

# HOUSE BILL REPORT

## SHB 1654

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### As Amended by the Senate

**Title:** An act relating to modifying provisions on the canvassing of ballots.

**Brief Description:** Modifying canvassing provisions.

**Sponsors:** By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Haigh and Hunt).

#### **Brief History:**

##### **Committee Activity:**

State Government & Tribal Affairs: 2/13/07, 2/26/07 [DPS].

##### **Floor Activity:**

Passed House: 3/12/07, 97-1.

Senate Amended.

Passed Senate: 4/11/07, 49-0.

#### **Brief Summary of Substitute Bill**

- Requires that if the county auditor is in possession of more than 500 ballots, counties with a population of 75,000 or more count on a daily basis and counties with a population of less than 75,000 count every third day.
- Allows a random check of ballot counting equipment in counties voting entirely by mail, upon mutual agreement of the political party observers or at the discretion of the county auditor.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

**Staff:** Alison Hellberg (786-7152).

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

County auditors are required to process absentee ballots and canvass the votes on a daily basis in counties with a population of 75,000 or more, and at least every third day in counties with a population of less than 75,000, excluding Sundays and holidays, as long as the auditor has more than 25 ballots that have yet to be canvassed. During the final four days before the certification of the election, the auditor has discretion in determining when to process the remaining ballots.

Representatives from each major political party must be allowed to observe the counting of ballots and may request manual counts.

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**Summary of Substitute Bill:**

If a county auditor is in possession of more than 500 ballots, counties with a population of 75,000 or more count on a daily basis and counties with a population of less than 75,000 count every third day. Saturdays, Sundays and legal holidays do not count.

In counties voting entirely by mail, a random check of the ballot counting equipment may be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be established by the county canvassing board prior to the processing of ballots. The random check process includes a comparison of a manual count to the machine count and may involve up to either three precincts or three batches. The random check will be limited to one office or issue. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board. The check must be completed not later than 48 hours after election day.

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**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment requires counties with a population of 75,000 or less to count ballots every three days only if the county auditor is in possession of 500 or more ballots that have yet to be canvassed. The amendment also increases the maximum amount of batches that may be involved in a random check from three to six.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed, except for section 2, relating to absentee ballots, which takes effect on July 1, 2013.

**Staff Summary of Public Testimony:**

(In support) This bill is supported by all county auditors. The present system is costly for smaller counties. They have to bring in canvassing boards and staff on Saturdays in order to comply with the law. It would be much more efficient to prepare the ballots and then count

every third day. Changing the threshold is very important - calling in a whole crew for 25 ballots is costly. The auditors agree that a 10,000 ballot minimum is reasonable.

It is also very important to allow for manual counts of batches as well as precincts. Many counties count by batches and not by precincts.

(With concerns) This is the only provision currently in existence to check machines. It is a spot check and it is extremely modest. It is neither a recount or an audit. The term "audit" should be changed to "manual count."

(Opposed) What this bill calls an "audit" is a spot check at best. Voting machines in this state are not certified and are being used improperly. Voting equipment can malfunction and the bill does not address that. This bill is not designed to instill confidence in elections and does nothing to prevent corruption. This bill will not ensure that every vote be counted accurately. It is bad for democracy because accurate voting is an important part of a democratic system.

Audits should be mandatory, meaningful, and not determined by political parties. Political parties will never agree on when an audit should be performed. This will not result in audits in close races. Citizens should be much more involved and there should be some accountability.

**Persons Testifying:** (In support) Representative Appleton, prime sponsor; Shirley Forslof, Whatcom County Auditor; Pat McCarthy, Pierce County Auditor; Suzanne Sinclair, Island County Auditor, Washington Association of County Officials; and Katie Blinn, Office of the Secretary of State.

(With concerns) Myra Ramos.

(Opposed) John Gideon and Ellen Theisen, Voters Unite; Elizabeth Walter, Democratic Precinct Committee Officer; and David Ward.

**Persons Signed In To Testify But Not Testifying:** None.