

CHAPTER 215.

[H. B. 506.]

ELECTIONS—STATUTORY RECOUNT ACT.

AN ACT relating to elections; and providing procedures for the recounting of ballots, such act to be known as the statutory recount act.

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

SECTION 1. 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.

Nomination as candidate declared not nominated.

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.

Candidate declared not elected.

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 de-

Registered voters.

Written application contents.

District election.

termine, the application for the recount shall embrace all ballots cast at such district election.

Application
filing time
limitation.

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.

List each
precinct.

SEC. 2. 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 section 6 of this act. 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 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 \$.02.

Deposit.

Time and
place of
recount.

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 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

Notice.

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.

Second group
of registered
voters.

SEC. 3. At the time and place fixed for making a recount, the canvassing board, 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 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 recall of ballots was applied for.

Canvassing
board
recounts.

Ballots
handled only
by canvassing
board
members.

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

Written re-
quest to stop
recount.

No request for
stop of recount
when
precincts
consolidated.

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.

Renewal of
request to
stop recount.

Amended
abstract.

SEC. 4. Upon completion of the recount of the ballots, or upon stopping the recount prior to such time, the canvassing board shall promptly prepare and certify an amended abstract showing the votes cast in each precinct in which the nomination, election, or question or proposition was submitted to the electors, which amended abstract shall embody the votes of the precincts, the ballots of which were recounted, as shown by such recount. Copies of such certified amended abstracts shall be mailed to such

other boards or election officials as required in the case of the original abstract which such amended abstract amends.

If the nomination, election, or question or proposition concerning which such recount was made was submitted only to the electors within a county, the board shall make an amended declaration of the result of such election in the same manner required in the making of its original declaration of the result of such election.

Amended
declaration of
election
results.

If the nomination, election, or question or proposition concerning which a recount was made was submitted to the electors of more than one county, the secretary of state shall canvass all amended abstracts received from the canvassing board of each county in which a recount was made, and shall make an amended declaration of the results of such election in the same manner required in the making of his original declaration of the results of such election.

Secretary of
state's
amended
declaration of
election
results.

SEC. 5. If a person was declared nominated as a candidate for election to an office or elected to an office or position and if it subsequently appears by the amended declaration of the results of such election made following a recount of votes cast in such election that such person was not so nominated or elected, such person may, within three days after the date of such amended declaration of the results of such election, file an application with the appropriate canvassing board for a recount of the votes cast at such primary or election for such nomination or election in any precinct, the ballots of which have not been recounted.

Rights of per-
son elected
subsequently
on recount
declared not
elected.

If, following a recount of votes cast at an election, regular or special, upon any question or proposition, the amended declaration of the results of such election shows the result of such election to be contrary to the result thereof as declared in the original

Question or
proposition
reversal on
recount.

declaration of the results thereof, any group of five or more registered voters which has filed a statement with the board as provided in section 2 of this act may, within three days after the date of the amended declaration, file an application with the board for a recount of the votes cast at such election upon such question or proposition in any precinct, the votes of which have not been recounted.

Sections 1, 2, and 3, inclusive, of this act are applicable to any application provided for in this section and to the recount had pursuant thereto.

Charges of
recount.

SEC. 6. The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

Charge per
precinct.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: *Provided*, That the charges per precinct so fixed shall not be more than five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot.

Maximum
charge.

Board deducts
charges.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant: *Provided*, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position

No charges
deducted.

in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

Moneys into
general fund.

SEC. 7. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this act, to facilitate and clarify any procedures contained herein.

Secretary of
state, chief
election officer.

SEC. 8. This act shall be known as the statutory recount act and shall in no way affect or supersede the election contest statutes as contained in chapter 29.65 RCW.

Statutory
recount act.

Passed the House February 22, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 17, 1955.

CHAPTER 216.

[H. B. 532.]

SYLVESTER PARK—CONVEYANCE FROM OLYMPIA TO STATE.

AN ACT relating to Sylvester park in the city of Olympia; authorizing the city of Olympia to convey such property to the state, and authorizing the state capitol committee to lease the subsurface portions thereof to private parties for the construction, operation and maintenance of a garage and parking facility; and declaring an emergency.

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

SECTION 1. The city of Olympia may grant to the state of Washington its right, title and interest in that public square situated therein and bounded by Capitol way, Legion way, Washington street and East Seventh street, and commonly known as Syl-

Grant to state
of Washington.