
HOUSE BILL 1885

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 elections administrators and professionals in order to promote
3 more oversight and accountability of the election administration
4 process; amending RCW 29A.04.530, 29A.04.540, and 29A.60.140; and
5 adding new sections to chapter 29A.04 RCW.

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

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

9 (1) The secretary of state shall:

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

16 ~~((2))~~ (b) Offer trainings and certification programs and
17 courses, pursuant to (a) of this subsection and section 3 of this
18 act, at reasonably dispersed times throughout the year;

19 (c) Administer tests for state and county officials, elections
20 professionals, and personnel who have received such training and
21 issue certificates to those who have successfully completed the

1 (~~(training and passed such tests)~~) requirements under section 2 of
2 this act;

3 (~~(3)~~) (d) Maintain a record of those individuals who have
4 received such training and certificates; (~~and~~

5 ~~(4)~~) (e) Provide the staffing and support services required by
6 the board created under RCW 29A.04.510; and

7 (f) Make available certification applications to elections
8 administrators and personnel, and elections professionals.

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

14 (3) Elections professionals may participate in training and
15 certification programs and testing administered or sponsored by the
16 secretary of state. The secretary of state may not require additional
17 qualifications for participation.

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

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

21 (i) Election law;

22 (ii) Election administration;

23 (iii) Membership on an elections county canvassing board; or

24 (iv) Service as a state or federal elected official, or as a
25 member of a county legislative authority; or

26 (b) Who is a Washington state resident and has proof of
27 certification from another state.

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

30 Elections administrators and elections professionals, as defined
31 in RCW 29A.04.530, become certified upon completion of the following:

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

34 (2) At least two years of service, during the three-year period
35 immediately prior to the request for initial certification, as an
36 elections administrator or as an elections professional;

37 (3) Taking and passing an open book written exam prepared by the
38 secretary of state on Title 29A RCW, Title 434 WAC, the Washington

1 state Constitution, and other applicable state and federal election
2 laws;

3 (4) (a) A minimum of forty hours participation in conferences and
4 workshops as preapproved by the secretary of state. The secretary of
5 state must publish on its web site all preapproved conferences and
6 workshops and all requirements or criteria for the preapproval of
7 conferences and workshops. The secretary of state may preapprove
8 conferences and workshops offered in other states.

9 (b) At least thirty of the required forty hours must be election-
10 specific training as follows:

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

14 (ii) Up to eight hours of training may be for observing election
15 procedures in other county election departments.

16 (c) Up to ten of the forty hours of training may be for
17 professional development as determined by the county or state
18 approving authority. Training may include election-related continuing
19 legal education courses, workshops, or conferences offered through
20 the state bar association or otherwise approved by the state bar
21 association for continuing legal education credits.

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

24 (5) A high school diploma or its equivalent. For each applicant,
25 the secretary of state shall maintain a record of the highest level
26 of verified education completed and the name of the corresponding
27 educational institution.

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

30 (1) All elections administrators, personnel, and elections
31 professionals shall attend a mandatory certification course sponsored
32 by the secretary of state to be eligible for certification. The
33 mandatory certification course must be offered to elections
34 administrators, personnel, and elections professionals at least twice
35 annually and must be reasonably dispersed throughout the year.

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

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

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

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

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

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

18 (1) An elections administrator's, personnel's, or elections
19 professional's certification expires when the minimum requirements
20 for certification renewal, in accordance with section 4 of this act,
21 are not met.

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

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

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

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

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

35 (3) An elections administrator, personnel, or elections
36 professional must be allowed only one recertification in any ten-year
37 period.

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

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

10 ~~((1))~~ (a) Secretary of state elections division personnel;

11 ~~((2))~~ (b) County elections administrators under RCW 36.22.220;
12 and

13 ~~((3))~~ (c) Any other person or group charged with election
14 administration responsibilities if the person or group is designated
15 by rule adopted by the secretary of state as requiring the training.

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

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

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

24 (1) Members of the county canvassing board are the county
25 auditor, who is the chair, the county prosecuting attorney, and the
26 chair of the county legislative body. If a member of the board is not
27 available to carry out the duties of the board, then the auditor may
28 designate a deputy auditor, the prosecutor may designate a deputy
29 prosecuting attorney, and the chair of the county legislative body
30 may designate another member of the county legislative body or, in a
31 county with a population over one million, an employee of the
32 legislative body who reports directly to the chair. An "employee of
33 the legislative body" means an individual who serves in any of the
34 following positions: Chief of staff; legal counsel; clerk of the
35 council; policy staff director; and any successor positions to these
36 positions should these original positions be changed. Any such
37 designation may be made on an election-by-election basis or may be on
38 a permanent basis until revoked by the designating authority. Any
39 such designation must be in writing, and if for a specific election,

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

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

17 (3) The county canvassing board may not delegate the
18 responsibility of certifying the returns of a primary or election, of
19 determining the validity of challenged ballots, or of determining the
20 validity of provisional ballots referred to the board by the county
21 auditor.

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

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

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