

SENATE BILL REPORT

ESHB 2852

As Reported by Senate Committee On:
Government Operations & Security, February 22, 2016

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

Committee Activity: Government Operations & Security: 2/22/16, 2/22/16 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Pearson, Vice Chair; Habib, McCoy and Takko.

Staff: Samuel Brown (786-7470)

Background: County Election Records. Each county auditor must maintain records of all ballots issued and returned and make tabulation results available immediately upon completion of the canvassing of votes. Each 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.

Each 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).

An election reconciliation report must be prepared by each county auditor and submitted at the time of the election certification. The report must be available on the auditor's website and include the following information:

- 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.

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.

Election Canvassing. Canvassing is the process of examining ballots, tabulating votes, and determining official election returns. County canvassing boards certify ballot returns for a primary or general election and determine the validity of challenged ballots. Each county canvassing 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, which include 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 Bill: Daily Ballot Counts. Each county auditor must make records of counted ballots publicly available at the end of each day that the auditor has processed ballots.

State Data and Reporting Standards. The SOS must develop statewide data and reporting standards for county auditors to maintain and report election data. The SOS may convene a workgroup with county auditors and other stakeholders to evaluate county election data collection and maintenance and recommend election data reporting improvements.

The 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. The 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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a transparency bill to standardize data practices across the state and make sure every county is in line with each other. Ballot rejection rates vary county by county. This, coupled with modernized systems, will expand the Secretary of State's ability to collect data.

Persons Testifying: PRO: Representative Hudgins, Prime Sponsor; Sheryl Moss, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.