

# TABLE OF CONTENTS

**Chapter/Section** **Page**

---

Contents

- PREFACE ..... 4
  
- Section 1. The Canvassing Board - Authorization, Definition, and Responsibilities. .... 5
- Section 2. Purpose of the Manual. .... 5
- CHAPTER TWO - THE CANVASSING BOARD ..... 6
- Section 1. Members of the Canvassing Board..... 6
- Section 2. Terms of Membership..... 6
- Section 3. Delegation of Authority. .... 6
- CHAPTER THREE - MEETINGS..... 7
- Section 1. Meetings ..... 7
- Section 2. Notification. .... 8
- Section 3. Special Meetings. .... 9
- Section 4. Quorum. .... 9
- Section 5. Emergency Procedure Option for Remote Participation..... 9
- Section 6. Decisions of the Board. .... 9
- CHAPTER FOUR - REVIEW OF BALLOT ENVELOPES ..... 11
- Section 1. Ballot Security. .... 11
- Section 2. Review of Returned Ballot Envelopes – Time of Voting. (RCW 29A.40.110) ..... 11
- Section 3. Verification of Signature and Return Date..... 12
- Section 4. Guidelines for Resolving Signature Issues. .... 12
- Section 5. Special Absentee Ballots. .... 14
- Section 6. Electronic Ballots. (WAC 434-235-030, WAC 434-250-120, and WAC 434-208-060) .... 15
- Section 7. Challenged Voter Registration Ballot. .... 15
- Section 8. Preparing for the Board. .... 15
- CHAPTER FIVE - STATUTORY GUIDELINES FOR BALLOT REVIEW..... 17
- Section 1. Processing Mail-in Ballots..... 17
- Section 2. Ballots that Require Board Determination..... 17
- Section 3. Statutory Guidelines for Ballot Review..... 18
- Section 4. Preparing Ballots for Board Review. .... 19
- Section 5. Processing Ballots after Board Review. .... 19
- Section 6. Official County Canvass Report and Certification. .... 20
- CHAPTER SIX - VOTER REGISTRATION CHALLENGES ..... 21
- Section 1. Duty of Canvassing Board..... 21
- Section 2. Procedures for Challengers..... 21
- Section 3. Procedures for Challenged Voters..... 22

Section 4.	Procedures for Auditor.....	22
Section 5.	Time of Hearing.....	23
Section 6.	Presumption.....	24
Section 7.	Processing a Challenged Voter's Ballot.....	24
Section 8.	Procedure at the Board Hearing.....	24
Section 9.	Decision.....	24
Section 10.	Remedies.....	24
CHAPTER SEVEN - GUIDELINES FOR VOTING REQUIREMENTS AND TRANSFERS OF VOTER REGISTRATION.....		26
Section 1.	Constitutional Requirements to Vote.....	26
Section 2.	State Law Regarding Voter Registration Transfers.....	26
CHAPTER EIGHT - PROVISIONAL BALLOTS - GUIDELINES FOR PROCESSING BALLOTS WITH VOTER REGISTRATION QUESTIONS.....		28
CHAPTER NINE - TIES.....		30
Section 1.	Primary.....	30
Section 2.	Final Election.....	30
CHAPTER TEN - RECOUNTS.....		31
Section 1.	Criteria for Mandatory Recount.....	31
Section 2.	Requested Recount.....	31
Section 3.	General Procedures for All Recounts.....	32
Section 4.	Special Procedures for Requested Recounts.....	33
Section 5.	Authority to Recanvass – Discrepancies or Inconsistencies.....	33
Section 6.	Posting Results of the Recount.....	34
CHAPTER ELEVEN - MANUAL RECOUNT OF BALLOTS.....		35
Section 1.	When Required.....	35
Section 2.	Manual Recount Process.....	35
Section 3.	Recording the Recount.....	36
Section 4.	Completion. (RCW 29A.64.061 and WAC 434-264-130).....	36
CHAPTER TWELVE -- RANDOM CHECK OF BALLOT COUNTING MACHINES.....		37
Section 1.	SCOPE.....	37
Section 2.	POLICY.....	37
Section 3.	PROCEDURE.....	37
CHAPTER THIRTEEN -- AUTHORIZATION OF CANVASSING BOARD REPRESENTATIVES.....		38
Section 1.	Authorization.....	38
Section 2.	Canvassing Board Responsibility.....	38
Section 3.	Authorization in Writing.....	38
CHAPTER FOURTEEN -- DETERMINING BALLOT POSITION for LOCAL BALLOT MEASURES and OFFICES.....		39
Section 1.	Placement of ballot measures and offices.....	39
Section 2.	Local ballot measures and offices.....	39
CHAPTER FIFTEEN-- DUPLICATION REVIEW.....		42

Section 1. Review of Duplicated Ballots..... 42

Section 2. Review Discrepancy Found ..... 42

**PREFACE**

RCW 29A.60.140 (4) requires that the County Canvassing Board adopt administrative rules to facilitate and govern its canvassing process.

This Canvassing Board Manual contains the administrative rules for the canvassing process in Spokane County. These rules, written and updated by the Spokane County Elections Division, in coordination with the Spokane County Prosecuting Attorney's Office, have been adopted by the Spokane County Canvassing Board.

## **CHAPTER ONE - GENERAL INFORMATION**

### **Section 1. The Canvassing Board - Authorization, Definition, and Responsibilities.**

- A. Authorization: The Spokane County Canvassing Board (hereafter "Canvassing Board" or "Board") is established under the authority of RCW 29A.60 for the purpose of canvassing the returns of all elections. (RCW 29A.60.010 and .140)
- B. Definition of Canvassing: Canvassing is that process of examining in detail a ballot, groups of ballots, election subtotals or grand totals, in order to determine the final official returns of a primary, special or general election, and to safeguard the integrity of the election process. (WAC 434-262-010 (1) and RCW 29A.04.013)
- C. Responsibilities of the Canvassing Board:
  - 1. Processing incoming ballots (RCW 29A.40.110 and WAC 434-250-110)
  - 2. Verifying and certifying the results from the ballots received (RCW 29A.60.070 and .200 and WAC 434-262-010 (2))
  - 3. Determining the validity of all questionable, challenged and provisional ballots (RCW 29A.60.140 (3), and WAC 434-262-010 (2), and 434-261-120)
  - 4. Determining voter intent in accord with the statewide standards in the voter intent manual published by the Secretary of State (WAC 434-261-086)
  - 5. Rejecting ballots or parts of ballots (RCW 29A.60.040 and .050, WAC 434-262-031)
  - 6. Resolving discrepancies in results (WAC 434-262-050 and -060)
  - 7. Scheduling and conducting recount elections (RCW 29A.64.021)
  - 8. Adopting administrative rules (RCW 29A.60.140 (4))

### **Section 2. Purpose of the Manual.**

This manual of procedures and guidelines serves as the administrative rules to facilitate and govern the canvassing process in Spokane County. Statutory and regulatory authorities for these administrative rules are cited where applicable. Any of these rules that do not specifically refer to statutory or regulatory authority are guidelines based on past practices and decisions of the Board.

This manual is provided to promote consistency in Board decisions, however, each factual question before the Board will be reviewed on a case-by-case basis. In the event of any conflict of these administrative rules with state statute and/or state administrative regulations, then state statute shall control. Finally, state statute shall govern over any state administrative regulations.

## **CHAPTER TWO - THE CANVASSING BOARD**

### **Section 1. Members of the Canvassing Board.**

The County Canvassing Board consists of three members (RCW 29A.60.140):

1. The County Auditor, who chairs the Board, or their designee, who shall be a Deputy Auditor.
2. The County Prosecutor or their designee, who shall be a Deputy Prosecutor.
3. The Chair of the Board of County Commissioners or their designee, who shall be a member of the Board of County Commissioners.

Designations must be done in writing and filed in the office of the County Auditor no later than the day before the first day duties are to be undertaken. (RCW 29A.60.140)

Members designated to the County Canvassing Board may not include individuals who are candidates for an office to be voted upon at the primary or election to be canvassed, unless no other individuals qualify. In that event, the individual who is a candidate must not make decisions of a voter's intent on any vote cast for that specific office. (RCW 29A.60.150) See full reference for this situation in Decisions of the Board (Chapter 3, Section 7 of this manual).

### **Section 2. Terms of Membership.**

Members of the Board shall serve for the duration of their terms of office as elected officials. Designated representatives shall remain on the Board for the duration of their designator's term of office or until such designation is revoked or changed. (RCW 29A.60.140)

### **Section 3. Delegation of Authority.**

The Board may delegate, in writing, to members of the Election staff the performance of routine duties of canvassing ballot returns and counting ballots as permitted by these administrative rules. The written delegation of authority shall be filed with the Auditor prior to any delegate undertaking any action on behalf of the Board. In no instance may members of the Canvassing Board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of ballots, or of rejecting ballots to anyone other than a person authorized by law to act on their behalf. (RCW 29A.60.140 and WAC 434-262-015)

## **CHAPTER THREE - MEETINGS**

### **Section 1. Meetings .**

#### **A. Meetings**

For each election held in Spokane County, the Canvassing Board will hold a regular meeting as required on the date(s) set forth in RCW 29A.60.190. The notice of the regular meeting will set forth the time and location of the regular meeting. The Canvassing Board may hold additional special meetings that are necessary to canvass an election.

When deemed necessary by the County Auditor or majority of the Canvassing Board, the Canvassing Board may hold special meetings outside of an election cycle to conduct their statutory duties, such as those in RCW 29A.60.140. Public notice of regular and special meetings will be provided on the Spokane County website. The meeting agenda will be posted on the Spokane County website.

All regular and special meetings will be in-person. Provided, however, the Canvassing Board may also provide that meeting will also be held virtual depending on the availability of appropriate technology for virtual meetings at the in-person meeting location.

#### **B. Agenda**

Once the regular meeting agenda is posted online on the Spokane County website, items may be added to a By-Leave agenda before the regular meeting begins. The By-Leave agenda will not be posted online on the Spokane County website but will be available before the start of the meeting. The Chair of the regular meeting will announce all items on the By-Leave Agenda at the beginning of the regular meeting.

#### **C. Public Comment**

##### *1. Published Agenda*

Any member of the public can submit written testimony to the Canvassing Board on any item identified as a final action item on the regular agenda posted online on the Spokane County website. A final action is an item where the Canvassing Board will take an actual positive or negative vote. All written testimony must be received by the Elections Office before the close of business of the business day prior to the scheduled meeting. Written testimony can be delivered in person, by mail or by email to [elections@spokanecounty.org](mailto:elections@spokanecounty.org). Copies of all written testimony timely submitted on an agenda item will be provided to the Canvassing Board members before the start of the regular meeting.

##### *2. By-Leave Items*

For By-Leave items, any member of the public can provide oral comments prior to the Canvassing Board taking final action on the By-Leave item. The total time allotted for oral comments will not exceed 15 minutes. Within that period, individuals are allowed up to 2 minutes and may speak only once. Speakers cannot yield their time to other speakers. Individuals must submit a request form to the designated Secretary of the Canvassing Board before the By-Leave items are voted upon.

#### **D. Executive Session**

Executive sessions may be held in accordance with the Open Public Meetings Act, Chapter

42.30 RCW. The Canvassing Board may hold an executive session during a regular or special meeting. No final action may be taken by the Canvassing Board in an executive session. Before convening an executive session, the Chair of the Canvassing Board shall publicly announce:

1. the purpose for excluding the public from such executive session,
2. the time when such executive session will commence,
3. the time when such executive session shall be concluded, and
4. unless disclosure would violate a privilege or would result in adverse legal or financial consequences, shall disclose those in attendance at such executive session.

If litigation or potential litigation exemption is announced as the subject matter of such executive session, the Chair of the Canvassing Board will confirm the presence of legal counsel prior to convening such executive session. If the Canvassing Board wishes to adjourn at the close of an executive session, that fact will be announced along with the estimated time for such executive session. The announced time limit for the executive session may be extended by the announcement of the Chair of the Canvassing Board. The purpose of any executive sessions will be recorded in the minutes.

#### **E. Open Public Forum**

There shall be an Open Public Forum at the beginning of each regular meeting where members of the public who are present may address items of interest to them that are not on the agenda for that regular meeting. The total allotted time for the Open Public Forum session will be no longer than 15 minutes, unless extended by the Chair of the Canvassing Board.

The Open Public Forum session is subject to the following rules:

1. A member of the public wanting to address the Canvassing Board during the Open Public Forum must complete a request form and submit the form to the Secretary of the Canvassing Board. The Secretary of the Canvassing Board will collect the forms and deliver them to the Chair. In the event there is a virtual component to the regular meeting, the Chair will ask those persons participating virtually if any would like to address the Canvassing Board during the Open Public Forum. If any persons indicate a desire, the Chair shall ask for their name. The Chair will determine the order of the speakers. Within that period, individuals are allowed up to 2 minutes each and may speak only once. Speakers cannot yield their time to other speakers.
2. No action on the comments will be taken by the Canvassing Board. All applicable comments will automatically be referred to staff to review and report back to the canvassing board or brought up as a future regular meeting agenda item. Taking any other action on any matter brought up during the Open Public Forum could violate public notice and public participation requirements.
3. The Open Public Forum is a limited public forum and all matters presented must relate to matters of election operations of Spokane County.
4. If the speaker is submitting letters or documents to the canvassing board during the Open Public Forum, they are requested to provide a minimum of five copies to the secretary. The Secretary will distribute the submittals.

#### **Section 2. Notification.**

The Auditor will notify Board members and designees of scheduled meetings at least one week prior to the Board convening for a given primary or election. The Auditor shall publish notice of the meetings of the Canvassing Board as required by RCW Chapter 42.30 and WAC 434-262- 025.



**Section 3. Special Meetings.**

Should an emergency situation arise concerning the disposition of an election or the canvassing of the votes, the Auditor may call a special meeting of the Board to address that situation on short notice. Only the emergency situation shall be dealt with at such a meeting; routine Canvassing Board processes shall not be acted upon. Notification shall be as required by RCW 42.30.080.

**Section 4. Quorum.**

All principal Board members or their designated representatives are expected to be present for Board meetings. However, two-thirds of the members shall constitute a quorum except for certification, which shall require all members. (RCW 29A.60.200) Note: See Emergency procedure option below.

**Section 5. Emergency Procedure Option for Remote Participation.** (WAC 434-262-016)

If a member cannot attend a canvassing board meeting due to an emergency, and a designee cannot be appointed, the member may participate in the meeting remotely.

A. When Ballots Are Considered.

The remote member must have access to an online computer application which allows viewing of ballots. Images of ballots cannot be recorded, copied, scanned, e-mailed, or faxed to the member nor can the member record ballot images.

B. During Election Certification.

A copy of the certification document must be sent electronically to the remote member. The document must be signed in the following manner:

1. The members physically present at the meeting must sign the certification document.
2. A copy of the signature page is sent electronically to the remote member.
3. The remote member must print the signature page, sign the document, and return it electronically to the canvassing board meeting location.
4. The remote member's signed signature page is printed and attached to the certification document signed by the other members of the board.

**Section 6. Decisions of the Board.**

A majority vote of the members or designated representatives is required to carry out the business of the Board. A majority vote is defined as two of three votes.

If only two members are present and are unable to agree on a determination, the issue will be held over until a third member is available.

Exception when Board member is a Candidate: If no individual is available to serve on the Canvassing Board who is not a candidate at the primary or election, the individual who is a candidate must not make decisions regarding the determination of a voter's intent with respect to a vote cast for that specific office; the decision must be made by the other two members of the Board.

## Spokane County Canvassing Board Manual

If the two disagree, the vote must not be counted unless the number of those votes could affect the result of the primary or election, in which case the Secretary of State or a designee shall make the decision on those votes. This section does not restrict participation in decisions as to the acceptance or rejection of entire ballots, unless the office in question is the only one for which the voter cast a vote. (RCW 29A.60.150)

## **CHAPTER FOUR - REVIEW OF BALLOT ENVELOPES**

### **Section 1. Ballot Security.**

Processing of Ballots. Ballots shall not be removed from the return envelopes until signature verification is completed. Processing shall be performed in accordance with the provisions of RCW 29A.40.110 and WAC 434-250, 434-261, and 434-262. Opened ballots will be locked and sealed until final processing.

### **Section 2. Review of Returned Ballot Envelopes – Time of Voting. (RCW 29A.40.110)**

Election staff shall examine the postmark, if applicable, and declaration signature on each ballot return envelope before processing the ballot. (See Section 3 below for signature verification.)

- A. Valid Time of Voting. To be counted, the ballot must either be:
1. Received no later than 8:00 p.m. (Pacific Time) on the day of the primary or election; or
  2. Postmarked no later than the day of the election and received no later than the day before certification of the election. (WAC 434-250-120 (1) (d))
- B. Postmark Missing or Illegible. If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the time of voting. To be counted, the ballot declaration date must be no later than the date of the election. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors, election staff or canvassing board members may use available U.S. Postal Service tools to verify the date of mailing. (WAC 434-250-120)
- C. Overseas and Service Voters.
1. For overseas and service voters, the date on the ballot declaration determines the time of voting. To be counted, the ballot declaration date must be no later than the date of the election.
  2. An overseas or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on Election Day. The Auditor must maintain the secrecy of the ballot.
- D. Ballots Voted After Election Day. Ballots voted after the election day shall not count. (WAC 434-262-013)
1. Ballot Returned After 8:00 p.m. on Election Day. If a ballot envelope is returned after 8:00 p.m. on Election Day, election staff will note the time and place of deposit on the ballot envelope, and the ballot envelope must be referred to the Board for consideration of any special circumstances as documented.
  2. No Credit for Voting. A voter may not be credited for voting if the ballot was voted after Election Day, was received later than the day before certification of the election, or will otherwise not be counted. (WAC 434-262-013 (1))

**Section 3. Verification of Signature and Return Date.**

Election staff shall examine the declaration signature and return date on each ballot return envelope containing a ballot as directed by WAC 434-250-120. (See Section 2 above for return date validation.)

- A. Ballot Declaration Signature. A ballot shall be counted if the ballot declaration is signed with a valid signature. (WAC 434-250-120 (1) (b))
- B. Comparison of Signatures. Election staff shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the voter registration file. (RCW 29A.40.110 (3))
- C. Signature Verification Standards. Election staff shall verify each ballot declaration signature using the standards established in WAC 434-379-020. (WAC 434-250-120 (1) (c))
  - 1. Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;
  - 2. Agreement in proportions of individual letters, height to width, and heights of upper to lower case letters;
  - 3. Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;
  - 4. After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

- D. Referral of Non-Matching Signatures to Canvassing Board. Any returned ballot envelope, ballot declarations, and signature correction forms where staff have made a determination that the signature is not a reasonable match shall be referred to the Canvassing Board for rejection individually, in batches, or as part of a report of ballots presented to the Board. (RCW 29A.60.050 and WAC 434-262-015)
- E. Deadline for Curing Signature Issues. Signatures that have been challenged may be reconciled/cured no later than the day before certification by the voter in accordance with WAC 434-261-050.

**Section 4. Guidelines for Resolving Signature Issues.**

- A. Unsigned Ballot Declaration.
  - 1. Notify voter by mail. If the voter neglects to sign the ballot declaration, the Auditor shall notify the voter by first class mail of the correct procedures for completing the unsigned declaration. (RCW 29A.60.165 (1) and WAC 434-261-050 (1))  
Notify voter by phone. If the ballot is received within three (3) business days of the final meeting of the Canvassing Board, or the voter has been notified by first class mail and has not responded at least three (3) business days before the final meeting of the Canvassing Board, then the Auditor shall attempt to notify the voter by telephone, using the voter registration record information. (RCW 29A.60.165 (1) and WAC 434-261-050 (1))

2. In order for the ballot to be counted, the voter must either: (WAC 434-261-050 (2))
  - a. Appear in person and sign the declaration no later than the day before certification of the primary or election; or
  - b. Sign a copy of the declaration, or mark the declaration in front of two witnesses, and return it to the county Auditor no later than the day before certification of the primary or election. The signed declaration may be returned by mail, email, or fax per WAC 434-208-060 (1) (g).

B. Mismatched Signature on Ballot Declaration.

1. Notify voter by mail. If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the Auditor shall notify the voter by first class mail, enclosing a copy of the declaration, and advise the voter of the correct procedures for updating their signature on the voter registration file. (RCW 29A.60.165 (2))
2. Notify voter by phone. If the ballot is received within three (3) business days of the final meeting of the Canvassing Board, or the voter has been notified by first class mail and has not responded at least three (3) business days before the final meeting of the Canvassing Board, then the Auditor shall attempt to notify the voter by telephone, using the voter registration record information. (RCW 29A.60.165 (2))
3. In order for the ballot to be counted, the voter must either: (WAC 434-261-050 (3))
  - a. Appear in person and sign a new registration form no later than the day before certification of the primary or election; or
  - b. Sign a signature update form that includes both the ballot declaration required by WAC 434-230-015 and the voter registration oath required by RCW 29A.08.230 and return it to the county Auditor no later than the day before certification of the primary or election. The signature on the signature update form must match the signature on the returned ballot declaration. (WAC 434-261-050 (3) (b)) The signature provided on the signature update form becomes the signature in the voter registration record for the current election and future elections. The signature update form may be returned by mail, email, or fax per WAC 434-208-060 (1) (g).
4. Name variations may be counted when: (WAC 434-261-050 (4))
  - a. Signed with different last name. If the signature on the declaration does not match the signature on the registration record because the last name is different, the ballot may be counted as long as the first name and handwriting are clearly the same. If the information required to complete a name change is not provided or is illegible, the county Auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form. (RCW 29A.60.165 (2) (b))
  - b. Signed with middle name, nickname, or initials. If the signature on the ballot declaration does not match the signature on the registration record because the voter signed with a middle name, nickname, or initials, the ballot may be

counted as long as either the first or last name (whichever is applicable) and handwriting are clearly the same. (RCW 29A.60.165 (2b-c)) (WAC 434-261-050(4a-b))

5. Signature by Another Registered Voter on Ballot Declaration. (WAC 434-261-050 (5))

The ballot may be counted for the registered voter who actually signed the ballot declaration if:

- a. The voter who signed the declaration can be identified;
- b. The signature on the declaration matches the signature on the voter registration record; and
- c. The voter who signed the declaration has not returned another ballot.

The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote.

6. Replacement Ballot for Ballot Addressee. (WAC 434-261-050 (7))

If it is determined that the signature on a ballot declaration does not match the signature on the registration record and, prior to 8:00 p.m. on election day, the registered voter asserts that the signature on the ballot declaration is not their signature, the voter may be provided the opportunity to vote a replacement ballot.

C. Voter Unable to Sign Ballot Declaration.

1. Ballot Declaration Signed by Two Witnesses. If a voter is unable to sign their name, and the ballot envelope is returned with a mark other than a signature, the ballot will be counted if two other persons have witnessed the voter's mark by signing their own names. (WAC 434-250-120) (1) (b) (i))
2. Ballot Declaration Signed by Power of Attorney. A ballot will not be counted if the declaration is signed by Power of Attorney. However, a Power of Attorney may sign their own name as one of the two required witnesses to a voter's mark. (WAC 434-250-120 (1) (b) (ii))
3. Ballot Declaration with a Stamped Signature. A ballot with a stamped signature accompanied by two witness signatures is an acceptable mark. (WAC 434-250-120 (1) (b) (i) and 434-261-050 (6) (a))

D. Record keeping. A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter subsequently submitted a signature to cure the missing or mismatched signature. The record must be updated each day of ballot processing reflecting each time a voter was contacted, a notice was mailed, or when a voter submits updated information. (RCW 29A.60.165 (4) and WAC 434-261-050 (9))

**Section 5. Special Absentee Ballots.**

A. General Processing. Special absentee ballots (ballots issued before ballots are received

from printer), as authorized by RCW 29A.40.050, shall be canvassed in the same manner as regular ballots. (RCW 29A.40.050 (3))

- B. Special and Regular Ballots Both Voted. If a regular ballot and a special absentee ballot are both properly voted and returned by the same voter, the special absentee ballot shall be void and rejected in whole. (RCW 29A.40.050 (4))

**Section 6. Electronic Ballots. (WAC 434-235-030, WAC 434-250-120, and WAC 434-208-060)**

- A. Requests for Electronic Ballots. Requests for electronic ballots may be made by mail, by phone, and in person, or electronically by fax or email. The Auditor shall allow access to an electronic ballot system to both active and inactive voters for replacement ballots no later than the eighth day prior to Election Day. (WAC 434-250-080)
- B. Sending a Ballot by Fax or Email. A ballot may be faxed or emailed to a voter along with pertinent instructions for return of the ballot, a ballot privacy sheet, a ballot declaration, and a return envelope template.
- C. Electronic Ballot Returns. Consistent with WAC 434-250-080 concerning replacement ballots, the first valid ballot received is accepted; any additional ballots subsequently received from the voter are not counted but are reported to the Canvassing Board for informational purposes only.
1. Electronic Ballot Returned by Mail. If a faxed or emailed ballot is returned by mail or ballot drop box, the ballot shall be processed in the same manner as a regular ballot, with the electronic ballot duplicated to a regular ballot that can be read by the automated vote tallying system.
  2. Ballot Returned by Fax or Email – Service and Overseas Voters. Only service and overseas voters can submit ballots by fax or email. (WAC 434-250-120 (1) (d) (iii)) Any service and/or overseas ballot returned by fax or email shall be counted (if it meets other criteria for service and/or overseas ballots per federal law) as long as it is received by 8:00 p.m. Pacific Time on Election Day. (WAC 434-208-060 (1) (d)). The County Auditor must apply procedures to protect the secrecy of the ballot. If returned by email, print the email and signed declaration page, then process and retain like other ballots. Electronic versions of these items are exempt from public disclosure. (WAC 434-250-120 (5))
  3. Ballot Returned by Fax or Email – Non-Service and Non-Overseas Voters. For electronic ballots received from non-service and non-overseas voters, the Auditor must immediately contact the voter and notify them that they must return their ballot by mail or ballot drop box. Only the ballot received by mail or ballot drop box will be counted. The electronic ballot must be reported to the canvassing board for rejection if the voter did not return the ballot by mail or ballot drop box. (WAC 434-250-120 (5) (b))

**Section 7. Challenged Voter Registration Ballot.**

If a challenged voter's ballot is received, the ballot must be treated as a challenged ballot when the signature on the return envelope is verified. (RCW 29A.08.820 (2) (b)) Refer to Chapter 6 for Voter Registration Challenge guidelines.

**Section 8. Preparing for the Board.**

## Spokane County Canvassing Board Manual

Ballots to be presented to the Canvassing Board for review and determination shall be prepared in accordance with Chapter 5, Section 4 of this manual.



## **CHAPTER FIVE - STATUTORY GUIDELINES FOR BALLOT REVIEW**

### **Section 1. Processing Mail-in Ballots.**

Prior to initial processing, the County Auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose. Failure to appoint or attend shall not delay the processing or tabulation of ballots. (RCW 29A.60.170 (1) and WAC 434-250-110 (2))

All personnel assigned to signature verification shall subscribe to an oath administered by the County Auditor or designee. Personnel shall be instructed in the signature verification process prior to canvassing any signatures. Local law enforcement officials may instruct those employees. (RCW 29A.40.110 (3) and WAC 434-250-120 (4))

Initial processing includes all steps taken to prepare ballots for tabulation. This includes verifying signatures, opening envelopes, removing ballots, manually inspecting ballots for damage or incorrect marks, and duplicating ballots as required in order to be read correctly by the vote tallying system at final processing. (WAC 434-250-110 (1))

Auditor staff must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole, or by storing the envelopes with a tie, string, or other object through the holes. (WAC 434-250-110 (4))

After initial processing, all ballots must be kept in secure storage until they are ready for final processing. (RCW 29A.40.110 (2) and WAC 434-250-110 (4))

Final processing consists of scanning ballots on digital ballot scanners. Valid ballots are scanned by batch in the tabulation room. Scanning may start at any time after initial processing is completed.

Tabulation, which is the production and release of election results, may begin after 8:00 p.m. on the day of the election. The County Auditor tabulates ballots on an electronic, digital scan vote tabulation system. (WAC 434-250-110 (1) (c) and (6))

### **Section 2. Ballots that Require Board Determination.**

Election staff are directed to count all ballots that have been properly marked according to ballot instructions or as otherwise required by statute. The Canvassing Board shall review any ballot in question before a determination is made whether to count, unless otherwise provided in this section. (RCW 29A.60.050)

In the event the following situations arise, all ballots concerned will be delivered to the Canvassing Board for review, and a determination shall be made whether the ballots shall be counted, partially counted, or rejected:

#### **A. Voter Intent Questions.**

1. If the voter's intent cannot be clearly discerned due to irregular marks, written notes, or inconsistent voting pattern, the Canvassing Board shall use the statewide standards set forth by the Secretary of State in the voter intent manual when

## Spokane County Canvassing Board Manual

- determining how to count a ballot or an individual vote. (WAC 434-261-086)
2. If, after examining these rules, the voter's intent can be determined with reasonable certainty, that ballot shall be counted.
  3. In the event a situation arises that is not addressed in state law, administrative rule, or the voter intent manual, the authority to determine voter intent rests with the Canvassing Board. (WAC 434-261-086 (1) (s))
- B. Voter Eligibility. Any ballot where the eligibility of the voter to cast the ballot is in doubt (Examples: voter is not registered to vote, or voter has validly transferred out of county);
- C. Challenged Voter's Registration. Any ballot of a voter whose registration has been challenged within the time limits described by law (See Chapter 6 of this manual.);
- D. Ballot Security Issue. Any ballot whose security may have been compromised because of mishandling (Examples: ballots that have not remained in the custody of Election personnel; or ballots that have not been properly sealed in a ballot transport carrier, in the ballot processing center, or in the voting center.);
- E. Vote(s) on Any Form other than a Ballot. (WAC 434-261-075)
1. Other Form Only Returned. If the voter returns responses on any form other than a ballot (such as a voter pamphlet or sample ballot) by marking or otherwise clearly indicating their choice on the form, the votes shall be acceptable and tallied provided that a valid signature on a ballot declaration is received, and only votes for offices or measures for which the voter is eligible are counted. If the form is scannable it must be scanned, otherwise the votes must be duplicated to a ballot that can be read by the electronic voting equipment.
  2. Other Form and Ballot Returned. If a marked form and a voted ballot are returned, the ballot as voted shall count unless the voter provides additional clearly written instructions directing how the vote should be counted.
  3. Ballot From a Previous Primary or Election Returned. Votes from a previous primary or election cannot be counted for another primary or election. These ballots must be rejected per WAC 434-262-031.

### **Section 3. Statutory Guidelines for Ballot Review.**

- A. An entire ballot shall be rejected if:
1. It is found folded together with another ballot. (RCW 29A.60.040) Note: See variation in WAC 434-262-031 (2) (a) (i), (ii), and (iii) in reference C (1) below.
  2. It is cast by a voter not qualified to vote. (WAC 434-262-031)
- B. Those parts of a ballot are invalid, and no votes may be counted for those issues or offices per RCW 29A.60.040 where:
1. More votes are cast for the office or issue than are permitted by law; or
  2. Write-in votes do not contain all of the information required under RCW 29A.60.021; or

3. That issue or office is not marked with sufficient definiteness to determine the voter's choice or intention.
- C. Ballots or parts of ballots shall be rejected by the Canvassing Board in the following instances per WAC 434-262-031:
1. Where two voted ballots are returned together with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once. If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety. If two ballots are returned with one valid signature on the voter declaration, one voted ballot and one blank ballot without marked votes, the voted ballot may be counted in its entirety. (WAC 434-262-031 (2) (a));
  2. Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086 (WAC 434-262-031 (2) (b));
  3. Where the voter has voted for candidates or issues for which they are not entitled to vote (WAC 434-262-031 (2) (c));
  4. Where the voter has overvoted (voted for more candidates for an office than are permissible) (WAC 434-262-031 (2) (d));
  5. Where the ballot was created for a prior election (WAC 434-262-031 (2) (e)).  
(Note: See Section 2E (3), Votes on Any Form other than a Ballot.)

#### **Section 4. Preparing Ballots for Board Review.**

- A. Voter Intent. Any ballot for which there is a question of voter intent shall be forwarded to the Canvassing Board with a brief description. Any additional information shall be included to assist the Board in making its determination. The ballots shall be coded sequentially with unique control numbers. (WAC 434-261-100 (1))
- B. Provisional Ballots. Provisional ballots will be retained in their provisional envelopes, which shall be assigned a unique sequential code number by Election staff. See guidelines for processing Provisional Ballots in Chapter 8 of this manual.
- C. Code Numbers and Logs. Each person responsible for preparing ballots for review by the Board shall maintain a log and/or minutes of all such ballots identified by unique sequential code numbers, precinct identification or ballot code, date submitted to the Board, and a summary of the Board's determination after review. These logs and/or minutes will be used to validate updates to election tabulations based on the Board's decisions.

#### **Section 5. Processing Ballots after Board Review.**

After presenting the prepared ballots to the Canvassing Board for review, the election staff shall be responsible for preparing the follow-up minutes for each meeting, detailing the decisions of the Board. Staff shall also be responsible for ensuring that all reviewed ballots are processed as determined by the Board. If a ballot must be duplicated before being tabulated per the Board's determination, the usual rules for duplicating a ballot shall be followed. (WAC 434-262-031 (1))

**Section 6. Official County Canvass Report and Certification.**

Ten days after a special election held in February or April, ten days after a presidential primary, fourteen (14) days after a primary, or twenty-one (21) days after a general election, the Canvassing Board shall complete the canvass and certify the results. (RCW 29A.60.190 and WAC 434-262-030)

The county Auditor shall present, according to WAC 434-262-030, the Auditor's abstract of votes, which must include:

- (1) The number of registered voters eligible to vote in the election, by precinct;
- (2) The number of ballots cast in the election, by precinct;
- (3) The votes cast for each race or issue, including write-ins, undervotes, and overvotes, by precinct;
- (4) Cumulative vote totals including write-ins, undervotes, and overvotes; and
- (5) An aggregate total of votes cast for each declared candidate qualifying for the general election or elected.

After verifying the Auditor's abstract of votes, and documenting any corrective action taken, the Board shall complete the county canvass report. (WAC 434-262-040, -050, -060, and -070). The official county canvass report shall include:

- (1) the Auditor's oath of authenticity (RCW 29A.60.200);
- (2) the Auditor's abstract of votes;
- (3) the reconciliation report required by RCW 29A.60.235;
- (4) if applicable, a written narrative of errors and discrepancies discovered and corrected; and
- (5) the certification.

All members of the Canvassing Board or their designees shall sign the certification. Note: See Chapter 3, Section 5, Emergency Procedure Option for an absent member to participate remotely. (WAC 434- 262-016, -060, and -070)

The cumulative report and a copy of the certificate of the election shall be transmitted by electronic means to the Secretary of State on the day the election is certified, if required. The Auditor's abstract of votes contained in the official county canvass report shall constitute the official election returns and shall not be altered or amended, except in the event of a recount or upon order of the superior court. The secretary of state shall review the reconciliation report and work with the county auditor to resolve discrepancies. If discrepancies are resolved, a corrected report must be submitted seven days following certification. The corrected report then becomes the official reconciliation report for that election. (RCW 29A.60.230 and .235, and WAC 434-262-070 and -080)

## **CHAPTER SIX - VOTER REGISTRATION CHALLENGES**

### **Section 1. Duty of Canvassing Board.**

The Board is statutorily charged with the duty to hear voter registration challenges filed with the Elections Division less than forty-five (45) days before a primary, special or general election. Challenges filed more than forty-five (45) days prior to an election shall be heard by the Auditor.

However, if the challenged voter does not vote at the next primary or election, the challenge will be referred to the Auditor and processed in the same manner as a challenge received more than forty-five (45) days prior as provided in RCWs 29A.08.820 and .840.

### **Section 2. Procedures for Challengers.**

- A. Qualifications of Challengers. A challenger must be a registered voter. (RCW 29A.08.810 (2))
- B. Time for Challenge. (RCW 29A.08.820)
1. Challenges must be filed with the county Auditor of the county in which the challenged voter is registered no later than forty-five (45) days before the election. The county Auditor presides over the hearing. (RCW 29A.08.820 (1))
  2. Only if the challenged voter registered to vote or changed residence (without transferring their registration) less than sixty (60) days before the election may a challenge be filed not later than ten (10) days before any primary, special or general election or within ten (10) days of the voter being added to the voter registration database, whichever is later. The Canvassing Board presides over the hearing. (RCW 29A.08.820 (1) and (2) (a))
- C. All challengers must:
- (See RCW. 29A.08.810 for full language – requirements are abbreviated.)
1. File a signed affidavit subject to penalties of perjury that based on personal knowledge of one of the following, the challenged voter:
    - a. Has been convicted of a felony and the voter’s civil rights have not been restored;
    - i. The right to vote is restored following a felony conviction that includes serving a sentence of total confinement upon release from total confinement. (RCW 29A.08.520)
    - b. Has been judicially declared ineligible to vote due to mental incompetency;
    - c. Is not a United States citizen;
    - d. Will not be 18 years old by Election Day;
      - i. Primary-only voters who are 17 on the day of the primary and will turn 18 on

or before the date of the following general election are eligible to vote on certain contests. (RCW 29A.08.170)

- e. Does not live at the residential address provided.
- 2. If the challenge is based on residence, provide the voter's actual residence on the challenge form; or submit evidence that the challenger exercised due diligence to verify the voter is not the resident of the address on file. (RCW 29A.08.810 (1) (c));
- 3. File the challenge and affidavit with the Auditor. Evidence, information, and proof of due diligence must be provided with the challenge. (RCWs 29A.08.810 and .840); and
- 4. Either appear in person before the Board or submit testimony by affidavit. (RCW 29A.08.840 (3))

**Section 3. Procedures for Challenged Voters.**

Challenged voters may:

- A. Vote a ballot, which must be treated as a challenged ballot (RCW 29A.08.820 (2) (b));
- B. Transfer or re-register until one (1) day before the election (RCW 29A.08.840 (2));
- C. Appear at the Board hearing in person to present relevant facts and arguments (RCW 29A.08.840 (3)); or
- D. Submit testimony by filing an affidavit with the Board presenting any facts or arguments to support the validity of the registration. (RCW 29A.08.840 (3))

**Section 4. Procedures for Auditor.**

The Auditor shall:

- A. Note the challenge immediately in the voter registration system (RCW 29A.08.820 (2) (a));
- B. Notify the challenged voter that a challenge has been filed, the time and location of the hearing, and provide information on the registration requirements (RCW 29A.08.840 (2));
- C. Post (within seventy-two (72) hours of receipt) all challenges on the Auditor's website and notify all parties that have requested this information (RCW 29A.08.835);
- D. Instruct the challenged voter that a ballot may be requested, if not already accomplished;
- E. Notify the challenged voter that if they do not vote at the ensuing primary or election, that the challenge will be processed under procedures pursuant to RCW 29A.08.840 (e.g. a hearing by the Auditor after certification);
- F. On behalf of the Board, notify the challenger and challenged voter by certified mail of the time and location at which the Board will meet to rule on challenged ballots. (RCW 29A.08.840)

**Section 5. Time of Hearing.**

The Board hearing shall occur before certification of the election. The decision of the Board shall be made within the same time limit. (RCW 29A.08.840 (6))

**Section 6. Presumption.**

Registration is presumptive evidence that a voter has the right to vote, as registrations are presumed valid until proven otherwise. (RCW 29A.08.810 (1)) A person whose registration is challenged shall be permitted to vote a ballot. (RCW 29A.08.820)

**Section 7. Processing a Challenged Voter's Ballot.**

If the challenge is filed within forty-five days before an election at which the challenged voter is eligible to vote, and if the challenge is filed:

- A. Before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot. (RCW 29A.08.820 (2) (b)) When preparing the challenged ballot for the Board hearing, include the affidavit challenging the voter's registration.
- B. After the challenged voter's ballot is received, the ballot is considered valid. The challenge cannot affect the ballot or the current election. (RCW 29A.08.820 (2) (c))

**Section 8. Procedure at the Board Hearing.**

- A. Oath. All witnesses shall be placed under oath.
- B. Number of Witnesses. The number of witnesses shall not be limited unless the testimony becomes repetitive or goes beyond the time limits for presenting testimony.
- C. Length of Hearing. The challenger and challenged voter shall be provided adequate time to present evidence.
- D. Questioning of Witnesses. Members of the Canvassing Board shall be free to examine any witness at any time in the proceeding.
- E. Burden and Standards of Proof. The burden is always on the challenger to prove by clear and convincing evidence that the challenged voter's registration is improper. (RCW 29A.08.840 (4))
- F. Recording. The Board hearing shall be either recorded or transcribed.

**Section 9. Decision.**

The decision of the Board shall be made at the conclusion of the evidentiary portion of the hearing. The Canvassing Board's decision shall be final. This decision may only be appealed in Superior Court. (RCW 29A.08.840 (6))

**Section 10. Remedies.**

If the challenge is based on an allegation under RCW 29A.08.810 (1) (a), (b), (d) or (e) and the Board sustains the challenge, the challenged ballot shall not be counted. (RCW 29A.08.840 (5))

Challenge of Voter's Residence. If the challenge is based on an allegation under RCW 29A.08.810 (1) (c) and the Board sustains the challenge, the Board shall permit the voter to correct their registration, and any races and ballot measures on the ballot that the voter would have been qualified to vote for had the registration been correct shall be counted. (RCW 29A.08.840 (5))



If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed, and the ballot must be accepted as valid. (RCW 29A.08.840 (6))

## **CHAPTER SEVEN - GUIDELINES FOR VOTING REQUIREMENTS AND TRANSFERS OF VOTER REGISTRATION**

### **Section 1. Constitutional Requirements to Vote.**

Washington State Constitution, Article VI, Section 1 (Amendment 63) provides in part: All persons of the age of eighteen (18) years or over who are citizens of the United States and who have lived in the state, county, and precinct thirty (30) days immediately preceding the election at which they offer to vote . . . shall be entitled to vote at all elections.

### **Section 2. State Law Regarding Voter Registration Transfers.**

The following statutes govern address changes (both in county and to another county in state) and provide the proper procedures to transfer one's voter registration in a timely manner. Election staff shall ensure that voters are registered, transferred, and updated according to statutory requirements.

#### **A. Address Change within County. (RCW 29A.08.410)**

A registered voter who changes their residence from one address to another within the same county may update their registration to the new address in one of the following ways:

1. Sending the County Auditor a request stating both the voter's present address and the prior address from which the voter was last registered received by an election official eight days prior to a primary or election;
2. Appearing in person before the Auditor, or at a voting center or other location designated by the Auditor, and making such a request up until 8:00 p.m. on the day of the primary or election;
3. Telephoning or emailing the County Auditor to transfer the registration by eight days prior to a primary or election;
4. Submitting a voter registration application received by an election official by eight days prior to a primary or election;
5. Submitting information to the department of licensing and received by an election official by eight days prior to a primary of election;
6. Submitting voter registration information through the health benefit exchange and received by an election official by eight days prior to a primary or election; or
7. Submitting information to an agency designated under RCW 29A.08.365 and received by an election official by eight days prior to a primary or election; once automatic voter registration is implemented at the agency.

#### **B. Transfer to Another County.**

A registered voter may transfer their registration to another county by submitting a new voter registration application or returning a signed confirmation notice that provides the new address. The County Auditor in the voter's new county must register the voter using the information and signature on the forwarded confirmation notice. (WAC 434-324-036)

and 087 (3))

C. Voter Registration Deadlines. (RCW 29A.08.140)

1. There are two (2) voter registration deadlines. In order to vote in any primary, special election or general election, a voter must:
  - a. Submit a registration application or address change notification by any non in-person method (enumerated in Chapter 7, Section (2) (A), above) that is received by election officials no later than eight (8) days before an election; or
  - b. Appear in person to register or update a voting address at the County Auditor's office, a voting center as defined in RCW 29A.40.160, a student engagement hub as defined in RCW 29A.40.180, or other location designated by the Auditor in their county of residence when the facility is open, no later than 8:00 pm on election day, and complete the voter registration application by providing the information required by RCW 29A.08.010.
2. A registered voter who fails to transfer their residential address by this deadline may vote according to their previous registration address.

D. Valid Transfers after Ballot Issue. (WAC 434-324-076)

1. Previous County Responsibility: If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county issued the voter a ballot before the transfer was processed and the voter votes the previous county ballot, the previous county must treat the voted ballot as a suspended ballot and forward it to the voter's new county within two business days.
2. New County Responsibility: If the voter is re-issued a current ballot which reflects the voter's new registration, the new county will hold the suspended ballot until the Tuesday following the election.
  - a. Voter Returns Only the Reissued Ballot or Both Ballots: If the new county receives the voter's re-issued ballot, that ballot is processed. The suspended ballot, if received, is reported to the Canvassing Board as an informational item as an invalid ballot (not rejected).
  - b. Voter Returns Only the Suspended Ballot: If the new county does not receive the current ballot back from the voter, the new county will duplicate any applicable votes from the suspended ballot and process it (for any races or issues on the ballot from the old county are applicable to the voter's residential address in the new county).

## **CHAPTER EIGHT - PROVISIONAL BALLOTS - GUIDELINES FOR PROCESSING BALLOTS WITH VOTER REGISTRATION QUESTIONS**

Following WAC 434-262-032, the Elections Division shall research and prepare Provisional\* Ballots for Canvassing Board deliberation using the following categories and guidelines:

1. The voter voted a ballot for a previous address (WAC 434-262-032(3)).  
Count only the votes for those positions and measures for which the voter was eligible to vote in their correct precinct or district.
2. The voter was incorrectly placed in a precinct or district.  
Count only the votes for those positions and measures for which the voter was eligible to vote in their correct precinct or district.
3. Voter has changed their name and is still registered under the old name.  
Count if the signature can be verified.
4. Voter was sent a mail-in ballot.\*\*  
Count only if the voter did not vote the mail-in ballot.
5. Signature of the voter does not match the voter signature on file, or ballot declaration is unsigned. (RCW 29A.60.165 and .195)  
Do not count; notify voter of procedure for updating signature or signing ballot declaration.
6. Voter was previously registered and later canceled (WAC 434-262-032 (2)).
  - a. If cancellation was not in error, register the voter and count the ballot.
  - b. If cancellation was in error, count provisional ballot after restoring voter's registration (WAC 434-262-032 (1)).
7. Voter failed to produce identification.
  - a. Voter failed to produce identification upon registering to vote, and is provisionally registered, pending verification of identity.  
Do not count unless voter provides adequate ID no later than the day before certification. (WAC 434-262-032 (7) and 434-261-055)

\* Note: A voted ballot received from an unregistered voter, other than a service, overseas, or conditionally registered voter, is considered a provisional ballot.

\*\* Note: Category 1 supersedes Category 4. (If a provisional ballot is both a category 1 & 5, code it a 1.)

- b. Voter failed to produce identification at the voting center. (WAC 434-262-032 (6))

Count, providing the voter's identity had previously been verified as part of the voter registration process, and the signature on the envelope matches the signature in the voter registration record.

- 8. Miscellaneous. (e.g., Voter is registered but not eligible to vote in a school district or fire district election, etc.) (WAC 434-262-032 (8))

Count or do not count at the discretion of the Board.

- 9. Voter is a registered voter in another county.

Immediately forward the ballot to the elections official for that jurisdiction (within seven (7) calendar days after a primary or special election and fourteen (14) calendar days after a general election). (WAC 434-262-032 (4))

## **CHAPTER NINE - TIES**

### **Section 1. Primary.**

If the requisite number of any candidates in any office certified by the Auditor have not been duly elected to appear on the general election ballot because two or more persons have an equal number of votes, the Auditor will: Set a time and place for a public determination by lot; Decide on a lot method that complies with the requirements of State law and regulation; Notify the candidates who are tied of the time and place of the determination; and Conduct the determination by lot. The candidate determined by lot to be the winner will appear on the general election ballot. (RCW 29A.60.221)

### **Section 2. Final Election.**

If the requisite number of any candidates in any office certified by the Auditor have not been duly elected to the office because two or more persons have an equal number of votes, the Auditor will: Set a time and place for a public determination by lot; Decide on a lot method that complies with the requirements of State law and regulation; Notify the candidates who are tied of the time and place of the determination; and Conduct the determination by lot. The candidate determined by lot to be the winner will be declared duly elected and the Auditor will prepare and deliver the certificate of election to the declared winner. (RCW 29A.60.221)

## **CHAPTER TEN - RECOUNTS**

A recount may either be mandatory or requested. (RCW 29A.64.011, et. seq.)

### **Section 1. Criteria for Mandatory Recount.**

- A. **Mandatory Machine Recount.** If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently qualified for the general election ballot or elected to any office, and the number of votes cast for the closest apparently defeated opponent is less than two thousand (2,000) votes and also less than one-half of one percent of the total number of votes cast for both candidates, the Canvassing Board shall conduct a recount of all votes cast on that position. (RCW 29A.64.021 (1))
- B. **Statewide Races Manual Recount.** If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one thousand (1,000) votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in RCW 29A.64.021. Election staff shall be delegated to conduct recounts. (RCW 29A.64.021 (1) (b) (i))
- C. **Non-Statewide Manual Recount.** If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty (150) votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in RCW 29A.64.021. Election staff shall be delegated to conduct recounts. (RCW 29A.64.021 (1) (b) (ii))

### **Section 2. Requested Recount.**

- A. **Eligibility to Request a Recount.** An officer of a political party, any person for whom votes were cast in a primary or any election, or any group of five or more registered voters, may file a written application for a recount of the votes cast. Political party officers or candidates can only request recounts of candidate elections. Groups of registered voters can only request recounts of votes cast upon any question or issue; they must designate one of the members of the group as a chair and shall indicate the voting residence of each member of the group. (RCW 29A.64.011)
- B. **Time for Filing Recount Application.** An application for a recount must be filed within two (2) business days after the 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. (RCW 29A.64.011)
- C. **Contents of Application for Recount.** An application for a recount of the votes cast for an office or on a ballot measure must specify whether the recount will be done manually or by the vote tally system. A recount done by the vote tally system must use programming that recounts and reports only the office or ballot measure in question. The county shall also provide for a test of the logic and accuracy of that program. (RCW 29A.64.011)
- D. **Deposit.** A recount application shall state the office or ballot measure and whether the request is for all precincts or only some of the precincts in that jurisdiction. Individual precincts are counted in their entirety. The person filing an application for a manual recount

shall, at the same time, deposit with the Board, in cash or by certified check, a sum equal to twenty-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 any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. (RCW 29A.64.030)

**Section 3. General Procedures for All Recounts.**

- A. Time for Recount. The Board shall determine the date(s), time(s) and place(s) at which the recount will be conducted (RCW 29A.64.030), or the Board shall receive notice from the Secretary of State to conduct a mandatory recount, or the Board has ordered a recount based on its own motion. Recounts apply to the recounting of votes cast and tabulated in the primary or general election. (RCW 29A.64.011)
- B. Notice of Recount. Not less than one day before the date of the recount, the county auditor shall notify the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office of the date, time, and place of the recount. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel. (RCW 29A.64.030)
- C. Witnesses. All interested persons may attend and witness a recount proceeding by the Board, subject to physical limitations of the Elections Office. In case of limited space, admission will be given first to the candidates and their counsel, and then, as space allows, to any observers formally designated by the applicant or candidate. The Board may reasonably limit the number of persons observing any aspect of the process whenever it is necessary to preserve order and to safeguard the integrity of the process. (RCW 29A.64.030 and .041, and WAC 434-262-025)
- D. Guidelines. Witnesses attending the recount shall be provided guidelines for conduct during the recount process.
- E. Role of Witnesses. Witnesses shall be permitted to observe the recount process and to see the ballots actually recounted. However, witnesses shall not be permitted to touch the ballots or interfere with the recount process. (RCW 29A.64.041 (3))
- F. Recounting Votes. The sealed containers shall be opened and the ballots recounted in the presence of the Board or its delegates and all witnesses. Ballots shall be handled only by members of the Canvassing Board or their duly authorized representatives (Election staff). (RCW 29A.64.041 (1))

The method of recount shall be by the same method as the original tally unless:

1. The total number of ballots to be counted is 200 or less, in which case the recount shall be by hand, unless one or more candidates prefers to discuss an alternate method allowable by RCW 29A.64.021; or
2. The Board specifically directs a different method be used; or
3. If a requested recount, the requestor indicates a different method. (RCW 29A.64.021 (3))

Challenges. Challenges of ballots and/or voters shall not be allowed prior to or during a



recount. Any and all prior decisions made by the Board regarding including or excluding a particular ballot during the canvassing process is not in question during the recount.

Recounts involve only votes cast and tabulated, unless ballots or votes are discovered during the recount process that were erroneously not counted or canvassed during the original count or during a previous recount. In that case, the ballots shall be presented to the Canvassing Board in accordance with RCW 29A.60.050, and the Board shall determine whether such ballots are to be included in the recount. (WAC 434-264-010 (4))

Challenges of voter registration or the contesting of election results are provided for in RCWs 29A.08 and 29A.68.

#### **Section 4. Special Procedures for Requested Recounts.**

- A. Written Request to Stop. The applicant(s) may file a written request to stop the recount with the Board at any time before the ballots from all of the relevant precincts have been recounted. (RCW 29A.64.041 (2)) If denied, the applicant(s) can renew the request to stop the recount process from time to time.
  
- B. Canvassing Board's Response to a Request to Stop.
  - 1. Criteria to Grant Request. If the Board finds that the results of precinct votes already recounted would not change the outcome of the race, the request shall be granted and the remaining precincts shall not be recounted. Individual precincts must be fully completed before a request to stop is granted.
  
  - 2. Request Denied. If the criteria to grant the request to stop are not met, the Board shall deny the request and shall continue to recount ballots until all ballots from the relevant precincts have been recounted or a subsequent request to stop has been granted.
  
- C. Partial Recount. When a partial recount of votes cast for an office or issue changes the result of the election, the Board or the Secretary of State, if the office or issue is being recounted at their direction, shall order a complete recount of all ballots cast for the office or issue for the jurisdiction in question. (RCW 29A.64.050)

#### **Section 5. Authority to Recanvass – Discrepancies or Inconsistencies.**

RCW 29A.60.210 gives the Canvassing Board sole authority to recanvass (question or re-examine any ballot) during a recount.

Ballots whose validity and disposition have been previously reviewed and determined by the Board are not subject to further examination nor any change in disposition during a recount.

A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount. (RCW 29A.60.165 (3))

During a recount, observers may not challenge any ballot, staff may not make any further determination on a ballot, nor should staff recanvass and pre-inspect. However, if the Auditor or delegated staff believes they may have discovered an error or discrepancy that has not already been brought before the Canvassing Board, the Auditor should note the possible error or discrepancy and bring it to the attention of the Canvassing Board, so the Board may determine if a recanvass is necessary. (WAC 434-264-010 (3) and (4))

**Section 6. Posting Results of the Recount.**

- A. Providing Results. Immediately upon completion of the recount, the Auditor will provide the results of the recount to the affected candidates and the requestors, and, at the Auditor's discretion, to any other interested parties. If the results of the recount differ from the results recorded in the official County Canvass Report, the Auditor shall advise those present that an amended abstract of vote shall be prepared and certified.
  
- B. Amended Abstracts. Upon completion of the recount, the Auditor shall prepare for the Canvassing Board to certify an amended abstract showing the revised cumulative summary of the recounted ballots, if any, as well as the votes cast in each precinct for the office or measure that was recounted. Copies of the certified amended abstract must be distributed to the same persons or agencies as the original certified abstract of votes. The amended certified report must be available to the public by the next business day following the recount. (RCW 29A.64.061 and WAC 434-264-130)

## **CHAPTER ELEVEN - MANUAL RECOUNT OF BALLOTS**

### **Section 1. When Required.**

The usual method of counting ballots for the canvassing of elections under the authority of the Board shall be by computerized vote tallying equipment as provided for in RCW 29A.12 and in Chapter 5 of these guidelines. However, situations may occur that will require or call for a manual/hand recount of these ballots.

#### **A Manual Recount is Required:**

- A. If the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent falls within the manual recount range; (RCW 29A.64.021) or
- B. For a recount of ballots where fewer than two hundred (200) ballots are involved; or
- C. When specified by the party requesting a recount.

### **Section 2. Manual Recount Process.** (WAC 434-264-110)

The counting board(s) may only count the responses for one race or measure at a time. The results from the original count shall not be given to the counting board with the ballots. The precinct or batch number must be made available to any observers.

1. The counting board shall sort the ballots of one precinct and divide them approximately evenly between each of the counting board team members, who shall sort the ballots into separate stacks (by vote cast) for each of the candidates or side of a ballot measure. When each team member has finished sorting, they will consolidate like stacks, resulting in:
  - a. One stack for each race/candidate or side of a measure being considered;
  - b. One stack for undervotes (none of the designated positions is marked);
  - c. If any occur, a separate stack for overvotes (where more than one candidate or side of measure is marked, unless a choice of more than one is allowed; and
  - d. A separate stack for write-in votes, if any.
2. The first team member will then count the number of ballots in the first stack.
3. Upon completing the first stack count, the first team member will privately record the count on their tally sheet identifying the precinct and the candidate or side of measure.
4. The first team member will turn the tally sheet upside down and pass the ballots to the other team member, who will count the ballots and write the count on their tally sheet.
5. The counting board must manually count each sorted stack at least twice to confirm the number of votes, that is each stack is counted once by each member. The results of the manual count shall not be shared until each stack's count has been confirmed. The counting board members shall report their results to the designated supervisor who will compare the individual tallies. If the counts match, the results shall be compared to the precinct results previously certified.

6. If the individual tallies do not match, the designated supervisor shall direct the counting team members to count one more time.
7. If the individual tallies still do not match after the second round of counting, the ballots shall be given to another counting team to be confirmed.
8. When the individual tallies and previously certified count match, the designated supervisor shall record the count on the summary tally sheet and advise the observers of a completed precinct count. Once the results are confirmed, the Canvassing Board shall amend both the cumulative and precinct abstracts to reflect the results of the recount as required by RCW 29A.64.061.
9. In the event that the individual tallies and previously certified count do not match, the designated supervisor shall record the difference (by plus or minus) in the appropriate column on the summary tally sheet and report the discrepancy to the designated staff person.

**Section 3. Recording the Recount.**

When the manual recount of all precincts is completed, the designated staff person shall add up the precinct counts for a total count for each candidate or side of measure. The recount summary tally sheet shall include columns for both the original count and the recount in each precinct for each candidate or side of a measure as well as a "difference" column (for each) to indicate, by plus or minus numbers, the difference between the original and the recount. The completed recount summary tally sheet shall be given to the Elections Manager or designee.

**Section 4. Completion. (RCW 29A.64.061 and WAC 434-264-130)**

Upon completion of the recount, the Auditor must prepare an amended abstract of the recounted ballots (as specified in Chapter 10, Section 6 (B) of this manual) for review and certification by the Board. All ballots shall be re-sealed in their original archive containers and transported to secure ballot storage.

## **CHAPTER TWELVE -- RANDOM CHECK OF BALLOT COUNTING MACHINES**

### **Section 1. SCOPE.**

This policy applies to all special, recall, primary and general elections conducted in Spokane County, unless the Auditor exercises the option to use a Risk Limiting Audit for the election. Spokane County does not use any direct recording devices. This policy is limited to ballots counted on the central count tabulators.

### **Section 2. POLICY.**

Upon mutual agreement of the official political party observers and the county auditor, up to six batches of ballots to be counted will be selected for audit. Only one office or issue can be selected to be audited. The political parties and Auditor must first select which office or issue is to be Audited. The batches to be audited will be identified and secured until counted and reviewed.

### **Section 3. PROCEDURE.**

1. Each political party must notify the Spokane County Elections Manager of their intent to request that a random check of batches be conducted. The request must be in writing no later than the day preceding the special, recall, primary or general election. If one or both political parties do not notify the Elections Manager of a request of a random check, the County Auditor may request a random check be conducted.
2. The county Elections Manager must notify the political party observers that a request for a random check has been requested. Included in the notification must be a time and location the official party observers and county auditor must meet to select the office or issue and the batches to be randomly checked. This must be done either the day prior to the election or on election day prior to any ballots be counted.
3. The political party observers by agreement must select from the sample ballot an office or issue to checked.
4. The political party observers will be provided with batches or potential batches that contain the selected office or issue. Up to six batches will be selected to be checked. The batches selected can be from batches that have been processed and ready for counting or from batches that will be created that day to be checked.
5. After 8:00 pm on election day or on the day following the election at a time set by the auditor the batches must be counted and reviewed.
6. The Auditor must release the results of the random check with an explanation of any discrepancies. The results of the random check and an explanation of any discrepancies must be reported to the canvassing board. (RCW 29A.60.170)

## **CHAPTER THIRTEEN -- AUTHORIZATION OF CANVASSING BOARD REPRESENTATIVES**

### **Section 1. Authorization.**

The Spokane County Canvassing Board, acting under authority given in RCW 29A.60.140, may authorize regular and extra help employees of the Spokane County Auditor to act as their representatives. Duties of the representatives include:

1. inventory of ballots;
2. securing ballots to be issued and ballots that have been voted and returned; examining the postmark, receipt mark, date of oath and statement on the outer envelope containing ballots; and
3. verifying that the voter's signature thereon is the same as contained in the registration record. This may be done prior to Election Day.

The same representatives may also be delegated the authority to make the determinations on the problems concerning the correctness of the ballots, i.e. proper voter registration, proper address, proper precinct and whether or not the ballot should be submitted to the Canvassing Board for further action. Notwithstanding the preceding, all unresolved issues concerning ballots must be decided by the Canvassing Board.

Further, the same representatives will conduct the auditing functions of the election records during each election. Such auditing functions will contribute to the final certification of the election.

### **Section 2. Canvassing Board Responsibility.**

The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board.  
(WAC 434-262-015)

### **Section 3. Authorization in Writing.**

The Canvassing Board must authorize in writing the persons to act as their representatives.

**CHAPTER FOURTEEN -- DETERMINING BALLOT POSITION for LOCAL BALLOT MEASURES and OFFICES**

**Section 1. Placement of ballot measures and offices.**

Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:

- a) Initiatives to the people;
- b) Referendum measures;
- c) Referendum bills;
- d) Initiatives to the legislature and any alternate proposals;
- e) Advisory votes;
- f) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);
- g) Countywide ballot measures;
- h) President and vice president of the United States;
- i) United States Senator;
- j) United States Representative;
- k) Governor;
- l) Lieutenant Governor;
- m) Secretary of State;
- n) State Treasurer;
- o) State Auditor;
- p) Attorney General;
- q) Commissioner of Public Lands;
- r) Superintendent of public Instruction;
- s) Insurance Commissioner;
- t) State Senator;
- u) State Representative;
- v) County officers;
- w) Justices of the Supreme Court;
- x) Judges of the Court of Appeals;
- y) Judges of the Superior Court; and
- z) Judges of the District Court.

Ballot position and order for all other local ballot measures and offices shall be as follows:

**Section 2. Local ballot measures and offices.**

- 1) All cities and towns in Alphabetical order:
  - a) The City of Airway Heights
  - b) The City of Cheney
  - c) The City of Deer Park
  - d) The Town of Fairfield
  - e) The Town of Latah
  - f) The City of Liberty Lake
  - g) The City of Medical Lake
  - h) The City of Millwood
  - i) The Town of Rockford
  - j) The Town of Spangle
  - k) The City of Spokane

- l) The City of Spokane Valley
- m) The Town of Waverly

2) All School Districts in Alphabetical order:

- a) Central Valley School District
- b) Cheney School District
- c) Deer Park District
- d) East Valley School District
- e) Freeman School District
- f) Great Northern School District
- g) Liberty School District
- h) Mead School District
- i) Medical Lake School District
- j) Newport School District
- k) Nine Mile Falls School District
- l) Orchard Prairie School District
- m) Reardan-Edwall School District
- n) Riverside School District
- o) Rosalia School District
- p) Spokane School District
- q) St. John School District
- r) Tekoa School District
- s) West Valley School District

3) All Fire Protection Districts in Numerical order:

- a) Spokane Valley Fire Department
- b) Fire Protection District No. 2
- c) Fire Protection District No. 3
- d) Fire Protection District No. 4
- e) Fire Protection District No. 5
- f) Fire Protection District No. 8
- g) Fire Protection District No. 9
- h) Fire Protection District No. 10
- i) Fire Protection District No. 11
- j) Fire Protection District No. 12
- k) Fire Protection District No. 13

4) All Water Districts in Alphabetical order:

- a) East Spokane Water District No. 1
- b) Four Lakes Water District No. 10
- c) Hangman Hills Water District No. 15
- d) Irvin Water District No. 6
- e) Spokane County Water District No. 3
- f) Strathview Water District No. 16
- g) Valley of the Horses Water District No. 12
- h) Vel View Water District No. 13
- i) Whitworth Water District No. 2



- 5) All Cemetery Districts in Alphabetical order:
- a) Elk Cemetery District No. 4
  - b) Milan Cemetery District No. 5
  - c) Moran Cemetery District No. 3
  - d) Spangle Cemetery District No. 1
  - e) Waverly Cemetery District No. 6
  - f) West Greenwood Cemetery District No. 2

- 6) All Sewer Districts in Numerical order:
- a) Liberty Lake Sewer District No. 1
  - b) Williams Lake Sewer District No. 2

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

## **CHAPTER FIFTEEN– DUPLICATION REVIEW**

### **Section 1. Review of Duplicated Ballots**

The review team will:

- A. Verify the ballots present in the red tray of duplicates match the total number indicated on the duplication work sheet.
- B. Verify there is a ballot for each unique sequence number. If a number is missing, notify a supervisor.
- C. Verify all the ballots indicated on the work sheet as **not requiring duplication** are accounted for.

One review team member will read from the original ballot – the other member will compare what is read to the marks on the duplicated ballot. They will:

- A. Verify the two ballots are identical ballot types.
- B. Verify that all marks were duplicated correctly.
- C. Verify write-in votes were transferred properly.
- D. Verify only the candidate response oval on the duplicate ballot is filled in when the candidate was written-in as a write-in on the original ballot.
- E. Verify only the candidate's response oval on the duplicate ballot is filled in when the original ballot has both the candidate's oval
  1. filled in and the write-in oval is filled in with the candidate's name written on the write-in line.
  2. Verify only the candidate's response oval on the duplicate ballot is filled in when the original ballot has both the candidate's oval filled in and the write-in oval is filled in with the write-in line blank.
  3. Verify that the duplicated ballot write-in oval is filled in when the original ballot has only a name written on the write-in line.
  4. Verify the duplicate ballot was overvoted when both a candidate response oval is filled in and anything else other than the same candidate's name is written on the write-in line, regardless of whether or not the write-in oval is filled in.
  5. Verify the spelling of the name on the write-in line is the same as the original ballot.

If a member of the review team has any question regarding a mark on a ballot, they will confer and notify a supervisor. Whenever there is a question on how to duplicate the voter's marks from the original ballot they will refer to the Voter Intent Manual and follow the rules that apply. All questions will be noted on the log.

### **Section 2. Review Discrepancy Found**

#### A. Error

When it is determined that the duplication of a ballot was done incorrectly and the issue does not need to be presented to the Canvassing Board, the ballot will be duplicated again and the first duplicate ballot spoiled by marking a black line through the first 5 or 6 timing marks. An explanation should be included in the log as to why the original ballot should be duplicated differently.

The original duplication team will do the correction. If the original duplication team is not available, the review team will duplicate the ballot.

1. One will read from the original duplicate ballot – the other will mark the blank ballot.
2. They will exchange ballots and read again from the original duplicate verifying the new duplicate was marked correctly.
3. A new number shall be assigned in addition to the original sequence number to both ballots and both team members will initial.
  - a. This number will come from a specific Sequence Number Sheet assigned to the duplication review process.
4. The duplication will be recorded on the Duplication Review Board Log.
5. The original duplicate will be spoiled and placed in an envelope marked Review Spoiled.
6. The new duplicate ballot, the sequence number sheet, the duplication review board log and the spoiled review envelope will be returned to the Duplication Review team.

The duplication review team will add the sequence number to the duplication envelope, the Duplication Work Sheet and the Duplication Review Log.

#### B. Interpretation Difference

If the Review team disagrees with the interpretation of the duplication team, a supervisor is asked to review the original ballot and the duplicate. If after the supervisor's review the voter's intent is still unclear, the ballot and its duplicate should be Outstacked and sent to the Canvassing Board. The team will:

1. Complete a Duplication Outstack Form, paper clip the original and duplicate ballots together, place them in a manila envelope and give all to a Supervisor.
2. Record the Outstacked ballot on the duplication envelope by writing
  - a. "OS" and the sequence number.
3. Record the Outstacked ballot on the Duplication Work Sheet
4. write "OS" next to the ballot type
  - a. strike through the number under the count column for that ballot type and write the new amount.
  - b. enter the outstacked ballot in the upper box at Outstacks.
  - c. recalculate the math by subtracting the Outstack.

Return the duplication envelope and the tray of duplicated and "not reproduced" original ballots to the Voted Ballot room for secure storage. The Duplication Work Sheet is given to staff responsible for recording in the Duplication Log.

The manual count team can be composed of the members of the Canvassing Board, their designee, or members of the Auditor's Office.

Adopted by the Canvassing Board of Spokane County: July 29, 2022

Mary S. Kuey  
Chair of the Board of County Commissioners

John Yarn  
Prosecuting Attorney - Designee

Wesley M Dalton  
County Auditor