

HOUSE BILL REPORT

HB 2336

As Amended by the Senate

Title: An act relating to the administration of elections.

Brief Description: Modifying the administration of elections.

Sponsors: By Representatives McMorris, Rockefeller, Romero and Schmidt; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/25/02, 2/8/02 [DP].

Floor Activity:

Passed House: 2/14/02, 97-0.

Senate Amended.

Passed Senate: 3/8/02, 49-0.

Brief Summary of Bill

- Expands membership on the State Election Administration and Certification Board.
- Establishes a five-year cycle for conducting election procedures reviews.
- Eliminates mandatory training for political party elections observers.
- Requires training curriculum be provided to political party observers and members of county canvassing boards.
- Eliminates the requirement that the Election Assistance and Clearinghouse Program communicate with political parties regarding election issues.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives Romero, Chair; Miloscia, Vice Chair; McDermott and Schindler, Schmidt and Upthegrove.

Staff: Marsha Reilly (786-7135).

Background:

Under administration of elections law, the Washington State Election Administration and Certification Board (board) and the Secretary of State (secretary) jointly adopt rules governing: 1) the training of various election personnel, 2) policies and procedures for conducting election reviews, and 3) policies and standards regarding the review and appeal process for elections. The board is composed of the Secretary of State or his/her designee, the State Director of Elections or his/her designee, four county auditors appointed by the Washington State Association of County Auditors, or their alternates, one member from each of the two largest political party caucuses in both the House of Representatives and the Senate, and one representative from each major political party.

It is the secretary's duty to establish and operate training and certification programs for elections administrations officials, and personnel and training programs for political party observers. Mandatory training is required within 18 months of undertaking elections duties for the following persons:

- Elections Division personnel in the secretary's office;
- County elections administrators;
- County canvassing board members;
- Political party elections observers; and
- Any other person or group charged with election administration responsibilities if required by rule by the Secretary of State.

The election review staff in the secretary's office is required to conduct reviews of election-related policies, procedures, and practices in cases where a mandatory recount is likely, as well as periodic county reviews at the direction of the Secretary of State or request of a county auditor.

Within the Elections Division of the Secretary of State, the Election Assistance and Clearinghouse Program provides regular communication among the secretary, local election officials, and major and minor political parties regarding relevant election issues, and responds to inquiries from elections administrators, political parties, and others regarding election information.

Summary of Bill:

Membership on the Washington State Election Administration and Certification Board is changed to include a designee of the Secretary of State and a designee of the State Director of Elections to serve on the Board.

Mandatory training is no longer required for political party observers. The Secretary of State will provide training curriculum to political party observers, as well as to members of county canvassing boards.

Political party election observers are no longer required to receive the mandatory

training.

Election review staff will conduct reviews in conjunction with a county primary or special or general election at least once every five years.

The Election Assistance and Clearinghouse Program is no longer required to communicate to major and minor political parties regarding relevant elections issues, or respond to political party inquiries regarding election information.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment includes changes to the certification of voting systems.

The Secretary of State is no longer required to test voting systems publicly, but must publicly demonstrate the systems. Once the Secretary of State completes a certification report of a voting system, it must be posted on the website.

Only voting systems or devices approved and certified by the secretary of state may be used for conducting a primary or election. Any modification, change, or improvement to a voting system or component of a system must be submitted for review. After review, the modification may be accepted if it does not impair system accuracy, efficiency, or capacity, or extend system function. If the Secretary of State determines that the modification does extend system function, the modification must be submitted for re-examination or re-approval.

County auditors must provide proof that voting systems and their component software, in the version used, are state certified. The test following a purchase or lease of a voting system must be conducted by the purchaser or lessee. Approval of a voting device or vote tallying system no longer requires that the device or system be tested, certified and used in at least one other state, but instead requires that it be tested and approved by an appropriate independent testing authority approved by the Federal Elections Commission.

Polling places are no longer required to physically separate voting devices containing ballots for one district from voting devices containing ballots for another district. During the test conducted at least three days prior to the election, the county auditor must again provide proof that the version of the voting system and software in use are state certified.

The Secretary of State will no longer certify any voting device unless it correctly records a separate ballot image of the votes cast and that ballot images are available for audit purposes after the primary or election. (A ballot "image" can be a physical ballot or an individually stored electronic ballot.)

A person is guilty of a gross misdemeanor if he or she knowingly tampers with or impedes the use of electronic voting or vote recording system, or tampers with or impedes access to a vote tabulation system or election results system. The statute requiring county auditors to instruct precinct election officers, counting center personnel, and political party observers is repealed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: In 1990 a close election resulted in several recounts that yielded different outcomes each time. As a consequence, the Secretary of State's Office was required to form an election certification program to evaluate election procedures, processes, and security. Once the initial examinations were completed, only re-checks at the request of counties were done. Because of the problems that Florida experienced during the 2000 presidential election, it was decided to conduct the reviews on a five-year cycle.

Testimony Against: None.

Testified: Sam Reed, Secretary of State.