

SENATE BILL REPORT

SHB 1654

As Reported By Senate Committee On:
Government Operations & Elections, March 29, 2007

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

Brief Description: Modifying canvassing provisions.

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

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

Committee Activity: Government Operations & Elections: 3/26/07, 3/29/07 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, Kline, Pridemore and Swecker.

Staff: Mac Nicholson (786-7445)

Background: When the county auditor is in possession of more than 25 ballots, the auditor must process absentee ballots and canvass the votes cast on a daily basis in counties with a population over 75,000 and at least every third day, excluding Sundays and holidays, for counties with a population under 75,000. During the final four days before certification, the auditor may use his or her discretion in determining when to process the remaining ballots in order to protect ballot secrecy.

Political party observers, if appointed, may request that a manual count of the number of ballots and the votes cast on any office or issue for up to three precincts be conducted and compared with the results made by the vote tallying system. If the ballots are counted at the polling place, the party observers may choose the precincts, and if the ballots are not counted at the polling place, the precincts are chosen at random.

Summary of Substitute Bill: If the auditor is in possession of more than 500 ballots, instead of 25 ballots, the ballots must be counted on a daily basis, or every third day, depending on the population of the county. Ballots are not required to be counted on Saturdays.

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 is limited to one office or issue on the ballot in either three

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precincts or three batches of ballots. The precincts or batches are selected according to procedures established by the canvassing board.

EFFECT OF CHANGES MADE BY RECOMMENDED AMENDMENT(S) AS PASSED COMMITTEE (Government Operations & Elections): The number of batches that can be involved in a random check is increased from three to six.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for section two which takes effect on July 1, 2013.

Staff Summary of Public Testimony: PRO: The county auditors are in favor of the bill. The 25 ballot threshold, requiring processing, actually slows down the counting process. The threshold of 500 will work much better for all counties across the state. Political parties do make use of the random checks and it works very well. The random check is just an indicator to see that the machine is counting ballots as it should be. If a problem is discovered, it allows the auditor or canvassing board to further investigate the problem. The purpose of the random check provisions was just to address the issue that in a vote by mail environment, ballots are not processed by precinct, they are processed by batches. The random check is not intended to be an audit.

OTHER: Automatic mandatory audits of precincts chosen at random should be done on every election. Three precincts may not be an adequate number in all cases. How can three precincts be justified in King County which has over 2000 precincts, and Garfield County which has 12 precincts? Sample size is important. Random audits of all types of ballots should be done with a statistician deciding the sample size.

Persons Testifying: PRO: Kim Wyman, Suzanne Sinclair, Karen Flynn, Washington Association of County Auditors.

OTHER: Betty Sullivan, League of Women Voters of Washington.