

Snohomish County Canvassing Board
Administrative Rules



Garth Fell
Snohomish County Auditor

Adopted May 5, 2022

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**Snohomish County Canvassing Board
Order of Adoption**

I. PURPOSE:

To formally adopt the Canvassing Board administrative rules identified below.

II. REFERENCES:

Chapter 29A.60 RCW
Chapter 434-262 WAC

III. APPLICATION:

These administrative rules are adopted to facilitate and govern the canvassing process in Snohomish County. The Canvassing Board may make exceptions to these rules to provide for the effective administration of elections.

(Authority: RCW 29A.60.140)

IV. RULES:

Administrative Rule One	Composition and Responsibilities of the Canvassing Board
Administrative Rule Two	Canvassing Board Meetings and Notices
Administrative Rule Three	Ballot Processing and Security
Administrative Rule Four	Canvassing the Ballots
Administrative Rule Five	Ballot Duplication Procedures
Administrative Rule Six	Certification and Recounts
Administrative Rule Seven	Audit Processes



**Snohomish County Canvassing Board
Order of Adoption**

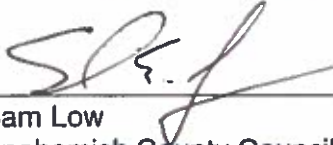
V. ADOPTION:

The administrative rules listed above and attached hereto are hereby adopted by the Snohomish County Canvassing Board. All administrative rules previously adopted by the Board are hereby rescinded.

DATED this 5th day of May 2022.



Garth Fell,
Snohomish County Auditor



Sam Low
Snohomish County Councilmember, District 5



Michael Held
Snohomish County Prosecuting Attorney – Chief of Staff



**Snohomish County Canvassing Board
Administrative Rule One**

Composition and Responsibilities of the Canvassing Board

I. PURPOSE:

To identify the composition and responsibilities of the Snohomish County Canvassing Board and to establish procedures for the delegation of its authority.

II. SCOPE:

This administrative rule applies to all actions undertaken under authority of the Canvassing Board.

III. REFERENCES:

Chapter 29A.04 RCW	Chapter 434-261 WAC
Chapter 29A.40 RCW	Chapter 434-262 WAC
Chapter 29A.56 RCW	
Chapter 29A.60 RCW	
Chapter 29A.64 RCW	

IV. COMPOSITION:

The Snohomish County Canvassing Board is composed of the County Auditor, who is the chair, and the Prosecuting Attorney, and Chair of the County Council, or their designees.
(Authority: RCW 29A.60.140)

V. RESPONSIBILITIES:

The responsibilities of the Canvassing Board include:

- A. Processing incoming ballots (Authority: RCW 29A.40.110)
- B. Verifying and certifying ballot results (Authority: RCW 29A.60.070 and 29A.60.200)
- C. Determining the validity of ballots (Authority: RCW 29A.60.050)
- D. Opening sealed ballot containers (Authority: RCW 29A.60.110)
- E. Taking corrective action on the "Abstract of Votes" (Authority: WAC 434-262-060)
- F. Rejecting ballots in whole or part (Authority: WAC 434-262-031, WAC 434-262-160)
- G. Conducting a recount (Authority: RCW 29A.64.041)
- H. Determining the validity of a ballot when the validity of that ballot is in question and determining whether to accept provisional ballots (Authority: WAC 434-261-120)

**Snohomish County Canvassing Board
Administrative Rule One**

- I. Adopting administrative rules. (Authority: RCW 29A.60.140)

VI. PROCEDURES:

- A. **Designation of Members:** Members of the Canvassing Board are designated pursuant to RCW 29A.60.140. 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 Prosecuting Attorney may designate a deputy prosecuting attorney, and the Chair of the County Council may designate another member of the County Council. Any such designation may be made on an election-by-election basis or may be on an annual basis unless revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the 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 Auditor's Office no later than the day before the first day the designee is to undertake the duties of the Canvassing Board.
(Authority: RCW 29A.60.140)
- B. **Designated Member Training.** An individual designated by the Auditor, Prosecuting Attorney, or Chair of the County Council to serve on the Canvassing Board 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.
- C. **Delegation of Authority:** Except as otherwise provided by law, the Canvassing Board may delegate the performance of any task assigned by law to the board in writing or at a public meeting in accordance with rules adopted by the Secretary of State. The written delegation of authority shall be filed with the Auditor annually in January in substantially the same form as Attachment A.
(Authority: RCW 29A.60.140)
- D. **Oaths of Appointment:** All elections personnel, including Elections Seasonal employees, must take an oath of appointment as a deputy auditor before undertaking ballot processing duties (Attachments B/C). All Elections Seasonal employees shall take an oath prior to assuming their duties (Attachment C).
(Authority: RCW 36.22.220, RCW 36.22.230)

**Snohomish County Canvassing Board
Administrative Rule One
Attachment A**



Snohomish County Canvassing Board

DELEGATION OF AUTHORITY

The Snohomish County Canvassing Board, pursuant to RCW 29A.60.140, hereby authorizes the full-time regular election staff of the Snohomish County Auditor's Office ("election staff"), and temporary personnel hired by the Auditor as needed, to act as our representatives. Their duties shall be to examine the postmark, receipt mark, date of oath, and statement on the outer envelope containing the ballot, and to verify that the voter's signature thereon is the same as that on the voter registration record. These duties may be done prior to Election Day. These same representatives will also make determinations as to the disposition of the provisional and challenged ballots, i.e. proper voter registration, proper address, proper precinct, and whether or not the ballot should be submitted to the Canvassing Board for further action. The election staff are authorized to process and tabulate ballots and to supervise and assist temporary personnel, as directed by the Auditor.

All of the above delegated authority is to be exercised under the supervision of the Snohomish County Auditor in accordance with the Administrative Rules adopted by the Canvassing Board and administrative regulations of the Secretary of State.

All issues which cannot be resolved to a reasonable certainty by supervisory personnel shall be decided by the Canvassing Board. This delegation of authority by the Canvassing Board for opening and subsequent processing of ballots shall begin upon receipt of returned ballots for any special, primary or general election and shall end upon final certification of the election results, inclusive of all applicable recounts.

This general delegation of authority shall be in effect for each special, primary, and a general election held from January 1, ____ through December 31, ____.

DATED this ____ day of _____, _____ at Everett, Washington.

SNOHOMISH COUNTY CANVASSING BOARD

Snohomish County Auditor

Chair, Snohomish County Council

Snohomish County Prosecuting Attorney

**Snohomish County Canvassing Board
Administrative Rule One
Attachment B**



**Snohomish County
Auditor's Office**

State of Washington
County of Snohomish

Appointment As
Deputy Auditor

I, _____, Auditor of Snohomish County, do hereby appoint _____ as
Deputy County Auditor, who is authorized to act as such from January 1, 2020 through December 31,
2023, unless no longer employed by the County Auditor.

I have hereunto subscribed my name on this _____ day of _____ A.D. _____.

Snohomish County Auditor

State of Washington
County of Snohomish } ss

Oath of Appointment

I, _____, do solemnly swear (or affirm) to support the Constitution of the United
States and the State of Washington and the charter and ordinances of Snohomish County and to
perform faithfully, impartially, and honestly the duties of the office of Deputy County Auditor to the best
of my ability.

My signature constitutes affirmation of
having taken the oath of appointment

Subscribed and sworn to before me this _____ day of _____ A.D. _____.

Snohomish County Auditor

**Snohomish County Canvassing Board
Administrative Rule One
Attachment C**



**Snohomish County
Auditor's Office**

State of Washington
County of Snohomish

Appointment As
Temporary Deputy Auditor

I, _____, Auditor of Snohomish County, do hereby appoint _____ as
Temporary Deputy County Auditor, who is authorized to act as such from January 1, 2020 through
December 31, 2023, unless no longer employed by the County Auditor.

I have hereunto subscribed my name on this ____ day of _____ A.D. _____.

Snohomish County Auditor

State of Washington
County of Snohomish } ss

Oath of Appointment

I, _____, do solemnly swear (or affirm) to support the Constitution of the United
States and the State of Washington and the charter and ordinances of Snohomish County and to
perform faithfully, impartially, and honestly the duties of the office of Temporary Deputy County Auditor
to the best of my ability.

My signature constitutes affirmation of
having taken the oath of appointment

Subscribed and sworn to before me this ____ day of _____ A.D. _____.

Snohomish County Auditor

**Snohomish County Canvassing Board
Administrative Rule Two**

Canvassing Board Meetings and Notices

I. PURPOSE:

To establish uniform procedures for convening the Canvassing Board and giving public notice.

II. SCOPE:

These administrative rules apply to all meetings of the Canvassing Board.

III. REFERENCES:

Chapter 29A.36 RCW
Chapter 29A.56 RCW
Chapter 29A.60 RCW
Chapter 42.30 RCW

Chapter 434-262 WAC
WAC 434-262-016

IV. RESPONSIBILITIES:

- A. **Election Manager:** Coordinate times and locations of all meetings with Board members as needed. Provide written notice of meeting times to Board members. The Election Manager shall be responsible for compliance with applicable notice requirements.
- B. **Election Staff:** Publish public notices required by this administrative rule as directed by the Elections Manager and serve as points of contact for any special access requirements under the Americans with Disabilities Act (ADA).

V. PROCEDURES:

- A. **Location for Meetings:** The Canvassing Board shall meet in the Snohomish County Administrative Building West, 3000 Rockefeller Avenue, Everett, Washington unless a different location is designated pursuant to RCW 42.30.070.
- B. **Open Public Meetings Act:** Canvassing Board meetings are open to the public and subject to the requirements of the Open Public Meetings Act, chapter 42.30 RCW.
- C. **Statutory Meeting Deadlines:** The Canvassing Board shall be convened by the Auditor to canvass and certify election results ten days after a special election held in February or April, fourteen days after a primary, or twenty-one days after a general election.
(Authority: RCW 29A.60.190)
- D. **Quorum:** Two members of the Canvassing Board shall constitute a quorum.
- E. **Emergency Option for Remote Participation:** If a member of the canvassing board cannot attend a meeting due to an emergency, and a designee cannot be appointed, the

**Snohomish County Canvassing Board
Administrative Rule Two**

member may participate in the meeting remotely as the set forth in Sections 1 and 2.

An emergency exists under this rule when an unexpected circumstance or event prevents a member from physically attending the canvassing board meeting.

1. When Ballots Are Being Considered: The remote member must have a computer with internet access and the ability to view ballots in real-time via a private, online meeting. Ballot images cannot be scanned, recorded, copied, or transmitted by email or fax.
2. Election Certification: A copy of the certification document must be sent electronically to the remote member. The document must be signed in the following manner:
 - (a) The members physically present at the meeting must sign the certification document first.
 - (b) A copy of the signature page is sent electronically to the remote member.
 - (c) The remote member must print the signature page, sign the document, scan the document, and return it 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.

(Authority WAC 434-262-016)

F. **Canvassing Board Minutes:** Minutes of the proceedings of the Canvassing Board, except for executive sessions, shall be made and approved by the Auditor or the Auditor's designee, subject to review by the Canvassing Board upon the request of a member. The minutes shall be maintained in the County Auditor's Office and shall be available for public inspection.

G. **Notices and Publications:**

1. Notice of Ballot Processing: In addition to any notice required by the Open Public Meetings Act, the Auditor shall publish a notice in the official county newspaper, designated pursuant to RCW 36.72.075, listing the times and locations of delegated ballot processing tasks, as determined appropriate by the Auditor. This notice will be published prior to processing ballots. Failure to publish this notice will not invalidate the performance of these delegated tasks.
2. Notification of Board Members: The Auditor or Election Manager will provide written notice to Board members of the meeting schedules at least 24 hours prior to a meeting, as required by the Open Public Meetings Act.
3. Notice of Canvassing Board Meetings: When the Canvassing Board meets a legal notice will be published in the official county newspaper, designated under RCW 36.72, at least 24 hours in advance as required by RCW 42.30.
(Authority: WAC 434-262-025).

H. **Observers:** Members of the public may attend Canvassing Board meetings. If a member of the public wishes to address the Canvassing Board, he/she may do so as outlined in Section I during the "Public Comment" portion of the meeting. Members of the

**Snohomish County Canvassing Board
Administrative Rule Two**

public may not disrupt the Canvassing Board meeting. To maintain order, the Canvassing Board may remove disruptive individuals from the meeting.

- I. **Public Comment:** The Canvassing Board Meeting will provide an opportunity for public comment at the preliminary Canvassing Board meeting for each election. At the Public Comment time, the Chair of the Canvassing Board will recognize any member of the public wishing to speak. Public comments will be limited to two minutes per speaker, or as allowed by the Chair. Written comments may be submitted in person or via email to elections@snoco.org on the day of the preliminary meeting but must be submitted before the close of the preliminary meeting, to be included with the Canvassing Board minutes.

**Snohomish County Canvassing Board
Administrative Rule Three**

Ballot Processing and Security

I. PURPOSE:

To describe ballot processing and security procedures for Snohomish County.

II. SCOPE:

This administrative rule applies to all special, primary, and general elections conducted in Snohomish County.

III. REFERENCES:

Chapter 29A.36 RCW
Chapter 29A.40 RCW

Chapter 434-240 WAC

IV. DEFINITIONS:

The terms contained herein and listed below shall have the meanings set forth in the Revised Code of Washington and the Washington Administration Code.

V. PROCEDURES:

A. Ballot Mailing Procedures

The Auditor's Office procedures for ballot mailing are contained in Attachment A of Canvassing Board Rule Three. The Auditor shall report any deviation from the procedures to the Canvassing Board.

B. Initial Ballot Processing:

1. Initial processing of mail ballots may begin upon receipt. Initial processing consists of steps to prepare ballots for tabulation:
 - (a) Verification of the signature and postmark on the return envelope;
 - (b) Opening the return envelope and removing the secrecy sleeve;
 - (c) Removing the ballot from the secrecy sleeve;
 - (d) Accounting for and tracking the ballots by batch;
 - (e) Inspecting of the ballots for readability by the scanners;

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Administrative Rule Three**

- (f) Scanning and resolving ballots on the digital scan voting system;
- (g) Duplicating ballots as required.

(Authority: WAC 434-261-070 and WAC 434-261-100)

2. Initial processing is conducted by the Auditor's Office elections staff and temporary personnel in the secured processing center facility under the supervision of the Auditor.
 3. Participation of observers from the political parties is addressed in WAC 434-250-110.
- C. **Tabulation:** Tabulation is the process of generating election results of votes cast. Tabulation will not occur prior to 8:00 pm of Election Day. Participation of observers from the political parties is addressed in WAC 434-250-110.
- D. **Processing Ballots:** The Auditor shall process and tabulate mail ballots every day after Election Day until the day before the election is certified, excluding Saturdays, Sundays, and holidays unless workload requires, provided that:
1. There are 500 or more mail ballots to be processed
(Authority: RCW 29A.60.160);
 2. Public notice is given pursuant to Administrative Rule Two;
 3. Observers from the political parties may participate as provided in WAC 434-250-110;
 4. Updated cumulative results are made public.
(Authority: RCW 29A.60.160)
- E. **Final Tabulation:** Final tabulation is the last count of ballots prior to certification. The final tabulation report is the Auditor's Abstract of Votes, which will be submitted to the Canvassing Board for certification.

**Snohomish County Canvassing Board
Administrative Rule Three**

Auditor's Office Ballot Mailing Procedures

I. PURPOSE:

To describe Auditor's Office procedures for ensuring the timely delivery of ballots in Snohomish County to the voters and their return to the Auditor's Office.

II. SCOPE:

These procedures apply to all special, primary, and general elections conducted in Snohomish County.

III. REFERENCES:

Chapter 29A.40 RCW

IV. RESPONSIBILITIES:

- A. **Election Manager:** Implement the procedures in these rules and refer any issues involving the delivery of ballots to the Auditor.
- B. **Auditor:** Convene the Canvassing Board, as needed, to resolve issues regarding the delivery of ballots.
- C. **Canvassing Board:** Convene as needed to consider issues involving the delivery of ballots and take corrective action as it deems appropriate.

V. PROCEDURES:

A. Procedures for Outgoing Mailings:

- 1. Mailing: The Auditor may select and approve a mail house to prepare ballots for a mailing, provided that:
 - (a) The mail house uses the data file provided by the Auditor;
 - (b) The mail house maintains an audit record to reconcile the number of ballots issued with the number of ballots mailed;
 - (c) A full-time election staff member supervises the preparation of the mailing at the mail house;
 - (d) A 24-hour security and/or access control program, approved by the Auditor, is in place where ballots are stored or processed.

**Snohomish County Canvassing Board
Administrative Rule Three**

2. **In-House Mailings:** The Auditor may prepare ballots in-house for mailing, so long as the ballots are secured while being printed, stored, and processed as determined by the Auditor.
3. **Counter Issued Ballots:** The Auditor may issue ballots over the counter to voters requesting the ballots in person. Replacements of ballots may be issued until 8:00 pm on Election Day.
(Authority: RCW 29A.40.070, 29A.40.020)

B. Procedures for Incoming Mailings:

1. The Auditor may select and approve a mail house to pick up the voted ballot envelopes from the post office for the purpose of a machine scan of the envelope barcodes and a sort into a pre-determined order, provided that:
 - (a) The ballot envelopes are segregated and secured at the post office prior to pick up;
 - (b) The Auditor and the post office are informed of the names and schedule of the mail house personnel picking up the envelopes in advance;
 - (c) The picked up envelopes are returned to the Auditor's Office the same day;
 - (d) A 24-hour security and/or access control program, approved by the Auditor, is in place where ballots are stored or processed.
2. **In-House Mail Processing:** Upon receipt of ballot envelopes, the envelopes will be accounted for and secured in a ballot storage area. These envelopes will only be removed from storage if actively being processed.
3. Ballots returned electronically shall be accessed, printed, and handled as follows:
 - (a) Staff Authorized by the Auditor (Authorized Staff) will access and print electronically returned ballots through a County maintained computer and printer that is isolated from the standard county network and accessible by authorized staff only.
 - (b) Authorized staff will assemble and store printed electronically returned ballot packets with the voter declaration page on top followed by the privacy sheet, and then the voted ballot page(s).
 - (c) Authorized staff will add a generic privacy page if one was not included by a voter in their electronically returned ballot.
 - (d) The Auditors Office will keep electronically returned ballots in batches of at least 30. Batches smaller than 30 will be kept to a minimum to protect voter confidentiality.

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Administrative Rule Three**

(e) The Auditor's Office will keep electronically returned ballot packages in secure storage until ballot processing occurs.

- C. **Ballot Envelope Design:** The Auditor shall design return envelopes for ballots in such a manner as to facilitate timely processing by both automated and manual methods. The design shall consider color, barcoding, electronically and visually identifiable election-specific markings, and other devices which the Auditor or Canvassing Board finds would promote the timely delivery and return of ballot envelopes to the voter and to the Auditor. Any modification to the return envelope design must be coordinated with and tested by the Postal Service and contract mail houses prior to implementation.
- D. **Coordination with Postal Authorities:** Prior to each election, the Election Manager, or his or her representative, will hold a coordination meeting with postal authorities to review the schedule of the election and delivery methods and dates. Participants may include the manager of the Bulk Mail Entry Unit (BMEU), local postmasters, the Regional Director, and any contract mail house managers, or their representatives, as the Election Manager finds appropriate.
- E. **Pick-up and Delivery of Ballot Envelopes:** A description of anticipated methods and dates of mailing, pick-up, and delivery of ballot envelopes shall be prepared and provided to the management of the Bulk Mail Entry Unit (BMEU) and contract mail houses prior to the first mailing. This description shall include the names and identifying information of elections staff, temporary personnel, and contract mail house personnel authorized to pick up ballot envelopes.
- F. **Ongoing Coordination:** The Auditor will establish a means of ongoing coordination with postal authorities and contract mail houses to identify and resolve issues in a timely manner.
- G. **Final Sweeps:** The Auditor will endeavor to ensure that facilities handling, storing, or transporting ballot envelopes, including the county mailroom and Auditor's office, conduct sweeps to confirm that no envelopes and/or ballots have been overlooked, misplaced, or delayed. Sweeps should be conducted in sufficient time to permit valid voted ballots to be included in the final returns for that election. Sweeps should be conducted at the supervisory level and be documented by the Election Manager.

**Snohomish County Canvassing Board
Administrative Rule Four**

Canvassing the Ballots

I. PURPOSE:

To describe the process for canvassing the ballots.

II. SCOPE:

This administrative rule applies to ballots in all special, primary, and general elections conducted in Snohomish County.

III. REFERENCES:

Chapter 29A.04 RCW
Chapter 29A.36 RCW
Chapter 29A.40 RCW
Chapter 29A.60 RCW

Chapter 434-250 WAC
Chapter 434-261 WAC
Chapter 434-262 WAC
Chapter 434-379 WAC

IV. PROCEDURES:

A. Signature Verification:

1. Electronic Verification: Each mail or provisional ballot will be individually accepted for initial processing if:
 - (a) The signature on the outside of the unopened return envelope matches the signature on file. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:
 - (i) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;
 - (ii) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;
 - (iii) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;
 - (iv) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers; and
(Authority: WAC 434-250-120 and WAC 434-379-020)

- (b) The postmark on the return envelope is on or before the date of the election. (Authority: WAC 434-250-120)

**Snohomish County Canvassing Board
Administrative Rule Four**

2. Signature Mismatches: When a member of the elections staff encounters any return envelope with a signature that does not appear to match a signature on file for the voter, the elections staff member will:
 - (a) Mark the voter record as challenged in the voter registration/election management system;
 - (b) Present the return envelope to a second elections staff member for further review and/or research;
3. Notification to Voter: If the second elections staff member determines that the signature does not match the voter signature on file, the voter shall be notified by first class mail, enclosing a copy of the declaration, and advising the voter of the correct procedure for resolving the signature match issue and updating his or her signature on the voter registration file. If the ballot envelope is received during the last three days before certification, or if the voter does not respond to the previously mailed letter, by the last three days before the day of certification, the voter shall be notified by telephone of the procedures for resolving the signature match issue.
(Authority: RCW 29A.60.165 and WAC 434-261-050)
4. If the signature match issue is not resolved by the voter, the signature on the return envelope will be reviewed and/or researched by the Elections Supervisor to determine if there is a match to the signature on file for the voter. If the Election Supervisor determines that the signatures match, the return envelope will be accepted for further processing. If the Election Supervisor determines the signatures do not match, the return envelope will be presented to the Canvassing Board.
5. Presentation to Canvassing Board: A member of the elections staff will present the ballot envelopes to the Canvassing Board for final determination if an updated signature has not been received from the voter.
(Authority: RCW 29A.60.165 and WAC 434-262-015)
6. If a valid signature is not received by 5:00 pm the day before certification of a special, primary or general election, the Canvassing Board shall reject the ballot and the ballot will not be counted.

B. Unsigned Return Envelopes:

1. Ballots or provisional ballots contained in unsigned return envelopes will not be accepted for processing until a valid signature has been obtained.
2. The Auditor's Office shall notify the voter by first class mail of the correct procedures for completing the unsigned declaration. If the ballot envelope is received during the last three days before certification, or if the voter has not responded to the previously mailed letter, by the last three days before the day of certification, the voter shall be notified by telephone of the procedures for completing the unsigned declaration.

**Snohomish County Canvassing Board
Administrative Rule Four**

(Authority: RCW 29A.60.165 and WAC 434-261-050)

3. Upon receipt of a valid signature on a return envelope, a signed ballot, or a signed provisional ballot envelope obtained in the Auditor's Office, the ballot will be accepted for processing. The valid signature will be kept during the election and retained with all other election materials.
4. If a valid signature is not received by 5:00 pm the day before certification of a special, primary, or general election, the Canvassing Board shall reject the ballot and the ballot will not be counted.
5. A summary of the number of unsigned return envelopes will be presented to the Canvassing Board. Unless requested by the Board, the individual unsigned return envelopes need not be presented to the Board during canvassing,
6. The Canvassing Board shall take formal action to reject ballots in unsigned envelopes. The rejected ballots shall not be counted.

C. Provisional/Challenged Ballots:

1. Provisional and challenged ballots will be researched by the elections staff. Any provisional ballot where elections staff cannot make clear determinations of validity and all challenged ballots will be presented to the Canvassing Board with all the appropriate documentation.
2. Based upon the information presented to, or requested by, the Canvassing Board, a ballot may be accepted in its entirety, rejected in its entirety, or portions of the ballot accepted or rejected.
(Authority: WAC 434-262-031)
 - (a) A ballot may be accepted in its entirety if it is found, in the judgment of the Board, that the voter was eligible to vote for all the offices on the ballot;
 - (b) A ballot may be rejected in its entirety if it is found, in the judgment of the Board, that the voter was not eligible to vote for any or all offices on the ballot;
 - (c) Portions of a ballot may be accepted if it is found, in the judgment of the Board, that the voter was eligible to vote for some of the offices on the ballot;
 - (d) If a portion of the ballot is accepted, the Board shall direct that a duplicate ballot be made reflecting the votes for only the portions which have been accepted.

D. Witnessed Signatures:

1. If a voter has a permanent or temporary disability and is unable to sign their ballot envelope or is unable to replicate their normal signature that is on file on the voter's voter registration record, the voter may vote and the ballot will be counted provided:

**Snohomish County Canvassing Board
Administrative Rule Four**

- (a) the return envelope contains the voter's mark or attempted signature on the line provided for the voter's signature, and
 - (b) the voter's mark or attempted signature is witnessed by two other persons.
 - (c) an ink stamp placed on the signature line of the return envelope will be accepted as a valid mark by a voter so long as it is witnessed by two other persons.
- 3. Ballots contained in return envelopes not containing the voter's mark or attempted signature, whether or not witnessed, and return envelopes signed on behalf of a voter by another person, under a power of attorney or otherwise, will not be counted.
 - 4. The elections staff will send a registration form and request for an updated signature to voters whose mark or attempted signature is witnessed under this section.

E. Attempting to Vote Twice or Using Another Person's Ballot Envelope:

- 1. A ballot for which it appears to the elections staff that a person attempted to vote twice shall be presented to the Board. The Board will make a determination as to whether or not a voter is attempting to vote twice in violation of RCW 29A.84.650. If the Board determines that the voter attempted to vote twice, the Board must instruct the Auditor to refer the ballot and relevant material to the county Prosecuting Attorney.
(Authority: WAC 434-262-015)
- 2. (a) A ballot contained in a return envelope which is signed by a person other than the voter whose name appears on the return envelope shall be counted and the person signing the return envelope shall be given credit for voting provided it can be determined that the person signing the return envelope is a registered voter and has not already returned the ballot issued to them. Only the races and measures for which the voter who signed the envelope is eligible to vote, based on their registered address, may be counted.
(Authority: WAC 434-261-050)

(b) If the signature on a return envelope is not the signature of the person to whom the ballot was issued and the ballot does not meet the criteria for being counted in section (E) (2) (a) of this rule, the Board must direct the Auditor to refer the ballot and any relevant material to the Snohomish County Prosecuting Attorney, if the name or other identifying information of the individual can be determined.
(Authority: WAC 434-262-015)

(c) If two or more ballots are returned in one envelope with one valid signature on the ballot declaration and both ballots are voted identically, elections staff may accept and count one ballot.
(Authority: WAC 434-262-031)

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(d) If two or more ballots are returned in one envelope with an equal number of signatures on the ballot declaration, the ballots may be accepted and counted.
(Authority: WAC 434-262-031)

(e) If two or more ballots are returned in one envelope except as provided in Section IV.E(2)(c) and (d), the ballots and any relevant information shall be presented to the Canvassing Board for a determination on which races and measures shall be counted.
(Authority: WAC 434-262-031)

F. Write-ins and Voter Intent:

1. Write-in votes cast for an individual candidate for an office shall be counted and reported when a valid declaration of write-in candidacy has been filed and the total number of write-in votes cast for the office could result in a declared write-in candidate qualifying for the general election or winning the election.
(Authority: RCW 29A.60.021)
2. A ballot for which it appears that the voter's intent is unclear and is not addressed by the *Statewide Standards on What is a Vote* manual prepared by the Secretary of State shall be presented to the Canvassing Board. The Board will make a determination of the voter's intent regarding the ballot and, if appropriate, instruct elections staff to make a duplicate ballot for tabulation reflecting its decision.
(Authority: WAC 434-261-086)

**Snohomish County Canvassing Board
Administrative Rule Five**

Ballot Duplication Procedure

I. PURPOSE:

To identify situations and delineate procedures in which ballot duplication is appropriate for ballots in Snohomish County and to serve as guidance to elections staff in making such determinations.

II. SCOPE:

This procedure applies to all ballots.

III. REFERENCES:

Chapter 29A.60 RCW

Chapter 434-261 WAC

Chapter 434-262 WAC

IV. DEFINITIONS:

The terms contained herein and listed below shall have the meanings set forth in the Revised Code of Washington and the Washington Administration Code as referenced.

- A. Duplicating Ballots (WAC 434 -261-005(2))
- B. Write-In Vote (RCW 29A.24.311)

V. RESPONSIBILITIES:

The Canvassing Board will follow the Secretary of State's *Statewide Standards on What is a Vote* manual. The Board is responsible for establishing all procedures and criteria for duplication of ballots and for making final determination in situations not covered by the manual.

VI. PROCEDURES:

The County Canvassing Board delegates to elections staff the authority to duplicate ballots according to the Secretary of State's *Statewide Standards on What is a Vote* manual and as directed by the Board.

A. A ballot duplication occurs when:

- 1. A ballot cannot be physically run through the ballot scanner due to damage,
- 2. A ballot is printed on multiple pieces of paper from the online voter portal,
- 3. A ballot that may be otherwise unreadable or uncountable by the tabulating system,
or

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4. The tabulation system cannot determine the precinct to which to attribute the voter's choice(s).
- B. Ballot duplication will be performed by a team of two employees.
- C. The duplication team will select the precinct and enter the choices made by the voter directly into the tabulation system.
- D. A second team of two employees will confirm all ballot duplications.

VII. DOCUMENTATION

When duplicating ballots, designated staff shall take the following steps to create and maintain an audit trail of the action taken:

- A. Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
- B. A log must be kept of the 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.

VIII. Audit Processes.

Refer to Administrative Rule Seven.

**Snohomish County Canvassing Board
Administrative Rule Six**

Certification and Recounts

I. PURPOSE:

To describe procedures certifying elections and for requested and mandatory recounts for Snohomish County.

II. SCOPE:

This administrative rule applies to all special, primary, and general elections conducted in Snohomish County.

III. REFERENCES:

Chapter 29A.60 RCW
Chapter 29A.64 RCW

Chapter 434-262 WAC

IV. DEFINITIONS:

A. Auditor's Abstract of Votes: Report which includes the number of registered voters eligible to vote in the election, by precinct; the number of ballots cast in the election, by precinct; the votes casts for each race or issue, including write-ins, undervotes and overvotes, by precinct; and the cumulative vote totals including write-ins, undervotes, and overvotes. Individual candidate write-in vote tallies shall be included when required by statute or administrative code. Vote totals in the Auditor's extract of votes shall be unofficial until certified by the Canvassing Board. The abstract of votes must also include a reconciliation report as required by RCW 29A.60.235. The report will include but is not limited to the following items:

1. The number of registered voters;
2. The number of ballots issued;
3. The number of ballots received;
4. The number of ballots counted;
5. The number of ballots rejected;
6. The number of provisional ballots issued;
7. The number of provisional ballots received;
8. The number of provisional ballots counted;
9. The number of provisional ballots rejected;
10. The number of federal write-in ballots received;
11. The number of federal write-in ballots counted;
12. The number of federal write-in ballots rejected;
13. The number of overseas and service ballots issued;
14. The number of overseas and service ballots received;
15. The number of overseas and service ballots counted;
16. The number of overseas and service ballots rejected;
17. The number of nonoverseas and nonservice ballots sent by email, website link, or facsimile;
18. The number of nonoverseas and nonservice ballots received by email or facsimile;

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19. The number of nonoverseas and nonservice ballots that were rejected for:
 - i. Failing to send an original or hard copy ballot by the certification deadline;
 - ii. Any other reason;
20. The number of voters credited with voting;
21. The number of replacement ballots requested;
22. The number of replacement ballots issued;
23. The number of replacement ballots received;
24. The number of replacement ballots counted;
25. The number of replacements ballots rejected; and
26. Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted to the number of voters credited with voting and to maintain an audit trail.

(Authority: WAC 434-262-010)

- B. **Canvass Report:** Upon certification, the Abstract of Votes shall constitute the Official Canvass Report.
(Authority: WAC 434-262-010)
- C. **Mandatory Recount:** A mandatory machine recount is conducted if the Official Canvass Report reveals that the margin of victory is less than 2,000 votes and also less than one half of one percent of the total votes cast for both candidates. A mandatory manual recount is conducted if the Official Canvass Report reveals that the margin of victory is less than 1,000 votes and less than one fourth of one percent of the total votes cast for both candidates in a statewide race unless both candidates agree to an alternative means. In all other races a mandatory manual recount is conducted if the margin of victory is less than 150 votes and one-fourth of one percent.
(Authority: RCW 29A.64.021)
- D. **Requested Recount:** A requested recount will be conducted in accordance with RCW 29A.64.011 and 29A.64.021.

V. PROCEDURES:

- A. **Election Certification:** The Canvassing Board will certify election results ten days after a special election held in February or April, fourteen days after a primary, or twenty-one days after a general election.
- B. **Certification of the Abstract of Votes:** After canvassing the returns and the final tabulation, the Auditor's Abstract of Votes is prepared by the elections staff and submitted to the Board for certification.
(Authority: WAC 434-262-030 and WAC 434-262-040)
- C. **Discrepancies in the Preliminary Abstract of Votes:** If discrepancies are discovered in the preliminary abstract of votes by the elections staff prior to certification, such discrepancies will be brought to the attention of the Board with recommendations for resolving the discrepancies. The Board will issue-directions to the elections staff for resolving the discrepancies. All discrepancies will be resolved prior to presenting the Abstract of Votes to the Board for certification and all corrective action will be documented.
(Authority: WAC 434-262-050 and WAC 434-262-060)

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- D. **Oath:** The Chair of the Snohomish County Council 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 the Auditor's designee and the Chair of the Snohomish County Council or the Chair's designee and filed with the returns of the primary or election.
(Authority: RCW 29A.60.200 and WAC 434-262-070)
- E. **Recounts:** Recounts will be conducted as required by law or as requested under provisions of RCW 29A.64.011. An amended abstract of votes shall be prepared and certified at the completion of the recount.
(Authority: RCW 29A.64.061)
- F. **Ties:** Ties shall be resolved as set out in RCW 29A.60.221. When a tie occurs in a primary election, the Canvassing Board shall delegate the Auditor to break the tie by lot (flipping a coin). The winner of the coin toss will be declared nominated and placed on the general election ballot. When a tie occurs in a general election, the Auditor shall break the tie by lot (flipping a coin) and the winner of the coin toss shall be declared elected. In either instance, if the candidates cannot mutually agree to a coin side (heads or tails), the Auditor shall assign the coin side. The coin shall be tossed into the air and will be allowed to free fall to the floor. If the coin toss is interfered with in any way, the Auditor shall declare the toss voided and a new toss made. Once the coin comes to a final rest, the candidate assigned to the side of the coin that is showing will be deemed by the Auditor as either nominated or elected.

**Snohomish County Canvassing Board
Administrative Rule Seven**

Audit Processes

I. PURPOSE:

To describe the procedures for auditing duplicated ballots and the digital scan ballot counting equipment.

II. SCOPE:

These procedures apply to all special, primary, and general elections conducted in Snohomish County.

III. REFERENCES:

Chapter 29A.60.170 RCW
Chapter 29A.60.185 RCW
Chapter 29A.64 RCW

Chapter 434-262 WAC

V. PROCEDURES FOR THE DUPLICATED BALLOT AUDIT

- A. The Auditor shall determine a process to audit the duplication of ballots that conforms with the state statute and code.
- B. The results of the duplicated ballot audit will be presented to the Canvassing Board.

VI. RANDOM CHECK OF DIGITAL SCAN BALLOT COUNTING EQUIPMENT

- A. Upon the mutual agreement of the political party observers, or at the discretion of the Auditor, a random check of the digital scan ballot counting equipment shall be conducted for a special, primary, or general election. The random check process shall involve a comparison of a manual count of batches of ballots to the machine count of those ballots.

(Authority: RCW 29A.60.170)

1. No later than the close of business on the Monday preceding the special, primary or general election, the political party observers must notify the Auditor in writing of their request that the random check be conducted. The random check shall be limited to one office or issue.
2. The political party observers shall by agreement select up to six batches of processed ballots.
3. The political party observers shall select batches from a comprehensive batch report list and the office or issue from the sample ballot.

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4. The selection of the batches must occur before 8:00 pm on Election Day and the attached form (Attachment A) completed and signed by the party representatives prior to the review.
 5. Batches selected will be identified as having been selected for audit.
 6. After the batches are processed through the ballot counting equipment they shall be boxed separately and segregated by the processing center for the manual tabulation.
 7. After 8:00 pm on Election Day a batch report will be produced for the selected batches.
 8. The random check of the ballot counting equipment shall be completed within 48 hours after Election Day.
 - (a) The box seals of ballot storage boxes containing the selected batches shall be broken prior to the review.
 - (b) A team of two will manually count the selected office or issue in each batch.
 - (c) The ballot counting equipment count shall not be revealed to the reviewing team.
 - (d) The ballots will be sorted into appropriate categories (district, candidate, yes votes, no votes, undervotes, overvotes, write-ins).
 - (e) Each team member will review, count, and record the votes in each category.
 - (f) The team will notify a supervisor if there are any questions.
 - (g) The team will notify a supervisor when the review is complete.
 - (h) A supervisor will compare results from the ballot counting equipment and manual check.
 - (i) If the results from the manual check do not match that of the ballot counting equipment count, the team shall manually count each category again.
 - i. If after the second count the results still do not match the ballot counting equipment count, then a second team will review and manually count the ballots.
 - ii. If after the third count the manually counted results do not match the ballot counting equipment results, then the Auditor will determine how many additional ballots (or batches) and which ballots (or batches) shall be added to the review.
 9. The Auditor will release the results of the random check with an explanation of any discrepancies. The results of the random check and an explanation of any discrepancies will be presented to the Canvassing Board.
- B. A random check of digital scan ballot counting equipment may be conducted at the discretion of the Auditor. An Auditor-initiated random check will be conducted in substantially the same manner as described in Section V.A except that if the political party observers timely request a random check, the batches and contest shall be selected by the political party observers as provided therein.

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- C. In addition to the duplicated ballot audit and the random check audit, the Auditor may conduct a risk-limiting audit as outlined in RCW 29A.60.185, provided the Secretary of State has approved tools and rules for conducting the audit and there is adequate time to complete the audit prior to the certification of the election.

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 Attachment A**

Random Check of Digital Scan Ballot Counting Equipment

Batch to be Manually Tabulated	Equipment Count	Manual Count	Comment
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Race or Issue

Political Party Observer

 Signature Date

 Signature Date

 Printed Name

 Printed Name

 Party

 Party

Political Party Observer

