

# HOUSE BILL REPORT

## ESHB 2852

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### As Passed Legislature

**Title:** An act relating to establishing standards for election data and reporting.

**Brief Description:** Establishing standards for election data and reporting.

**Sponsors:** House Committee on State Government (originally sponsored by Representatives Hudgins, S. Hunt and Stanford).

#### **Brief History:**

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

State Government: 2/3/16, 2/4/16 [DPS].

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

Passed House: 2/12/16, 93-2.

Passed Senate: 3/1/16, 47-1.

Passed Legislature.

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

- Requires county auditors to make ballot counting records available to the public at the time they are counted.
- Directs the Secretary of State to develop statewide standards for county election data maintenance and reporting.
- Requires the Secretary of State to produce a biennial statewide survey of county election ballot rejections practices.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame, Hawkins and Moscoso.

**Staff:** Sean Flynn (786-7124).

#### **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 Election Records.

The county auditor conducts all elections within the county and is responsible for processing ballots. The county auditor maintains certain records and reports regarding election activities.

*Voter Registration Records.* The county auditor retains records on the maintenance of voter registration lists and the implementation of programs and activities conducted to ensure voter accuracy and eligibility.

*Ballot Records.* The county auditor must maintain records of all ballots issued and returned. Upon request, the county auditor must provide a list of all registered voters who have or have not voted.

*Canvassing Tabulation Results.* The county auditor must make tabulation results available immediately upon completion of the canvassing of votes. The county auditor must canvass votes daily during a primary or general election in counties with a population over 75,000 people or at least every third day in smaller counties.

*Cumulative Election Abstract.* The county auditor must prepare an abstract of the number of registered voters and all votes cast in each precinct immediately after the official results are made in a primary or general election. The cumulative report of all precincts must be submitted to the Secretary of State (SOS).

*Reconciliation Reports.* An election reconciliation report must be prepared by the county auditor and submitted at the time of the election certification. The county auditor must make the report available on the auditor's website. The report must include: the number of registered voters; the number of ballots issued, received, counted, and rejected, including provisional, federal write-in and overseas ballots; and the number of voters credited with voting.

### Election Canvassing.

Canvassing is the process of examining ballots, tabulating votes, and determining official election returns. A county canvassing board is responsible for certifying county returns for a primary or general election and determining the validity of challenged ballots. The board is composed of the county auditor, prosecuting attorney, and the chair of the county legislative body, or their designees.

A ballot or part of a ballot must be rejected when:

- a ballot is folded together with another ballot;
- more votes are cast on a ballot for an office or issue than are allowed;
- a write-in vote does not clearly identify the candidate's name, or the position or office for the write-in vote is not clear;
- a vote is cast by sticker or printed label; or
- the issue or office is not marked sufficiently to determine the voter's intention.

The SOS publishes statewide standards for elections officials on what constitutes a vote. These standards provide examples of voted ballots and how they should be interpreted by county canvassing boards when the validity of a ballot is in question.

## **Summary of Engrossed Substitute Bill:**

### Daily Counted Ballots.

The county auditor must make records of counted ballots available to the public at the end of each day that the auditor has processed ballots during and after an election.

### State Data and Reporting Standards.

The SOS must develop statewide data and reporting standards for how election data is maintained and reported by county auditors. The SOS may convene a workgroup with county auditors and other stakeholders to evaluate county election data collection and maintenance and to recommend improvements for election data reporting.

The statewide standards should be developed with a goal of improving: the types and use of data files; public access to election data; and data compilation from all counties for research and analysis. The statewide standards must be made public and include ongoing analysis on whether counties are in compliance with current standards.

### Ballot Rejection Survey.

Every odd-numbered year the SOS must conduct and publish a statewide survey of ballot rejections by county auditors and canvassing boards. The survey must include:

- data on the reasons for ballot rejections;
- a comparison of county and statewide rejection averages;
- an analysis of current county practices in the acceptance and rejection of ballots;
- recommendations for improvements to minimize ballot rejections, with a goal of statewide standardization where applicable; and
- an analysis comparing the survey results with available national data and recognized best practices.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) This is an effort to ensure best practices for county auditors. Developing data collection and reporting standards helps to ensure security, transparency, and accuracy. The improvement of election data and reporting is being incorporated into the SOS modernization program. It may be difficult to accurately report on daily rejection rates while canvassing an election because many votes initially uncounted are eventually counted in an election.

(Opposed) None.

**Persons Testifying:** Representative Hudgins, prime sponsor; David Elliott and Sheryl Moss, Office of the Secretary of State.

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