

SENATE BILL REPORT

SHB 2319

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 2, 1992

**Brief Description:** Improving election administration.

**SPONSORS:** House Committee on State Government (originally sponsored by Representatives McLean, Anderson, R. Fisher, Chandler, Winsley, J. Kohl, Bowman and Pruitt)

HOUSE COMMITTEE ON STATE GOVERNMENT

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

**Staff:** Rod McAulay (786-7754)

**Hearing Dates:** February 25, 1992

SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass as amended.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Bailey, Bluechel, Cantu, Hayner, M. Kreidler, Metcalf, Murray, L. Smith, Talmadge, West, Williams, and Wojahn.

**Staff:** Steve Jones (786-7715)

**Hearing Dates:** March 2, 1992

**BACKGROUND:**

While the state's chief elections officer is the Secretary of State, the county auditors are responsible for the conduct of most elections. There is no established procedure to assure that the individuals overseeing elections are properly trained or to provide for the review of elections. The Election Code Task Force, which included representatives of the Office of the Secretary of State and County Auditors' Association developed proposed legislation to clarify the relationship between the Secretary of State and county auditors with regard to training, certification and reviews of election procedures.

**SUMMARY:**

Election Board. An Election Administration and Certification Board is created. It is composed of: the Secretary of State; the state's director of elections; four county auditors appointed by the state's Association of Auditors; four legislators, one from each of the four principal caucuses; and one representative of each major political party.

The members of the board serve without compensation other than travel expenses. Staffing and support services are to be provided to the board by the Secretary of State.

Joint Rules. The board and the Secretary of State must jointly adopt rules governing: (1) the training of political party observers and the training and certification of election administrators and personnel; (2) policies and procedures for conducting reviews of election-related policies, procedures, and practices in counties; and (3) policies to be used by the board in considering appeals of findings and recommendations resulting from a review conducted in a county. Initial policies for considering appeals must be adopted at the same time that initial policies for conducting election reviews are adopted.

Election Training. Each person, other than a precinct election officer, having responsibility for the administration and conduct of elections must receive general training regarding elections and specific training regarding the person's duties. This training must be secured within 18 months of undertaking those responsibilities or within 18 months of the effective date of this requirement, whichever is later. Among the persons expressly required to receive training are state election personnel, county assistant or deputy election personnel, canvassing board members, and political party observers. Other persons may be added to this list by the Secretary of State by rule.

The Secretary of State must establish and administer a training program for political party observers and a training and certification program for all other election officials and personnel. The program for state and county election officials and personnel is to include testing and the issuance of certificates to those completing the training and passing the tests. The training and certification requirements are not conditions for seeking or holding elective office or for carrying out constitutional duties. The secretary must reimburse political party observers for travel expenses incurred in receiving their training.

Election Reviews. Reviews of election-related policies, procedures, and practices in a county must be conducted if the unofficial returns of a primary or general election indicate that a mandatory recount is likely for a state legislative position or a federal office or in a statewide election. Reviews are also to be conducted periodically in a county after a primary or election at the direction of the secretary or at the request of the county's auditor.

Election reviews are conducted by the staff of an election review section in the elections division of the Office of the Secretary of State. The staff must issue the county's auditor and canvassing board a report of its findings and recommendations. No review may include an evaluation, finding, or recommendation regarding the validity of any canvass of returns or of the outcome of a primary or election.

Each county must be reviewed at least once every four years. Notice that a review is to be conducted must be provided to the county auditor and the chairperson of the state central committee of each political party.

Appeals. The county auditor or a member of the canvassing board of the county reviewed may file an appeal with the board regarding the findings or recommendations of the election review staff. A decision of the board regarding such an appeal must be supported by not less than a majority of the members appointed to the board and is final. A decision by the secretary to deny training certification is appealable to the board and subsequently to superior court.

Election Assistance and Clearinghouse. The secretary must establish an election assistance and clearinghouse program to provide regular communication with local election officials and political parties on newly enacted election legislation and on relevant judicial decisions and opinions of the Attorney General. The program must respond to inquiries from election administrators, political parties, and others regarding election information.

Other. Certain actions to be performed by county and state election officials and personnel during a review are specified. A Division of Elections is created within the Office of the Secretary of State. The division is headed by the director of elections who is appointed by and serves at the pleasure of the secretary. An election review section is created within the division. County auditors are expressly granted authority to appoint election assistants and deputies. The minimum qualifications of such personnel are specified.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

Provisions requiring elections reviews and a certification procedure for elections personnel are made contingent on funding being provided in the 1993 budget act.

**TESTIMONY FOR (Governmental Operations):**

The Secretary of State is allowed, with conditions, to improve the conduct of elections. The Secretary of State and auditors are permitted to work in cooperation. Election mishaps as

occurred in Clallam County recently would be precluded. The benefits outweigh costs.

**TESTIMONY AGAINST(Governmental Operations):** None

**TESTIFIED (Governmental Operations):** Rep. Alex McLean; Gary McIntosh, Office of Secretary of State; Karen Flynn, Kitsap County Auditor and County Auditors Assn.; Dean Williams, Snohomish County Auditor

**TESTIMONY FOR (Ways & Means):**

The bill will improve election administration statewide. Training programs will ensure that elections are administered by qualified personnel, and procedures are established to maintain the integrity of the electoral process.

**TESTIMONY AGAINST (Ways & Means):** None

**TESTIFIED (Ways & Means):** PRO: Ralph Munro, Gary McIntosh, Office of the Secretary of State; Karen Flynn, Kitsap County Auditor