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HOUSE BILL 1749

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State of Washington

59th Legislature

2005 Regular Session

By Representatives Green, Nixon, Hunt, Shabro, McDermott, Haigh, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville; by request of Secretary of State

Read first time 02/03/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to review of county election procedures; and  
2 amending RCW 29A.04.570.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29A.04.570 and 2003 c 111 s 155 are each amended to  
5 read as follows:

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

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

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

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

1 (b) In addition to conducting reviews under (a) of this subsection,  
2 the election review staff shall also conduct such a review in a county  
3 (~~periodically~~) at least once in each three-year period, in  
4 conjunction with a county primary or special or general election, at  
5 the direction of the secretary of state or at the request of the county  
6 auditor. If staffing or budget levels do not permit a three-year  
7 election cycle for reviews, then reviews must be done as often as  
8 possible. If any resident of this state believes that an aspect of a  
9 primary or election has been conducted inappropriately in a county, the  
10 resident may file a complaint with the secretary of state. The  
11 secretary shall consider such complaints in scheduling periodic reviews  
12 under this section.

13 (c) Before an election review is conducted in a county, the  
14 secretary of state shall provide the county auditor of the affected  
15 county and the chair of the state central committee of each major  
16 political party with notice that the review is to be conducted. When  
17 a periodic review is to be conducted in a county at the direction of  
18 the secretary of state under (b) of this subsection, the secretary  
19 shall provide the affected county auditor not less than thirty days'  
20 notice.

21 (2) Reviews shall be conducted in conformance with rules adopted  
22 under RCW 29A.04.630. In performing a review in a county under this  
23 chapter, the election review staff shall evaluate the policies and  
24 procedures established for conducting the primary or election in the  
25 county and the practices of those conducting it. As part of the  
26 review, the election review staff shall issue to the county auditor and  
27 the members of the county canvassing board a report of its findings and  
28 recommendations regarding such policies, procedures, and practices. A  
29 review conducted under this chapter shall not include any evaluation,  
30 finding, or recommendation regarding the validity of the outcome of a  
31 primary or election or the validity of any canvass of returns nor does  
32 the election review staff have any jurisdiction to make such an  
33 evaluation, finding, or recommendation under this title.

34 (3) The county auditor or the county canvassing board shall respond  
35 to the review report in writing, listing the steps that will be taken  
36 to correct any problems listed in the report. The secretary of state  
37 shall visit the county before the next state primary or general

1 election to verify that the county has taken the steps they listed to  
2 correct the problems noted in the report.

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

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