

CHAPTER 195.

[H. B. 495.]

ELECTIONS—VOTING MACHINES.

AN ACT relating to elections; amending section 3, chapter 58, Laws of 1913, section 1, chapter 114, Laws of 1915, section 33, chapter 77, Laws of 1947 as last amended by section 5, chapter 323, Laws of 1955, and RCW 29.33.010, 29.33.100 and 29.33.160; amending section 12, chapter 58, Laws of 1913 and RCW 29.48.020 and 29.48.080; and amending sections 3093, 3094, 3095 and 3098, Code 1881, section 2, chapter 112, Laws of 1893, section 1, chapter 85, Laws of 1903, section 14, chapter 58, Laws of 1913, section 8, chapter 114, Laws of 1915, section 21, chapter 163, Laws of 1919, section 6, chapter 20, Laws of 1935 and RCW 29.54.080, 29.54.090, 29.54.100, 29.54.110, 29.54.120, 29.54.130, 29.62.020, 29.62.030 and 29.62.040.

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

Combination, division and amendment.

SECTION 1. Section 3, chapter 58, Laws of 1913, section 1, chapter 114, Laws of 1915, section 33, chapter 77, Laws of 1947 as last amended by section 5, chapter 323, Laws of 1955 (heretofore divided, combined and codified as RCW 29.33.010, 29.33.100 and 29.33.160) are amended to read as set forth in sections 2 through 4 of this act.

RCW 29.33.010 amended.

SEC. 2. (RCW 29.33.010) The following words used in this chapter have the meaning given them in this section:

Definitions. "Ballot label."

(1) "Ballot label" means the paper containing the names of offices and candidates and the statements of propositions to be voted upon;

"Candidate counters," "question counters."

(2) "Candidate counters" and "question counters" mean the counters on which are registered the votes cast for candidates and on questions respectively;

"Public counter."

(3) "Public counter" means a counter or other device, which shall at all times publicly indicate how many times the machine has been voted on at an election;

(4) "Protective counter" or "protective devices" means 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;

"Protective counter,"
"protective devices."

(5) "Diagram" means illustration of a voting machine complete with ballot labels prepared for a particular election or primary;

"Diagram."

(6) "Irregular ballot" means a ballot cast by means of a voting machine by the use of a label which is a ballot label with no printing thereon;

"Irregular ballot."

(7) "Statement of canvass" means a statement in book form of the votes cast upon a voting machine together with suitable certificates of correctness or, if the voting machine is equipped with printed election returns mechanism, the printed returns therefrom, together with suitable certificates thereon;

"Statement of canvass."

(8) "Vote indicator" means the lever over each ballot label;

"Vote indicator."

(9) "Voting machine booth" means the inclosure occupied by a voter while operating a voting machine;

"Voting machine booth."

(10) "Printed election returns" means the papers, original and duplicates, which are produced by the voting machine after the close of the polls and which have imprinted and inscribed thereon the complete record of votes cast in the election in the precincts where voting machines equipped with printed election returns mechanism are used.

"Printed election returns."

SEC. 3. (RCW 29.33.100) The governing body of any public corporation may adopt and provide for the use of voting machines approved by the state voting machine committee in any or all of the election precincts thereof.

RCW 29.33.100
enacted
without
amendment.

SEC. 4. (RCW 29.33.160) General provisions with reference to use of voting machines are:

RCW 29.33.160
enacted
without
amendment.

Elections.
Voting ma-
chines.

(1) The list of offices and candidates and the statements of measures when properly arranged and affixed by ballot labels to a voting machine shall be deemed an official ballot.

(2) A "diagram" as in this chapter defined shall be deemed a sample ballot.

(3) The protective counter on a voting machine must be so constructed that it cannot be reset, altered, or operated except by operating the machine in the manner it is operated when actually voting.

(4) Statements of canvass take the place of tally-keepers, statements, and returns provided for in connection with voting in precincts where voting machines are not used.

(5) Not later than forty days before any primary or election, for the purpose of using one or more voting machine therein, the county may create, unite, combine or divide election precincts. More than one voting machine may be used in the same precinct. There shall be at least one machine in each precinct: *Provided*, That where precincts have been combined under the provisions of this chapter, there shall be used at such combined polling place a number of voting machines no less than the number of precincts so combined.

(6) No voting machine shall be used at any election unless each [party] voting device thereon is locked against movement, and the machine has been prepared in such a way that the voter cannot by a single operation vote for all the candidates of one party.

Division and
amendment.

SEC. 5. Section 12, chapter 58, Laws of 1913 (heretofore divided and codified as RCW 29.48.020 and 29.48.080) is divided and amended to read as set forth in sections 6 and 7 of this act.

RCW 29.48.020
enacted
without
amendment.

SEC. 6. (RCW 29.48.020) The election officers of each precinct shall meet at the polling place there-

of at least forty-five minutes before the time set for opening the polls.

SEC. 7. (RCW 29.48.080) In precincts where machines are used the election officers before unlocking the machine for voting shall proceed as follows: RCW 29.48.080 amended.

(1) 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; Inspection of voting machine.

(2) 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;

(3) They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them;

(4) 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 labels;

(5) They shall see that the ballot labels are in the proper places on the machine;

(6) They shall see whether 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. If they do not agree they shall at once notify the custodian and delay unlocking the machine, and opening the polls until he has reexamined the machine;

(7) If the numbers or marks on the envelope containing the keys and upon the machine do agree, they shall proceed to see whether the public counter

Elections.
Polling place
—Before open.
Inspection
of voting
machine.

and all the candidate and question counters register "000." If any of the counters are found to register a number other than "000," one of the judges shall at once notify the custodian who shall set such counter at "000";

(8) Where voting machines equipped with printed election returns mechanism are used, they shall proceed to operate the mechanism provided to produce one imprinted "before election inspection sheet" showing whether the candidate and question counters register "000." If said sheet has imprinted thereon any numbers below any candidate's name or below any question's designation other than "000" one of the judges shall, after the polls close, under the scrutiny of the other members of the board of election officials, deduct that number from that candidate's or question's total in the space provided for on the return sheet.

After performing their duties as provided in this section, the election officers shall certify thereto in the appropriate places on the statement of canvass as provided thereon. When the polls are declared open, one of the election officers shall break the seal and unlock the machine for voting.

Combination,
division and
amendment.

SEC. 8. Sections 3093, 3094, 3095 and 3098, Code 1881, section 2, chapter 112, Laws of 1893, section 1, chapter 85, Laws of 1903, section 14, chapter 58, Laws of 1913, section 8, chapter 114, Laws of 1915, section 21, chapter 163, Laws of 1919, and section 6, chapter 20, Laws of 1935 (heretofore divided, combined and codified as RCW 29.54.080, 29.54.090, 29.54.100, 29.54.110, 29.54.120, 29.54.130, 29.62.020, 29.62.030 and 29.62.040) are amended to read as set forth in sections 9 through 17 of this act.

RCW 29.54.080
enacted
without
amendment.

SEC. 9. (RCW 29.54.080) As soon as all the ballots have been counted two sets of the following papers shall be assembled:

- (1) One poll list;
- (2) One tally book or set of tally sheets, or one statement of canvass where voting machines are used;
- (3) One each of the duplicate oaths of the inspector, the judges and the clerks.

To each set of papers shall be attached a certificate signed by the inspector, the judges and the clerks designating, in the order in which they appear upon the sample ballots, each candidate, the number of votes he received, and the office for which he is a candidate. The number of votes in each case must be written in words and figures (for example five thousand four hundred and fifty-two—(5452)).

One set shall constitute the “returns” to be made to the canvassing board or official; the other set shall be retained by the inspector and preserved by him for at least six months.

SEC. 10. (RCW 29.54.090) At any election or primary where machines are used, as soon as the last voter has 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:

RCW 29.54.090
amended.
Polling places
—After
closing.
Voting ma-
chine count
—Method.

- (1) 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 shall repeat such number and letter as it is read, and announce the vote registered on such counter, which shall thereupon be entered in ink on each of the statements of canvass;

- (2) The canvass of each office shall be completed before proceeding to the next;

Elections.
Polling places
—After
closing.
Voting ma-
chine count
—Method.

(3) The vote on each question shall be canvassed in the same manner;

(4) The votes cast on the irregular ballots and paper ballots shall then be canvassed;

(5) All votes for persons or questions, the names or propositions of which appear on the ballot labels, must be cast on the proper counters therefor. All votes for persons or questions, whose names or propositions do not appear upon the ballot labels must be cast in the proper places or in the device for irregular ballots. Any votes not so cast shall not be counted, except in case of the use of paper ballots;

(6) In precincts where voting machines equipped with printed election returns mechanism are used, the original and duplicate originals of the printed returns sheet of the votes cast for questions and for candidates regularly nominated, or who have duly filed, together with the tabulation and inclusion of any votes written in on the paper roll for those not regularly nominated, or who have not filed, shall constitute the "election returns" and "statement of canvass" from each such precinct when properly certified by the board of election officials.

During the canvassing said printed returns sheets shall be available for public inspection and opportunity shall be given any person lawfully present to examine the returns sheets to ascertain the record of votes cast.

RCW 29.54.100
enacted
without
amendment.

SEC. 11. (RCW 29.54.100) After completing and writing down the canvass of the votes cast, the election officers shall verify it by comparing the figures on the statement of canvass with the figures on the counters in the machine and the names recorded on a device for voting for persons not nominated. They shall then certify, in the appropriate place on each of the statements of canvass:

(1) The number of voters that voted at the election as shown by the poll-list and by the number registered on the public counter;

(2) The number registered on the protective counter; and

(3) The number or other designating marks on the seal with which the machine has been sealed.

SEC. 12. (RCW 29.54.110) 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 or against each question. One copy thereof shall then be placed in an envelope and sealed to become part of the returns. 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: *Provided*, That where voting machines equipped with printed election returns mechanism are used, during the canvassing the printed returns sheets shall be available for public inspection and opportunity shall be given any person lawfully present to examine the returns sheets to ascertain the record of votes cast.

RCW 29.54.110
amended.
Voting ma-
chine count
—Public an-
nouncement.

SEC. 13. (RCW 29.54.120) The counter compartment shall then be locked and all keys of the machine shall be delivered in a sealed envelope to the county auditor or other election officer.

RCW 29.54.120
enacted
without
amendment.

SEC. 14. (RCW 29.54.130) The returns from each election precinct shall be transmitted to the county auditor or other election officer either by registered mail or in person by one of the judges or the inspector.

RCW 29.54.130
enacted
without
amendment.

Failure to transmit the returns is a misdemeanor punishable by a fine of not less than five dollars nor more than fifteen dollars.

Elections.
Canvassing
returns.
RCW 29.62.020
enacted
without
amendment.

SEC. 15. (RCW 29.62.020) On the tenth day after each election or primary or as soon as he has received the returns from all the precincts included therein, the county auditor shall call a meeting of the county canvassing board at his office on a day and hour certain, for the purpose of canvassing the votes cast therein. The canvassing board shall consist of the county auditor, the chairman of the board of county commissioners and the prosecuting attorney.

RCW 29.62.030
enacted
without
amendment.

SEC. 16. (RCW 29.62.030) If the primary or election is one at which the county auditor is to be nominated or elected, canvass of the returns for that office shall be made by the other two members of the board; if the two disagree, the returns for that office shall be canvassed by the presiding judge of the superior court of the county.

RCW 29.62.040
enacted
without
amendment.

SEC. 17. (RCW 29.62.040) The county canvassing board at any meeting for canvassing the returns of a primary or election shall proceed as follows:

(1) The chairman of the board of county commissioners shall administer the following oath to the county auditor:

“I do solemnly swear that the primary (or election) returns of the several precincts included in the primary (or election) last held in..... (here name the county or any other governmental unit not larger than a county if the election was held for it) have been in no wise altered by additions or erasures and that they are the same as when they were deposited in my office, so help me God.” This oath, the signature and certificate must be in writing and filed with the papers pertaining to the election;

(2) The county auditor with the assistance of the other members of the canvassing board shall proceed to count the vote of the precincts, precinct by precinct;

(3) Neither the tally books and sheets, the poll lists nor the certificate returned for any primary or election from any precinct shall be rejected for want of form or substance if it can be satisfactorily understood;

(4) File a certificate of their canvass signed by all the members with the county auditor;

(5) If there is a vacancy in the county canvassing board, the remaining members of the board shall choose one of the other county officers to act during the canvass;

(6) Failure to return the total votes counted, if they can be ascertained with reasonable certainty shall be a misdemeanor.

Passed the House February 26, 1957.

Passed the Senate March 11, 1957.

Approved by the Governor March 22, 1957.