

# HOUSE BILL REPORT

## HB 2853

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**As Reported by House Committee On:**  
State Government  
General Government & Information Technology

**Title:** An act relating to certification requirements for elections administrators.

**Brief Description:** Addressing certification requirements for elections administrators.

**Sponsors:** Representatives Hudgins and S. Hunt.

**Brief History:**

**Committee Activity:**

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

General Government & Information Technology: 2/5/16, 2/8/16 [DPS(SG)].

**Brief Summary of Substitute Bill**

- Establishes qualifications for elections professionals who may participate in certification programs offered by the Secretary of State (SOS).
- Requires the SOS to keep training program costs competitive and comparable to other states and accredited programs.

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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 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Frame and Moscoso.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Hawkins.

**Staff:** Dawn Eychaner (786-7135).

**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.*

An employee working in an elections management position must be certified as an election administrator through the Office of the Secretary of State (SOS) certification program. Positions requiring certification from the SOS include county elections administrators, the SOS elections personnel, and any other person or group designated by the SOS and the Election Administration and Certification Board (EACB) in rule. County auditors must have at least two certified administrators on staff.

The EACB membership includes the SOS, the Director of Elections, four county auditors, four legislators, and one representative from each major political party. The EACB shares joint powers and duties with the SOS to adopt rules governing the training of elections observers, procedures for conducting election reviews and appeals, and the training and certification of elections professionals.

To become certified, administrators must complete mandatory training and testing provided by the SOS. There are two statutory minimum qualifications for participants in the training: a high school diploma or equivalent and knowledge of election rules and laws.

The SOS and EACB have established additional minimum qualifications for participants in rule. These include completing at least two years of service during the three-year period prior to the certification test and 40 hours of participation in professional conferences and workshops. If the SOS denies a certification, a person may petition for reconsideration. If the SOS denies a petition for reconsideration, the petitioner may appeal to the EACB. The EACB may reverse or support the decision made by the SOS.

Ongoing professional education and certification for elections administrators is also available through some institutions of higher education and the National Association of Election Officials, a nonprofit organization.

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

Qualifications for elections professionals who may participate in the SOS certification program are established as either:

- two or more years of experience in election law, election administration, election campaigning or consulting, membership on an elections canvassing board, service as an elected precinct officer or elections observer for a major political party, service as an elected official, or employment as professional staff to an elected official;
- completion of college coursework in elections administration or a closely related subject;
- certification from another state, for state residents; or
- a compelling petition presented by a state resident to the SOS for inclusion in the certification program.

The SOS may not require additional qualifications for participants and must keep the costs of training and certificate programs competitive and comparable to other states and accredited programs.

**Substitute Bill Compared to Original Bill:**

The substitute bill removes the requirement for county elections deputies or assistants to meet the qualifications of an elections professional. Clarification is added to the list of required qualifications for an elections professional to indicate that a candidate must meet only one of the listed qualifications in order to participate in the SOS certification training.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 5, 2016.

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

**Staff Summary of Public Testimony:**

(In support) The certification process for elections administrators in our state is too narrow. The prime sponsor has been working with the SOS to narrow the list of qualifications that is currently in the bill. The more people who understand the elections process, the better. This bill will allow candidates and those active in the political process to understand more if they wish to learn.

(Opposed) None.

(Other) The SOS has been working with the prime sponsor on amendments to clarify that the bill is an expansion of the number of individuals eligible to be certified. The certification program was created by the Legislature as the result of a very close race where errors were discovered several months after the recount was completed. Currently counties are required to have at least two certified individuals on staff. This bill would increase the number of people eligible to be certified and would require resulting changes in the program. The position of the counties has changed; originally counties were in opposition but appreciate the amendments that have been offered.

**Persons Testifying:** (In support) Representative Hudgins, prime sponsor.

(Other) David Elliott and Sheryl Moss, Office of the Secretary of State; and Monty Cobb, Washington Association of County Officials.

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

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**HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION  
TECHNOLOGY**

**Majority Report:** The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hudgins,

Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

**Minority Report:** Do not pass. Signed by 1 member: Representative Johnson.

**Staff:** Lily Sobolik (786-7157).

**Summary of Recommendation of Committee On General Government & Information Technology Compared to Recommendation of Committee On State Government:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The Secretary of State supports creating and expanding these certification programs. The Office of the Secretary of State (SOS) will be able to charge fees for the program through this bill, and expects to recover some of the program costs this way. The SOS may adjust the fee estimated in the fiscal note as the program is implemented.

(Opposed) None.

**Persons Testifying:** David Elliot and Lori Augino, Office of the Secretary of State.

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