
HOUSE BILL 1711

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Ebersole, Miller, Anderson, McLean, Pruitt, R. Fisher, Sheldon, Chandler, Moyer, R. King, Phillips, Winsley, Holland, Edmondson, Hine, Wynne, Jones, Valle, Brough, Rasmussen, Betrozoff, Broback, May, Paris, Mitchell, D. Sommers, Vance, Wood, Orr, Morton, H. Myers, Forner, Nealey, P. Johnson, Tate, Hochstatter, Bowman, Basich, Nelson, Horn and Wineberry; by request of Secretary of State.

Read first time February 6, 1991. Referred to Committee on State Government.

1 AN ACT Relating to election administration; adding new sections to
2 chapter 29.04 RCW; adding a new section to chapter 36.22 RCW; adding
3 new sections to chapter 43.07 RCW; and providing effective dates.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.07 RCW
6 to read as follows:

7 In the office of the secretary of state there shall be a division
8 to be known as the division of elections, the principal officer of
9 which shall be the secretary of state. The secretary shall appoint an
10 assistant to be known as the director of elections, subject to the
11 supervision and control of the secretary of state.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.07 RCW
13 to read as follows:

1 The secretary of state, through the division of elections, is
2 responsible for the following duties, as prescribed by Title 29 RCW:

3 (1) The filing, verification of signatures, and certification of
4 state initiative, referendum, and recall petitions;

5 (2) The production and distribution of a voters' and candidates'
6 pamphlet;

7 (3) The examination, testing, and certification of voting
8 equipment, voting devices, and vote-tallying systems;

9 (4) The administration, canvassing, and certification of the
10 presidential primary, state primaries, and state general elections;

11 (5) The administration of motor voter and other voter registration
12 and voter outreach programs;

13 (6) The training, testing, and certification of state and local
14 election personnel and political party observers;

15 (7) The conduct of postelection audits;

16 (8) Any other duties that may be prescribed by the state
17 legislature.

18 NEW SECTION. **Sec. 3.** The Washington state election
19 administration training advisory committee is established to advise the
20 secretary of state in carrying out his or her responsibilities under
21 sections 4 and 5 of this act.

22 The committee consists of the following members:

23 (1) One county auditor or elections deputy appointed by the
24 Washington state association of county auditors from each of the
25 following groups of counties:

26 (a) Class AA and A;

27 (b) First and second class;

28 (c) Third and fourth class;

29 (d) Fifth through eighth class; and

1 (2) One representative from each major political party.

2 NEW SECTION. **Sec. 4.** The secretary of state shall:

3 (1) Establish and operate, or contract with other qualified
4 organizations for the operation of, training and education programs for
5 state and county elections administration personnel;

6 (2) Issue certificates of completion to those who successfully
7 finish the training and education program established under subsection
8 (1) of this section; and

9 (3) Maintain a record of all those who have received training and
10 those who have been certified as election administrators.

11 NEW SECTION. **Sec. 5.** Any person having responsibility for the
12 administration and conduct of elections, other than precinct election
13 officers, shall, within twelve months of undertaking those
14 responsibilities, receive general training regarding the conduct of
15 elections and specific training regarding their responsibilities and
16 duties as prescribed by Title 29 RCW and Title 434 of the Washington
17 Administrative Code. Included among those persons for whom such
18 training is mandatory are the following:

19 (1) Secretary of state elections personnel;

20 (2) Each county auditor and at least one person employed as a
21 deputy or assistant to the auditor;

22 (3) County canvassing board members or their designated
23 representatives;

24 (4) Persons officially designated by each major political party as
25 election observers;

26 (5) Any other person or group provided for by rule adopted by the
27 secretary of state.

1 The secretary of state shall design and administer a test for each
2 person who has received the training. The secretary of state shall
3 evaluate the result of that test. Persons who complete the training
4 program and who, through the testing process, demonstrate an
5 understanding of election procedures relevant to their role in the
6 process shall be issued a certification attesting to that fact by the
7 secretary of state.

8 NEW SECTION. **Sec. 6.** An election audit section is established
9 in the elections division of the office of the secretary of state.
10 Permanent staff of the elections division hired for that purpose shall
11 perform the election audit function. The audit staff may also be
12 required to assist in the training and certification of county election
13 administrators and to perform other duties as may be assigned by the
14 secretary of state to ensure the uniform and orderly conduct of
15 elections in this state.

16 NEW SECTION. **Sec. 7.** The election audit staff shall conduct
17 a thorough audit of each county's election procedures whenever the
18 unofficial returns of a primary or general election for a legislative
19 race indicate that a mandatory recount is likely for that race.
20 Whenever unofficial returns indicate a mandatory recount is likely in
21 a state-wide election or an election for federal office, the election
22 audit staff shall conduct an audit of as many selected counties as time
23 and staff permit.

24 NEW SECTION. **Sec. 8.** The election audit staff shall, in
25 addition to the audits required by section 7 of this act, periodically
26 audit county election procedures after special elections, primaries,
27 and general elections. Whenever possible, the staff shall conduct

1 these audits in counties where a mandatory recount is likely for
2 county-wide offices. The staff shall provide the result of each audit
3 conducted under this section and section 7 of this act to the county
4 canvassing board of the audited county and shall file it with the
5 secretary of state. The secretary of state shall ensure that every
6 county is audited at least once every four years. The reports of the
7 audits are public records, and the secretary of state shall make them
8 available for inspection and copying as provided by law.

9 NEW SECTION. **Sec. 9.** Each county auditor and canvassing board
10 shall cooperate fully during an election audit by making available to
11 the auditing staff any material requested by the staff during the
12 audit. Included in this material shall be full access to ballots,
13 absentee voting materials, and any other election material normally
14 kept in a secure environment after the election. During the audit and
15 after its completion, the audit staff may make any recommendations they
16 deem appropriate to the county auditor and the county canvassing board.
17 The secretary of state may direct the county auditor and the county
18 canvassing board to follow procedures that, in the opinion of the audit
19 staff, are necessary to either safeguard the security of election
20 material or to preserve the integrity of the election process.

21 NEW SECTION. **Sec. 10.** The secretary of state shall establish
22 within the elections division an election assistance and clearinghouse
23 program, which shall provide regular communication between the
24 secretary of state and local election officials regarding newly enacted
25 election legislation, relevant judicial decisions affecting the
26 administration of elections, and applicable attorney general opinions,
27 and which shall respond to inquiries from election administrators and
28 others regarding election information. Nothing in this section

1 empowers the secretary of state to offer legal advice or opinions, but
2 the secretary may discuss the construction or interpretation of
3 election law, case law, or legal opinions from the attorney general or
4 other competent legal authority.

5 NEW SECTION. **Sec. 11.** The secretary of state shall adopt rules
6 consistent with this chapter to facilitate its implementation and
7 operation.

8 NEW SECTION. **Sec. 12.** A new section is added to chapter 36.22 RCW
9 to read as follows:

10 Within twelve months of assuming office a county auditor must be
11 certified by the secretary of state under section 4 of this act.

12 NEW SECTION. **Sec. 13.** Sections 3 through 11 of this act shall
13 be added to chapter 29.04 RCW.

14 NEW SECTION. **Sec. 14.** (1) Section 5 of this act shall take
15 effect June 1, 1994. The secretary of state may take whatever
16 administrative steps are necessary to ensure that the section is
17 implemented on its effective date.

18 (2) Sections 6 through 9 of this act take effect July 1, 1992.