SENATE BILL REPORT
SHB 1644

As Reported By Senate Committee On:
State & Local Government, March 19, 2001

Title: An act relating to recount procedures.

Brief Description: Clarifying recount procedures.

Sponsors: By House Committee on State Government (originally sponsored by Representatives McMorris, Romero, Linville and Kenney; by request of Secretary of State).

Brief History:
 Committee Activity: State & Local Government: 3/19/01 [DP].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.
 Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, T. Sheldon and Swecker.

Staff: Aaron Jennings (786-7445)

Background: Abstracts: After the official results of a state election or primary are certified, the county auditor must make an abstract containing the number of voters in each precinct, the total votes for and against each state ballot measure, and the total votes for each state, federal, and legislative candidate. The abstract must be sent to the Secretary of State no later than the next business day after the certification. If a recount changes the outcome of an election or primary, the abstract shall be amended.

Optional Recount: An officer of a political party, or a candidate that received votes who was not nominated or elected, may file an application for a recount for a portion or all of the votes for that office in a primary or election. A group of five or more voters may apply for a recount of a portion or all the votes for any ballot measure. An application for recount will be filed with the county auditor if the office or ballot measure is entirely within one county, otherwise the application will be filed with the Secretary of State. An application for a recount in a jurisdiction using a vote tallying system shall state whether the recount shall be done manually or by the vote tallying system. A recount using a voting tallying system shall use a different program than the original count and a different test of the logic and accuracy of the system. The application must be filed three days after the official election results have been declared, excluding Saturdays, Sundays and holidays.

Mandatory Recounts: If the votes for the two candidates with the two highest vote counts, or the difference between the yes and no votes on a statewide ballot measure, are equal to not more than one-half of 1 percent of the total vote cast for both candidates, or the total votes for a ballot measure, the county canvassing board must conduct a recount. If such a difference occurs with candidates for an office that appears on the ballot in more than one

county, the Secretary of State must direct the canvassing board of each county with that office on the ballot to conduct a recount.

Recount Deposits and Time and Place: An applicant for recount shall deposit $.05 for each ballot that will be recounted. The recount must take place within five days after: the filing of an application for a recount; the Secretary of State requests a recount; or a mandatory recount is required. Not less than two days before the recount, a notice of the time of the recount will be sent by certified mail to the recount applicant and to the candidates for that office. The final costs of the recount will be determined by the canvassing board.

Stopping Recounts: Any time before all the precincts subject to the recount have been recounted the applicant may file a written request to stop the recount. The recount will be stopped if the recounts at the precincts that have completed the recount will not change the results of the election.

Number of Recounts: Votes may not be recounted more than twice.

Summary of Bill: Abstracts: The county auditor must send to Secretary of State, along with the abstract, a cumulative report of the election and a copy of the certificate of the election. These materials are sent both electronically and through the mail.

Optional Recount: An application for recount must be filed with the election official where the candidate or ballot measure filings are made for that jurisdiction. An application must state whether the recount is done manually or by vote tallying system. The recount done by a vote tallying system must only count the office or ballot measure at issue. Separate and distinct programming and logic and accuracy tests are not required. An application for a recount must be filed within three business days after the official results have been declared.

Mandatory Recounts: If the difference between the votes for the two candidates with the two highest vote counts, or the yes and no vote for a statewide ballot measure, is less than 2,000 votes and one-half of 1 percent of the total vote cast for both candidates, or the total vote for a ballot measure, the county canvassing board must conduct a recount. If such a difference occurs with candidates that the declaration of candidacy is filed with the Secretary of State, the Secretary of State must direct the canvassing board of each county with that office on the ballot to conduct a recount.

Recount Deposits and Time and Place: An applicant for recount must deposit $.25 per ballot for a manual recount and $.15 per ballot for a machine recount. The recount must take place within three business days after: the filing of an application for a recount; the Secretary of State requests a recount; or a mandatory recount is required. Not less than two days before the recount, the notice of the recount is sent to the recount applicant and the relevant candidates by mail and by either fax, telephone, or e-mail. Notice must be sent so that there will be a return response indicating that the notice has been received. Three attempts to send notice must be made, unless a return response is received.

Stopping Recounts: Any time before all the precincts subject to the recount have been recounted, the applicant may file a written request to stop the recount.

<u>Partial Recount</u>: If a partial recount would change the outcome of an election, all ballots cast for that office or ballot measure are recounted.

<u>Voting Machines</u>: Recounts no longer apply to voting machines.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: PRO: David Elliott, Office of the Secretary of State; Kim Wyman, County Auditors.