

# HOUSE BILL REPORT

## HB 2421

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### As Reported by House Committee On: Appropriations

**Title:** An act relating to state reimbursement of election costs.

**Brief Description:** Concerning state reimbursement of election costs.

**Sponsors:** Representatives Tarleton, Pollet and Doglio.

#### **Brief History:**

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

Appropriations: 1/29/20, 2/8/20 [DPS].

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

- Requires the state to reimburse the counties for its proportionate share of state election costs in even-numbered years.
- Requires the distribution of monies to counties for the purpose of voter outreach and education, in addition to the reimbursement for election costs.
- Requires county auditors to produce local voters' pamphlets for primary, general, and special elections.
- Requires the state to pay for mandatory recounts for any legislative or congressional office.

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

**Staff:** Linda Merelle (786-7092).

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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.*

## **Background:**

### Elections Costs.

The state must pay a prorated share of the cost of any primary or general election in odd-numbered years when state officers or measures are on the ballot. The state must also pay a prorated share of costs associated with elections held to fill a vacancy in the United States Senate or the United States House of Representatives. In addition, the state is required to pay the costs of mandatory recounts for statewide measures.

### *Prepaid Postage.*

Effective July 1, 2019, return envelopes for ballots must include prepaid postage, and the state must reimburse counties for the cost of placing prepaid postage on mail and absentee ballots in primary and general elections.

### *Interest on Reimbursements.*

The Office of the Secretary of State (Secretary of State) must pay 2 percent annual interest on county reimbursement amounts paid after 30 days of the receipt of a properly executed voucher from a county for the reimbursement of election costs.

### Election Recounts.

An officer of a political party or a candidate may request a recount of the votes or a portion of the votes cast at the election for all candidates for election to that office. The cost of the recount is borne by the applicant.

A recount is mandatory in a primary or an election if the difference in the number of votes between the winning and losing candidates is less than 2,000 votes and also less than 0.5 percent of the total number of votes cast for both candidates. Smaller vote margins between candidates may require a manual recount.

### Voters' Pamphlet.

At least 90 days before a primary or general election or at least 40 days before a special election, the legislative authority of any county or first-class or code city may adopt an ordinance authorizing the publication and distribution of a local voters' pamphlet. The pamphlet must include information on all measures within that jurisdiction and, if specified in the ordinance, may include information on candidates within that jurisdiction.

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## **Summary of Substitute Bill:**

### Proportionate Election Costs in Even and Odd Years.

The state, counties, cities, towns, and districts are liable for their proportionate share of election costs when any primary, general, or special election is held. State and federal offices are considered to be one entity for the purposes of determining proportionate election costs and reimbursements.

Counties are not responsible for any costs for an election in any city, town, or district. Counties are also not responsible for the costs for any state or federal election. The county

auditor must apportion among the state, the county, and each city, town, or district, the expense of the primaries and elections, including materials and supplies.

The state's share of the proportionate expenses for federal officers, state officers, or measures voted upon at a state primary or general election are determined in accordance with the state budgeting, accounting, and reporting system. The determination of the state's proportion may be determined based upon: (1) a formulation that includes both the number of registered voters in a jurisdiction and the number of officers and issues in that jurisdiction; or (2) a formulation based only upon the number of registered voters in a jurisdiction.

*Prepaid Postage.*

The cost of prepaid postage is apportioned among the state, the counties, and each city, town, or district.

Voter Outreach and Education.

Each county must receive a pro rata share of an amount that is at least 10 percent of the funding for election costs requested by the Secretary of State in the previous biennial budget. These moneys are separate from the election reimbursement costs from the state and must be used for voter outreach and education. As part of voter outreach and education, county auditors must engage in activities designed to:

- educate individuals about the importance of voting as an act of civic engagement;
- educate individuals about the voting process, from voter registration to election certification; and
- reduce participation gaps in communities with a history of poor voter turnout.

Voter outreach and education may include printed materials, paid advertising, video, news coverage, social media, or in-person presentations.

Reimbursements.

Upon receipt of a properly submitted voucher from the county auditor, the Secretary of State must pay, within 30 days, from specifically appropriated funds until those funds are exhausted. If the appropriated funds are insufficient to cover the voucher, the Secretary of State must seek sufficient additional funds from the Legislature during the next legislative session. The state is not required to pay interest on reimbursement amounts.

Recounts.

The state must pay for mandatory recounts for any legislative or congressional office as part of the reimbursement for election costs to counties. The Secretary of State must include a budget request to the Legislature during the next legislative session for funds for reimbursement of all costs for the mandatory recount and must reimburse those costs to counties in the same manner as other election cost reimbursements.

Local Voters' Pamphlet.

Before primary, general, or special elections, each county auditor must print and distribute a local voters' pamphlet. The pamphlet must provide information on all measures and candidates within that jurisdiction.

**Substitute Bill Compared to Original Bill:**

The substitute bill makes the following changes:

- clarifies that the amounts appropriated for voter outreach and education are in addition to any state reimbursement to counties for election costs;
- removes the appropriations clause;
- clarifies that the basis for determining the amount of funds to be distributed to counties for voter outreach and education during the fiscal year ending June 30, 2021, is based upon the Secretary of State's budget for reimbursement of election costs for the elections occurring in calendar year 2019; and
- changes the effective date of the bill to January 1, 2021.

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**Appropriation:** For the fiscal year ending June 30, 2021, an amount that is no more than 10 percent of the state's share of election costs for fiscal year 2019 is appropriated to the Secretary of State from the State General Fund for distribution to counties for voter outreach and education.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2021.

**Staff Summary of Public Testimony:**

(In support) This is a bill about good government and equitable distribution. The prepaid postage will no longer be entirely the state's burden. The state should be paying a pro rata share of the elections regardless when they happen. Cemetery districts, fire districts, and other districts must pay election costs. The state should also pay. This is a necessary step in securing equitable elections. Without the state paying its fair share, budgets can be unpredictable and inaccurate. Under the provisions of this bill, all voters would receive information about ballot measures and candidates in their jurisdiction. Needed funds are provided for voter education and outreach.

(Opposed) None.

**Persons Testifying:** Mary Hall, Thurston County Auditor's Office; Joesph MacLean, Grays Harbor County Auditor's Office; Daryl Daugs, Kitsap County Auditor's Office; Nancy Sapiro, League of Women Voters of Washington; and Mike Hoover, Washington State Association of Counties.

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