

Whatcom County

Canvassing Board Guidelines



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Canvassing Board Meeting

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https://www.sos.wa.gov/sites/default/files/2022-05/2018_voter-intent_web.pdf

CHAPTER ONE - GENERAL INFORMATION

Section 1. The Canvassing Board – Authorization and Responsibilities

- A. The Whatcom County Canvassing Board (hereafter "Canvassing Board" or "Board") is established under the authority of [RCW 29A.60](#), [WAC 434-262](#).
- B. The responsibilities of the Board are to:
- verify and certify ballot results ([RCW 29A.60.070](#); [29A.60.200](#))
 - determine the validity of the ballots ([RCW 29A.60.050](#))
 - determine questions of voter intent ([WAC 434-261-086](#); [WAC 434-262-160](#))
 - open sealed ballot containers ([RCW 29A.60.110](#); [WAC 434-261-130](#))
 - take corrective action on the "Abstract of Votes" ([WAC 434-262-060](#))
 - reject ballots in whole or part ([WAC 434-262-031](#); [WAC 434-262-015](#))
 - schedule and conduct a recount ([RCW 29A.64](#); [WAC 434-264](#))
 - resolve ballots whose validity is in question or provisional ballots ([RCW 29A.60.040](#); [RCW 29A.60.195](#); [RCW 29A.04.008](#); [WAC 434-262-032](#))
 - preside over voter registration challenge hearings ([RCW 29A.08.810-850](#))
 - observe emergency Logic and Accuracy Tests ([WAC 434-335-310](#))
 - determine tied races by lot ([RCW 29A.60.221](#))
 - process incoming ballots ([WAC 434-250-110](#); [WAC 434-261-100](#))
 - adopt board guidelines ([RCW 29A.60.140](#))
- C. The Board shall operate in accordance with federal regulations, the codified statutes of the State of Washington Revised Code of Washington (RCW) and the administrative regulations promulgated by the Office of the Secretary of State as contained in the Washington Administrative Code (WAC).

Section 2. Purpose of the Canvassing Board Guidelines

The purpose of these guidelines is to facilitate and govern the canvassing process and to establish a mechanism for treating matters before the Board uniformly. Statutory and regulatory authority for a proposition is cited where applicable. Provisions of these policies and procedures that do not specifically refer to statutory or regulatory authority are guidelines based on past practices and decisions of the Board. They are provided to promote consistency; however, each factual question before the Board will be reviewed on a case-by-case basis. In the event of any conflict between these guidelines and either federal law, and/or state law, and/or state administrative regulations, the order for priority is: federal, and/or state law, and then state administrative regulations prevail.

CHAPTER TWO - THE CANVASSING BOARD

Section 1. Composition of the Canvassing Board

The Board shall consist of the County Auditor, as chair, the Prosecuting Attorney, the Chairperson of the County Council, or their designee(s). A written designation shall be filed with the County Auditor at least one day prior to any designee undertaking any action as a member of the Canvassing Board ([RCW 29A.60.140](#)). The members designated to the 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. ([RCW 29A.60.150](#))

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 or until such designation is changed.

Section 3. Delegation of Authority

The Board may delegate the performance of any task to staff assigned by law to the board in writing or at a public meeting in accordance with rules adopted by the Secretary of State. The written delegation of authority shall be filed with the Auditor annually in January ([RCW 29A.60.140](#)) ([WAC 434-262-015](#)). In no instance may the Board delegate to staff the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of rejecting ballots. ([WAC 434-262-015](#))

Section 4. Oaths of Appointment

All full-time election staff has taken an oath of appointment as a Deputy Auditor before undertaking ballot processing duties. Other employees who perform specific tasks in elections shall complete Canvassing Board Oaths. ([RCW 29A.60.140](#))

CHAPTER THREE - MEETINGS

Section 1. Place for Meetings

The Board shall meet in the Whatcom County Auditor's Office, Basement Election Center, 311 Grand Avenue, Bellingham, Washington unless another location is designated pursuant to [RCW 42.30.070](#).

Section 2. Open Public Meetings Act ([RCW 42.30](#))

The Board meetings are open to the public and subject to the requirements of the Open Meetings Act. All rules adopted by the Board must be adopted in a public meeting ([RCW 42.30.060](#); [RCW 42.30.080](#) and [29A.60.140\(5\)](#)). The Auditor shall publish a public notice prior to the election that includes the meeting times of the Canvassing Board. ([RCW 29A.52.355](#); [WAC 434-262-025](#))

Section 3. Meeting Schedule

The Canvassing Board will hold two meetings for each election. At the first meeting; all challenged ballots will be reviewed, including reviewing those flagged for signature does not match. The final meeting will be held to certify the results of the election. At either meeting additional agenda items may be added to conduct Canvassing Board business.

When deemed necessary by the County Auditor or a 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](#). ([RCW 42.30.080](#)) Public notice of regular and special meetings will be provided on the Whatcom County Auditor's website along with the agenda for the meeting.

Section 4. Statutory Meeting Deadlines

- A. *Special or Primary Elections.* The Canvassing Board shall be convened by the County Auditor no later than the 10th day after a special election or the 14th day after a primary election. ([RCW 29A.60.190](#))
- B. *General Election.* The Canvassing Board shall be convened by the County Auditor no later than the 21st day after a general election. ([RCW 29A.60.190](#))

Section 5. Quorum

All 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.

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.

Section 6. Emergency Procedures for Canvassing Board Meeting ([WAC 434-262-016](#))

If a member cannot attend a Canvassing Board meeting due to an emergency, a designee may be appointed at any time, including the day of the meeting. ([RCW 29A.60.140](#)) If a designee cannot be appointed, the member may participate in the meeting remotely. When ballots are considered during the meeting, 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. The computer application is not required if ballots are not considered during the meeting.

All three County Canvassing Board members or designees must certify an election. ([RCW 29A.60.200](#)) If an election is certified during the meeting where a member or designee is attending remotely, a copy of the certification document must be signed in the following manner:

- A. The members physically present at the meeting must sign the certification document.
- B. A copy of the signature page is sent electronically to the remote member.
- C. The remote member must print the signature page, sign the document, and return the signed document electronically to the Canvassing Board meeting location.
- D. The remote member's signed signature page is printed and attached to the certification document signed by the other members of the board, completing the certification document.

Section 7. Canvassing Board Minutes

A record of the proceedings of the Canvassing Board shall be made and approved by the Auditor, subject to review by the Board upon the request of a member. The minutes shall be maintained in the County Auditor's office, and shall be available for public inspection. ([RCW 42.30.035](#)). The record shall be retained for the same time period required by law for the retention of absentee ballots.

Section 8. Notices and Publications

- A. *Notice of Ballot Processing.* The notices for when the processing of ballots will take place is contained in a comprehensive notice of all the meetings relating to the election. Failure to publish this notice will not invalidate the performance of these delegated tasks.
- B. *Notice to Board Members.* The Auditor will provide written notice to Board members of the meeting schedules at least 24 hours prior to a meeting as required by the Open Public Meetings Act. ([RCW 42.30.080](#))
- C. *Notice of Canvassing Board Meetings.* The dates when the Board meets is contained in the comprehensive notice of the meetings of the designated election. For any additional meetings notice will be given at least 24 hours prior to a meeting as required by the Open Public Meetings Act. ([RCW 42.30](#))

Section 9. Oath of Auditor

The Chair of the Whatcom County Council or designated representative shall administer an oath to the County Auditor (or designee) attesting to the authenticity of the information presented to the Canvassing Board. This oath must be signed by the County Auditor and other members of the Canvassing Board and filed with the returns of the primary or election. ([RCW 29A.60.200](#); [WAC 434-262-070](#))

Section 10. Meeting Rules

Motions can be made by any member of the Board. A second will not be required.

Section 11. Public Comment

The first Canvassing Board Meeting for each election will provide an opportunity for public comment during the meeting. During the Public Comment agenda item, the Chair of the Canvassing Board or their designee will recognize any member of the public that wishes to speak. Public comments will be limited to two minutes per speaker, or as allowed by the Chair and each speaker may speak only once. Total time allotted for comments shall be 20 minutes. Written comments may be submitted in person or via email to elections@co.whatcom.wa.us on the day of the meeting but must be submitted before the close of the meeting to be included with the Canvassing Board Minutes.

Public Comment is a limited public forum and all matters presented must relate to matters on the agenda for the Canvassing Board Meeting and/or certification of the election.

Those members of the public wishing to reach out to the Canvassing Board can email the Whatcom County Elections office at elections@co.whatcom.wa.us. The Elections office will forward correspondence directed to the Canvassing Board to the current members.

CHAPTER FOUR - CANVASSING PROCEDURES

Section 1. Statutory Guidelines

- A. *Ballot Tabulation.* Election staff is directed to tabulate all ballots that have been properly marked according to ballot instructions or as otherwise required by statute or WAC. Washington is a voter intent state. If the voter's intent can be ascertained based on adopted statewide guidelines that ballot shall be adjudicated and tabulated.
- B. *Ballot Rejection.* A ballot is not considered rejected until the Canvassing Board has rejected the ballot individually, or the ballot was included in a group or on a report of ballots that was rejected in its entirety by the Canvassing Board ([RCW 29A.60.050](#)). The Canvassing Board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. ([WAC 434-262-031](#))
1. *Partial Rejection of Ballots.* Those portions of ballots shall not be tabulated if they, as determined by the Board:
 - a. Designate more persons for an office than are to be elected to that office;
 - b. Do not comply with the write-in provisions of [RCW 29A.60.021](#);
 - c. Are marked differently from what is specified in the voting instructions accompanying the ballot or according to statewide standards on "What Is a Vote" ([WAC 434-261-086](#)). The Canvassing Board will make the final determination of voter intent for ballots not addressed in the statewide standards. Without a clear indication on the ballot of the voter's intent, any voted position on the ballot to which the marked vote position or vote pattern is unclear shall not be counted;
 - d. Where voter has voted for candidates or issues for whom the voter is not entitled to vote. ([WAC 434-262-031\(b\)](#))
- C. *Reconciliation Reports.* The Auditor will prepare and make public at the time of certification reconciliation reports ([RCW 29A.60.235](#); [WAC 434-262-070](#)).
- D. *Recanvass.* Whenever the Canvassing Board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that the election staff has made an error regarding the treatment or disposition of a ballot, the Board may recanvass the ballots. The Canvassing Board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the results of the primary, election, or subsequent recount and correct any error and document the correction of any error that it finds. ([RCW 29A.60.210](#); [WAC 434-262-050](#))

Section 2. Preparing for Tabulation

Ballot envelopes may be opened and prepared for processing upon receipt in the Auditor's office. ([RCW 29A.40.110](#); [WAC 434-250-120](#))

- A. *Review of Envelopes/Voter Declarations.*

1. Election Division staff shall examine each ballot return envelope containing a ballot within, if it is returned in the return envelope or similar envelope provided that it contains the same data and signed ballot declaration and is approved by the Auditor.
2. The ballot declaration must be signed with a valid signature in the place afforded for the signature on the envelope or other as designated by the Auditor.
3. The staff shall view the signature or if the voter is unable to sign his or her name, see that two other persons have witnessed the voter's mark.
4. The staff shall confirm it is postmarked no later than the day of the election or deposited in the Auditor's office or official ballot drop box site location not later than 8:00 pm on election day. If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ([RCW 29A.40.110](#) For Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots, staff shall verify that the ballot envelope was dated not later than the date of the election. If there is no date with the signature, staff shall use the postmark.) ([UOCAVA](#))
5. Security envelopes and return envelopes have punch holes to enable seeing ballots are contained therein and shall be reviewed to ensure ballots are not left inside. ([WAC 434-250-110 \(4\)](#))

B. *Comparison of Signatures.* The Auditor's Office staff shall then verify that the voter's signature on the ballot return envelope matches the signature(s) that are in the voter's registration file. Any returned ballot where the signature is not a reasonable match shall be referred to the Board. In comparing signatures, the Board may take into account the date of the original signature, the current age of the voter, or any other circumstances that might account for differences between the two signatures. ([WAC 434-250-120\(1\)](#); [WAC 434-261-051](#); [WAC 434-261-052](#); [WAC 434-261-053](#))

1. *Substitution of Nicknames/Initials.* For any voter, a variation between the signature of the voter on the return envelope and that in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same. ([RCW 29.A.60.165\(2\)\(c\)](#))
2. *Unsigned Ballot Declarations.* If the voter neglects to sign the ballot declaration, the Auditor shall notify the voter, by first class mail and, if the Auditor has a telephone number or email address on file for a voter, by telephone, text message, or email and advise the voter of the correct procedures for completing the unsigned ballot declaration. ([RCW 29A.60.165\(1\)](#)) ([WAC 434-261-053](#))

The Auditor may:

- a. Require the voter to sign the ballot declaration not later than the day before the certification of the primary or election;
- b. Sign a new registration form no later than the day prior to the certification of the primary or election; or

- c. Provide the voter with a copy of the ballot declaration and require the voter to sign the copy or mark the declaration in front of two witnesses and mail it back or return it to the Auditor so that it arrives not later than the day before the certification of the primary or election.
3. *No Signature Match.* If the signature does not match the signature on file, the Auditor shall notify the voter, by first class mail and, if the Auditor has a telephone number or email address on file for a voter, by telephone, text message, or email and advise the voter of the correct procedures for completing the signature cure process. ([WAC 434-261-051](#), [WAC 434-261-052](#), [WAC 434-261-053](#))

The Auditor may:

- a. Require the voter to sign a new registration form no later than the day before certification of the primary or election;
- b. Require the voter to sign a copy of the ballot declaration or to make a mark in front of two witnesses who attest to the signature and mail it back or return it to the Auditor so that it arrives no later than the day before certification of the primary or election; or
- c. Have the voter sign a change of name form and submit it no later than the day before certification of the primary or election.
- d. Provide valid secondary identity verification.

A record shall be kept of the date on which the voter was contacted or the notice was mailed to the voter, as well as the date on which the voter signed the envelope, a copy of the envelope or a new registration form, or a change-of-name form ([RCW 29A.60.165](#)). This record is public under [RCW 42.56](#).

If a ballot is received within five (5) days of the final Canvassing Board meeting, or if a voter has not responded to our previous notification, the Auditor's Office staff will attempt to contact the voter by telephone. ([RCW 29A.60.165](#))

4. *Signed by Someone Else.* If a ballot return envelope is signed by someone other than the name on the return envelope, it can be accepted if the person signing the envelope is a registered voter from the same address as on the envelope, provided they do not have an accepted ballot. Voting credit will be given to the signor of the envelope.

C. *Manual Inspection by Opening Boards.*

1. Ballots shall not be removed from the return envelopes until after verification and validation are completed.
2. All ballots will be manually inspected, looking at both sides of the ballot. If the manual inspection process detects any physically damaged ballots, the election staff may duplicate the ballots according to the most recent version of the Secretary of State's Pamphlet – "Voter Intent - Statewide Standards on What is a Vote" (https://www.sos.wa.gov/sites/default/files/2022-05/2018_voter-intent_web.pdf; [WAC](#)

[434-261-086](#)). See Section 4 of this Chapter.

3. All ballots must be kept in secure storage until they are ready for final processing. Secure storage shall include cabinets (sealed or unsealed) located in a room secured with an electronic key (prox-locked). Under authority granted by the Secretary of State's Office, final processing through the counting machines may begin the day ballots are mailed at a time designated by the County Auditor but no results may be generated. Tabulation will not occur until after 8:00 pm on the day of the special, primary or general election. ([RCW 29A.40.110](#); [WAC 434-250-110](#); [WAC 434-261-045](#))

Section 3. Adjudication

Ballots that are scanned into the digital scan tabulation equipment, but which are apparently over-voted, unreadable by the system, appear not to be a ballot or are undervoted shall be adjudicated by teams of two. Unreadable ballots, those undervoted, or those that appear not to be a ballot will be adjudicated by a team consisting of at least one Auditor's Office staff person. A list of which races/measures were adjudicated by the team shall be dated and initialed by each member of the team. The adjudication log shall also indicate what was adjudicated (overvotes, undervotes, blank ballots, write-ins, etc.). ([WAC 434-261-102](#))

Section 4. Duplication of Ballots

A ballot may be duplicated based on the statewide standards of what is a vote, any previous Canvassing Board determinations, or if the ballot is too damaged to be read by the electronic tabulation equipment. Ballots must be duplicated by a team of duplicators and then verified by a different team of two. When duplicating ballots, the Auditor shall take the following steps to create and maintain an audit trail of action taken: ([RCW 29A.60.125](#))

- A. Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot to ensure that each duplicate ballot may be tied back to the original ballot.
- B. A log must be kept of the ballot duplicated, which must at least include:
 1. The control number of each original ballot and the corresponding duplicate ballot
 2. The initials of two people who participated in the duplication of each ballot
 3. The total number of ballots duplicated.
- C. Ballots can be duplicated using the ClearAccess vote system which allows marking a ballot on the device and printing out a machine readable ballot. Duplication will be completed by a team of two. Every duplicated ballot will be verified by a different team of two. Ballots duplicated onto an electronic blank ballot are also considered duplicated ballots and must be audited (verified). At least 25% of duplicated ballots will be audited by the Election Supervisor or designee.
- D. Original and duplicate ballots must be kept in secure storage at all times, except during duplication, inspection by the Canvassing Board or tabulation. Secure storage shall include

cabinets (sealed or unsealed) located in a prox-locked room.

- E. Voter intent guidelines distributed by the Secretary of State (https://www.sos.wa.gov/sites/default/files/2022-05/2018_voter-intent_web.pdf) will be followed, as well as any voter intent determinations made by the Canvassing Board.
- F. Ballots containing writings (either messages or initials), unreadable marks, or voter intent issues will be duplicated or adjudicated if the writings interfere with the “read area” of the ballot. The “read area” is the designated oval on the ballot next to each vote position.

Section 5. Processing & Tabulation

The Auditor and election staff may begin processing of ballots beginning the day after ballots are mailed. No initial results will be tabulated or released until 8:00 pm on election day. The County Auditor, as delegated by the Canvassing Board, may use their discretion in determining when to process the remaining ballots and canvass the votes during the final four days before certification of election results in order to protect the secrecy of any ballot. ([RCW 29A.60.160](#); [WAC 434-250-110](#))

If inspection reveals that a ballot must be duplicated or adjudicated in order to be read correctly by the vote tallying system, the ballot must be duplicated or adjudicated. ([WAC 434-250-110](#))

Immediately after their tabulation, all ballots shall be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer. If after tabulation of the ballots, it is determined that the number of ballots tabulated and the number of ballots expected to be tabulated differ or for other auditing purposes an error in counting may have occurred, the Canvassing Board grants authority to the Auditor’s staff to open any containers of sealed tabulated ballots and to re-process any ballots to resolve the discrepancy, if needed. Representatives of the political parties will be notified that the opening of the sealed ballot containers and any re-processing that will occur. The containers may also be opened by the Canvassing Board: as part of the canvass or to conduct recounts or by order of the superior court in a contest or election dispute. If the Canvassing Board or the Auditor’s staff opens a ballot container, a record of which containers, the time and date of opening and the reason for opening will be kept as an official log. This record shall be added to any other record of the canvassing process. ([RCW 29A.60.110](#))

- A. *Processing of Declared Write-In Votes.* Races with write-ins will only be tabulated if the candidate has filed a declaration of write-in candidacy and the difference between the two candidates on the ballot meets the requirements in RCW 29A.64 and WAC 434-264. Write-in candidates must file a declaration to have votes tallied for a race. ([RCW 29A.24.311](#))
- B. *Write-in Voting – Voter Intent.* Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate’s name in order for the vote to be counted; the candidate’s party preference does not impact whether the write-in vote shall be counted. ([RCW 29A.24.311](#))

If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot. ([WAC 434-262-160](#))

The County Canvassing Board shall exercise all reasonable efforts to determine the voter's intent on valid write-in votes. Valid write-in votes include both declared and undeclared candidates. "The Statewide Standards on What is a Vote" must be applied to write-in votes. In cases where the Canvassing Board has interpreted the standards, those interpretations shall also be applied to write-in votes. ([WAC 434-261-086](#); [WAC 434-262-160](#))

- C. *Electronically Submitted Ballots.* UOCAVA voters may return their ballots via email or fax. Electronic ballots must be received by 8:00 p.m. by election day. Emailed ballots will only be opened on a laptop computer set up for that purpose in order to avoid any malware infecting a staff computer. Non-UOCAVA voters may not submit their ballots electronically. The voter will be contacted to let them know they need to mail their ballot or deposit in a drop box.

Section 6. Preparing Ballots for Board Review

- A. *Voter's Intent.* Any ballot for which there is a question of voter's intent shall be forwarded to the Board with a brief description of the reason as appropriate. Any additional material, such as a marked voter's guide, explanatory notation, etc. shall also be given to the Board to assist them in making their determination. The ballots shall be coded sequentially.
- B. *Damage to Ballot(s).* If a voter removes information identifying the precinct of the voter, the Canvassing Board shall determine if the vote(s) shall be accepted and to which precinct the ballot should be assigned.
- C. *Provisional Ballots.* Provisional ballots will be retained in their special envelopes, which shall be assigned a sequential code number by Elections Division staff. See Section 10 of this Chapter.
- D. *Referral to Canvassing Board.* When election staff has a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot(s) shall be flagged as "unreadable" in Clear Ballot. The image of the ballot in question will be viewed by the Canvassing Board. The following information must be provided:
1. Identification of the precinct from which the ballot originated;
 2. The facts giving rise to the question of validity including, if applicable, the office or issue on the ballot which is affected by the question.

Once the issue of validity has been determined, the ballots must be adjudicated. The ballot will be stored, and retained with the original group. ([RCW 29A.60.050](#); [WAC 434-261-120](#))

Section 7. Rejection of Ballots

The Canvassing Board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected,

and must be included in the minutes of each Canvassing Board meeting.

Ballots or parts of ballots shall be rejected by the Canvassing Board in the following instances:

- A. Where a voter has already voted one ballot;
- B. Where two ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two ballots and two valid signatures under the ballot declaration, both ballots must be counted;
- C. Where a ballot or parts of a ballot are marked in such a way that it is impossible to determine the voter's intent consistent with [WAC 434-261-086](#);
- D. Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
- E. Where the voter has voted for more candidates for an office than are permissible.
- F. When two envelopes assigned to different voters are signed or appear to be signed by the same voter, the Auditor will contact both parties and inform them of the consequences of such action. In the event the Canvassing Board concludes that criminal activity may have occurred, the County Auditor must refer the ballot and any relevant material to the County Sheriff or County Prosecuting Attorney. ([WAC 434-262-015](#))

Section 8. 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 minutes for each meeting, detailing the decisions of the Board. They 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. If the ballot can be adjudicated without duplication, then election staff will do so.

Section 9. Reports/Abstracts

- A. *Initial Report.* As soon as possible following 8:00 pm on election day, the Auditor shall produce a tabulated report of how the votes were tallied for each candidate and measure for that election. The report shall include the initial tabulation of all ballots received and verified by 8:00 pm. Except Saturdays, Sundays and legal holidays, the Auditor shall process ballots and canvass the votes cast in that special, primary or election, if the Auditor is in possession of more than 500 ballots that have yet to be canvassed. ([RCW 29A.60.160](#))

The Auditor may use his or her discretion in determining when to convene the Canvassing Board or their designees during the final four days before the certification of election results in order to protect the secrecy of any ballot. Each ballot previously not canvassed that was received by the Auditor two days or more before the convening of the Canvassing Board or their designees and that either was received by the Auditor or that bears a date of mailing on or before the special

election, primary, or general election to which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass. ([RCW 29A.60.160](#))

- B. *Election Results.* An anomaly report with precinct results, showing overvotes and undervotes shall be inspected by the Auditor or Chief Deputy Auditor for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include but are not limited to: an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race or jurisdiction. This inspection shall be completed within two days of the election. Additionally, these results shall be used in the reconciliation process required in [RCW 29A.60.235](#). ([WAC 434-261-110](#))

- C. *Preliminary Abstract of Votes.* Following the election and prior to the official canvass, the County Auditor shall prepare a preliminary abstract of votes for certifying the election, listing the number of registered voters, votes cast, and individual declared write-in candidate tallies required by chapter [29A.60 RCW](#). The preliminary abstract of votes must list separately votes cast for and against each measure, votes cast for candidates (including total number of write-in votes in each race), overvotes and undervotes, by precinct. The County Auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass. ([WAC 434-262-020](#))

- D. *Auditor's Abstract of Votes.* No later than the 10th day following any special election, ten days after a presidential primary held pursuant to chapter [29A.56 RCW](#), the 14th day following a primary, and the 21st day following any general election, the Auditor shall present to the Canvassing Board a report which lists the number of eligible registered voters, ballots cast by precinct, votes cast for each race or issue, including write-ins, undervotes and overvotes, and all of the vote totals by precinct or by combination of precincts as applicable, legislative district subtotals and county-wide totals. This report shall be known as the "Official Final Abstract of Votes". The report shall comprise the preliminary abstract amended by whatever changes the Board has authorized. ([RCW 29A.60.190](#); [WAC 434-262-030](#))

The Auditor's abstract of votes must also include at the time of certification a reconciliation report required by [RCW 29A.60.235\(1\)](#), which shall include:

1. The number of registered voters;
2. The number of ballots issued;
3. The number of ballots received;
4. The number of ballots counted;
5. The number of ballots accepted;
6. The number of ballots rejected;
7. The number of provisional ballots issued;
8. The number of provisional ballots received;
9. The number of provisional ballots counted;

10. The number of provisional ballots rejected;
11. The number of federal write-in ballots received;
12. The number of federal write-in ballots counted;
13. The number of federal write-in ballots rejected;
14. The number of overseas and service ballots issued by mail, email, website link or fax;
15. The number of overseas and service ballots received by mail, email or fax;
16. The number of overseas and service ballots accepted by mail, email or fax;
17. The number of overseas and service ballots rejected by mail, email or fax;
18. The number of non-overseas and non-service ballots sent by email, website link, or fax;
19. The number of non-overseas and non-service ballots received by email or fax;
20. The number of non-overseas and non-service ballots that were rejected for:
 - a. Failing to send an original or hard copy of the ballot by the certification deadline; or
 - b. Any other reason, including the reason for rejection;
21. The number of voters credited with voting;
22. The number of replacement ballots requested;
23. The number of replacement ballots issued;
24. The number of replacement ballots received;
25. The number of replacement ballots counted;
26. The number of replacement ballots rejected; and
27. Any other information the Auditor or Secretary of State deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.

E. *Official County Canvass Report and Certification.* Upon verifying the Auditor’s abstract of votes and documenting any corrective action taken, the Board members shall sign a certification that the abstract is a full, true and correct representation of the votes cast for the listed issues and offices. The certification shall state the total number of registered voters and the total votes cast in Whatcom County and shall contain the oath required by [RCW 29A.60.200](#), signed by the Board members or their official designees. In addition, the official county seal shall be attached. This certification, the Auditor’s abstract of votes, and any written narrative of errors or discrepancies, shall constitute the official county canvass report. If the election encompassed jurisdictions not wholly contained within Whatcom County, a copy of the certified report shall be forwarded to the Secretary of State by fax, email or other electronic means ([WAC 434-262-080](#)). The vote totals contained in the official county canvass report shall constitute the official election returns and shall not be altered or amended, except following a recount, or upon a superior court order, or by the Board reconvened specially for that purpose. ([RCW 29A.60.200](#); [WAC 434-262-070](#))

Section 10. Processing Provisional Ballots for Board Review

A. *Ballot Statistic/Consideration List.* The person responsible for preparing ballots for review by the Board shall maintain a log of all such ballots identified by assigned provisional ballot number

identification, reason for submission to the Board, date submitted to the Board and summary of the Board's determination after review, based on information collected during the investigation referred to in B. below. The election staff at the direction of the Board shall mark accepted or rejected on the ballot envelope and record the determination of the Canvassing Board on the log. The ballot logs will be used to validate updates to the election tabulations based on the ballot determination of the Board.

B. *Investigation.* The election staff must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A voted ballot received from an unregistered voter, other than a service or overseas voter, is considered a provisional ballot. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

1. If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.
2. If the voter was previously registered and later canceled and the election staff determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.
3. If the voter was previously registered and later canceled and the election staff determines that the cancellation was not in error, the voter must be offered the opportunity to re-register and the provisional ballot is not counted.
4. If a registered voter has voted a ballot for a previous address, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.
5. If the voter is registered in another county, the election staff shall forward the ballot to that county. The ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days after a general election, and as soon as possible if past that date.
6. If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.
7. If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.
8. If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.
9. Provisional ballots voted for reasons not covered by this section or state statute must be determined by the County Canvassing Board.
[\(WAC 434-262-032\)](#)

- C. *Board Review.* The election staff shall present ballots prepared for the Board to review. The determination of the Board shall be a matter of record and shall be entered upon the report or envelope or container holding the ballots for review. The election staff shall be responsible for ensuring that all reviewed ballots are processed as determined by the Board. If the ballot must be duplicated before being tabulated, if that is the Board's determination, the usual rules for duplicating a ballot shall be followed. (See Chapter 4, Section 4 hereof) If a voter votes on an office he/she is not eligible to vote for, the candidate or issue will not be duplicated.
- D. *Tabulation.* Provisional ballots are tabulated with other groups of ballots and reported in the voter's precinct.

Section 11. Hand Counts

On the second day after the primary or election, following established Auditor's Office policies and procedures, the official political party observers, or if unavailable, the Auditor's Office staff, may randomly select up to six groups of ballots for hand counting and select a race or issue to be counted in order to verify the counting system. The selected groups will be hand counted the following morning, and the counting system count totals will be compared to the hand count totals. The Canvassing Board delegates to the Auditor's staff the authority to open any containers of sealed ballots for the hand count. ([RCW 29A.60.170](#))

If, as a result of the hand count, there is any discrepancy found between the hand count and the counting system count, efforts will be made by the Auditor's office staff to determine the reason for such discrepancy. If such discrepancy can be isolated, the staff is authorized to take whatever action may be necessary to correct the counting system count of that group of ballots to have the counting system count reflect the hand count result. Such actions may include, but are not limited to, opening the sealed container of counted ballots to obtain the group of ballots in question, duplicating a ballot(s) if necessary, modifying the adjudication of ballots with voter intent issues.

Section 12. Risk Limiting Audit

For each general election, at the discretion of the Auditor for the primary or special elections, also in consultation with the Secretary of State's office: a Risk Limiting Audit will be conducted following established Washington Secretary of State's policies and procedures. The date for the test will be determined prior to ballots being mailed for that election. The Canvassing Board delegates to the Auditor's staff the authority to open any containers of sealed ballots for the Risk Limiting Audit.

CHAPTER FIVE – MISCELLANEOUS

Section 1. Protected Records Voter Ballots

The ballot of a protected records voter shall be issued and processed by authorized personnel in the following manner:

- A. The ballot, security sleeve, ballot insert, and return envelope with oath, are placed in the mailing envelope;
- B. The voter's name, ACP number, and substitute mailing address shall be entered onto the mailing envelope;
- C. The ACP number, precinct number, and the words, "ACP Authorized Personnel" shall be typed on a label and affixed to the back side of the return mailer envelope to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;
- D. The signature on the return envelope shall be compared with the signature on the ACP voter registration application;
- E. If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and
- F. Whenever the signature on a protected records voter ballot return envelope does not match the signature on the application on file the address confidentiality program personnel shall mail a challenge letter to the voter.
- G. A provisional ballot of a protected records voter shall be presented to the Canvassing Board, meeting in executive session. The Canvassing Board shall designate authorized personnel to verify the contents of the ballot. Authorized personnel shall remove the protected records voter envelope, and verify the contents of the ballot for tabulation. The return envelope and the protected records voter envelope shall be placed in security with all other voting records for the program participant. The discernable envelopes may be destroyed under statutory provisions applicable to election materials.
- H. If any post election challenges are brought pertaining to the outcome of any election and it becomes necessary to check the validity of all ballots cast in the election by verifying the names and addresses of all voters casting ballots, a protected records voter's ballot shall not be included in the review unless the Canvassing Board determines that this ballot would be determinative of the election outcome. When the Canvassing Board has determined that review of a protected records voter's ballot is necessary, authorized personnel shall verify the protected records voter's ballot using extreme caution to ensure confidentiality.

Section 2. Determination of Date of Mailing

All properly voted ballots received by 4:30 pm the day before a primary, special or general election is scheduled to be certified shall be included in the canvass (WAC 434-250-120). All other returned

ballots shall be handled as follows:

A. *Ballots Received by Mail After Election Day: Determination of Date of Mailing.*

1. *Overseas, and/or Service Voters*

- a. *Voter Attestation.* The date of mailing shall be the date indicated by the voter on the return envelope.
- b. *Postmarks.* If the voter signs the return envelope but fails to date it, the date on the postmark shall control.
- c. *No Postmark or Date.* If the envelope is neither dated nor postmarked, the date the ballot was received in the Auditor's Office shall determine the date of mailing.

2. *All Other Voters*

- a. *Postmarks.* The date of mailing shall be the postmark, if present and legible.
- b. *Illegible Postmarks.* If the postmark is missing or illegible, the date on the return envelope to which the voter attests shall determine the date of mailing.
- c. *No Postmark or Date.* If the envelope is neither dated nor postmarked, the date the ballot was received in the Auditor's Office shall determine the date of mailing.

B. *Ballots Received After Election Day.* All ballots showing a postmark subsequent to the date of a primary, special or general election, or a date indicated by the voter subsequent to the date of the primary, special or general election shall be rejected.

C. *Ballots Delivered to Official Ballot Drop Box After 8:00 pm election day.* All ballots delivered to a drop box after 8:00 pm election day will be marked as late and shall be rejected. (WAC 434-250-120)

Section 3. Voters Unable to Sign Return Envelope

A. *Policy Statement.* On occasion, ballots are returned that either are signed by someone other than the registered voter on behalf of that voter, "signed" with a signature stamp, signed with a "mark" with one or two witnesses, or signed by a person holding a Power of Attorney (POA) for the actual voter. Each ballot must include instructions that a voter unable to sign their name must have their mark witnessed by two other persons. If the voter's mark is not witnessed by two other persons, the ballot is not counted.

B. *Ballots with Witnessed Signatures.* Whenever an absentee or mail ballot is returned with the voter's signature or mark being witnessed by two other persons, the ballot shall be counted.

C. *Signature Stamps.* Whenever a ballot is returned by a voter, and a signature stamp is used along with two witnesses' signatures, the signature stamp will be considered a mark.

D. *Cases in which the Canvassing Board Will Determine the Validity of All or Parts of a Provisional Ballot.*

1. Assignment of a wrong precinct or eligibility code to a voter registration.
2. Voter moved to new address more than 30 days prior to election, did not transfer his/her voter registration, voted a ballot based on the old address, and a challenge was made to his/her registration.
3. Voter states he/she registered or transferred his or her address through the Department of Licensing more than 8 days prior to an election and the Auditor's office has not received a voter registration record from the Department of Licensing.

Section 4. Fax or E-mail Ballots

- A. *Ballot Requests.* Request for ballots may be made by fax or e-mail.
- B. *Sending a Ballot by Fax or E-mail.* A PDF version of the ballot may be faxed or e-mailed to a voter with a copy of the oath to be signed and instructions.
- C. *Receipt of a Faxed or E-mailed Ballot.*
 1. *Faxed or E-mailed Ballot Returned By Mail.* If a ballot delivered by fax or email is returned by mail, the ballot shall be duplicated or adjudicated and processed.
 2. *Non-Service Ballot Returned By Fax or E-mail.* Only UOCAVA (Service/Overseas) voters are permitted to return ballots by fax or email. Non-service ballots returned by fax or e-mail may not be counted and will be rejected. If the fax or email ballot is received prior to election day, election staff will send a notification to the voter how they may vote.
 3. *UOCAVA Ballots Returned by Fax or Email.* Any UOCAVA ballot returned by fax or email shall be counted if it meets other criteria for military ballots as per federal or state law. Instructions must be given for returning a Fax or Email ballot and a secrecy coversheet must be provided. The ballot must be received by 8:00 pm election day. (WAC 434-235-040)

Section 5. Crediting Voters

Voters shall be credited for voting for each special, primary and general election.

- A. A voter may not be credited for voting if the ballot was voted after election day, was received after certification of the election or will otherwise not be counted.
- B. The reconciliation of voters credited with ballots counted shall be completed prior to certification. The certification must include, but is not limited to, information indicating the number of ballots counted equals the number of voters credited. If these numbers do not match, the County Auditor must take steps to reconcile the numbers and any discrepancies. If the County Auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

C. The County Auditor shall make an electronic or paper copy of the list of registered voters immediately following reconciliation of a general election. Using this data, the County Auditor shall also produce validation statistics (voter participation numbers) for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made. (WAC 434-262-013)

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 Election Division less than forty-five (45) days before a primary, special or general election. Challenges may only be filed less than forty-five days before the election in certain circumstances. Challenges filed forty-five (45) or more days prior to an election shall be heard by the Auditor. ([RCW 29A.08.820](#))

Section 2. Procedures for Challengers

A. *Qualifications of Challengers.* A challenger must be a registered voter. A challenge can also be made by the office of the Prosecuting Attorney. ([RCW 29A.08.810](#))

Time for Challenge. Challenges initiated by a registered voter who registered to vote less than sixty days before an election or changed residence less than sixty days before an election without transferring his or her address must be filed not later than ten days prior to any primary, general or special election or within ten days of the voter being added to the voter data base, whichever is later. Challenges initiated against any other voter must be filed not later than forty-five days before the election. Challenges may be initiated by the County Prosecuting Attorney and must be filed in the same manner as challenges initiated by a registered voter. ([RCW 29A.08.820](#))

If the challenge is filed within forty-five days of an election at which the challenged voter is eligible to vote, a challenge notation must be made immediately in the voter registration system and the County Canvassing Board presides over the hearing. ([RCW 29.08.820](#))

B. If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot. If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. ([RCW 29A.08.820](#))

C. *All challengers must:*

1. File a signed affidavit subject to penalties of perjury swearing that to his or her knowledge and belief, having exercised due diligence to personally verify the evidence presented, the challenged voter either is not qualified to vote or does not reside at the address on his or her voter registration record based on one of the reasons allowed in subsection (1) of RCW 29A.08.810. The challenger must provide the factual basis for the challenge, including any information in section (1) of this section in a signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.
2. File the challenge and affidavit with the Auditor. ([RCW 29A.08.820](#))
3. Either appear in person to present the relevant facts and arguments before the Board or submit an affidavit stating the reasons the registration is invalid in support of the challenge. ([RCW 29A.08.840](#))

Section 3. Procedures for Challenged Voters

Challenged voters may:

- A. Vote a ballot which shall be processed as a challenged ballot and held until the challenge is resolved. ([RCW 29A.08.820](#))
- B. Properly transfer or re-register until one (1) day before the primary, special or general election by applying in person with the Auditor or election staff at the Election Office. ([RCW 29A.08.840](#))
- C. Appear at the Board hearing in person to present the relevant facts and arguments; or
- D. File an affidavit with the Board presenting any facts or arguments to support the validity of the registration. ([RCW 29A.08.840](#))

Section 4. Procedures for Auditor

The Auditor shall:

- A. Notify the challenged voter by certified mail that a challenge has been filed;
- B. Within seventy-two hours of receiving the challenge, publish on the Auditor's internet website the entire content of any voter challenge filed; ([RCW 29A.08.835](#))
- C. Notify any person who requests to receive such notifications on an ongoing basis; ([RCW 29A.08.835](#))
- D. Check the voter registration files and, if a ballot has been issued to the challenged voter, flag the file so that the ballot may be intercepted at the time that it is processed for signature verification. It will then be processed as a challenged ballot as described in Section 8;
- E. Inform the challenged voter that his or her registration status and the disposition of the challenged ballot will be decided by the Board;
- 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.08.820](#))
- G. Challenges based on a felony conviction must be heard according to [RCW 29A.08.520](#) and rules adopted by the Secretary of State.

Section 5. Dismissal

The Auditor may dismiss the challenge and notify the challenger the reasons for the dismissal if the challenge is not in proper form or the factual basis for the challenge does not meet the grounds for a challenge. ([RCW 29A.08.840](#))

Section 6. Time of Hearing

The Board hearing shall occur no later than the time of certifying the particular primary, special or general election. The decision of the Board shall be made within the same time limit. ([RCW 29A.08.840](#))

Section 7. Presumption

Registration creates a presumption that a voter has the right to vote as registrations are presumed valid until proven otherwise. A challenged person shall be permitted to vote a challenged ballot. ([RCW 29A.08.810](#); [RCW 29A.08.820](#); [RCW 29A.08.840](#))

Section 8. Processing a Challenged Ballot

The sealed ballots of challenged voters shall be sealed in a challenge ballot envelope at the close of the election. The Board's delegates shall give all challenged ballots to the Elections Division who shall prepare the appropriate notifications for the Auditor and shall advise the Board of the number and status of the challenged ballots. ([RCW 29A.08.820](#))

Section 9. 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 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](#))
- F. *Record.* Minutes shall be taken of all Board hearings.

Section 10. Decision

The decision of the Board shall be made at the conclusions of the evidentiary portion of the hearing. The Canvassing Board's decision shall be final. The decision may be rendered orally. ([RCW 29A.08.840](#)) It shall be published on the county auditor's website as required by [RCW 29A.08.835](#) and shall remain there for 45 days after the final decision was made. ([RCW 29A.08.835\(2\)](#))

Section 11. Remedies

The effect of a Board decision that a challenged registration is valid shall be to count the ballot prior

to certification and to give the registration full effect. If the challenge is based on [RCW 29A.08.810\(1\)\(a\), \(b\), \(d\) or \(e\)](#), and the Canvassing Board sustains the challenge, the challenged ballot shall not be counted. If the challenge is based on an allegation under [RCW 29A.08.810\(1\)\(c\)](#) and the Canvassing Board sustains the challenge, the board shall permit the voter to correct his or her voter registration and any races and ballot measures on the challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted. ([RCW 29A.08.840](#))

CHAPTER SEVEN - GUIDELINES RELATED TO VOTER REGISTRATION

Section 1. Constitutional and Statutory Requirements

- A. *Washington State Constitution.* Article VI, Section 1 (Amendment 63) provides in part: All persons of the age of 18 years or over who are citizens of the United States and who have lived in the State, County, and precinct 30 days immediately preceding the election at which they offer to vote shall be entitled to vote at all elections except those disqualified by Article VI, Section 3 of the Constitution.
- B. *State Law.*
1. [RCW 29A.08.410](#) provides: “A registered voter who changes his or her residence from one address to another within the same county may transfer his or her 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 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 county auditor, or at a voting center or other location designated by the county 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 or 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.”
 2. [RCW 29A.52.355](#) provides (1) Notice for any state, county, district, or municipal primary or election, whether special or general, must be given by the county auditor between five and fifteen days prior to the deadline for mail-in registrations. The notice must be published in one or more newspapers of general circulation and must contain, at a minimum, the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, the type of election, the date of the election, how a voter can obtain a ballot, a list of all jurisdictions involved in the election, including positions and short titles for ballot measures appearing on the ballot, and the times and dates of any public meetings associated with the election. The notice shall also include where additional information regarding the election may be obtained. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer is on the ballot. This is the only notice required for a state, county, district, or municipal primary or special or general election. (2) If the county or city chooses to mail a local voters' pamphlet as described in [RCW 29A.32.210](#) to each residence, the notice required in this section need only include the last date to register online or through the mail, the last date to transfer or update an existing registration, the

last date to register in person for first-time voters, information on where a person can register, and the times and dates of any public meetings associated with the election.

3. [RCW 29A.08.140](#) provides that “(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must: (a) Submit a registration application that is received by an election official no later than eight days before the day of the primary, special election, or general election. For purposes of this subsection (1)(a), "received" means: (i) Being physically received by an election official by the close of business of the required deadline; or (ii) for applications received online or electronically, by midnight, of the required deadline; or (b) Register in person at a county auditor's office, the division of elections if in a separate location from the county auditor's office, a voting center, a student engagement hub, or other location designated by the county auditor no later than 8:00 p.m. on the day of the primary, special election if the county is conducting an election, or general election. (2)(a) In order to change a residence address for voting in any primary, special election, or general election, a person who is already registered to vote in Washington may update his or her registration by: (i) Submitting an address change using a registration application or making notification via any non-in-person method that is received by election officials no later than eight days before the day of the primary, special election, or general election; or (ii) Appearing in person, at a county auditor's office, the division of elections if in a separate location from the county auditor's office, a voting center, or other location designated by the county auditor, no later than 8:00 p.m. on the day of the primary, special election if the county is conducting an election, or general election to be in effect for that primary, special election if the county is conducting an election, or general election. (b) A registered voter who fails to update his or her residential address by this deadline may vote according to his or her previous registration address. (3) To register or update a voting address in person at a county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at a county auditor's office, a voting center, or other location designated by the county auditor at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

CHAPTER EIGHT - TIES

Section 1. Partisan Primary

If two or more candidates are tied for the same office at a partisan primary election, the Canvassing Board shall determine the winner by lot.

Section 2. Non-Partisan or Judicial Primary

If two or more candidates in a non-partisan or judicial primary have received an equal number of votes and are thus tied, and the number of votes is barely sufficient for nomination, but, as a consequence, the number of persons so nominated exceeds twice the number of positions to be filled, the Board shall determine the tie by lot so as to reduce the field of candidates to the proper number.

Section 3. Final Elections

Tie votes in final elections shall be publicly decided by lot in the manner authorized by RCW 29A.60.221.

Section 4. Method

The method for resolving ties by lot shall be by the toss of a coin with the candidate first on the ballot having the privilege to choose either "heads" or "tails." If the candidate first on the ballot is not present, the other candidate shall choose. If neither candidate is present, the Auditor shall designate which candidate is heads and tails.

Section 5. Recount

If a tie results from the original tabulation of the ballots, the Board may direct a recount as provided in Chapter Nine before taking action to resolve the tie.

CHAPTER NINE - RECOUNTS

Section 1. Criteria for Mandatory Recount

- A. If official election results indicate that the difference in the number of votes cast for the candidate apparently nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one half of one percent of the total number of votes cast for both candidates or if the results indicate a tie between candidates, the Canvassing Board shall conduct a recount of all votes cast for that position at no cost to any candidate. (RCW 29A.64.021)
1. If the declaration of candidacy was filed with the Secretary of State, the Secretary of State shall, within three business days of the day that the returns of the primary or election are first certified by the Canvassing Boards of those counties, direct the recount of all votes on this position.
 2. *For statewide elections*, if the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one thousand 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 by hand unless the candidate agree to a machine count.
 3. *For all other elections*, 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 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 by hand unless the candidates agree to a machine count. (RCW 29A.64.021)
- B. If such a difference occurs for a position or office which appears on the ballot in more than one county, the direction to conduct the recount shall be given by the Secretary of State.
- C. For statewide measures meeting the criteria for a recount, the Board shall conduct a recount as directed by the Secretary of State. (RCW 29A.64.090)

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. Groups of registered voters must also designate one of the group as a chair-person and shall indicate the voting residence of each member of the group. (RCW 29A.64.011)
- B. *Time for Filing Recount Application.* The person filing an application for recount must do so in writing within two business days, excluding Saturdays, Sundays, and holidays, of the date the Board or Secretary of State has declared the election results official. (RCW 29A.64.011)

- C. *Contents of Application for Recount.* An application for a recount shall state the office, issue or question for which a recount is requested and whether it is desired that the recount be conducted manually (hand-count). The request must state whether the recount is for all or only a portion of the votes cast. (RCW 29A.64.030)
- D. *Deposit.* The person filing a recount application shall deposit with the Board a sum, either in cash or by certified check, equal to twenty five cents (\$.25) for each ballot cast in the jurisdiction or portion of the jurisdiction for which the hand recount is requested. If the application is for a machine recount, the deposit must be equal to fifteen cents (\$.15) (RCW 29.64.030). The Canvassing Board shall determine the costs of the recount. (RCW 29A.64.081)

Section 3. General Procedures for Recounts

- A. *Time for Recount.* The Board shall conduct a recount if a recount application was filed or the Board received notice from the Secretary of State to conduct a mandatory recount or the Board has ordered a recount based on its own motion or the returns are certified which indicate a recount is required. (RCW 29A.64.030)
- B. *Notice of Recount.* The Auditor shall send notice of the time and place of the recount proceeding by certified mail to the applicant(s) and if the recount involves an office, any person for whom votes were cast for that office. The notice shall be mailed not less than two days before the date of the recount. In addition, the Auditor shall also notify the effected parties by telephone, fax, e-mail or other electronic means at the time of mailing. At least three attempts must be made over a two-day period to notify the parties or until the affected parties have received notification. Each request to notify the effected parties must request a return response that notification has been received. The notice shall also inform the addressees that they may observe the recount proceedings and be accompanied by counsel. (RCW 29A.64.030)
- C. *Observers.* All interested persons may attend and observe a recount proceeding by the Board subject to physical limitations of the Auditor’s Election Center or other space used to conduct the recount. In cases of insufficient space for all interested persons to observe the recount priority shall be given based on WAC 434-264-030:
 - 1. Candidates of the affected race or their designated representative or to the designated representative for the proponents and opponents of any measure;
 - 2. Candidates or their designated representative, or the designated representative for the proponents and opponents of a ballot measure;
 - 3. Designated party observers (two for each side);
 - 4. Media
 - 5. General public;
 - 6. The Board may 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.64.041)

- D. *Guidelines.* Observers attending the recount shall be provided guidelines for conduct during the recount process. (WAC 434-264-030)
- E. *Role of Observers.* Observers shall be permitted to observe the recount process and to see the ballots actually recounted. Observers shall not be permitted to touch the ballots nor interfere with the recount process. (WAC 434-264-030)
- F. *Recounting Votes.* The sealed containers shall be opened and the security of the ballots, verified only by those persons designated to do so in writing, by the Canvassing Board (WAC 434-261-130). The ballots will be recounted in the presence of the Board or its delegates and all observers. The votes cast for the office/issue for which the recount was ordered will then be verified. 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 less than 150, in which case the recount shall be by hand, or
 2. The Board specifically directs a different method be used, or
 3. If a requested recount, the requestor indicates method. (RCW 29A.64.021)

Ballots shall be handled only by members of the Board, their duly authorized representatives or by election staff personnel. (RCW 29A.64.041) After being counted, the votes cast in any single precinct may not be recounted and the results re-certified more than twice. (RCW 29A.64.070)

- G. *Amended Abstracts.* The Canvassing Board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. The Secretary of State may require that the amended abstracts be certified by each Canvassing Board on a uniform date. A copy of the amended abstract shall be transmitted to the Secretary of State and to any other officers who received the abstract on which the recount was based. The Canvassing Board shall also file the amended abstract with the original results of the election or primary if the recounted matter was submitted only to Whatcom County voters. (RCW 29A.64.061)
- H. *Challenges.* All questions of voter registration, voter qualification, and voter intent previously considered during the original count shall not be reconsidered during a recount of the original ballots. (WAC 434-264-010(2))

However, if any ballots or votes are discovered during the recounted process that were not originally counted, the ballots shall be presented to the County Canvassing Board in accordance with RCW, and the County Canvassing Board shall determine whether such ballots are to be included in the recount. (WAC 434-264-010(4))

Nothing in this section shall preclude the County Canvassing Board from canvassing a ballot or a vote not canvassed during the original or previous count. (WAC 434-262-020)

Challenges or the contesting of election results are provided in RCW 29A.68.

Section 4. Procedures for Requested Recounts

- A. *Written Request to Stop.* The applicant or applicants 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. If denied, the applicant or applicants can renew the request to stop the recount process from time to time. (RCW 29A.64.041)
- B. *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 his or her 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. Posting Results of the Recount

- A. Immediately upon completion of the recount, or a date determined by the Secretary of State, the Auditor will provide the affected candidates, and at the Auditor's discretion, any other interested parties, the results of the recount. 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 voters shall be prepared and certified.
- B. Upon the completion of the recount of the ballots, or the date determined by the Secretary of State, the Auditor shall prepare an amended abstract showing the revised cumulative summary of the recounted ballots, if any, as well as the votes cast in each precinct in which the office or proposition was submitted to the voters. Copies of the certified amended abstract will be distributed to the same persons or agencies, as the original certified abstract of votes. (RCW 29A.64.061)

Section 6. Expenses

- A. The Board shall determine the expenses for conducting a recount. The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the Board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered. (RCW 29A.64.081)
- B. For statewide measures, meeting the criteria of a recount, the cost of such recount will be at state expense. (RCW 29A.64.090)

CHAPTER TEN - HAND COUNTING THE BALLOTS

Section 1. General

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

1. *For statewide elections*, when the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one thousand votes and also less than one fourth of one percent of the total number of votes cast for both candidates.

For all other elections, when the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates.

2. During a recount of the ballots where fewer than 150 ballots are involved, or when specified by the party requesting a recount. (See Chapter 9)
3. When the computerized vote tallying system becomes inoperative, or the tabulation program is shown to be defective.
4. When so directed by the Board.

Section 2. Counting Ballots

- A. Counting will be performed by a team or teams of at least two members.
- B. The ballots will be distributed by batch among teams, if more than one team. Each team will be given one batch at a time to count. Each team member will have a blank tally card and will fill in the batch being counted, the number counted for the candidate or issue, and the number of other ballots counted.
- C. The team members will separate the ballots into stacks.
- D. The team members shall count only the votes for a single race or measure at a time. Team members may be re-arranged at the discretion of the Auditor or designee.
- E. Specific procedures for the recount process are outlined more fully in the Auditor's Policy and Procedure manual and may be updated from time to time.

Section 3. Recording the Count

When the count of all precincts is completed, the recorder or designee shall enter into a spreadsheet the precinct number, a count total for each voted position or issue, a count total for all others, and a total for all of these. The summary tally log shall also include a column for the original count (or

most recent recount) by precinct so totals can be compared. The completed summary tally log shall be given to the Auditor or designee. Totals at the end of the count should reflect that appropriate number of ballots was counted in the original count and in this subsequent recount.

Section 4. Completion

When all ballots have been counted they shall be re-secured and sealed in the vault. The results of the count shall be entered into the Auditor's Amended Abstract of Votes, or, if part of a formal recount, prepared as an amendment to the certified abstract of votes as specified in Chapter 9 Section 5 of these Guidelines.

CHAPTER ELEVEN – POLICIES, PROCEDURES & TASKS

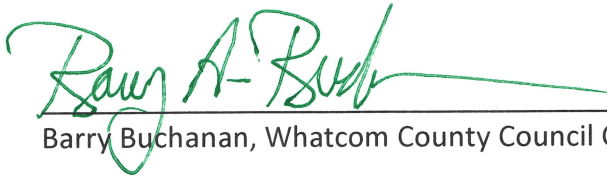
The Auditor is empowered to maintain a manual of policies, procedures and tasks which set forth the steps to effectuate the guidelines set forth in chapters four through ten, and to comply with state statutes and administrative code.



Stacy Henthorn, Whatcom County Auditor



Kellen Kooistra, Deputy Prosecuting Attorney



Barry Buchanan, Whatcom County Council Chair

These guidelines are hereby adopted, and changes incorporated by the Whatcom County Canvassing Board this 20th day of August, 2024.

These guidelines may be subject to review and revision. Revisions may be made by approval of the Board members at an open public meeting.

Sample Documents

**Whatcom County
Auditor's Office**
Whatcom County Courthouse
311 Grand Avenue, Suite 103
Bellingham, WA 98225-4038



Stacy Henthorn
County Auditor
Amy Grasher
Chief Deputy Auditor

Designation of Representative

Pursuant to RCW 29A.60.140, I, Stacy Henthorn, County Auditor in and for Whatcom County, State of Washington, do hereby appoint Amy Grasher, Chief Deputy Auditor, as my duly authorized representative for the purpose of canvassing and recanvassing the 2024 Special, Primary, and General Elections.

Dated this 9th day of January 2024.

Stacy Henthorn, Whatcom County Auditor

Amy Grasher, Chief Deputy Auditor

Administration
Auditor@co.whatcom.wa.us
360-778-5100

Elections
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Licensing
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360-778-5100

Recording
Recording@co.whatcom.wa.us
360-778-5100

We gladly accept
relay calls.

**Whatcom County
Auditor's Office**
Whatcom County Courthouse
311 Grand Avenue, Suite 103
Bellingham, WA 98225-4038



Stacy Henthorn
County Auditor
Amy Grasher
Chief Deputy Auditor

DELEGATION OF AUTHORITY

The Whatcom County Canvassing Board, acting under the authority of RCW 29A.60.140, hereby authorizes Whatcom County Auditor's staff, and temporary staff, hired as needed, to act as our representatives. The staff's duties shall include but is not limited to the examination of ballot envelope postmark and the date of voter's declaration on the ballot return envelope, and verification of the voter's signature. The staff may also make determinations as to the disposition of the provisional and challenged ballots, i.e. proper voter registration, proper address, and proper precinct. The staff will submit questionable ballots to the Canvassing Board for their review and determination. Additionally, the Whatcom County Auditor's staff is authorized to open, process, tabulate ballots, produce required reports, and supervise and assist temporary staff as directed by the Auditor.

The above delegated authority shall be exercised under the supervision of the Whatcom County Auditor in accordance with the Canvassing Guidelines adopted by the Canvassing Board and the Administrative Rules adopted by the Secretary of State.

All issues, which cannot be resolved to a reasonable certainty by supervisory personnel, shall be decided solely by the Canvassing Board and no ballot can be rejected except by the Board. This delegation of authority by the Canvassing Board for opening and subsequent processing of vote-by-mail ballots may begin immediately upon receipt before any Special, Primary, or General Election and shall end no later than the certification of the election results of any Special, Primary, or General Election, inclusive of all applicable recounts.

This general delegation of authority shall be in effect from January 1, 2024 through December 31, 2024.

Dated this 9th day of January, 2024, Bellingham, Washington.

Whatcom County Canvassing Board

Stacy Henthorn, Whatcom County Auditor

Chair, Whatcom County Council

Eric Richey, Whatcom County Prosecuting Attorney

Administration
Auditor@co.whatcom.wa.us
360-778-5100

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Recording
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360-778-5100

We gladly accept
relay calls.



Election Worker Oath

Primary Election 8/6/2024 Drop Box Closing Team— Acme Acme Elementary/5200 Turkington Road

Steps to follow:

1. When you are on site you will administer the following oath to each other.
2. Sign and print your name.
3. Place this oath into the closing case.
4. Return the closing case to the Auditor's Office.

We, the undersigned, do solemnly swear or affirm that we will faithfully perform the duties as an appointed member of the Official Canvassing Board for the County of Whatcom to perform the closing of this ballot drop box to the best of our judgment, skill and ability.

Signature [PERSON A]

Printed Name [PERSON A]

Signature [PERSON C]

Printed Name [PERSON C]

Signature [PERSON B]

Printed Name [PERSON B]

Signature [PERSON D]

Printed Name [PERSON D]

**Whatcom County
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Whatcom County Courthouse
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Stacy Henthorn
County Auditor
Amy Grasher
Chief Deputy Auditor

Notice of August 6, 2024 – Primary Election

Receiving Your Ballot: Ballots for the primary election will be mailed to registered voters on July 17. Voters should receive a ballot by July 24. Contact the Auditor's Office for a replacement if yours is lost or damaged.

Returning Your Ballot: You may vote and return your ballot as soon as you receive it. Return your ballot in an official ballot drop box by 8:00 pm on August 6 **OR** return it by mail postmarked by August 6.

Primary Election Registration Deadlines:

- 1) Monday, July 29 is the deadline for online registrations or address updates. If mailing a registration form, it must be received at the Auditor's Office by July 29.
- 2) Starting Tuesday, July 30 citizens needing to register or update their address in time for the primary election must appear **in person** at the Whatcom County Auditor's Office.
- 3) The deadline for in person registrations and updates is 8:00 pm on August 6.

How to Register or Update Your Address:

- 1) Online at VoteWA.gov if you have a current Washington State driver license or ID card, or
- 2) Complete a Washington State Voter Registration form and return in the mail. Registration forms are available on our website, or contact us to have a form mailed to you, if time allows, or
- 3) In-Person at the Whatcom County Auditor's Office, Election Division: 311 Grand Avenue, Suite 103.

Voters Requiring Assistance and Other Information: An accessible voting unit (AVU) is equipped with visual and audio technology. Voters requiring assistance may vote on the AVU starting July 17. For more information, contact the Election Division at (360) 778-5102 or elections@co.whatcom.wa.us.

Voters' Pamphlet:

A local voters' pamphlet is mailed to all residences in Whatcom County the week of July 15 and contains information about primary election candidates and ballot measures. An online voters guide is available at VoteWA.gov.

Meeting Dates and Times:

Open public meetings will be held in the Election Center, 311 Grand Avenue, Suite B03, Bellingham. Meeting dates, times, and/or locations are subject to change; please see our website at www.whatcomcounty.us/auditor or call (360) 778-5102 for updated information.

July 17 - Aug 19	8:00 am - 5:00 pm	M-F: Processing of Ballots
Aug 8	10:00 am	Hand Count of Six Randomly Selected Ballot Batches
Aug 14	9:30 am	Risk Limiting Audit
Aug 19	10:00 am	Canvassing Board Meeting/Review Challenged Ballots
Aug 20	10:00 am	Canvassing Board Meeting/Certification of Election

Dated this 14th day of July 2024.

Stacy Henthorn, Whatcom County Auditor and Ex-officio Supervisor of Elections

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