
HOUSE BILL 1884

State of Washington

66th Legislature

2019 Regular Session

By Representative Hudgins

Read first time 02/04/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to expanding election certification and training
2 for election administrators and professionals; amending RCW
3 29A.04.530, 29A.04.540, and 29A.60.140; and adding new sections to
4 chapter 29A.04 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 29A.04.530 and 2009 c 415 s 8 are each amended to
7 read as follows:

8 (1) The secretary of state shall:

9 ~~((1))~~ (a) Establish and operate, or provide by contract,
10 training and, in accordance with section 2 of this act, certification
11 programs for state and county elections administration officials,
12 elections professionals, and personnel, including training on
13 election laws, the various types of election law violations, and
14 discrimination;

15 ~~((2))~~ (b) Administer tests for state and county officials,
16 elections professionals, and personnel who have received such
17 training and issue certificates to those who have successfully
18 completed the ~~((training and passed such tests))~~ requirements under
19 section 2 of this act;

20 ~~((3))~~ (c) Maintain a record of those individuals who have
21 received such training and certificates; ~~((and~~

1 ~~(4))~~ (d) Provide the staffing and support services required by
2 the board created under RCW 29A.04.510; and

3 (e) Make available certification applications to election
4 administrators and personnel, and elections professionals.

5 (2) The secretary of state must keep the costs of training and
6 certificate programs and testing competitive and comparable to other
7 states and accredited programs. The secretary of state must maintain
8 a record of whether public or private dollars are used to fund a
9 person's participation in a training or certification program.

10 (3) Elections professionals may participate in training and
11 certificate programs and testing administered or sponsored by the
12 secretary of state. The secretary of state may not require additional
13 qualifications for participation.

14 (4) For purposes of this section and sections 2 through 5 of this
15 act, an "elections professional" means a person:

16 (a) Having two or more years of experience in:

17 (i) Election law;

18 (ii) Election administration;

19 (iii) Election campaigning or consulting;

20 (iv) Membership on an elections canvassing board;

21 (v) Service as an elected precinct committee officer, or an
22 elections observer for a major political party as defined in RCW
23 29A.04.086;

24 (vi) Service as a local, state, or federal elected official; or

25 (vii) Employment as full-time professional staff to a local,
26 state, or federal elected official;

27 (b) Who has successfully completed college coursework in
28 elections administration or a closely related subject at an
29 accredited institution of higher education;

30 (c) Who is a Washington state resident and has proof of
31 certification from another state; or

32 (d) Who is a Washington state resident and presents a compelling
33 petition to the secretary of state for inclusion in the training and
34 certificate programs administered by the secretary of state.

35 NEW SECTION. Sec. 2. A new section is added to chapter 29A.04
36 RCW to read as follows:

37 Election administrators and elections professionals become
38 certified upon completion of the following:

1 (1) Completion of a certification course established by the
2 secretary of state, in accordance with section 3 of this act;

3 (2) Two years of service in election administration or as an
4 election professional during the three-year period immediately prior
5 to the request for initial certification;

6 (3) Taking and passing an open book written exam prepared by the
7 secretary of state on Title 29A RCW, Title 434 WAC, the Washington
8 state Constitution, and other applicable state and federal election
9 laws;

10 (4) A minimum of forty hours participation in conferences and
11 workshops as preapproved by the secretary of state. The secretary of
12 state must publish on its web site all preapproved conferences and
13 workshops and all requirements or criteria for the preapproval of
14 conferences and workshops. This subsection is subject to the
15 following requirements:

16 (a) At least thirty of the required forty hours must be election-
17 specific training as follows:

18 (i) At least twenty hours of election training must specifically
19 address Washington state elections, and may include training hours
20 from attending an annual Washington elections conference; and

21 (ii) Up to eight hours of training may be for observing election
22 procedures in other county election departments;

23 (b) Up to ten of the forty hours of training may be for
24 professional development as determined by the county or state
25 approving authority. Training may include election-related continuing
26 legal education courses, workshops, or conferences offered through
27 the state bar association or otherwise approved by the state bar
28 association for continuing legal education credits;

29 (c) All training must be received not more than five years prior
30 to the date of a request for initial certification; and

31 (5) A high school diploma or its equivalent.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04
33 RCW to read as follows:

34 (1) All elections administrators, personnel, and elections
35 professionals must attend a mandatory certification course sponsored
36 by the secretary of state to be eligible for certification. The
37 mandatory certification course must be offered to election
38 administrators, personnel, and elections professionals at least once
39 annually.

1 (2) The mandatory certification course must consist of at least
2 eight hours of training in election-related subjects.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04
4 RCW to read as follows:

5 (1) Certifications awarded upon completion of training under
6 section 2 of this act must be renewed every two years. Applications
7 for certification renewal must be submitted to the secretary of state
8 by December 31st of every odd-numbered year.

9 (2) The secretary of state shall renew certification upon the
10 applicant's participation in forty hours of continuing education, in
11 accordance with section 2(4) of this act, within the two-year renewal
12 period.

13 (3) Elections administrators, personnel, or elections
14 professionals who become initially certified during a two-year
15 renewal period may apply any training taken during that renewal
16 period, including training used for initial certification, toward the
17 requirement in subsection (2) of this section.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.04
19 RCW to read as follows:

20 (1) The certification of an elections administrator, personnel,
21 or elections professional expires when the minimum requirements for
22 certification renewal, in accordance with section 4 of this act, are
23 not met.

24 (2) An election administrator or elections professional may
25 recertify within two years of certification expiration. To recertify,
26 an election administrator or elections professional must:

27 (a) Attend the secretary of state's certification course
28 established pursuant to section 2 of this act;

29 (b) Serve for two continuous years as an elections administrator,
30 personnel, or elections professional immediately prior to the date of
31 a request for recertification;

32 (c) Take and pass a recertification exam, which must be the same
33 as the written exam in section 2 of this act; and

34 (d) Attend twenty hours of Washington state election-specific
35 training published on the secretary of state's web site as an
36 approved training.

1 (3) An elections administrator, personnel, or elections
2 professional shall be allowed only one recertification in any ten-
3 year period.

4 **Sec. 6.** RCW 29A.04.540 and 2011 c 10 s 11 are each amended to
5 read as follows:

6 (1) A person having responsibility for the administration or
7 conduct of elections shall, within eighteen months of undertaking
8 those responsibilities, receive general training regarding the
9 conduct of elections and specific training regarding their
10 responsibilities and duties as prescribed by this title or by rules
11 adopted by the secretary of state under this title. Included among
12 those persons for whom such training is mandatory are the following:

- 13 ~~((1))~~ (a) Secretary of state elections division personnel;
14 ~~((2))~~ (b) County elections administrators under RCW 36.22.220;
15 and
16 ~~((3))~~ (c) Any other person or group charged with election
17 administration responsibilities if the person or group is designated
18 by rule adopted by the secretary of state as requiring the training.

19 (2) The training program may include any of the requirements for
20 certification under section 2 of this act.

21 (3) Neither this section nor RCW 29A.04.530 may be construed as
22 requiring an elected official to receive training or a certificate of
23 training as a condition for seeking or holding elective office or as
24 a condition for carrying out constitutional duties.

25 **Sec. 7.** RCW 29A.60.140 and 2008 c 308 s 1 are each amended to
26 read as follows:

27 (1) Members of the county canvassing board are the county
28 auditor, who is the chair, the county prosecuting attorney, and the
29 chair of the county legislative body. If a member of the board is not
30 available to carry out the duties of the board, then the auditor may
31 designate a deputy auditor, the prosecutor may designate a deputy
32 prosecuting attorney, and the chair of the county legislative body
33 may designate another member of the county legislative body or, in a
34 county with a population over one million, an employee of the
35 legislative body who reports directly to the chair. An "employee of
36 the legislative body" means an individual who serves in any of the
37 following positions: Chief of staff; legal counsel; clerk of the
38 council; policy staff director; and any successor positions to these

1 positions should these original positions be changed. Any such
2 designation may be made on an election-by-election basis or may be on
3 a permanent basis until revoked by the designating authority. Any
4 such designation must be in writing, and if for a specific election,
5 must be filed with the county auditor not later than the day before
6 the first day duties are to be undertaken by the canvassing board. If
7 the designation is permanent until revoked by the designating
8 authority, then the designation must be on file in the county
9 auditor's office no later than the day before the first day the
10 designee is to undertake the duties of the canvassing board. Members
11 of the county canvassing board designated by the county auditor,
12 county prosecuting attorney, or chair of the county legislative body
13 shall complete training as provided in RCW 29A.04.540, become
14 certified pursuant to section 2 of this act within one year of
15 becoming a member of the county canvassing board, and shall take an
16 oath of office similar to that taken by county auditors and deputy
17 auditors in the performance of their duties.

18 (2) The county canvassing board may adopt rules that delegate in
19 writing to the county auditor or the county auditor's staff the
20 performance of any task assigned by law to the canvassing board.

21 (3) The county canvassing board may not delegate the
22 responsibility of certifying the returns of a primary or election, of
23 determining the validity of challenged ballots, or of determining the
24 validity of provisional ballots referred to the board by the county
25 auditor.

26 (4) The county canvassing board shall adopt administrative rules
27 to facilitate and govern the canvassing process in that jurisdiction.

28 (5) Meetings of the county canvassing board are public meetings
29 under chapter 42.30 RCW. All rules adopted by the county canvassing
30 board must be adopted in a public meeting under chapter 42.30 RCW,
31 and once adopted must be available to the public to review and copy
32 under chapter 42.56 RCW.

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