

HOUSE BILL REPORT

HB 1989

As Reported by House Committee On: State Government & Tribal Relations

Title: An act relating to addressing the shortage of certified elections administrators by expanding those that may enter the training and testing programs currently available.

Brief Description: Addressing the shortage of certified elections administrators by expanding those that may enter the training and testing programs currently available.

Sponsors: Representatives Hudgins, Shea, Gregerson, Appleton and Pellicciotti.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/13/19, 2/19/19 [DPS].

Brief Summary of Substitute Bill

- Expands the individuals who may participate in elections training, certification, and testing programs to include elections professionals who are nominated to participate.
- Requires the Office of the Secretary of State (OSOS) to reserve at least 30 openings per year for elections professionals in the training, certification, and testing programs offered, but the OSOS may prioritize individuals currently administering elections in the state.
- Requires the OSOS to report data to the Legislature related to the training, certification, and testing programs offered by the OSOS.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Appleton, Dolan and Hudgins.

Minority Report: Do not pass. Signed by 4 members: Representatives Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

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.

Staff: Desiree Omli (786-7105).

Background:

The following persons, having the responsibility for the administration or conduct of elections, must receive general training as prescribed by the Secretary of State (Secretary) regarding the conduct of elections:

- Elections Division personnel at the Office of the Secretary of State (OSOS);
- election administrators, at least two of which must be certified in each county; and
- any other person or group charged with election administration responsibilities as designated by the Secretary.

In addition, only a person who has been certified may be designated by the county auditor to participate in any elections review conducted in the county.

The Secretary is responsible for establishing and operating, or providing by contract, training and certification programs for state and county elections administration officials and personnel. The programs must include training on election laws, types of election law violations, and discrimination. Upon a person's completion of the training program, the Secretary must administer tests and issue certificates for those who have passed. The Secretary must maintain a record of the individuals who have received training and certificates.

The Secretary has determined by rule that election administrators will become certified upon completion of:

- the Secretary's mandatory orientation course;
- two years of service during the three-year period immediately prior to the request for initial certification;
- taking and passing the open book written test;
- a high school diploma or its equivalent; and
- participation in a minimum of 40 hours in conferences and workshops, 30 hours of which must be election-specific training, provided by:
 - the Washington Association of County Auditors;
 - the Secretary;
 - the elections center;
 - the United States Election Assistance Commission;
 - the Federal Voting Assistance Program;
 - other conferences or courses related to election administration or government administration approved by the Election Administration and Certification Board; and
 - visiting other county elections departments, for which up to four hours of training credit may be claimed.

Summary of Substitute Bill:

Certification Program.

The Secretary must keep the cost of training, certification, and testing programs competitive and comparable to other state and accredited programs. The Secretary must also maintain a record of whether public or private dollars are used to fund a person's participation in a training or certification program.

The list of individuals who may attend the training, certification, and testing programs offered by the Secretary is expanded to include elections professionals. An elections professional is a person:

- with at least two years of experience in:
 - election law;
 - election administration;
 - membership on an elections county canvassing board; or
 - service as a state or federal elected official, or as a member of a county legislative authority; or
- who is a resident of the state and has proof of certification from another state.

The Secretary must make available at least 30 openings per year in its training, certification, and testing programs for election professionals who are nominated to participate, except that the OSOS may prioritize individuals currently administering elections in the state when filling openings in these programs. Certain persons or entities may nominate elections professionals as follows:

- each of the two major political parties in the state may nominate 10 elections professionals;
- the Speaker of the House of Representatives may nominate two elections professionals;
- the President of the Senate may nominate two elections professionals;
- a statewide organization representing counties with membership that includes county commissioners, council members, and county executives may nominate two elections professionals; and
- the OSOS may nominate four elections professionals.

A nominee may attend training, certification, and testing programs for up to two years once nominated. By December 1 of each year, the OSOS must solicit new nominations from the nominating parties, and the nominating parties must submit their nominations to the OSOS by December 31 each year. The nominations are effective as of the following January 1.

The OSOS may refuse to accept any nominee who does not meet the qualifications of an elections professional or who has been disruptive at a prior testing, training, or certification program. The OSOS must notify the nominee in writing within five business days detailing the reason for its refusal to accept the nominee into a training, certification, or testing program.

Reporting.

By November 30 of each year, the OSOS must submit a report to the Legislature detailing the following information:

- an anonymized comparison of pass rates between elections professionals and those admitted under traditional criteria;

- an evaluation of the attendance rates and completion rates for the aggregate of all trainings, certification courses, and testing offered that year, in order to measure the effectiveness of the programs; and
- recommendations for increased oversight of elections administrators in order to create more trust and accountability in the elections system. As part of the recommendations, the OSOS must evaluate the cost for training all members of the canvassing boards, the time needed to train all canvassing board members, and any other pertinent policy considerations that should be taken into account with the goal of increasing trust, transparency, and the number of certified elections administrators.

Substitute Bill Compared to Original Bill:

The substitute bill changes an internal reference so the requirement that the OSOS reserve 30 openings for elections professionals is subject to the OSOS' discretion to prioritize individuals who are currently administering elections in the state.

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) Between meetings of the Election Administration and Certification Board, there has been communication with the OSOS on how to increase the number of certified election administrators, and how to increase oversight of the process. If more people are certified, it increases the oversight of elections. This bill works with the current structure and keeps discretion with the OSOS in case they need to include certain people in a training or certification program.

(Opposed) This bill ignores the apprenticeship of election administrators that ties rigorous training overseen by the OSOS with testing and two years of practicum. There are benefits to expanding training to citizens, but this should be done through a certified observer training program. This would give someone something to hang their hat on, and would provide more insight into what they are observing. It could also create a workforce pipeline into the elections field.

(Other) Negotiations with the sponsor brings the OSOS to a neutral position. Training is resource intensive, and expanding this would require more resources. In addition, expanding those who can participate would require those people to overcome a steep learning curve, which has the potential to dilute the value gained by the applicants currently qualified to enter the course. Weakening the required professional experience and expertise threatens the ability to be successful within existing resources. A second-tier training and certification is more appropriate to address the need brought by the sponsor.

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

(Opposed) Julie Anderson, Washington State Association of County Auditors.

(Other) Jay Jennings, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.