

**CHAPTER 5 - ACCOUNTABILITY**

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5.1 COUNTY CANVASSING BOARD & VOTER INTENT RCW 29A.60

Canvassing Board members must, by law, canvass ballots and certify the election. The County Canvassing Board is a three-member board that makes final determinations before certifying an election. Two of the three members, otherwise known as a quorum, must agree in order for any decision to be valid. All three members are required to certify an election.

For a handbook with laws, citations, and visuals, see our OSOS [Introduction to County Canvassing Boards](#).

WHO SERVES ON THE COUNTY CANVASSING BOARD?

The three-member Board consists of:

- County Auditor (or Deputy Auditor). In King County, the Elections Director.
- Prosecuting Attorney (or Deputy PA).
- Chair of the Legislative Authority (or another member of legislative authority).

Members may designate in writing an alternate for a specific time or election, or until revoked by the designee. The designee for each position must have a separate designation on file in the County Auditor’s Office prior to undertaking Board duties.

WHAT IF A CANVASSING BOARD MEMBER IS ALSO A CANDIDATE?

If possible, candidates appearing on the ballot should not serve on the canvassing board for that election or primary. The candidate may designate an **alternate** to serve in their place.

If no one is available to serve on the canvassing board who is not a candidate at that election or primary, the candidate may serve on the board, but may only make decisions on votes cast for other offices, an entire ballot, or groups of ballots.

Candidates must never make decisions on their own races.

- If a question involves the candidate’s race, the two remaining members make the determination.
- If the two disagree, the vote in question is not counted unless the vote could affect the outcome of the race. In that case, a representative of the Secretary of State shall break the tie.

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### WHAT DOES A CANVASSING BOARD MEETING LOOK LIKE?

The board is required by law to adopt written procedures.

All county canvassing board meetings fall under the Open Public Meetings Act.

A public notice must be published for every meeting. The meeting agenda must be posted on the County Auditor website.

In the course of a meeting, decisions are made by quorum. Two members of the board must agree.

Records must be kept of all meetings (written minutes, audio recording, and/or video recording). Audio and video recordings have the same retention as written minutes.

### CANVASSING BOARD DUTIES – WHICH DUTIES MAY BE DELEGATED TO YOU?

County Canvassing Boards may delegate duties in writing to County Auditor staff. Duties that may be delegated:

- Processing incoming ballots (signature verification).
- Emergency Logic and Accuracy tests.
- Determining the validity of provisional ballots in certain situations.
- Breaking tied races.
- Verifying the Auditor's abstract of votes.
- Processing special absentee ballots.
- Administering recounts.
- Voter registration challenges.
- Determining voter intent according to rules outlined in "Statewide Standards on What is a Vote."

### CANVASSING BOARD DUTIES THAT MAY NOT BE DELEGATED (TO YOU)

- Determining the validity of challenged ballots.
- Determining the validity of provisional ballots presented to the board.
- Rejecting ballots.
- Certifying the election.

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### WHEN DOES THE BOARD CERTIFY THE ELECTION?

- On the 10<sup>th</sup> day after a special election held in February or April and Presidential Primaries.
- On the 14<sup>th</sup> day after a primary.
- On the 21<sup>st</sup> day after a general election.

### WHAT CONSTITUTES A VOTE?

The Help America Vote Act in 2002 (HAVA) mandated that states adopt uniform standards defining what constitutes a vote and what counts as a vote for each voting system in the state.

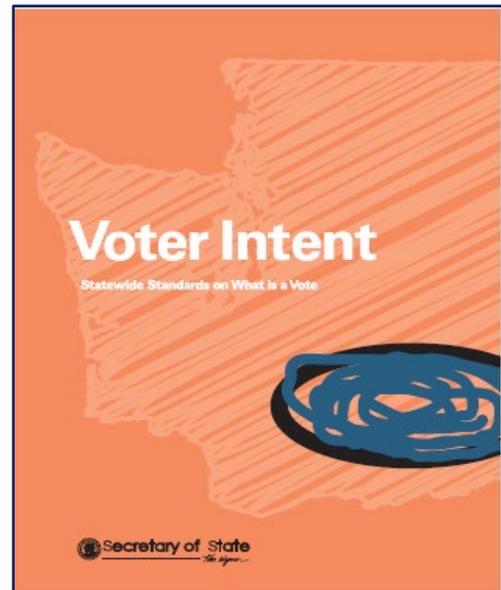
### WHAT IS THE STANDARD?

*"Statewide Standards on What is a Vote"*

This guide is published by the Secretary of State's Certification & Training Program in cooperation with the County Auditors and Canvassing Boards. It is adopted into the Washington Administrative Code.

Included in this guide:

- Examples of voted ballots representing all voting systems currently used in Washington State.
- Rules for the canvassing boards.
- Statewide consistency.



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## 5.2 COMPLETING THE ELECTION

RCW 29A.60, WAC 434-262

### BEFORE CERTIFYING A PRIMARY OR AN ELECTION

You must complete the following before a primary or an election may be certified. Be sure to allow time between producing final results and the Canvassing Board certification to finalize all of these tasks:

- A random check of ballot counting equipment, a risk limiting audit or an audit of results cast on direct recording electronic devices (DREs) if applicable (See chapter 4 section 4, “Final Processing”).
- An audit of all duplicated ballots.
- Credit all voters whose ballots were valid and counted.
- Complete a reconciliation report of ballots.

### CREDITING VOTERS

Crediting voters’ records for casting a ballot is part of ballot processing. Credit the voter’s registration record in VoteWA only if a ballot was successfully processed and counted for that voter, or in other words, an “accepted” ballot.

When suspending a ballot for Canvassing Board determination, also suspend voting credit for that voter. If the Canvassing Board decides to count all or part of the ballot, give the voter credit for voting.

Complete all crediting before certification of the election or primary.

### BALLOT RECONCILIATION

Account for all received ballots in the final reconciliation of every election. **Daily reconciliation** is critical to successful final accounting of ballots.

Reconcile the numbers of:

- Ballots received – as documented in initial ballot processing.
- Signatures checked – found in VoteWA.
- Challenged ballots (signature issues, returned too late, etc.) – compare to challenged ballot report/list from VoteWA.
- Ballots rejected by the Canvassing Board, including unresolved signature challenges, late postmarks, etc. – from the Canvassing Board minutes and daily records.
- Ballots counted – from tabulation reports.

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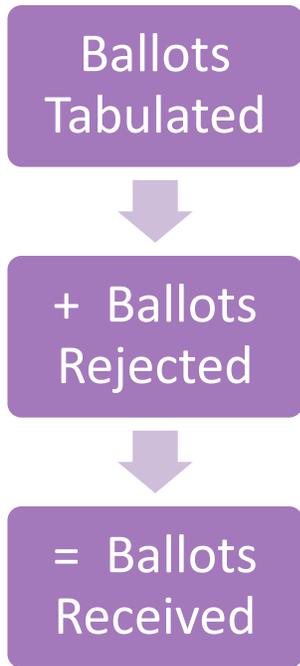
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- Any other categories needed to account for **every** ballot received in your office.

Ballot reconciliation is not complete until all ballots are processed and reported, including provisional ballots, ballots cast on DREs, and ballots sent to the canvassing board for rejection.

We use a simple equation to reconcile ballots:



*ⓘ If the numbers do not reconcile, document the steps taken to resolve the discrepancy.*

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## RECONCILIATION REPORT

When certifying an election or primary, present a complete reconciliation report to the Canvassing Board.

State law requires reconciliation reports to document the number of:

- Active registered voters, inactive voters.
- Total ballots issued, received, counted, and rejected.
- Total replacement ballots requested, issued, and received.
- Total provisional ballots issued, received, counted, rejected, and sent to other counties.
- Total Federal write-in ballots received, counted, rejected, and sent to other counties.
- Overseas and service (UOCAVA) ballots issued, received, counted, rejected, and sent to other counties. These numbers need to be broken out by mail, email, website link or fax.
- Non-Overseas and non-service (non-UOCAVA) ballots sent by email, website link or fax; received by email or fax; rejected for failing to send the original hard copy or any other reason.
- The number of voters credited with voting.
- DRE votes (AutoMARKs<sup>®</sup>, Touch Writers<sup>®</sup> or ClearAccess<sup>®</sup> are not DREs) issued, received, counted, and rejected.
- Additional information needed to account for all ballots, such as the number of ACP and special absentee ballots.
- Ballots returned by email, fax, and deposited in county ballot boxes.
- Ballots issued through VoteWA, other online programs, or PDF generated by the county.

If you are unable to balance the number of ballots, document the efforts to find the discrepancy on the report. The reconciliation report and discrepancy documentation must be included in the official election certification.

The Reconciliation Report must be sent to the Secretary of State for every election and be publicly available at the County Auditor's Office and/or on the County Auditor's website.

### PLAN AHEAD

- Schedule Canvassing Board members well in advance of the election certification meeting.
- Conduct the final count the day before or very early on the day of certification.
- Finish as early on certification day as possible.
- Prepare all reports and forms, set up, and schedule support staff to cover counter and phones.

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The Secretary of State shall review the reconciliation for each county and work with the county auditor to resolve discrepancies. If a discrepancy is resolved, the county auditor shall submit a correct reconciliation report to the secretary of state within seven days following the certification of the election. The corrected report then becomes the official reconciliation report for that election. The county auditor shall post the corrected report on the county auditor website.

*ⓘ Do not wait until the day of certification to complete the report. Complete what you can in advance and make final adjustments just prior to certification.*

## CERTIFICATION OF ELECTIONS

### COUNTY RESPONSIBILITIES

The Canvassing Board must certify elections:

- 10 days after a special election held in February or April and Presidential Primaries.
- 14 days after a primary.
- 21 days after a general election.

**IMPORTANT**– Canvassing Board must certify **on** Certification Day.

Certification is an open public meeting and must be posted on your website.

**All** three Canvassing Board members, or designees, must certify the election.

Certification documents include the Auditor’s Oath and Board Certificate (must include the signatures and original seals of the Auditor), written narrative of errors and discrepancies discovered, if any, and a verified Abstract of Votes. The reconciliation report is submitted to the Secretary of State with the certification documents for state primaries and general elections. For other elections, only the reconciliation form is submitted to the Secretary of State.

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“Election Certification Oaths” form is available at:  
<https://www.sos.wa.gov/elections/reconciliationandcertification.aspx>

**Oath of Authenticity**

STATE OF WASHINGTON )  
 COUNTY OF County Name ) ss.

I solemnly swear that the unofficial returns and supporting documentation of the Election Type held on Election Date, in County Name County, State of Washington, are true and correct.

\_\_\_\_\_  
 County Auditor

Subscribed and sworn before me this Day day of Month 20Year

\_\_\_\_\_  
 County Legislative Authority (witness)

\_\_\_\_\_  
 County Prosecuting Attorney (witness)

**Certification of the Canvassing Board**

STATE OF WASHINGTON )  
 COUNTY OF County Name ) ss.

The undersigned officers designated by law as constituting the Canvassing Board for the County of County Name, State of Washington, hereby certify that this is a full, true, and correct copy of the Abstract of Votes including the number of registered eligible voters, cumulative results, precinct results, and report of votes cast at the Election Type held on Election Date, in County Name County, State of Washington.

Witness our hands and official seal this Day day of Month 20Year

(In the County Seal) \_\_\_\_\_  
 County Auditor

\_\_\_\_\_  
 County Legislative Authority

\_\_\_\_\_  
 County Prosecuting Attorney

TS/2005, WAC 458-020-070

**IMMEDIATELY AFTER CERTIFYING**

- Upload primary or general election results to VoteWA.
- Email a scanned copy of results for state offices/measures to the Office of the Secretary of State.

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OSOS RESPONSIBILITIES

No later than 17 days after a primary, the Secretary of State's office will certify results for:

- All statewide offices.
- U.S. Senators.
- U.S. Congressional Representatives.
- Legislative and judicial offices encompassing more than one county.

No later than 30 days after a general election, the Secretary of State will certify the results of the general election for:

- All statewide offices.
- U.S. Senators.
- U.S. Congressional Representatives.
- Legislative and judicial offices encompassing more than one county.
- All state measures.

FINISHING UP

Following certification:

- Issue ceremonial certificates of election to all winners for offices that filed with the county.
- Prepare to answer questions about oaths of office and where to file. Refer to the clearinghouse "Oaths of Office" for further information.
- For general elections only - report to each special taxing district the voter turnout for their district in the General Election.
- Wait to change data in VoteWA until after certification and/or determination of the voter turnout in each special taxing district.
- Organize and label records by election type and date.

*ⓘ When storing documents, include the "hold until" retention date and the document retention number on the label.*

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DETERMINE TAXING DISTRICT TURNOUT FOR VALIDATION.

Districts use general election turnout to determine the validation requirements for their bond and levy measures. The County Auditor must provide a report that lists the number of voters that participated in the general election for each taxing district in their county.

**The County Auditor is not responsible** for determining minimum turnout or yes votes required for ballot measures and shall not determine if ballot measures meet requirements for passage. The County Auditor should not provide any other validation numbers to districts.

*Best Practices:* Provide each taxing district with the deadlines for submitting levy or bond resolutions for each election along with a copy of the voter turnout report.

*For more information, refer to the “Bonds and Levies” Clearinghouse.*

RECORDS RETENTION

Retain all records, including electronic files, according to the retentions schedules found on OSOS – State Archives webpage:  
<http://www.sos.wa.gov/archives/RecordsRetentionSchedules.aspx>.

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## 5.3 RECOUNTS

29A.64, WAC 434-264

## DEFINITION

A recount is re-tabulating the votes, including write-ins, for a specific office or issue on all valid ballots cast in a primary or election. If a ballot has been duplicated, the duplicate ballot (not the original) shall be counted.

## WHAT INITIATES A RECOUNT?

Recounts can be mandatory or by request. State law requires a recount if the number of votes for each candidate is within a specified range. By law, you cannot recount a race or issue more than twice.

Jurisdiction	Requested Recount	Mandatory Recount	Hand Recount
Statewide Race	Written request within 2 business days of state certification by candidate or political party	Less than 2000 votes, AND Less than ½ of 1% difference	Less than 1000 votes, AND Less than ¼ of 1% difference
State Measure	Written request within 2 business days of state certification by 5 or more registered voters	Less than 2000 votes, AND Less than ½ of 1% difference	Less than 1000 votes, AND Less than ¼ of 1% difference
Congressional, Legislative, Judicial or Local Race	Written request by candidate or political party within 2 business days of state or county certification, depending on the office	Less than 2000 votes, AND Less than ½ of 1% difference	Less than 150 votes, AND Less than ¼ of 1% difference
Local Measure	Written request within 2 business days of county certification by 5 or more registered voters	No mandatory recount	No mandatory recount

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**REQUESTED RECOUNTS**

State law determines who may request a recount in writing.

**For an office:** by a candidate of that office or officer of a political party only.

**For a measure or question:** by any group of five or more registered voters only.

The requester must submit a request for a recount within two business days of certification of the election.

**For state offices, state measures and multi-county state office:** the request is filed with the Secretary of State.

**For single county, state, and local offices and minor taxing districts:** the request is filed with the County Auditor with whom candidates for that district file.

Included in a recount request:

- The office or issue for which the recount is requested.
- Whether the recount is a machine or manual count.
- If all or only a portion of the precincts are to be recounted.
- A deposit depending upon the way the recount is conducted.
  - Machine recount \$.15 per ballot.
  - Manual recount \$.25 per ballot.

The requester is responsible for the entire cost of the recount and will receive a bill or refund for the difference.

Conduct a requested recount in the same manner as a mandatory recount.

The requester may stop the recount at any time; however, a recount cannot be stopped before completion if the result would reverse the outcome.

If a partial recount reverses the outcome of the election, recount all the ballots for that race or question.

If a full recount reverses the outcome of the race or question, the deposit is refunded.

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## MANDATORY RECOUNTS

Mandatory recounts occur when the votes for offices or statewide measures fall within the statutory range. State law does not provide for a mandatory recount of a local issue.

Mandatory recounts of any office or state measure, by machine or by hand, occur when the difference between the two candidates or state measure choices is:

- Less than 2000 votes difference, AND
- Less than  $\frac{1}{2}$  of 1% of the total votes cast for the office or issue.

For statewide offices or measures, you must recount votes by hand if the difference between the two candidates or choices is:

- Less than 1000 votes, AND
- Less than  $\frac{1}{4}$  of 1% of the total votes cast for the office or issue.

For all other offices, you must recount votes by hand if the difference between the two candidates is:

- Less than 150 votes, AND
- Less than  $\frac{1}{4}$  of one percent of the total votes cast for the office or issue.

Alternative method—If an alternative recount method is proposed, all candidates must agree to it.

### WHICH CANDIDATES ARE RECOUNTED?

The type of election determines which candidates meet the recount threshold and require a recount.

In a primary, the second and third highest vote getters may require a recount.

- The highest vote getter automatically advances to the general election.
- If the top two are the close candidates, no recount is necessary.

In a general election, the top two vote getters may require a recount.

## CONDUCTING A MACHINE RECOUNT

You may choose to recount by hand or machine if the vote difference does not require a hand recount.

The County Canvassing Board sets the date and time of the recount.

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The Secretary of State may set the certification date in a multi-county recount.

The applicant and affected people are officially notified one day before the recount.

Observers are allowed.

Different types of observers are prioritized in WAC when space will not accommodate all observers.

Assemble the ballots to be recounted in the presence of observers.

Votes previously determined by the County Canvassing Board are counted as directed by the Board.

Ballot issues found during the recount, not previously addressed or included in the original count, are determined by the County Canvassing Board.

Recount results are by precinct and only include the office or issue recounted.

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### DIGITAL SCAN SYSTEMS

In a machine recount, program digital tabulation equipment to identify all ballots that include an undervoted office or ballot measure subject to the recount. Inspect for valid votes not correctly counted by the tabulation equipment. Refer votes not correctly counted to the County Canvassing Board.

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### OPTICAL SCAN SYSTEMS

In a machine recount, optical scan tabulation equipment must be programmed to out-sort all ballots that include an undervoted and overvoted office or ballot measure subject to the recount.

Inspect for valid votes not correctly counted by the tabulation equipment. Refer votes not correctly counted to the County Canvassing Board.

### MAY A CANVASSING BOARD DETERMINE IF A RECOUNT IS CONDUCTED BY MACHINE OR BY HAND?

Yes, as long as a hand recount is not required. Coordination with other counties may be necessary for joint districts.

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## CONDUCTING A HAND RECOUNT

The original paper ballots are used for hand recounts, except for ballots where votes were duplicated onto another ballot. In that case the duplicate ballot is recounted.

Voter intent previously determined by the County Canvassing Board is counted as directed by the Board.

Ballot issues found during the recount, not previously addressed or included in the original count, are determined by the County Canvassing Board.

Votes are tallied by counting board(s), comprised of at least two members:

- One representative from each of the two major political parties; or
- Two staff members from the County Auditor's Office.

Recount only the votes for the office or issue.

Each board will receive one precinct or batch at a time.

*Note:* You may use batches only if the County Auditor produces election results by batch for comparison. However, you must produce final recount results by precinct.

Counting boards:

- Sort ballots into separate stacks, one for each candidate or response, undervotes, overvotes, and write-ins.
- Each board member manually counts each stack to confirm the number of votes in each stack.
  - Report results *if* the members' counts match.
  - Count ballot stacks again *if* the counts do not match.
  - Send ballots to another counting board *if* the counts still do not match after a second count.

Complete the recount using machine recount procedures.

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## CERTIFYING A RECOUNT

The County Auditor prepares an amended abstract of the recounted ballots for the County Canvassing Board, even if the results did not change. The abstract includes results only for the recounted office or measure:

- A revised cumulative summary.
- The number of votes cast in each precinct.

The County Canvassing Board must review and approve the amended results. If the results do not match the original results, the board will verify that all the ballots have been recounted and all discrepancies are resolved.

## TIED RACES

If the recount results in a tie, the winner is determined by lot.

Depending upon the office, the County Canvassing Board or the Secretary of State designates the time and place for the lot draw, notifies the affected candidates, and certifies the winner.

Measures are not subject to lot draws—they either have enough votes to pass or they fail.

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