

HOUSE BILL REPORT

HB 1861

As Reported By House Committee On:
State Government

Title: An act relating to elections.

Brief Description: Allowing reopening of polling places to which access was obstructed.

Sponsors: Representatives Orr, Reams, Anderson, Vance, Padden, Schoesler, Sheahan, Fuhrman and Morton.

Brief History:

Reported by House Committee on:
State Government, March 3, 1993, DPS.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Staff: Kenneth Hirst (786-7105).

Background: The date of the state primary and general election are specified by statute. The hours during which the polls are to remain open on the date of a primary, general election, or special election are also specified by state law.

The dates for conducting elections for president and vice president of the United States and for the members of Congress are specified in federal law.

Summary of Substitute Bill: If, during a primary or election, access to a polling place is obstructed so that voters cannot gain access to the polls for more than one hour, the county auditor may reopen polling at the polling place for the voters using that polling place. The polling place may also be moved to another location for those voters. This reopening of voting may be for no longer than access to the polling place was obstructed.

This reopening may be conducted on dates and during hours other than those otherwise specified by state law for the primary or election which was interrupted by the inaccessibility. The reopening may not occur later than the day before the date on which the results of the primary or election must be certified.

This authority does not apply to a general election in a polling place in which a federal office is being voted upon. If polling is reopened, no one may divulge the tally of votes cast in the country on any office or measure to be voted on in this fashion until polling is again closed.

Substitute Bill Compared to Original Bill: The original bill prohibits an announcement of the tally for an office or measure voted on in a polling place that is to be reopened until the polling is again closed; the amendment applies this restriction only to the tally of votes cast on the office or measure in the county.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: An accident on a principal access route to a polling place and an additional accident on the detour route limited access to a polling place from 5:30 p.m. until the close of the polls. The election was being conducted on a resubmittal of a levy. The levy passed, but failed to be validated by a handful of votes. If this bill had been in effect, polling at the polling place could simply have been postponed.

Testimony Against: (1) The power granted to county auditors by the bill is too broad. (2) The announcement of the outcome of the tally could be delayed by as many as 14 days. (3) Elections are supposed to be conducted in a neutral manner. Reopening the polls may provide an advantage to those who wish to validate a levy.

Witnesses: John Pearson and Karen Flynn, Kitsap County Auditor (opposed).