board shall consist of the county auditor, the chairman of the ((board of)) county ((commissioners)) legislative authority, and the prosecuting attorney or designated representatives of those officials.

At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house.

Sec. 3. Section 29.64.010, chapter 9, Laws of 1965 as amended by section 98, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or 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 or a portion of the votes cast at ((such)) that primary ((in any precinct)) for all persons for whom votes were cast ((in such precinct for such)) for nomination to that office.

An officer of a political party or any person ~~((who was a candidate))~~ for whom votes were cast 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 or a portion of the votes cast at ((such)) that election ~~((in any precinct in such county))~~ for all candidates for election to ((such)) that 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 or a portion 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,))~~. They shall designate one of the members of the group as chairman(;) and shall indicate ((therein)) the voting residence of each member of ((such)) the 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.))~~

An application for a recount of the votes cast for a state or local office or on a ballot measure in a jurisdiction that is entirely within one county shall be filed with the county auditor of that county. An application for a recount of the votes cast for a federal office or for any state office or on a ballot measure in a jurisdiction that is not entirely within a single county shall be filed with the secretary of state.

An application for a recount in a ((precinct)) jurisdiction using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount done by the vote tally system shall use separate and distinct programming from that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of ((such)) that program.

~~((AH))~~ An application((s)) for a recount shall be filed within three days, excluding Saturdays ~~((and)),~~ Sundays, and holidays, after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

~~((The provisions of))~~ This chapter ~~((shall apply))~~ applies to the recounting of votes cast by paper ballots ~~((and counted at the polling places)),~~ to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. ~~((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 RCW 29.64.020.))~~

Sec. 4. Section 29.64.015, chapter 9, Laws of 1965 and RCW 29.64.015 are each amended to read as follows:

If the official canvass of all of the returns ~~((of))~~ 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 ~~((; as the case may be;))~~ and the number of votes cast for ~~((his))~~ the closest apparently defeated opponent is not more than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall ~~((; of its own motion, make))~~ conduct, or the secretary of state shall direct the appropriate county canvassing boards to conduct, a recount of all votes cast on ~~((such))~~ that position. A mandatory recount shall be conducted in the manner provided by RCW 29.64.020, 29.64.030, and 29.64.040 ~~((; and))~~. No cost of ~~((such))~~ a mandatory recount ~~((shall))~~ may be charged to ~~((either))~~ any candidate ~~((concerned))~~.

Sec. 5. Section 29.64.020, chapter 9, Laws of 1965 as amended by section 99, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.020 are each amended to read as follows:

~~((Each))~~ An application for a recount shall ~~((separately list each precinct as to))~~ state the office for which a recount ~~((of the votes therein))~~ is requested ~~((;))~~ and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application shall, at the same time, deposit with the county canvassing board ~~((the sum of ten dollars))~~ or secretary of state, in cash or by certified check ~~((for each precinct so listed in such application))~~, a sum equal to five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of ~~((charges for the making))~~ any costs of conducting the recount ~~((therein applied for, which))~~. These charges shall be ~~((fixed))~~ determined by the county canvassing board ~~((as provided in))~~ or boards under 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 ten 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 five cents, 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 five cents.~~

~~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 ten dollars for each voting machine used.~~

If ballot cards and a vote tally system were used at any precinct as to which a recount is requested, the amount of the deposit required shall depend on whether a manual recount of ballot cards or a recount by the vote tally system is requested. If a manual recount of the ballot cards is requested, the deposit shall be the same as for paper ballots. If a recount by the vote tally system is requested, the deposit shall be five cents for each ballot card.

Upon) Promptly after the filing of an application for a recount or the receipt of a request from the secretary of state to conduct a recount, the county canvassing board shall ~~((promptly fix the))~~ determine a time ~~((when))~~ and ~~((the))~~ a place or places at which the recount will be ~~((made; which))~~ conducted. This time shall be ~~((not later))~~ less than five days after the day upon which ~~((such))~~ the application ~~((is))~~ was filed with or the request from the secretary of state was received by the county canvassing board. The county auditor shall mail a notice of the time and place ~~((so fixed))~~ of the recount to the applicant ~~((If the application requests a recount of votes cast for a nomination or a candidacy for election, the auditor shall also mail such notice to each))~~ and, if the recount involves an office, to any person for whom votes were cast for ~~((such nomination or election: Such))~~ that office. The notice shall be mailed by ~~((registered))~~ certified mail not ~~((later))~~ less than two days before the date ~~((fixed for the commencement))~~ of the recount. Each person entitled to receive ~~((such))~~ notice of the recount 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))~~ Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness ~~((the))~~ a recount.

NEW SECTION. Sec. 6. Section 38, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.360 are each repealed.

Passed the Senate April 7, 1987.

Passed the House March 27, 1987.

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