

SSB 5499 - S AMD 60
By Senator Roach

PULLED 03/08/2005

1 On page 2, after line 10, insert the following:

2 "Sec. 2. RCW 29A.04.570 and 2003 c 111 s 155 are each amended to
3 read as follows:

4 (1)(a) The election review staff of the office of the secretary of
5 state shall conduct a review of election-related policies, procedures,
6 and practices in an affected county or counties:

7 (i) If the unofficial returns of a primary or general election for
8 a position in the state legislature indicate that a mandatory recount
9 is likely for that position; or

10 (ii) If unofficial returns indicate a mandatory recount is likely
11 in a statewide election or an election for federal office.

12 Reviews conducted under (ii) of this subsection shall be performed
13 in as many selected counties as time and staffing permit. Reviews
14 conducted as a result of mandatory recounts shall be performed between
15 the time the unofficial returns are complete and the time the recount
16 is to take place, if possible.

17 (b) In addition to conducting reviews under (a) of this subsection,
18 the election review staff shall also conduct such a review in a county
19 (~~periodically~~) at least once in each three-year period, in
20 conjunction with a county primary or special or general election, at
21 the direction of the secretary of state or at the request of the county
22 auditor. If staffing or budget levels do not permit a three-year
23 election cycle for reviews, then reviews must be done as often as
24 possible. If any resident of this state believes that an aspect of a
25 primary or election has been conducted inappropriately in a county, the
26 resident may file a complaint with the secretary of state. The
27 secretary shall consider such complaints in scheduling periodic reviews
28 under this section.

29 (c) Before an election review is conducted in a county, the
30 secretary of state shall provide the county auditor of the affected

1 county and the chair of the state central committee of each major
2 political party with notice that the review is to be conducted. When
3 a periodic review is to be conducted in a county at the direction of
4 the secretary of state under (b) of this subsection, the secretary
5 shall provide the affected county auditor not less than thirty days'
6 notice.

7 (2) Reviews shall be conducted in conformance with rules adopted
8 under RCW 29A.04.630. In performing a review in a county under this
9 chapter, the election review staff shall evaluate the policies and
10 procedures established for conducting the primary or election in the
11 county and the practices of those conducting it. As part of the
12 review, the election review staff shall issue to the county auditor and
13 the members of the county canvassing board a report of its findings and
14 recommendations regarding such policies, procedures, and practices. A
15 review conducted under this chapter shall not include any evaluation,
16 finding, or recommendation regarding the validity of the outcome of a
17 primary or election or the validity of any canvass of returns nor does
18 the election review staff have any jurisdiction to make such an
19 evaluation, finding, or recommendation under this title.

20 (3) The county auditor or the county canvassing board shall respond
21 to the review report in writing, listing the steps that will be taken
22 to correct any problems listed in the report. The secretary of state
23 shall visit the county before the next state primary or general
24 election to verify that the county has taken the steps they listed to
25 correct the problems noted in the report.

26 (4) The county auditor of the county in which a review is conducted
27 under this section or a member of the canvassing board of the county
28 may appeal the findings or recommendations of the election review staff
29 regarding the review by filing an appeal with the board created under
30 RCW 29A.04.510."

31 Renumber the sections following consecutively and correct internal
32 references accordingly.

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1 In line 1 of the title, after "29A.04.530," insert "29A.04.570,"

EFFECT: (1) Requires secretary of state to conduct an election review in each county at least once every three years;
(2) Requires county auditor or county canvassing board to respond to the review in writing;
(3) Requires secretary of state to return to county to verify compliance.

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