

Benton County Canvassing Board
Policies and Procedures
Adopted February 23, 2023

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General Information

Authorization and Duties

The Benton County Canvassing Board (Canvassing Board) is established under the authority of RCW 29A.60. The duties of the Canvassing Board include processing ballots, determining the validity of challenged or provisional ballots, determining tie votes by lot, resolving discrepancies in results, conducting recount elections, resolving all questions related to the legality of the ballot or any part thereof, and canvassing votes by certifying election results for any election (Special, Primary or General).

Purpose

These policies and procedures are set to establish a mechanism for treating matters consistently and uniformly before the Canvassing Board. Statutory and regulatory authority is cited where applicable. Provisions of these policies and procedures that do not specifically refer to statutory or regulatory authority are merely guidelines based on past practices and decisions of the Canvassing Board. They are provided to promote consistency; however, each factual question before the Canvassing Board should be reviewed on a case-by-case basis. State law or regulations shall control in the event of any conflict concerning these policies and procedures. State law shall govern over any state administrative regulations.

The Canvassing Board

Composition of the Canvassing Board

a. Canvassing Board Members The Canvassing Board shall consist of three members, as designated in RCW 29A.60.140.

- The County Auditor, who chairs the Board or a designated Deputy Auditor.
- The County Prosecuting Attorney or a designated Deputy Prosecutor.
- The Chair of the Board of County Commissioners or a designated member of the Board of County Commissioners.

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

The members designated to the Canvassing Board may not include individuals who are candidates for an office to be voted upon at the election to be canvassed, unless no other individuals qualify (RCW 29A.60.150).

b. Delegation of Authority The Canvassing Board may delegate, in writing, tasks as outlined in WAC 434-262-015. Any written delegation of authority shall be filed with the Auditor at the beginning of each year prior to any person undertaking any action on behalf of the Canvassing Board (WAC 434-262-015).

c. Emergency Delegation of Board Member If a member cannot attend a canvassing board meeting due to an emergency a designee may be appointed according to RCW 29A.60.140 at any time, including the day of the meeting (WAC 434-262-016). For the purposes of this section an emergency is defines as a situation in which a canvassing board member or previously appointed designee is inable or unwilling to attend a canvassing board meeting.

d. Remote Participation If a designee cannot be appointed, the member may participate remotely.

1)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, emailed, 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.

2) As per RCW 29A.60.200, all three county canvassing board members or designees must certify an election. If an election is certified during the meeting where a member or designee is attending remotely, a copy of the certification document must be sent electronically to the remote member. 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 certification documentation is sent electronically to the remote member.

(c) The remote member must print the signature page of the certification, sign the page, and return the signed page 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. (WAC 434-262-016).

Terms of Membership

Members of the Canvassing Board shall serve for the duration of their designation, as provided in the written designation of Canvassing Board Member (RCW 29A.60.140 and WAC 434-262-015).

Meetings

Time for Meetings

The Canvassing Board shall meet periodically during such dates and times as may be necessary to carry out the duties and responsibilities set forth in these Canvassing Board policies, state law, and state administrative regulations. Minimally, the Canvassing Board shall meet to certify elections on the dates as set forth in RCW 29A.60.190 and WAC 434-262-030, which shall include Special Elections, Primary Elections, and General Elections. The dates for meeting shall be modified in accordance with any subsequent changes made in state law or state administrative regulation.

Place for Meetings

The Canvassing Board will generally meet in the office of the Benton County Elections Division, unless otherwise determined by the Auditor.

Public Meetings

Canvassing Board meetings are open to the public and subject to the requirements of the Open Public Meetings Act, Chapter 42.30 (WAC 434-262-025).

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 (RCW 29A.60.200).

- a. **Exceptions** The members of the Canvassing Board may not include individuals who are candidates for an office to be voted upon during an election. If no individual is available to serve on the Canvassing Board who is not a candidate in the 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 elections, 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 voters cast a vote (RCW 29A.60.150).

Decisions of the Canvassing Board

Unanimous votes by all three members of the Canvassing Board are not required. Instead, a majority vote of the members shall determine the final decision.

Meeting Procedures

Canvassing of Ballots

The Canvassing Board shall review and determine the validity of challenged or provisional ballots and resolve all questions related to the legality of the ballot or any part thereof.

- a. General Guidelines** If the voter's intent can be ascertained with reasonable certainty, that ballot shall be counted.
- b. Write-In Vote Validity**
 - No write-in vote shall be rejected due to a variation in the form of the name if the Canvassing Board can determine the issue for or against or the person and the office for which the voter intended to vote (RCW 29A.60.040).
 - Any abbreviations used to designate office, position, or political party on write-in ballots shall be accepted by the Canvassing Board if the voter's intent can be satisfactorily determined.
 - Those portions of a ballot shall not be counted if they do not comply with the write-in provisions of RCW 29A.60.040, 29A.60.021 and WAC 434-262-160.
- c. Rejection of Ballots or Parts of Ballots** Ballots or parts of ballots must be rejected by the Canvassing Board for the reasons set forth in WAC 434-262-031 (RCW 29A.60.040 and WAC 434-262-031).

Auditor's Abstract of Votes

The Canvassing Board shall examine the Auditor's abstract of votes and shall verify all ballots have been included in the abstract and all registration and vote cast totals are accurate (RCW 29A.60.200 and WAC 434-262-040).

- a. Verification** The Canvassing Board shall examine the Auditor's abstract of votes (cumulative report of all votes) to verify all individual precinct ballot totals have been included in the abstract and the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct ballot totals (WAC 434-262-040).
- b. Errors or Discrepancies** If the Canvassing Board discovers errors or discrepancies in the Auditor's abstract of votes, these errors or discrepancies shall be investigated. The Canvassing Board shall be empowered to take whatever corrective steps a majority of the Canvassing Board deems necessary. Authorized corrective action includes changing or modifying the

Auditor's abstract of votes. The Canvassing Board may also verify the votes if a majority believe the nature of the errors or discrepancies warrant such further action (WAC 434-262-050).

- c. **Corrective Action Documentation** If the Canvassing Board takes corrective action involving any part of the Auditor's abstract of votes, a written narrative of the cause of errors or discrepancies discovered, and the corrective action taken shall be prepared. Each member of the Canvassing Board shall initial any alterations or modifications to the Auditor's abstract of votes and each shall also sign the written narrative (WAC 434-262-060).
- d. **Official County Canvass Report** Upon verifying the Auditor's abstract of votes and documenting any corrective action taken, the Canvassing Board shall sign an official county canvass report, certifying the abstract is a full, true and correct representation of the votes cast for the listed issues and officials. The canvass report shall include those items set forth in WAC 434-262-070, and shall contain the oath required by RCW 29A.60.200, signed by the Auditor and attested to by the Chairman of the Board of County Commissioners. 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, upon a superior court order, or by the Canvassing Board reconvened specifically for that purpose (RCW 29A.60.200; WAC 434-262-070).
- e. **Oath.** The Chairman of the Board of County Commissioners or such designated representative shall administer an oath to the Auditor substantially as follows:

"I do solemnly swear that the returns of the primary (or election) held on (date), in the City (Town) of _____, Benton County, State of Washington, have been in no way altered by additions or erasures and that they are the same as when they were deposited in my office".

(RCW 29A.60.200).

Certification

All the members of the Canvassing Board shall sign a certificate of their canvass which shall then be filed with the Auditor (RCW 29A.60.190 and RCW 29A.60.200).

Voter Registration Challenges

Duty of Canvassing Board

The Canvassing Board is statutorily charged with the duty to hear voter registration challenges filed with the Auditor less than forty-five (45) days before an election (RCW

29A.08.820 and .830). Challenges filed more than forty-five (45) days prior to an election shall be heard by the Auditor (RCW 29A.08.840).

Procedures for Challengers

a. Qualifications of Challenger A challenger must be a registered voter (RCW 29A.08.830 and WAC 434-324-115). Challenges may also be initiated by the office of the Prosecuting Attorney (RCW 29A.08.810).

b. Time for Challenge

- **Challenges within Forty-five (45) Days of Election Day** A challenger must file a challenge with the Auditor not later than ten (10) days before any election (RCW 29A.08.820).

c. Procedure for Filing a Challenge All challengers must:

- File a signed and verified affidavit, subject to penalties of perjury that: to the challenger's personal knowledge and belief, the voter does not actually reside at the residential address given on the registration record or is otherwise not a qualified or constitutionally protected voter (RCW 29A.08.810).
- Furnish the address at which the challenged voter actually resides (RCW 29A.08.810).
- Either appear in person to present the relevant facts and arguments before the Canvassing Board or file an affidavit stating the reasons the registration is invalid in support of the challenge (RCW 29A.08.840).

Procedures for a Challenged Voters Challenged voters may:

- a.** Vote a ballot as established in RCW 29A.08.820.
- b.** Properly transfer or re-register until the day before the election by applying personally to the Auditor (RCW 29A.08.840).
- c.** Either appear at the Canvassing Board hearing, or Auditor's office in person to present the relevant facts and arguments or file an affidavit with the Canvassing Board or County Auditor stating the reasons the registration is valid (RCW 29A.08.820).

Procedures for Auditor The Auditor shall:

- a.** Post all challenges on the Auditor's website within seventy-two (72) hours and notify anyone who has requested to be notified

(RCW 29A.08.835).

- b. Post the final decision of the county auditor or canvassing board on the Auditor's website.
- c. The challenge and final decision must remain on the county auditor's website for one month after the final decision was made (WAC 434-324-115).

Time of Hearing

The hearing shall occur no later than the time of canvassing for the particular election. The decision of the Canvassing Board shall be made within the same time limit (RCW 29A.08.820).

Presumption

Registration creates a presumption that a voter has the right to vote as registrations are presumed valid (RCW 29A.08.810).

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).

Evidence

- 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 each have thirty (30) minutes to present evidence.
- d. **Questioning of Witnesses** Members of the Canvassing Board shall be free to examine any witness at any time in the proceeding. Cross-examination shall not be allowed.
- e. **Recording** The Canvassing Board hearing shall be either tape-recorded or transcribed.

Decision

The decision of the Canvassing Board shall be made at the conclusion of the evidentiary portion of the hearing. The Canvassing Board's decision shall be final and is not subject to review. The decision may be rendered orally (RCW 29A.08.840).

Remedies

The effect of a Canvassing Board decision that a challenged registration is valid shall be to count the ballot and to give the registration full effect. Registrations determined to be invalid shall be immediately cancelled and the voted ballot shall not count (RCW 29A.08.820).

Voter Registration

Registered Voter Moves and Fails to Transfer Registration

- a. In the case of a voter who moves and has lived at a new address but failed to transfer voter registration to the new precinct and the ballot is returned undeliverable with forwarding information, the ballot is either forwarded or re-mailed to the voter's new address as provided.
- b. The voter's registration will be transferred to the new address after the certification of election.
- c. Any voter who has moved and lived at their new address less than the statutory date allowable for address updates shall vote in the normal manner in the precinct in which the voter previously resided.
- d. In the event of a name change and the voter's address remains the same, the voter will be sent a new registration form and asked to complete and return it with their new name and signature. The voter shall be permitted to vote.

Undeliverable Mail

- a. The Auditor shall inquire into the validity of a voter's registration whenever any ballot, application for a ballot, voter identification card, , or any other document required by statute to be mailed by the Auditor (other than the confirmation notice) is returned by the postal service as undeliverable.
- b. The Auditor shall place the voter on inactive status and shall send to the voter a confirmation notice. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, the voter's registration will be canceled.

- c. If the response to the confirmation notice indicates the voter has left the county and wishes to be canceled, the Auditor shall change the voter's status from inactive to canceled.
- d. Any voter where registration has been canceled by the Auditor pursuant to RCW 29A.08.630 shall be permitted to vote a provisional ballot.
- e. If the Auditor determines the registration was improperly canceled, the ballot shall count and the voter's registration be reinstated.

(RCW 29A.08.620, .625, .630, .640)

Ballots

General Duties

- a. Opening and Storing Ballots** The Canvassing Board or its designees may perform the initial processing of ballots upon receipt of such ballots. Following initial processing all ballots must be kept in secure storage until the retention timeframes have been met. Tabulation of ballots may not occur until after 8:00 p.m. on the day of the election.
- b. Review of Return Envelope** The Canvassing Board or its designees shall examine the postmark, oath, and signature on each return envelope containing a security sleeve and ballot.
- c. Comparison of Signatures** The Canvassing Board or its designees shall compare the voter's signature with the signature in the voter's registration file. In comparing signatures, the Canvassing 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.
- d. Variation in Signature** 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 as long as the surname and handwriting are clearly the same.
- e. Updated Signature** In the event a voter's signature on the return envelope does not compare to the signature in the voter's registration file, a standard letter will be mailed to the voter informing the voter of the signature discrepancy. The letter will provide instructions to the voter on how to cure the discrepancy so their ballot will be counted.
- f. Decision of Canvassing Board** If the information and forms regarding a request for updated signatures are not returned, the Canvassing Board shall review each return envelope to make the final determination whether to count the ballot. The

Auditor's Office staff shall follow all instructions of the Canvassing Board as to the disposition of such ballots.

(RCW 29A.40.110; WAC 434-250-110; 434-250-120)

Voter Intent

The Canvassing Board shall refer to the statewide standards on what is a vote in the voter intent manual provided by the Secretary of State.

(WAC 434-261-086)

Time of Voting

a. Deadline The following ballots must be included in the canvass report:

- All properly voted ballots returned before 8:00pm on the date of the election for which it was issued.
- Each ballot with a postmark on or before the date of the election for which it was issued and received no later than the day before the date on which the election is certified.

(RCW 29A.60.190(1) and WAC 434-262-030).

b. Exceptions

The following ballots received after Election Day may be included in the canvass report:

- **Overseas and Service Voters**

The date of mailing shall be the date indicated by the voter on the return envelope.

If the voter signs the return envelope but fails to date it, the date on the postmark shall control.

If the return envelope is not dated, has no postmark, or has an illegible postmark, the ballot shall be sent to the Canvassing Board for review and disposition.

- **All Other Voters**

The date of mailing shall be the postmark, if present and legible.

If the postmark is missing or illegible, the date on the return envelope to which the voter attests shall determine the date of mailing.

If the return envelope is not dated, has no postmark, or has an illegible postmark, the ballot shall be sent to the Canvassing Board for review and disposition.

c. Ballots Voted After Election Day All ballots showing a postmark subsequent to the date of an election, or a date indicated by the voter subsequent to the date of the election, shall **not** count.

(RCW 29A.40.110 and WAC 434-250-120).

Voters Unable to Sign Ballot

a. If a voter cannot sign their name on a ballot, they must have two people sign as witness for the signature to be valid.

b. The definition of a valid signature includes a mark with two witnesses and, therefore, is to be treated as if the signature matched their voter registration.

c. A mark without the requisite two witnesses shall not be counted.

(WAC 434-250-120; 434-261-005; 434-261-050).

Special Ballots

a. Definition. Special ballots may be issued to voters who complete an application stating they will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular ballots. A special absentee ballot may not be requested more than ninety days before the applicable election.

b. Processing. Special ballots shall be canvassed in the same manner as ballots.

c. Special and Regular Ballots Both Voted If a regular ballot and a special ballot are both properly voted and returned by the same voter, the special ballot shall be void. Special ballots, if valid, are to be duplicated on a ballot, for counting on the vote tallying system.

(RCW 29A.40.050; WAC 434-250-030).

Challenged Ballots

The qualifications of any voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the Canvassing Board. The Canvassing

Board has the authority to determine the legality of any challenged ballot. (RCW 29A.60.165).

Common Hypotheticals In the following cases, the Canvassing Board will determine the validity of all of parts of a ballot:

a. No Signature on Return Envelope In the event a return envelope is received without the voter's signature, a letter, with the required oath, shall be sent to the voter for their signature. If the signed oath is not returned by the day before the date on which the election is certified, the ballot will not be counted (RCW 29A.60.165; WAC 434-250-120).

b. Two Ballots, Enclosed Within One Return Envelope Where two voted ballots are returned together with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once. If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety. If two ballots are returned with one valid signature on the voter declaration, one voted ballot and one blank ballot without marked votes, the voted ballot may be counted in its entirety (WAC 434-262-031 (2) (a)); (WAC 434-262-031).

c. In the Following Cases, the Canvassing Board Will Determine the Validity of All or Parts of a Provisional Ballot:

- Assignment of a wrong precinct or levy code to a voter registration.
- Voter voted on issues not entitled to vote on.

If not all portions of a ballot can be counted, the Canvassing Board or its designees shall duplicate the original ballot for the parts that are valid to be counted.

(WAC 434-262-031; WAC 434-262-032)

d. Two ballots signed by the same person If the Canvassing Board determines that the same voter signed more than one ballot attempting to vote twice the information is forwarded to the Benton County Prosecuting Attorney's office for review.

Faxed/E-mailed Voted Ballots

With the exception of overseas and military voters, if a voted ballot is faxed/e-mailed, the ballot, and voter's oath bearing the original signature of the voter must be received on or before the date on which the election is certified in order for the faxed/e-mailed ballot to be duplicated onto the original ballot and to be counted (WAC 434-208-060).

Duplication of Ballots

Pursuant to WAC 434-261-100 the Canvassing Board has set the following procedures for duplication of ballots if a ballot needs to be duplicated for one of these reasons:

- Bends, tears, or folds that prevent the ballot from reading through the scanner
 - Marks in bar codes
 - No bar codes/faded bar codes
 - Any incorrectly marked ballots as directed by the Canvassing Board
 - Giving voting credit to the correct precinct due to replacement ballot being issued and no other ballots being accepted for the voter
- a. Never alter an original ballot, always duplicate it.
 - b. Obtain a duplicate ballot.
 - c. Assign the duplicate ballot and the original ballot a number:
 - The duplicated ballot serial number is written on the original ballot and the original ballot serial number is written on the duplicated ballot
 - The Canvassing Board or two designees will initial both duplicated and original ballots
 - Record the ballot numbers, operator name, etc. on the Duplicated Ballot Log
 - d. Duplicate the ballot exactly like the original ballot or per instructions from the Canvassing Board.
 - One board member reads the original ballot.
 - One board member marks the new ballot.
 - After duplication is completed, read the new ballot back, comparing to the original ballot.
 - e. Enclose the original ballot in a Duplicate Ballot Envelope. Fill out the necessary information on the front of the envelope.
 - f. Scan duplicated ballots as separate batch and indicate duplicated ballots in batch notes.

Signature Verification Observers

Pursuant to WAC 434-25-120, the Canvassing Board has set the following procedures for observation of the signature verification process:

- a. Notify the Election Manager in advance of desire to observe the signature verification process.

- b. All questions regarding the process shall be referred to the Election Manager or Election Systems Supervisor.
- c. The observer may not touch return envelopes or interfere with the signature verification process.
- d. Office staff may not be interrupted.
- e. Photos, videos, audio recordings, and the use of cell phones are prohibited, unless specifically authorized by the Auditor.
- f. Observers will be required to check in and out at the contact center.

Ties

Partisan Primary

If two or more candidates from the same party are tied for the same office at a partisan primary, the Canvassing Board shall resolve the tie vote by lot (RCW 29A.60.221(1)).

Non-Partisan or Judicial Primary

If, at a non-partisan or judicial primary, two or more candidates receive the second greatest, and identical, number of votes for that office or position, the Canvassing Board shall resolve the tie by lot (RCW 29A.60.221(2)).

Final Elections

Tie votes in final elections shall be publicly decided by lot in the manner authorized by RCW 29A.60.221(2).

Recounts

Criteria for Recounts

(1) If the official canvass of all of the returns for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently qualified for the general election ballot or elected to any office, and the number of votes cast for the closest apparently defeated opponent is less than two thousand votes and also less than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall conduct a recount of all votes cast on that position.

(a) Whenever such a difference occurs in the number of votes cast for candidates for a position the declaration of candidacy for which 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 those boards to recount all votes cast on the position.

(b) (i) For statewide elections, if 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, the votes shall be recounted manually or as provided in subsection (3) of this section.

(ii) For elections not included in (b)(i) of this subsection, 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 manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system

General Procedures for All Recounts

- a. **Time for Recount** The Canvassing Board shall conduct a recount within three (3) business days of the date the recount application was filed; the date the Canvassing Board received notice from the Secretary of State to conduct a mandatory recount; or the date the Canvassing Board has ordered a recount based on its own motion.
- b. **Notice of Recount** The Auditor shall mail a notice of the time and place of the recount proceeding by certified mail to the applicant(s) and the individuals for whom votes were cast not less than two days before the date of the recount. The Auditor shall also notify the affected parties by either telephone, fax, e-mail, or other

electronic means at the time of mailing. The notice shall also inform the addressees they may witness the recount proceedings and be accompanied by counsel.

- c. **Witnesses** All interested persons may attend and witness a recount proceeding by the Canvassing Board subject to physical limitations of the Auditor's Office. In cases of insufficient space for all interested persons to view the recount proceeding, priority should be given to the applicant and candidates potentially effected by the recount and their counsel. Furthermore, the Canvassing 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.
- d. **Role of Witnesses** Witnesses shall be permitted to observe the recount process and to see the ballots actually recounted. However, witnesses shall not be permitted to touch the ballots nor interfere with the recount process.
- e. **Recounting Votes** The Canvassing Board shall open the sealed containers containing the ballots to be recounted in the presence of all witnesses and then recount the ballots. Ballots shall be handled only by members of the Canvassing Board, their duly authorized representatives, or by election staff personnel.
- f. **Amended Abstracts** The Canvassing Board shall promptly prepare and certify an amended abstract showing the recounted votes in each relevant precinct upon completion of the recount process. A certified copy of the new abstract shall be sent to the Secretary of State, if such recount was for an election encompassing more than one county or a legislative position. The Canvassing Board shall also prepare an amended declaration of the election results if the recounted matter was submitted only to Benton County electors.

(RCW 29A.64.021, .030, .041, 061)

Policy on Accepting and Examining Ballots

Common Hypotheticals

The following are scenarios which frequently occur with optical/digital scan elections (ballots, provisional ballots, and ballots cast at a Voting Center):

- a. **Candidate's name written in, position not marked** The write-in vote should be determined as valid, provided another position for that same office has not been marked. If such is the case, this should be determined as an overvote, and the ballot resolved accordingly.
- b. **Obvious write-ins for no candidate** Any write-in for "anyone else", "someone else", "no one", cartoon characters, celebrities, or other names that are without a

doubt not for an actual candidate running for office shall be counted as an uncertified write-in unless a write-in declaration has been filed.

- c. **Original ballot not to be altered** Any ballot, or parts of ballots, that are accepted and need marked in order to be read through the digital scanner, shall be duplicated on a new ballot.
- d. **Validation of Special Election** For figuring validation, blank ballots and overvotes are not to be included in the total votes cast. Only votes actually cast in favor of or against an issue shall be used for figuring validation (AGO 53-55,#227).

ADOPTED by the Benton County Canvassing Board this 23rd day of February, 2023.

WILL MCKAY, Chairman Benton County Board of Commissioners

BRENDA CHILTON, Benton Auditor

REID HAY, Benton County Deputy Prosecuting Attorney