

CHAPTER 109.

[Reengrossed House Bill No. 516.]

ELECTIONS.

AN ACT relating to elections; and amending section 29.04.040, chapter 9, Laws of 1965 and RCW 29.04.040; amending section 12, chapter 101, Laws of 1965 extraordinary session, and RCW 29.54.043; amending section 29.10.080, chapter 9, Laws of 1965 and RCW 29.10.080; amending section 29.39.010, chapter 9, Laws of 1965 and RCW 29.39.010; amending section 29.39.030, chapter 9, Laws of 1965 and RCW 29.39.030; amending section 29.51.060, chapter 9, Laws of 1965 as amended by section 5, chapter 156, Laws of 1965 extraordinary session and RCW 29.51.060; amending section 29.54.070, chapter 9, Laws of 1965 and RCW 29.54.070; and adding new sections to chapter 9, Laws of 1965 and to chapter 29.36 RCW; amending section 29.33.020, chapter 9, Laws of 1965 and RCW 29.33.020; amending section 29.33.040, chapter 9, Laws of 1965 and RCW 29.33.040; amending section 29.33.050, chapter 9, Laws of 1965 and RCW 29.33.050; amending section 29.33.060, chapter 9, Laws of 1965 and RCW 29.33.060; amending section 29.33.070, chapter 9, Laws of 1965 and RCW 29.33.070; amending section 29.33.080, chapter 9, Laws of 1965 and RCW 29.33.080; amending section 29.33.100, chapter 9, Laws of 1965 and RCW 29.33.100; amending section 29.33.110, chapter 9, Laws of 1965 and RCW 29.33.110; amending section 29.33.120, chapter 9, Laws of 1965 and RCW 29.33.120; amending section 29.51.170, chapter 9, Laws of 1965 as amended by section 14, chapter 101, Laws of 1965 extraordinary session and RCW 29.51.170; amending section 29.59.040, chapter 9, Laws of 1965 and RCW 29.59.040; amending section 29.65.030, chapter 9, Laws of 1965 and RCW 29.65.030; amending section 29.85.160, chapter 9, Laws of 1965 and RCW 29.85.160; and providing penalties.

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

RCW 29.04.040
amended.

Section 1. Section 29.04.040, chapter 9, Laws of 1965 and RCW 29.04.040 are each amended to read as follows:

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No paper ballot precinct shall contain more than three hundred voters. If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election

officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the board of county commissioners if it is any other precinct. The city council of the first class city or the board of county commissioners, as the case may be, shall divide, alter, or combine precincts so that, whenever practicable such over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

Elections. Pre-
cincts—Num-
ber of voters—
Dividing,
altering or
combining—
Creating new
precincts.

Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: *Provided, however,* That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the September primary election and ending with the day of the November general election held in the even-numbered years.

Precincts in which voting machines are used may contain as many as nine hundred registered voters: *Provided,* That there shall be at least one voting machine for each three hundred registered voters or major fraction thereof.

Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, or voting machines. In the instance of a voting machine precinct, the county auditor shall also indicate the number of such machines used so that the secretary of state will be able to determine that the requirements of this section are being honored.

On petition of ten or more voters resident more than ten miles from any place of election, the board of county commissioners shall establish a separate voting precinct therefor.

The board of county commissioners of each county in the state hereafter formed shall, at their

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Precincts.

first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

RCW 29.54.043
amended.

Sec. 2. Section 12, chapter 101, Laws of 1965 extraordinary session and RCW 29.54.043 are each amended to read as follows:

Elections—
Polling places
—Counting
ballots—
Procedure.

The procedure for counting of paper ballots at every September primary or November general election shall be as follows:

(1) The inspector shall carefully examine each ballot and read aloud the name of each person receiving a vote, the office for which every such person is voted for, and the vote for or against each proposition on the ballot.

(2) The judge, representing the opposite political party of the inspector, shall observe such reading.

(3) The second judge shall tally the votes as read in the tally books to be returned to the election officer having jurisdiction of the election.

(4) The clerk representing the opposite political party of the second judge shall, at the same time, tally the votes as read in the tally book to be retained by the inspector.

(5) The inspector and judge observing the reading aloud of the ballots may rotate their duties from time to time, upon agreement.

(6) The same basic rules in the counting of paper ballots at the polling places as enumerated in the above subsections (1), (2), (3), (4), and (5) of this section shall apply to the counting of paper ballots under the jurisdiction of the county auditor at the courthouse, it being the intention of this subsection that after the county canvassing board has approved as valid the absentee ballots and challenged or questioned ballots, the actual count and tallying of such

ballots shall be done by persons selected by the county auditor on a bipartisan basis.

Sec. 3. Section 29.10.080, chapter 9, Laws of 1965 and RCW 29.10.080 are each amended to read as follows:

RCW 29.10.080 amended.

On the first day of April of each odd-numbered year, or as soon thereafter as is practicable, every city clerk, town clerk, and every county auditor shall examine the registration files in his custody, and if, from such examination, he finds that any registered voter has failed, for a period of thirty months preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for thirty months" and the date of such cancellation. He shall also notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than thirty months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

Registration transfers and cancellation—Cancellation for failure to vote.

Sec. 4. Section 29.39.010, chapter 9, Laws of 1965 and RCW 29.39.010 are each amended to read as follows:

RCW 29.39.010 amended.

"Service voter" means an elector who comes within any of the following categories:

Elections. Absentee service voters. Definitions.

(1) Members of the armed forces while in the active service, and their spouses and dependents, including students and faculty members of the United States military academies.

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sentee service
voters.
Definitions.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories, including members of the Peace Corps, serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the congress.

(4) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

(5) Citizens of the United States and of the state of Washington temporarily residing outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them.

The term "armed forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended.

The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

The term "dependent" means any person who is in fact a dependent.

Sec. 5. Section 29.39.030, chapter 9, Laws of 1965 and RCW 29.39.030 are each amended to read as follows:

RCW 29.39.030 amended.

"Election" used alone means a general election except where the context indicates that a special election is meant or included. "Election" used without qualification never means a primary. "Election" does not include a municipal election.

Elections. Absentee service voters—Definitions.

In addition to the above, for the purpose of this chapter, the term "primary" means the state primary election held on the third Tuesday in September of the even-numbered year. The term "election" means the state general election held on the first Tuesday following the first Monday in November of the even-numbered and the odd-numbered years: *Provided, however,* That the absentee ballots for service voters of such odd-numbered year election shall be restricted to state measures being submitted for approval or rejection.

Sec. 6. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

New section.

The county auditor, as ex officio supervisor of elections, or other officer having jurisdiction of the election, may, with regard to any precinct having less than one hundred registered voters at the time of closing of the registration files as provided in RCW 29.07.160, order the voting in said precinct for the next ensuing election, whether a primary election, general election, special election, or any other election, be by absentee ballot only.

Absentee voting. Precincts with less than 100 voters—Voting by absentee ballot may be ordered—Procedure.

Whenever such officer shall so order, he shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter within said precinct his notice that voting within

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said precinct shall be by absentee voting only. Accompanied with such notice shall be an application form together with a postage prepaid envelope preaddressed to the issuing officer. In order to be honored such application form, properly executed, must reach the issuing officer no later than the day of the election concerned.

New section.

Sec. 7. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

Absentee voting—Precincts with less than 100 voters—Ballots—Procedure.

All such absentee ballots as authorized by section 6 of this act shall contain the same officers [offices], names of candidates and propositions (if any) to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in this act, such absentee ballots shall be issued, completed, returned, received, opened, counted, canvassed, recorded and handled as any absentee ballot issued pursuant to the request of the voter: *Provided*, That the county canvassing board, at the request of the county auditor, may direct that such ballots be counted on the day of the election. If such count is made it must be done in secrecy and the results not revealed to any unauthorized person until the polls have closed. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.54.035.

New section.

Sec. 8. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

Absentee voting—Precincts with less than 100 voters—Organization or addition of territory elections.

Whenever an election is to be held for the organization of a new district, including but not limited to the organization of a water, fire, or sewer district, or for the purpose of addition of territory to an existing city, town, or district and the total number of registered voters qualified to vote at such election is

less than one hundred, and the names and addresses of all such voters can be determined not less than fifteen days prior to the election concerned, the county auditor, as ex officio supervisor of elections, or other officer having jurisdiction of the election, may order that all voting be done by absentee ballot in the same manner and with like penalties as provided in sections 6 and 7 of this act.

Sec. 9. Section 29.51.060, chapter 9, Laws of 1965 as amended by section 5, chapter 156, Laws of 1965 extraordinary session and RCW 29.51.060 are each amended to read as follows:

RCW 29.51.060
amended.

If any person appears and offers or demands the right to vote at any primary or election, as a registered voter in the precinct where the primary or election is held, the election officers shall require him to sign his name and current address subject to penalties of perjury in one of the official poll books, which shall be designated the county auditor's copy, and shall compare such signature with the signature upon the registration card of the person registered under the same name. If the election officers, or a majority of them, upon comparing the signatures are satisfied that the person offering to vote is the identical person registered, they shall permit him to vote: *Provided*, That if the person registered signed his registration card with a cross or mark, identified by the signature of some other person, the election officers must require the person offering to vote to be identified by the person who signed the registration card, or by a registered voter of the precinct. Unless the identifying witness is personally known to the election officers, or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification.

Polling place
regulations.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers

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shall copy the voter's name and address on the corresponding line in a second poll book which shall be identified as the inspector's copy. Such second poll book shall contain two extra copies of each page and so designed that two carbon copies can be easily made and readily detached.

RCW 29.54.070 amended.

Sec. 10. Section 29.54.070, chapter 9, Laws of 1965 and RCW 29.54.070 are each amended to read as follows:

Poling place regulations—
Sealing and return of counted ballots.

After all the ballots have been counted, strung, and tallied it shall be the duty of the inspector to place them in a sealed envelope and write thereon, "Ballots of precinct county, state of Washington, of election held this day of, 19.....," and send said sealed envelope to the auditor of the county or other election official. The county auditor or other officer shall keep the sealed envelope containing said ballots unopened for the period of two months, to be used only as evidence in case or cases of contest when called for. At the end of that time he shall burn or make such disposition of said ballots, as he may deem expedient, in the presence of two other officers.

Elections—
Voting devices and vote tallying systems.
Definitions.

Sec. 11. As used in this 1967 amendatory act:

(1) "Ballot card" means the tabulating card or cards or paper ballot of any size upon which the voter records his vote and shall also include the envelope issued to each voter at ballot card precincts for the voter to enclose his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;

(2) "Ballot label" means the cards, papers, booklet or other material containing the names of offices, candidates, and measures to be voted on;

(3) "Election" means all state, county, city, town, and district elections, general or special, including primaries;

(4) "Voting device" means any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or for and against any measure may be indicated by punching or marking the ballot card;

(5) "Vote tally system" means one or more machines used for the purpose of automatically examining and counting votes as cast by paper ballots or ballot cards. Such apparatus may be operated manually, electrically, or electronically and may include data processing machines;

(6) "Precinct election officers" shall mean the inspectors, judges, and clerks as provided by chapter 29.45 RCW as it now exists or may hereafter be amended.

Sec. 12. Section 29.33.020, chapter 9, Laws of 1965 and RCW 29.33.020 are each amended to read as follows:

RCW 29.33.020 amended.

At all elections, ballots or votes may be cast, registered, recorded and counted by means of voting machines, paper ballots, ballot cards, voting devices and vote tallying systems. The provisions of all statutes, charters and ordinances relating to elections and primaries shall apply to the use of voting machines, paper ballots, ballot cards, voting devices and vote tallying systems insofar as they are consistent with the provisions of this 1967 amendatory act; insofar as they are inconsistent, they shall be of no force and effect in precincts where voting machines, paper ballots, ballot cards, voting devices and vote tallying systems are used.

Voting machines—
Authority for use.

Sec. 13. Section 29.33.040, chapter 9, Laws of 1965 and RCW 29.33.040 are each amended to read as follows:

RCW 29.33.040 amended.

The state voting machine committee shall examine all voting machines, voting devices and vote tally systems submitted to it and determine whether

State voting machine committee—
General duties.

Elections.

they conform to the statutory requirements and appropriate administrative rules and regulations issued by the secretary of state and can be safely used by voters.

RCW 29.33.050 amended.

Sec. 14. Section 29.33.050, chapter 9, Laws of 1965 and RCW 29.33.050 are each amended to read as follows:

State voting machine committee—Submitting machines, voting devices, or vote tallying systems.

Any owner of a voting machine, voting device or vote tally system or any person or corporation interested therein may submit it to the state voting machine committee for examination and the committee must publicly examine and report upon the voting machine, voting device or vote tally system so submitted.

RCW 29.33.060 amended.

Sec. 15. Section 29.33.060, chapter 9, Laws of 1965 and RCW 29.33.060 are each amended to read as follows:

State voting machine committee—Employees authorized.

The voting machine committee may employ not more than three experts in one or more of the fields of mechanical or electrical engineering, or data processing machinery to assist it in examining the voting machines, voting devices or vote tally systems. Such experts shall receive reasonable compensation in an amount to be established by the committee in its discretion to be paid by the person or corporation who submits the voting machine, voting device or vote tally system for examination.

RCW 29.33.070 amended.

Sec. 16. Section 29.33.070, chapter 9, Laws of 1965 and RCW 29.33.070 are each amended to read as follows:

State voting machine committee—Reports on machines, voting devices or vote tallying systems.

Within thirty days after completing the examination of a voting machine, voting device or vote tally system, the voting machine committee shall make and file with the secretary of state its report thereon together with such description, drawings, and photographs as will clearly identify the voting

machine, voting device or vote tally system examined and the operation thereof.

Sec. 17. Section 29.33.080, chapter 9, Laws of 1965 and RCW 29.33.080 are each amended to read as follows:

RCW 29.33.080 amended.

Within ten days after receiving a report on a voting machine, voting device or vote tally system from the state voting machine committee, the secretary of state shall send a copy thereof to the board of county commissioners and county auditor of each county, and to all other persons upon request.

Reports on machines, etc. — Transmittal to county commissioners and county auditor.

Only voting machines, voting devices and vote tally systems which have the approval of the state voting machine committee may be used for conducting any election, but any change or improvement thereon that does not impair their accuracy, efficiency, or capacity may be made without the necessity of a reexamination or reapproval.

Sec. 18. No voting device shall be approved by the state voting machine committee unless it is constructed so that it:

Voting devices — General requirements.

(1) Secures to the voter secrecy in the act of voting;

(2) Provides facilities for voting for the candidate of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;

(3) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for;

(4) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(5) Correctly registers or records all votes cast for any and all persons and for or against any and all measures;

Voting devices
—General
requirements.

(6) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States;

(7) Voting devices shall be so prepared for use to provide party column voting in separate party columns at partisan general elections.

Vote tallying
systems—
General
requirements.

Sec. 19. No vote tallying system shall be approved by the state voting machine committee unless it is constructed so that it is:

(1) Capable of correctly counting votes on ballots or ballot cards on which the proper number of votes have been marked for any office or question or issue that has been voted;

(2) Capable of ignoring the votes marked for any office or question or issue where more than the allowable number of votes have been marked, but shall correctly count the properly voted portions of the ballot or ballot card;

(3) Capable of accumulating a count of the specific number of ballots or ballot cards tallied for a precinct, accumulating total votes by candidate for each office, and accumulating total votes for and against each question and issue of the ballots or ballot cards tallied for a precinct;

(4) Capable of accommodating rotation of candidates' names on the ballot or ballot card, provided that all ballots or ballot cards from one precinct shall be of the same rotation sequence;

(5) Capable of automatically producing precinct totals in either printed, marked, or punched form, or combinations thereof.

RCW 29.33.100
amended.

Sec. 20. Section 29.33.100, chapter 9, Laws of 1965 and RCW 29.33.100 are each amended to read as follows:

The governing body of any public corporation may adopt and provide for the use of voting machines, and/or voting devices and vote tallying systems approved by the state voting machine committee in any or all of the election precincts thereof.

Purchase of machines, etc.—Authority.

Sec. 21. Section 29.33.110, chapter 9, Laws of 1965 and RCW 29.33.110 are each amended to read as follows:

RCW 29.33.110 amended.

In purchasing or leasing voting machines, and/or voting devices and vote tallying systems, the board of county commissioners of a county, and the governing body of one or more of the public corporations within or without the state may enter into an agreement to provide for the joint purchase and subsequent ownership thereof and/or for the care, maintenance and use of the same.

Purchasing of machines, etc. Joint use and purchasing.

Sec. 22. Section 29.33.120, chapter 9, Laws of 1965 and RCW 29.33.120 are each amended to read as follows:

RCW 29.33.120 amended.

The governing body of a public corporation for the purpose of paying for or leasing voting machines, and/or voting devices and vote tallying systems may provide for the payment or rental thereof in such manner as it may deem for its best interest, may issue or sell at not less than par negotiable obligations bearing interest at a rate not to exceed six percent per annum and may make their payment a charge upon the corporation or may pay for the same in cash out of its general or current expense fund or otherwise; and may contract for the purchase of such machines with regard to price, manner of purchase and time of payment as to it shall seem proper, and in estimating the amount of taxes for the general or current expense fund, if any, such amount shall be added, extending over such time as may be required to pay for such machines.

Purchase—Manner of payment or rental.

Voting devices
—Rules and
regulations.

Sec. 23. (1) Pursuant to RCW 29.04.080, the secretary of state shall by appropriate regulation devise and prescribe the form, size, weight of paper or material, kind of ballot cards, and other materials and supplies and procedures necessary in the use of voting devices or vote tally systems as provided in this 1967 amendatory act and in the process of counting and tabulating the ballots by mechanical, electrical, or electronic devices or equipment.

(2) The secretary of state shall follow the provisions of the Administrative Procedure Act, chapter 34.04 RCW, in adopting the rules and regulations authorized by this 1967 amendatory act.

Precinct elec-
tion officers.

Sec. 24. The appointment of election officers to serve precincts at which ballot cards and voting devices are used shall be in the same manner as the appointment of precinct election officers to serve paper ballot precincts as provided in chapter 29.45 RCW.

Application.

Sec. 25. Insofar as practicable, the statutes relating to the preparation and use of voting machines, including the schools of instruction for precinct election officers, shall also apply to the preparation and use of voting devices.

Ballot cards—
Use.

Sec. 26. *Whenever ballot cards are being used as provided by this 1967 amendatory act they shall be voted in duplicate in the following manner:*

(1) *The ballot card shall consist of an original and a duplicate card which can be readily distinguished both visually and mechanically from each other and together shall be identified as a ballot set.*

(2) *The voter shall insert the ballot set in the voting device so that the marking of the ballots shall be done at the same time to assure that the marks on both the original and duplicate ballot cards are identical.*

(3) Upon completing the marking of such ballots, the voter shall place the ballot set in a set of envelopes provided for that purpose.

(4) The voter shall then deliver the ballot envelope to the inspector who shall detach the duplicate ballot therefrom and deposit it in a container identified for such purpose and the ballot envelope containing the original ballot shall be deposited in the ballot box.

(5) At the close of the polling place for voting, the container in which the duplicate ballot cards have been placed shall be sealed in the presence of the precinct election officers and shall be kept in the possession of the inspector until such time as the county auditor shall request delivery of the same to his office.

The purpose of this section is to establish a duplicate set of ballot cards for each such precinct to be used in the event the original ballot cards should fail for some reason to reach the counting center. Thus, it shall be the responsibility of the inspector to see that in no instance shall original and duplicate ballots cards be transmitted together to the counting center.

Sec. 27. The county auditor shall determine the location of each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility shall be known as the "counting center" and may be located wherever within the county in the judgment of the county auditor best serves the voters: *Provided, however,* That such counting center be within twenty-five miles of the county seat of such county.

Elections—
Location of
vote tallying
systems.

The procedure for picking up voted ballot cards at the respective polling places, the delivery of same to the counting centers, and the procedure at the

Elections—
Location of
vote tallying
systems.

counting centers shall include but not be limited to the following provisions:

(1) On the day of the election and at the direction of the county auditor, a representative of each major political party shall together stop at each polling place and pick up one or more metal boxes, previously sealed by the precinct election officers, and containing the voted ballot cards for the delivery of same to the counting center. There may be as many as two such stops at each polling place provided that the first stop is not made prior to 2:00 P.M. and the second stop is made after the polls have been closed to voting.

(2) All proceedings at the counting center shall be under the direction of the county auditor and under the observation of two election officers, who shall not be of the same political party. After the polls have been closed to voting, such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container. If upon breaking the seals and opening the containers, it is found that any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: *Provided*, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior

to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035;

(3) The secretary of state shall prescribe rules and regulations for the testing of the vote tallying system prior to the day of the election to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. However, such test shall be observed by at least two election officers, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above.

On the day of the election, two election officers, not of the same political party, shall be stationed at the counting center throughout the official count. Such persons, upon mutual agreement, may request that the tabulating equipment be stopped as many as three times during the official count so that the accuracy of the proceedings can be again verified at such unscheduled stops by the count of the pre-audited group of ballots.

(4) The returns printed by the automatic tabulating equipment, to which has been added the count of write-in and absentee votes, shall constitute

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Voting devices.

the official returns of each precinct or election district.

RCW 29.51.170
amended.

Sec. 28. Section 29.51.170, chapter 9, Laws of 1965, as amended by section 14, chapter 101, Laws of 1965 extraordinary session, and RCW 29.51.170 are each amended to read as follows:

Polling place
regulations—
Write in voting
—Party affilia-
tions—Nomi-
nee to execute
declaration of
candidacy, pay
fee.

At any election or primary, any voter may write in on the ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter: *Provided*, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated.

Sec. 29. Section 29.59.040, chapter 9, Laws of 1965 and RCW 29.59.040 are each amended to read as follows:

RCW 29.59.040 amended.

Whenever the right to vote of any person presenting himself as a voter at any polling place for any primary or election, general or special, has been challenged and the officers conducting the election at such polling place have refused to accept the vote of such person because of such challenge, or otherwise, a ballot shall be voted by such challenged person and placed in a sealed envelope. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular election. The board or such other authority shall upon request of the challenger, at the time the vote is canvassed, consider the case of each challenge and shall decide whether or not the ballot in each case shall be accepted or rejected: *Provided*, That should the challenger fail to make such request, the challenged ballot shall be accepted as valid and counted. The decision of the board or such other authority shall be final.

Voting—
Challenging—
Procedure
upon chal-
lenge—Can-
vass of chal-
lenged vote.

In precincts where voting machines or vote tally systems are used, any person whose right to vote is properly challenged shall be furnished with a paper ballot, and such ballot, after said person has marked it, shall be sealed and disposed of as hereinabove provided.

Sec. 30. Section 29.65.030, chapter 9, Laws of 1965 and RCW 29.65.030 are each amended to read as follows:

RCW 29.65.030 amended.

The time for filing an election contest the result of which is in whole or in part of the canvass of votes registered on a voting machine, voting device or vote tally system shall expire thirty days following any state or county primary or election and

Ballots—Con-
tests of voting
device elec-
tions.

Elections—
Voting devices.

eight days following any such election held by a city or other governmental unit not larger than a county.

RCW 29.85.160
amended.

Sec. 31. Section 29.85.160, chapter 9, Laws of 1965 and RCW 29.85.160 are each amended to read as follows:

Elections—
Crimes and
penalties—
Voting device
precincts.

Every election officer in precincts where voting machines or voting devices and vote tally systems are used shall be guilty of a felony and fined not less than fifty dollars nor more than five hundred dollars, or confined in the state penitentiary not less than six months nor more than one year or punished by both such fine and imprisonment who:

- (1) Deceives any voter in recording his vote; or
- (2) Records the vote of any voter in a manner other than as designated by the voter; or
- (3) Gives information to any person as to what candidates or for or against what measures any voter has voted; or
- (4) Seeks to suggest or persuade any voter to vote for any part or for any candidate or for or against any measure.

Rules and
regulations—
Publication of
manuals.

Sec. 32. The secretary of state, upon promulgating the rules and regulations necessary for carrying out the purpose of this 1967 amendatory act, shall publish manuals containing the applicable rules and regulations and statutes for the guidance of the county auditor relating to the printing of ballot cards and preparation of the vote tallying systems, for the guidance of precinct election officers serving ballot card precincts, and for the guidance of election officers and operators of tabulating equipment at counting centers.

There shall be no charge for such manuals and the number to be printed and the distribution thereof shall be determined by the secretary of state.

Sec. 33. The provisions of sections 11 through 32 of this 1967 amendatory act shall apply only to counties of the second class as defined by RCW 36.13.010. Application.

Note: See also section 2, chapter 130, Laws of 1967 ex. sess.

Passed the House April 1, 1967.

Passed the Senate April 4, 1967.

Approved by the Governor April 12, 1967, with the exception of Sections 26 and 33 which were vetoed.

NOTE: Governor's explanation of partial veto is as follows:

"This bill makes a number of improvements in the statutes relating to elections. Sections 11 through 33 of the bill authorize the State Voting Machine Committee to approve certain types of new voting devices which permit paper ballots and punch cards to be counted automatically. I approve of this legislation, but object to sections 26 and 33 of the bill.

"Section 26 requires the use of duplicate ballots or ballot cards which are to be counted by an automatic vote tallying system. Although several other states utilize these new voting devices, no state requires duplicate ballots or cards.

"The Auditor of Clark County plans to utilize this new voting system in the 1968 elections, if one or more suitable devices are approved by the State Voting Machine Committee. He is concerned that the use of duplicate cards and duplicate envelopes will unnecessarily complicate the voting procedure at a time when voters are becoming accustomed to a new system. The Director of Elections of Oregon has reported favorably to the House Committee on State Government and Legislative Procedures on the punch card voting system now in use in Oregon, which does not involve the use of duplicate ballots; and representatives of the Secretary of State's office have observed this system in operation in Oregon, and feel that duplicate ballots are unnecessary to assure secrecy in voting and protection for the ballots.

"Moreover, requiring duplicate ballots or ballot cards tends to limit competition among the manufacturers of different types of new voting equipment. Although it is inconvenient and somewhat cumbersome to use duplicate punch cards, the equipment presently used in other states will mark duplicate cards in a single operation by the voter. Requiring a voter to mark two ballots separately would be so cumbersome and inefficient as to render these systems non-competitive with punch card systems.

"The Secretary of State anticipates that during the next two years no more than one county will attempt to use these new devices. During this trial period it would seem desirable to have a maximum of competition among all manufacturers of equipment which the Voting Machine Committee approves. This will give the county auditors, the secretary of state and the legislature an opportunity to study various types of new voting devices.

"Section 33 states that the provisions of sections 11 through 32 of the bill will apply only to counties of the second class, which includes Clark County. The purpose of this section is to limit the use of these new voting devices to no more than three counties until such time as the new systems can be observed in operation in this state. I have no

objection to this policy determination by the legislature; however I believe the language of section 33 will have a result not intended by the legislature.

"Included among the sections of this bill which apply only to counties of the second class are several sections of existing law relating to the conduct of elections and regulating the use of voting machines. As amended by this bill these statutes also would be applicable to the new voting systems. However, if these amended laws apply only to counties of the second class, it is doubtful that any amended section of the law would apply to the other counties of the state. This inadvertently could leave most of the counties of the state without necessary laws regulating the conduct of elections and particularly the procedure by which voting machines are approved by the State Voting Machine Committee.

"This problem has been called to the attention of several members of the legislature who wished to limit the number of counties which could utilize new voting devices. It is my understanding that another bill will be proposed to the legislature to give effect to the original intent of the legislature without creating the problem caused by section 33 of this bill.

"For the foregoing reasons I have vetoed sections 26 and 33. The remainder of House Bill No. 516 is approved."

DANIEL J. EVANS,
Governor.

CHAPTER 110.

[Substitute House Bill No. 304.]

MENTAL RETARDATION AND MENTAL HEALTH.

AN ACT relating to mental retardation and mental health; authorizing state agencies to accept and disburse federal funds for mental retardation programs; providing for the establishment, development, and coordination of state and local services for mentally retarded persons; authorizing county commissioners to levy taxes to provide funds for community mental retardation or mental health services, and to utilize certain available funds for these purposes; amending section 1, chapter 162, Laws of 1943, as last amended by section 1, chapter 117, Laws of 1959 and RCW 70.32.010; amending section 2, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.015; amending section 1, chapter 4, Laws of 1953 extraordinary session, as amended by section 2, chapter 117, Laws of 1959, and RCW 70.32.021; amending section 3, chapter 4, Laws of 1953 extraordinary session and RCW 70.32.080; and amending section 3, chapter 117, Laws of 1959, as amended by section 1, chapter 101, Laws of 1961, and RCW 70.32.090.

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