

Spokane County Canvassing Board
 Special Meeting
 Meeting Minutes
 August 29, 2022

(Final Action Items are identified by the Motion Table associated with each item.)

Item 1: Call to Order
 Meeting called to order by Chairperson Bischoff at 1:01 PM

Item 2: Announcement of any written comments received on Final Action Item(s) and confirmation that copies have been provided to Canvassing Board.

Comments received: Comments from Ruth Ryan dated August 25, 2022.

Staff will prepare a response to these comments and provide to Canvassing Board at the next Canvassing Board meeting.

Item 3: Certify Amended Abstract of Votes for Precinct Committee Officer – Republican – 4428 (Final Action Item)

	Auditor - Designee Bischoff	Prosecutor – Designee Grasso	Commissioner Kuney
I move to certify that this is a full, true, and correct copy of the Amended Abstract of Votes including the number of registered eligible voters, cumulative results, precinct results, and report of votes cast at the Primary Election held on August 2, 2022, in Spokane County, State of Washington.		Moved	Seconded
Vote	Yea	Yea	Yea

Copy attached

Item 4: Approve the cost of the Mandatory Recount (Final Action Item)

	Auditor - Designee Bischoff	Prosecutor – Designee Grasso	Commissioner Kuney
I move to approve the cost of the recount for PCO 4428		Moved	Seconded
Vote	Yea	Yea	Yea

Copy Attached

Item 5: Approval of Minutes (Final Action Item)

	Auditor - Designee Bischoff	Prosecutor – Designee Grasso	Commissioner Kuney
I move to approve the minutes of this meeting as presented.		Moved	Seconded
Vote	Yea	Yea	Yea

Item 6: Adjournment

	Auditor - Designee Bischoff	Prosecutor – Designee Grasso	Commissioner Kuney
I move to adjourn the meeting and authorize the Secretary of the Canvassing Board to enter the time of adjournment of the meeting in the minutes.		Moved	Seconded
Vote	Yea	Yea	Yea

Time of Adjournment

1:07 PM



SPOKANE COUNTY ELECTIONS DEPARTMENT

1033 W GARDNER AVE., SPOKANE WA 99260-0025

(509) 477-2320 * FAX: (509) 477-6607 * TDD: (509) 477-2333

Website: www.spokanecounty.org/elections

Email: elections@spokanecounty.org

Spokane County Canvassing Board August 2, 2022 Primary Election – Mandatory Recount Agenda Items August 29, 2022 Special Meeting

- Item 1:** Call to order
- Item 2:** Announcement of any written comments received on Final Action Item(s) and confirmation that copies have been provided to Canvassing Board.
- Item 3:** Certify Amended Abstract of Votes for Precinct Committee Officer – Republican – 4428 (Final Action Item)
- Item 4:** Approve the cost of the Mandatory Recount (Final Action Item)
- Item 5:** Approval of meeting minutes (Final Action Item)
- Item 6:** Adjournment

August 25, 2022

To: Spokane County Canvassing Board (and delegated members)

From: Ruth Ryan SCRCC Election Committee

Re: Precinct 4428 recount preparation and new procedures for the Canvassing Board members

Preparation actions that were not practiced before this recount (from my observation):

1. Canvassing Board members were not allowed to do their statutory duty of reviewing the "challenged" ballot envelopes before declaring them as "Rejected" ballots.

2. Canvassing Board members did not review the "challenged" ballots from precinct 4428. There were at least 6 of those – 3 mismatched signature and 3 ballots declared as "too late"—which were set aside by election employees during ballot processing. Just one of these ballots could have made a difference in the count.

Background information for my objection as to how this recount was handled:

In prior tied or nearly tied elections for small towns in this county, the Canvassing Board members reviewed the "challenged" ballot signatures to make sure that there were no more ballots that qualified. In one case, as I remember it, there was a ballot that was allowed to be counted.

After this recount was done on Monday, Aug. 22, I asked Mike McLaughlin about this change in procedure. He told me that it had to do with the new law. I assumed that he was referring to HB 1953 that was passed this last legislative session.

This law was put in place to protect voters' signatures and contact information from public disclosure except in certain circumstances. Several of us citizens from across the state were contacting our legislators and the Secretary of State about this proposed bill. It was based on an "Emergency WAC" put into place in October 2021. Our Spokane Co Auditor and Thurston Co Auditor interpreted it to mean that the Canvassing Board members could no longer do their duty of reviewing "challenged" ballots before declaring them to become "Rejected" ballots.

Our group of citizens was reassured over and over again by several Legislators, in the House and the Senate, and staff from SoS that the phrase in Sec. 2 sub. Sec. 3 would allow the Canvassing Boards to do their statutory duty of reviewing the "challenged" ballots. See link to Bill documents and quote below:

<https://app.leg.wa.gov/billsummary?BillNumber=1953&Year=2021&Initiative=false>

Nothing in this section prevents election officials from disclosing information listed in subsection (1) of this section for official purposes. The secretary of state may adopt rules identifying official purposes for which a voter's signature, phone numbers, and email addresses may be disclosed.

Following are links to the new RCW and WACs regarding Canvassing Board members' official duty:

<https://app.leg.wa.gov/RCW/default.aspx?cite=29A.04.260&pdf=true>

<https://app.leg.wa.gov/WAC/default.aspx?cite=434-262-031&pdf=true>

<https://app.leg.wa.gov/WAC/default.aspx?cite=434-250-120&pdf=true>

(copies of these documents will be attached to the paper copies)

Potential future questions about this procedure being set up as a pattern for future recounts:

1. Municipal elections are non-partisan but most of the time very controversial. Would there be higher risk of legal action over the conflict between candidates as well as the extra monetary cost to the small town budget?
2. 4428 precinct recount concerned Republican PCO candidates, but would it have made any difference if the tied candidates were Democrat PCO candidates? This particular precinct is where our Auditor lives and her husband was declared the "deemed" elected Democrat PCO. What if he had been challenged and the "shoe was on the other foot" as it could have been? Would the "challenged/rejected" ballots have been reviewed?
3. What if it was a statewide office recount? Would all county Canvassing Boards handle the "challenged/rejected" ballots in the same manner?

I personally am proposing that our Canvassing Board members be allowed to do their duty.

Thank you for considering changing the procedure that was done during this Primary election. The new manual for this county also should be updated in this subject as well.

RCW 29A.04.260 Exemptions from disclosure—In-person inspection.

(1) In accordance with RCW 42.56.420, the following are exempt from disclosure:

(a) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and

(b) A voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms.

(2) The secretary of state may, by rule, authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms. Except as provided under subsection

(3) of this section, a person may not photocopy, photograph, or otherwise reproduce an image of the ballot return envelope, ballot declaration, or signature correction form. When inspecting a ballot return envelope, ballot declaration, or signature correction form in person, a person may not carry with them any materials or devices that could be used to record any voter information found on the ballot return envelope, ballot declaration, or signature correction form.

(3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents disclosure of any information on ballot return envelopes, ballot declarations, or signature correction forms, other than a voter's signature, phone numbers, and email addresses. Nothing in this section prevents election officials from disclosing information listed in subsection (1) of this section for official purposes. The secretary of state may adopt rules identifying official purposes for which a voter's signature, phone numbers, and email addresses may be disclosed.

(4) For purposes of this section, "signature correction form" means any form submitted by a voter for the purpose of curing a missing or mismatched signature on a ballot declaration or otherwise updating the voter signature. [2022 c 140 § 2.]

Application—2022 c 140 §§ 1 and 2: "The exemptions in sections 1 and 2 of this act apply to any public records request made prior to March 24, 2022, for which disclosure of records has not already been completed." [2022 c 140 § 3.]

Effective date—2022 c 140: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 24, 2022]." [2022 c 140 § 4.]

WAC 434-262-031 Rejection of ballots or parts of ballots. (1)

The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where two voted ballots are returned together:

(i) If the two ballots are returned with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once;

(ii) If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety;

(iii) If two ballots are returned with one valid signature on the ballot declaration, one voted ballot and one blank ballot without marked votes, the voted ballot may be counted in its entirety.

(b) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(c) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(d) Where the voter has overvoted;

(e) Where the ballot was created for a prior election.

[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-262-031, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-262-031, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-262-031, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-031, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-262-031, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-262-031, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; WSR 07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; WSR 06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

WAC 434-250-120 Verification of the signature and return date.

(1) A ballot shall be counted if:

(a) The voter has not already cast a ballot that has been accepted in the election;

(b) The ballot declaration is signed with a valid signature. A valid signature may be the voter's name or a distinctive mark or symbol signed by the voter:

(i) If the voter is unable to sign their name, the voter may make a mark or symbol with two witnesses' signatures. A signature stamp accompanied by two witness signatures is an acceptable mark;

(ii) A power of attorney cannot be used as a signature for a voter.

(c) The signature has been verified by the county of current registration pursuant to WAC 434-379-020; and

(d)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election. A postmark is any official mark, imprint, or application that verifies when a ballot entered the U.S. postal system. The mailing date of a ballot sent through a commercial mailing service, such as FedEx or UPS, may be considered a postmark. The postmark on the envelope is the official date of mailing. If there are two postmarks, the earlier postmark is the date of mailing. A hand cancellation by an agent of the U.S. Postal Service is a postmark.

If the postmark is illegible or missing, the date of the voter's signature is the date of mailing as per RCW 29A.40.110. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors may use available U.S. Postal Service tools to verify the date of mailing;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) For service and overseas voters, the ballot is received by fax or email no later than 8:00 p.m. on election day. Only service and overseas voters can submit ballots by fax or email.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) Consistent with WAC 434-250-080, the voter's current ballot and signed declaration shall be accepted for initial processing; ballots previously or subsequently received are not counted nor rejected by the county canvassing board. Such ballots shall be invalid and categorized as informational only.

(a) If the first ballot received is identical to the voter's current ballot because the voter submitted a replacement ballot, the replacement ballot shall be referred to signature verification for initial processing.

(b) If the first ballot received is suspended because of a voter registration update, the suspended ballot shall be held by the county of current registration. The county of registration may choose to manually check the suspended ballot for signature issues and send a cure form, while allowing time for the current ballot to be received and accepted.

(4) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the stand-

ards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of their duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

(5) For service and overseas ballots returned by fax or email, the county auditor must apply procedures to protect the secrecy of the ballot. If returned by email, the county auditor must print the email and attachments; the printed email and signed declaration page must be processed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted service and overseas ballots returned by email may be returned with multiple attachments or in multiple emails.

(a) Service and overseas ballots returned by fax or email with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.

(b) Only service and overseas voters are eligible to return a ballot electronically. For electronic ballots received from voters who are not service or overseas voters the county auditor must:

(i) Contact the voter immediately if a fax or email ballot is received to notify the voter that they must return their ballot by mail or ballot drop box.

(ii) Count only the ballot received by mail or ballot drop box if the voter returns both an electronic ballot and a ballot by mail or ballot drop box.

(iii) Send the electronic ballot to the canvassing board for rejection if the voter did not return a ballot by mail or ballot drop box.

(6) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

[Statutory Authority: RCW 29A.04.611, WSR 20-14-035, § 434-250-120, filed 6/24/20, effective 7/25/20; WSR 19-12-115, § 434-250-120, filed 6/5/19, effective 7/6/19; WSR 19-05-041, § 434-250-120, filed 2/14/19, effective 3/17/19; WSR 18-10-003, § 434-250-120, filed 4/19/18, effective 5/20/18; WSR 14-06-040, § 434-250-120, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-120, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-120, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]



SPOKANE COUNTY ELECTIONS DEPARTMENT

1033 W GARDNER AVE., SPOKANE WA 99260-0025

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Certification of the Canvassing Board

STATE OF WASHINGTON)

) ss.

COUNTY OF SPOKANE)

The undersigned officers designated by law as constituting the Canvassing Board for the County of Spokane, State of Washington, hereby certify that this is a full, true and correct copy of the Amended Abstract of Votes including the number of registered eligible voters, cumulative results, precinct results, and report of votes cast at the Primary Election held on August 2, 2022, for the Precinct Committee Officer – Republican - 4428 mandatory manual recount, in Spokane County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.

Witness our hands and official seal this 29th day of August 2022

Gandy R. Bursat

County Auditor - Designee

Mary L. Kuevey

County Legislative Authority

John H. Gamm

County Prosecuting Attorney - Designee



Precinct	Eligible Voters	Primary Election					Manual Recount					Difference				
		Ballots Cast	Foster A. Hockett Jr.	Sonya Coates	Overvotes	Undervotes	Ballots Cast	Foster A. Hockett Jr.	Sonya Coates	Overvotes	Undervotes	Ballots Cast	Foster A. Hockett Jr.	Sonya Coates	Overvotes	Undervotes
4428	1008	363	78	78	0	207	363	78	78	0	207	0	0	0	0	0
Totals	1008	363	78	78	0	207	363	78	78	0	207	0	0	0	0	0

Spokane County Washington
August 2, 2022 Primary Election Mandatory Recount

Contest: Precinct Committee Officer – Republican - 4428

Date: August 22, 2022

Precinct: 4428

Foster A. Hockett Jr. 78 

Sonya Coates 78 

Over Votes  _____

Under Votes 207 _____

By: 

Verified: 

Observer 1: 

Observer 2: 

Spokane County Washington
August 2, 2022 Primary Election Mandatory Recount

Contest: Precinct Committee Officer – Republican - 4428

Date: August 22, 2022

Precinct: 4428 _____

Foster A. Hockett Jr. 78 _____

Sonya Coates 78 _____

Over Votes ✓ _____

Under Votes 207 _____

By: 

Verified: 

Observer 1: 

Observer 2: 

Spokane County Auditor

Reconciliation Form

General information

County name Spokane
 Election date 8/2/2022

Registered voters eligible to participate

Active registered voters 358,350
 Inactive registered voters 29,496

Category Reconciliation (detailed accounting of ballots)

	Issued (number of voters issued ballots)	Credited voters in VoteWA (envelopes containing ballots)	Ballots Accepted (Counted / Tabulated)	Ballots not counted		Discrepancy (If zero, category balances)
				Ballots forwarded to other counties	Ballots Rejected	
UOCAVA	7,101	1,236	1,214	N/A	22	0
Federal write-in	N/A	0	0	N/A	0	0
Provisional	0	0	0	0	0	0
DREs	0	0	0	N/A	0	0
All voters not reported in above categories	356,395	145,492	143,120	0	2,372	0
Total for all voter categories	363,496	146,728	144,334	0	2,394	0

Summary

Reconciliation

Overall Ballot Reconciliation

Ballots Received	146,728
Ballots Accepted	144,334
Ballots Not Counted	2,394
Discrepancy	0

Voters credited to ballots counted

Credited voters in VoteWA	144,305
Credited envelopes without ballots	(5)
Voters not credited in VoteWA (examples: FWAB or ACP)	34
Total valid ballots	144,334
Discrepancy	0

Additional Information

Replacement Ballots

Requested	6,775
Issued	6,775
Returned	2,782
Counted	2,729
Rejected	53

Return method

Email	97
Fax	0
Deposited at staffed, unstaffed deposit sites and voting centers	59,389
Non-UOCAVA returned by Fax or Email	0

Generation method

VoteWA	2,134
Other online programs	0
PDF originating from county	0
Non-UOCAVA ballots issued electronically	579

AVU

Estimated number of paper ballots printed by AVU	12
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Category discrepancy explanation

VoteWA discrepancy explanation

Report prepared by: Ryan Dosch

Date: August 16, 2022

Contact number: 509-477-2320

Cost of Recount

Mandatory Recount - Precinct Committee Officer - Republican - 4428

Salary/Benefits \$ 466.51

Legal Ads \$ 119.54

Overhead 15% \$ 87.91

Total Cost of Recount \$ 673.95

Employee	Hours	Rate	Cost
Mike McLaughlin	2.5	\$ 59.04	\$ 147.60
Ryan Dosch	4	\$ 41.72	\$ 166.88
Amelia Odeen	1.5	\$ 44.67	\$ 67.01
Amy Quigley	1.5	\$ 35.56	\$ 53.34
Laura Dahl	1	\$ 15.84	\$ 15.84
Maureen Joplin	1	\$ 15.84	\$ 15.84
	Total		\$ 466.51