

**Chapter 29A.60 RCW
CANVASSING**

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RCW 29A.60.010 Conduct of elections—Canvass. All elections, whether special or general, held under RCW 29A.04.321 and 29A.04.330 must be conducted by the county auditor as ex officio county supervisor of elections and, except as provided in RCW 29A.60.240, the returns canvassed by the county canvassing board. [2013 c 11 s 59; 2003 c 111 s 1501; 1965 c 123 s 4; 1965 c 9 s 29.13.040. Prior: 1963 c 200 s 6; 1955 c 55 s 3; 1951 c 257 s 4; 1951 c 101 s 4; 1949 c 161 s 5; Rem. Supp. 1949 s 5153-1. Formerly RCW 29.13.040.]

RCW 29A.60.021 Write-in voting—Declaration of candidacy—Counting of vote. (1) For any office, except precinct committee officer, at any election or primary, any voter may write in on the ballot the name of any person for an office. Votes must be individually tallied for a candidate who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 as long as the requirements of subsection (6), (7), or (8) of this section are met. No write-in vote for a declared write-in candidate may be rejected due to variation in the form of the name if the canvassing board can determine the person and office for which the voter intended to vote.

(2) The total number of write-in votes cast for each office must be recorded and reported with the canvass for the election.

(3) A write-in vote for an individual candidate for an office whose name is printed on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if the voter also marked a vote for that candidate such as to otherwise register an overvote.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be individually tallied unless the candidate has filed a timely declaration of write-in candidacy.

(5) In the case of write-in candidates for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by the filing officer for that office that a candidate has filed a timely declaration of write-in candidacy. In all other cases, the county auditor determines, in accordance with this section, whether a candidate has filed a timely declaration of write-in candidacy and thus, write-in votes must be individually tallied. The county canvassing board must certify write-in votes including the vote total received by a candidate that has filed a timely declaration of write-in candidacy if the requirements of subsection (6), (7), or (8) of this section are met. Final results must consolidate the vote total associated with each candidate after the canvassing board has reconciled any variation in the spelling of names for those candidates.

(6) In a primary, if the name of only a single candidate appears on the ballot for an office, and the total number of write-in votes cast for that office exceeds one percent of the total number of votes cast for that office, the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.

(7) In a primary, if two or more candidates appear on the ballot for an office and the total number of write-in votes cast for that

office exceeds the number of votes cast for the candidate with the second highest number of votes, then the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.

(8) In a general election, if the total number of write-in votes cast for an office exceeds the number of votes cast for the candidate apparently elected to that office, then the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required. [2018 c 187 s 3; 2012 c 89 s 4; 2005 c 243 s 12; 2004 c 271 s 147.]

Intent—Finding—Effective date—2012 c 89: See notes following RCW 29A.24.311.

RCW 29A.60.040 Rejection of ballots or parts—Write-in votes. A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

Those parts of a ballot are invalid and no votes may be counted for those issues or offices where more votes are cast for the office or issue than are permitted by law; write-in votes do not contain all of the information required under RCW 29A.60.021; or that issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. No write-in vote may be rejected due to a variation in the form of the name if the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote. [2011 c 10 s 47; 2009 c 414 s 2; 2003 c 111 s 1504. Prior: 1999 c 158 s 13; 1999 c 157 s 4; 1990 c 59 s 56; 1977 ex.s. c 361 s 88; 1973 1st ex.s. c 121 s 2; 1965 ex.s. c 101 s 11; 1965 c 9 s 29.54.050; prior: (i) Code 1881 s 3091; 1865 p 38 s 2; RRS s 5336. (ii) 1895 c 156 s 10; 1889 p 411 s 29; RRS s 5294. (iii) 1905 c 39 s 1, part; 1889 p 405 s 15, part; RRS s 5272, part. (iv) 1895 c 156 s 11, part; 1886 p 128 s 1, part; Code 1881 s 3079, part; 1865 p 34 s 4, part; RRS s 5323, part. Formerly RCW 29.54.050.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.050 Questions on validity of ballot—Rejection—Preservation and return. Whenever the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing

board. All ballots shall be preserved in the same manner as valid ballots for that primary or election. [2011 c 10 s 48; 2005 c 243 s 13; 2003 c 111 s 1505. Prior: 1990 c 59 s 57; 1977 ex.s. c 361 s 89; 1965 c 9 s 29.54.060; prior: Code 1881 s 3080, part; 1865 p 34 s 5, part; RRS s 5324, part. Formerly RCW 29.54.060.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.060 Results after close of voting. After the close of voting at 8:00 p.m., the county auditor must directly load the results from any direct recording electronic memory pack into the central accumulator. [2013 c 11 s 60; 2011 c 10 s 49; 2003 c 111 s 1506. Prior: 1999 c 158 s 12. Formerly RCW 29.54.097.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.60.070 Returns, precinct and cumulative—Delivery. The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.56 RCW.

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately. [2005 c 274 s 249; 2005 c 243 s 14; 2003 c 111 s 1507. Prior: 1990 c 59 s 60. Formerly RCW 29.54.105.]

Reviser's note: This section was amended by 2005 c 243 s 14 and by 2005 c 274 s 249, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.60.090 Voting systems—Maintenance of documents. In counties using voting systems, the county auditor shall maintain the following documents for at least sixty days after the primary or election:

- (1) Sample ballot formats together with a record of the format or formats assigned to each precinct;
- (2) All programming material related to the control of the vote tallying system for that primary or election; and
- (3) All test materials used to verify the accuracy of the tabulating equipment as required by RCW 29A.12.130. [2003 c 111 s

1509. Prior: 1990 c 59 s 61; 1977 ex.s. c 361 s 94. Formerly RCW 29.54.170.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.095 Electronic voting devices—Record maintenance.

(1) The electronic record produced and counted by electronic voting devices is the official record of each vote for election purposes. The paper record produced under RCW 29A.12.085 must be stored and maintained for use only in the following circumstances:

- (a) In the event of a manual recount;
- (b) By order of the county canvassing board;
- (c) By order of a court of competent jurisdiction; or
- (d) For use in the random audit of results described in RCW 29A.60.185.

(2) When such paper record is used in any of the circumstances listed in subsection (1) of this section, it shall be the official record of the election. [2005 c 242 s 3.]

Required: RCW 29A.12.085.

Unauthorized removal of paper record from voting center: RCW 29A.84.545.

RCW 29A.60.100 Votes by stickers, printed labels, rejected.

Votes cast by stickers or printed labels are not valid for any purpose and shall be rejected. Votes cast by sticker or label shall not affect the validity of other offices or issues on the voter's ballot. [2003 c 111 s 1510. Prior: 1990 c 59 s 46; 1965 ex.s. c 101 s 16. Formerly RCW 29.51.175.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.60.110 Ballot containers, sealing, opening. (1)

Immediately after their tabulation, all ballots counted at a ballot counting center must 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.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in

that county. [2018 c 218 s 4; 2013 c 11 s 61; 2011 c 10 s 50; 2003 c 111 s 1511; 1999 c 158 s 14; 1990 c 59 s 59. Formerly RCW 29.54.075.]

Intent—2018 c 218: See note following RCW 29A.60.185.

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.60.120 Counting ballots—Official returns. (1) All voted ballots must be manually inspected for damage, write-in votes, and incorrect or incomplete marks. If it is found that any ballot is damaged so that it cannot properly be counted by the vote tallying system, a true duplicate copy must be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All damaged ballots must be kept by the county auditor until sixty days after the primary or election or according to federal law, whichever is longer.

(2) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, and write-in votes, constitute the official returns of the primary or election in that county. [2011 c 10 s 51; 2003 c 111 s 1512; 1999 c 158 s 15; 1990 c 59 s 33; 1977 ex.s. c 361 s 74. Formerly RCW 29.54.085, 29.34.167.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.125 Damaged ballots. If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) 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;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, tabulation, or to conduct an audit under RCW 29A.60.185. [2018 c 218 s 8; 2005 c 243 s 10.]

Intent—2018 c 218: See note following RCW 29A.60.185.

RCW 29A.60.130 Certificate not withheld for informality in returns. No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is entitled to such certificate, nor shall any commission be withheld by the governor on account of any defect or informality of any return made to the office of the secretary of state. [2003 c 111 s 1513. Prior: 1965 c 9 s 29.27.120; prior: Code 1881 s 3102; 1865 p 41 s 13; RRS s 5347. Formerly RCW 29.27.120.]

RCW 29A.60.140 Canvassing board—Membership—Authority—Delegation of authority—Rule making. (1) Members of the county canvassing board are the county auditor, who is the chair, the county prosecuting attorney, and the chair of the county legislative body. If a member of the board is not available to carry out the duties of the board, then the auditor may designate a deputy auditor, the prosecutor may designate a deputy prosecuting attorney, and the chair of the county legislative body may designate another member of the county legislative body or, in a county with a population over one million, an employee of the legislative body who reports directly to the chair. An "employee of the legislative body" means an individual who serves in any of the following positions: Chief of staff; legal counsel; clerk of the council; policy staff director; and any successor positions to these positions should these original positions be changed. Any such designation may be made on an election-by-election basis or may be on a permanent basis until revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board. If the designation is permanent until revoked by the designating authority, then the designation must be on file in the county auditor's office no later than the day before the first day the designee is to undertake the duties of the canvassing board. Members of the county canvassing board designated by the county auditor, county prosecuting attorney, or chair of the county legislative body shall complete training as provided in RCW 29A.04.540 and shall take an oath of office similar to that taken by county auditors and deputy auditors in the performance of their duties.

(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

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

(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. Meetings must be conducted at times and locations that are accessible to the public to ensure that the public is informed and able to attend or observe. The time and location of county canvassing board meetings must be published in accordance with chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW. [2024 c 269 s 9; 2008 c 308 s 1; 2005 c 274 s 250; 2003 c 111 s 1514.]

RCW 29A.60.150 Procedure when member a candidate. The members of the county canvassing board may not include individuals who are candidates for an office to be voted upon at the primary or election. If no individual is available to serve on the canvassing board who is not a candidate at the primary or election the individual who is a candidate must not make decisions regarding the determination of a voter's intent with respect to a vote cast for that specific office; the decision must be made by the other two members of the board. If the two disagree, the vote must not be counted unless the number of those votes could affect the result of the primary or election, in which case the secretary of state or a designee shall make the decision on those votes. This section does not restrict participation in decisions as to the acceptance or rejection of entire ballots, unless the office in question is the only one for which the voter cast a vote. [2003 c 111 s 1515; 1995 c 139 s 3; 1965 c 9 s 29.62.030. Prior: 1957 c 195 s 16; prior: (i) Code 1881 s 3098; 1865 p 39 s 8; RRS s 5345. (ii) 1919 c 163 s 21, part; Code 1881 s 3095, part; 1868 p 20 s 1, part; 1865 p 39 s 6, part; RRS s 5340, part. Formerly RCW 29.62.030.]

RCW 29A.60.160 Ballots—Processing, canvassing. (1) The county auditor, as delegated by the county canvassing board, shall process ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than five hundred ballots that have yet to be canvassed.

(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.

(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process ballots and canvass the votes.

(4) Tabulation results must be made available to the public immediately upon completion of the canvass. Records of ballots counted must be made available to the public at the end of each day that the

county auditor has processed ballots during and after an election. [2016 c 134 s 2; 2013 c 11 s 62; 2011 c 10 s 53; (2011 c 10 s 52 expired July 1, 2013); 2007 c 373 s 2; (2007 c 373 s 1 expired July 1, 2013). Prior: 2005 c 243 s 15; (2005 c 153 s 11 expired July 1, 2013); 2003 c 111 s 1516; 1999 c 259 s 4; 1995 c 139 s 2; 1987 c 54 s 2; 1965 c 9 s 29.62.020; prior: 1957 c 195 s 15; prior: 1919 c 163 s 21, part; Code 1881 s 3095, part; 1868 p 20 s 1, part; 1865 p 39 s 6, part; RRS s 5340, part. Formerly RCW 29.62.020.]

Effective date—2011 c 10 ss 53 and 58: "Sections 53 and 58 of this act take effect July 1, 2013." [2011 c 10 s 88.]

Expiration date—2011 c 10 ss 52 and 57: "Sections 52 and 57 of this act expire July 1, 2013." [2011 c 10 s 89.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Effective date—2007 c 373 s 2: "Section 2 of this act takes effect July 1, 2013." [2007 c 373 s 5.]

Expiration date—2007 c 373 s 1: "Section 1 of this act expires July 1, 2013." [2007 c 373 s 4.]

Expiration date—2005 c 153 ss 11 and 12: "Sections 11 and 12 of this act expire July 1, 2013." [2005 c 153 s 14.]

Absentee ballots, canvassing: RCW 29A.40.110.

RCW 29A.60.165 Unsigned ballot declarations. (1) 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 both that their ballot is unsigned and of the correct procedures for completing the unsigned declaration. If the ballot is received within five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.

(2) (a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, enclosing a copy of the declaration if notified by first-class mail or email, and advise the voter both that the signature on the ballot declaration does not match the signature on file and of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least five business days before the final meeting of the canvassing board, then the auditor shall attempt

to notify the voter by telephone, text message, or email, using the voter registration record information.

(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter's name has changed, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) If the auditor calls a voter who neglected to sign the ballot declaration or whose signature on the ballot declaration does not match the signature in the registration file and the voter does not answer, but voice mail is available, the auditor shall leave a voice mail message.

(4) An auditor who provides electronic means for submission of a ballot declaration signature shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the auditor and is only used for the stated purposes of verifying the signature on the voter's ballot.

(5) If a voter's ballot is rejected in two consecutive primary or general elections due to a mismatched signature, the auditor must contact the voter by telephone, text message, or email, if the auditor has a telephone number or email address on file for the voter, and request that the voter update their signature for the voter's registration file.

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

(7) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information. The record must be updated each day that ballots are processed under RCW 29A.60.160, each time a voter was contacted or the notice was mailed, and when the voter submitted updated information. The auditor shall send the record, and any updated records, to the secretary of state no later than forty-eight hours after the record is created or updated. The secretary of state shall make all records publicly available no later than twenty-four hours after receiving the record. [2024 c 269 s 1; 2019 c 167 s 1; 2013 c 11 s 63; 2011 c 10 s 54. Prior: 2006 c 209 s 4; 2006 c 208 s 1; 2005 c 243 s 8.]

Notice to registered poll voters—Elections by mail—2011 c 10:

See note following RCW 29A.04.008.

RCW 29A.60.166 Voter signature verification—Standards. (1) The secretary of state shall:

(a) Adopt and regularly review statewide standards for determining whether the voter's signature on the ballot declaration is the same as the signature of that voter in the county's registration files as required by RCW 29A.40.110(3);

(b) Adopt, publish, and regularly update a training manual, reviewed by appropriate experts, for the use of local election

personnel in implementing the standards adopted under (a) of this subsection; and

(c) Design and implement tools intended to confirm compliance with these standards. These tools shall be available to county auditors for compliance, and may include comparisons, at random intervals, of whether rejections of signatures on ballot declarations for failure to match the voter's signature in the county's registration files comply with the standards adopted under (a) of this subsection.

(2) All training materials for canvassing review board members and election personnel on the statewide standards for signature verification established in this section must be open to the public for observation. [2024 c 269 s 3.]

RCW 29A.60.167 Voter signature verification—Forms. The secretary of state shall design forms for voters to use in completing incomplete ballot declarations and forms to be used by voters in updating a voter's signature in the county's registration files in the various languages required of state agencies. The forms must include the oath and warning language used on voter registration forms. Each county auditor shall provide these forms on the auditor's website and in the auditor's office. [2024 c 269 s 4.]

RCW 29A.60.168 Voter signature verification—Community outreach plan. (1) Each county auditor shall develop a community outreach plan to educate voters about signature verification requirements and the importance of ballot signatures matching signatures in voter registration files. The outreach plan shall include materials for publication on the county auditor's website and distribution in communities throughout the county that clearly explain signature verification requirements and the process of updating signatures in voter registration files or curing challenged ballots under RCW 29A.60.165. Materials prepared under the outreach plan should be written clearly and in plain language. Materials must be produced in English, Spanish, and any other language required by the federal voting rights act. Materials prepared as part of the outreach plan should be informed by the data collected in the survey required by RCW 29A.60.300 and should target groups with higher rates of ballot rejection. The secretary of state may assist in preparation of materials for a county's outreach plan, including coordinating between multiple counties and providing information about statewide requirements.

(2) County auditors are encouraged to establish partnerships with trusted community organizations as part of the community outreach plan to maximize resources. [2024 c 269 s 5.]

RCW 29A.60.170 List of observers—Counting center, direction and observation of proceedings—Random check of counting equipment—Report. (1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or

organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment must be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(4), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board. The random check procedures must include a process, consistent with RCW 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures. [2018 c 218 s 3; 2011 c 10 s 55; 2007 c 373 s 3; 2003 c 111 s 1517; 1999 c 158 s 9; 1990 c 59 s 30; 1977 ex.s. c 361 s 71. Formerly RCW 29.54.025, 29.34.153.]

Intent—2018 c 218: See note following RCW 29A.60.185.

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.180 Credit for voting. Each registered voter casting a valid ballot will be credited with voting on his or her voter registration record. [2011 c 10 s 56; 2003 c 111 s 1518. Prior: 2001 c 241 s 12; 1988 c 181 s 3; 1987 c 346 s 16; 1983 c 136 s 1; 1965 c 9 s 29.36.075; prior: 1961 c 78 s 1. Formerly RCW 29.36.330, 29.36.075.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.60.185 Audit of results. (1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of duplicated ballots in accordance with subsection (2) of this section, and an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c)(iii)(A) and (B) of this subsection.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.

(2) Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated under RCW 29A.60.125. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots.

(3) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(4) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements. [2018 c 218 s 2; 2005 c 242 s 5.]

Intent—2018 c 218: "It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of

having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process." [2018 c 218 s 1.]

RCW 29A.60.190 Certification of election results. Ten days after a special election held in February or April, ten days after a presidential primary held pursuant to chapter 29A.56 RCW, fourteen days after a primary, or twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each ballot that was returned before 8:00 p.m. on the day of the special election, general election, primary, or presidential primary, and each ballot bearing a postmark on or before the date of the special election, general election, primary, or presidential primary and received no later than the day before certification, must be included in the canvass report. [2019 c 7 s 5; 2015 c 146 s 4. Prior: 2011 c 349 s 21; (2011 c 349 s 20 expired July 1, 2013); 2011 c 10 s 58; (2011 c 10 s 57 expired July 1, 2013); 2006 c 344 s 17; (2006 c 344 s 16 expired July 1, 2013); prior: 2005 c 243 s 16; (2005 c 153 s 12 expired July 1, 2013); 2004 c 266 s 18; 2003 c 111 s 1519.]

Effective date—2011 c 349 s 21: "Section 21 of this act takes effect July 1, 2013." [2011 c 349 s 31.]

Expiration date—2011 c 349 s 20: "Section 20 of this act expires July 1, 2013." [2011 c 349 s 32.]

Effective date—2011 c 349: See note following RCW 29A.04.255.

Effective date—2011 c 10 ss 53 and 58: See note following RCW 29A.60.160.

Expiration date—2011 c 10 ss 52 and 57: See note following RCW 29A.60.160.

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Effective date—2006 c 344 s 17: "Section 17 of this act takes effect July 1, 2013." [2006 c 344 s 43.]

Expiration date—2006 c 344 s 16: "Section 16 of this act expires July 1, 2013." [2006 c 344 s 42.]

Effective date—2006 c 344 ss 1-16 and 18-40: See note following RCW 29A.04.311.

Expiration date—2005 c 153 ss 11 and 12: See note following RCW 29A.60.160.

Effective date—2004 c 266: See note following RCW 29A.04.575.

RCW 29A.60.195 Provisional ballots—Disposition. Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, website, mail, or other means. The auditor must notify the voter in accordance with RCW 29A.60.165 when the declaration is unsigned or when the signatures do not match. [2011 c 10 s 59; 2005 c 243 s 9.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

RCW 29A.60.200 Canvassing procedure—Refusal to certify—Penalty.

(1) Before canvassing the returns of a primary or election, the chair of the county legislative authority or the chair's designee shall administer an oath to the county auditor or the auditor's designee attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor or designee and filed with the returns of the primary or election.

(2) The county canvassing board shall proceed to verify the results from the ballots received. The board shall execute a certificate of the results of the primary or election signed by all members of the board or their designees. Failure to certify the returns, if they can be ascertained with reasonable certainty, is a crime under RCW 29A.84.720.

(3) If the county canvassing board refuses to certify the results of the election without cause, the secretary of state may examine the records, ballots, and results of the election and certify the results of the election. This must be completed within two business days after the certification deadline in RCW 29A.60.190 after the refusal of the county canvassing board to certify the results of the election. [2024 c 28 s 5; 2011 c 10 s 60; 2003 c 111 s 1520; 1990 c 59 s 63; 1965 c 9 s 29.62.040. Prior: 1957 c 195 s 17; prior: (i) 1919 c 163 s 21, part; Code 1881 s 3095, part; 1868 p 20 s 1, part; 1865 p 39 s 6, part; RRS s 5340, part. (ii) 1893 c 112 s 2; RRS s 5342. (iii) 1903 c 85 s 1, part; Code 1881 s 3094, part; 1865 p 38 s 4, part; RRS s 5339, part. Formerly RCW 29.62.040.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.60.210 Recanvass—Generally. 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 election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. 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. [2005 c 243 s 17; 2003 c 111 s 1521; 1990 c 59 s 64; 1965 c 9 s 29.62.050. Prior: 1951 c 193 s 1; 1917 c 7 s 1, part; 1913 c 58 s 15, part; RRS s 5315, part. Formerly RCW 29.62.050.]

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

Voting systems: Chapter 29A.12 RCW.

RCW 29A.60.221 Tie in primary or final election. (1) If the requisite number of any federal, state, county, city, or district offices have not been nominated in a primary by reason of two or more persons having an equal and requisite number of votes for being placed on the general election ballot, the official empowered by state law to certify candidates for the general election ballot shall give notice to the several persons so having the equal and requisite number of votes to attend at the appropriate office at the time designated by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared nominated and placed on the general election ballot.

(2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election. [2004 c 271 s 176.]

Tie vote for executive branch officer: State Constitution Art. III s 4.

RCW 29A.60.230 Abstract by election officer—Transmittal to secretary of state. Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The cumulative report of the election and a copy of the certificate of the election must be transmitted to the secretary of state immediately. The county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which results are aggregated must be contiguous. [2011 c 10 s 61; 2003 c 111 s 1523; 2001 c 225 s 2; 1999 c 298 s 21; 1990 c 262 s 1;

1977 ex.s. c 361 s 96; 1965 c 9 s 29.62.090. Prior: (i) 1895 c 156 s 12; Code 1881 s 3101; 1865 p 40 s 12; RRS s 5346. (ii) Code 1881 s 3103; 1865 p 41 s 14; RRS s 5348. Formerly RCW 29.62.090.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.235 Reconciliation reports. (1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, website link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, website link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;
- (s) The number of nonoverseas and nonservice ballots that were rejected for:
 - (i) Failing to send an original or hard copy of the ballot by the certification deadline; or
 - (ii) Any other reason, including the reason for rejection;
- (t) The number of voters credited with voting;
- (u) The number of replacement ballots requested;
- (v) The number of replacement ballots issued;
- (w) The number of replacement ballots received;
- (x) The number of replacement ballots counted;
- (y) The number of replacement ballots rejected; and
- (z) 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, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's website at the time of certification. The county auditor

must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3) (a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's website within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available. [2018 c 218 s 9; 2017 c 300 s 1; 2011 c 10 s 62; 2009 c 369 s 41; 2005 c 243 s 11.]

Intent—2018 c 218: See note following RCW 29A.60.185.

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.60.240 Secretary of state—Primary returns—State offices, etc. The secretary of state shall, as soon as possible but in any event not later than seventeen days following the primary, canvass and certify the returns of all primary elections as to candidates for statewide offices, United States senators and representatives in Congress, and all legislative and judicial candidates whose district extends beyond the limits of a single county. [2013 c 11 s 64; 2011 c 349 s 22; 2003 c 111 s 1524; 1977 ex.s. c 361 s 97; 1965 c 9 s 29.62.100. Prior: 1961 c 130 s 11; prior: 1907 c 209 s 24, part; RRS s 5201, part. Formerly RCW 29.62.100.]

Effective date—2011 c 349: See note following RCW 29A.04.255.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.250 Secretary of state—Final returns—Scope. As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall canvass and certify the returns of the general election as to candidates for statewide offices, the United States senate, congress, and all legislative and judicial candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president

of the senate, and speaker of the house of representatives. [2013 c 11 s 65; 2005 c 243 s 18; 2003 c 111 s 1525; 1965 c 9 s 29.62.120. Prior: Code 1881 s 3100, part; No RRS. Formerly RCW 29.62.120.]

RCW 29A.60.260 Canvass on statewide measures. The votes on proposed amendments to the state Constitution, recommendations for the calling of constitutional conventions and other questions submitted to the people must be counted, canvassed, and returned by each county canvassing board in the manner provided by law for counting, canvassing, and returning votes for candidates for state offices. The secretary of state shall, in the presence of the governor, within thirty days after the election, canvass the votes upon each question and certify to the governor the result. The governor shall forthwith issue a proclamation giving the whole number of votes cast in the state for and against such measure and declaring the result. If the vote cast upon an initiative or referendum measure is equal to less than one-third of the total vote cast at the election, the governor shall proclaim the measure to have failed. [2003 c 111 s 1526; 1965 c 9 s 29.62.130. Prior: (i) 1913 c 138 s 30; RRS s 5426. (ii) 1917 c 23 s 1; RRS s 5341. Formerly RCW 29.62.130.]

RCW 29A.60.270 Local officers, beginning of terms—Organization of district boards of directors. The term of every city, town, and district officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years begins in accordance with *RCW 29A.20.040. However, a person elected to less than a full term shall assume office as soon as the election returns have been certified and he or she is qualified in accordance with RCW 29A.04.133.

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office. [2003 c 111 s 503; 1979 ex.s. c 126 s 14; 1965 c 123 s 6; 1965 c 9 s 29.13.050. Prior: 1963 c 200 s 8; 1959 c 86 s 1; prior: 1951 c 257 s 6. (i) 1949 c 161 s 9; Rem. Supp. 1949 s 5146-1. (ii) 1949 c 163 s 1; 1921 c 61 s 4; Rem. Supp. 1949 s 5146. Formerly RCW 29A.20.030, 29.13.050.]

***Reviser's note:** RCW 29A.20.040 was recodified as RCW 29A.60.280 pursuant to 2013 c 11 s 93.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

RCW 29A.60.280 Local elected officials, commencement of term of office—Purpose. (1) The legislature finds that certain laws are in conflict governing the assumption of office of various local officials. The purpose of this section is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting. A person elected to the office of school director begins his or her term of office at the first official meeting of the board of directors after certification of the election results. It is also the purpose of this section to remove these conflicts and delete old

statutory language concerning such elections which is no longer necessary.

(2) For elective offices of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting, the term of incumbents ends and the term of successors begins after the successor is elected and qualified, and the term commences immediately after December 31st following the election, except as follows:

(a) Where the term of office varies from this standard according to statute; and

(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term occurs when the successor becomes qualified in accordance with RCW 29A.04.133.

(3) For elective offices governed by this section, the oath of office must be taken as the last step of qualification as defined in RCW 29A.04.133 but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office. [2003 c 111 s 504; 1999 c 298 s 3; 1980 c 35 s 7; 1979 ex.s. c 126 s 1. Formerly RCW 29A.20.040, 29.04.170.]

Severability—1980 c 35: See note following RCW 28A.343.300.

RCW 29A.60.300 Statewide survey of voted ballot rejection rates and reasons for rejections—Secretary of state to conduct and publish. Every odd-numbered year, the secretary of state must conduct and publish a statewide survey of voted ballot rejection rates and the reasons for those rejections by county auditors and canvassing boards. The secretary of state must collect data from reconciliation reports and county auditors in order to compare county and statewide averages for rates of rejected ballots and reasons for those ballots being rejected. The data collected must include rejection rates and reasons for rejection of voted ballots for all elections. The survey must include an analysis of current practices by county auditors and canvassing boards in the acceptance and rejection of ballots, and include recommendations for improvements that minimize rejections in those practices, with a goal of statewide standardization where applicable. The results must also be analyzed and compared with available national data and recognized best practices. The secretary of state's recommendations and reports must be made available to the public. [2016 c 134 s 3.]

RCW 29A.60.800 Uniform ballot envelope design work group. **(Expires January 1, 2027.)** (1) A work group is established to approve a uniform ballot envelope design to be used by all counties in each election beginning with the 2026 primary election.
(2) The work group must be chaired by the secretary of state, or the secretary's designee, and include at a minimum the following members, appointed by the secretary of state:

(a) Two county auditors or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;

(b) A representative from the University of Washington Evans school of public policy and governance;

(c) A representative from a nonprofit educational research organization with expertise in designing voting materials; and

(d) Other recognized experts and staff as deemed necessary by the work group's chair.

(3) This section expires January 1, 2027. [2024 c 269 s 12.]