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**SUBSTITUTE HOUSE BILL 1989**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Hudgins, Shea, Gregerson, Appleton, and Pellicciotti)

AN ACT Relating to addressing the shortage of certified elections administrators by expanding those that may enter the training and testing programs currently available; amending RCW 29A.04.530; and adding new sections to chapter 29A.04 RCW.

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

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

(1) The secretary of state shall:

((~~(1)~~)) (a) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials, elections professionals, and personnel, including training on election laws, the various types of election law violations, and discrimination;

((~~(2)~~)) (b) Offer trainings and certification programs and courses at reasonably dispersed times throughout the year;

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

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

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

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

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

(3) Elections professionals may participate in training and certification programs and testing administered or sponsored by the secretary of state, in accordance with section 2 of this act. The secretary of state may not require additional qualifications for participation.

(4) For purposes of this section and sections 2 and 3 of this act, an "elections professional" means a person:

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

(i) Election law;

(ii) Election administration;

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

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

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

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

(1) Subject to subsection (4) of this section, each calendar year, the secretary of state shall make available at least thirty openings total in training, certification, and testing programs, offered pursuant to RCW 29A.04.530, for election professionals who are nominated to attend, pursuant to subsection (2) of this section. If less than thirty openings are made available, the secretary of state must report the reason to the appropriate committee of the legislature, in compliance with RCW 43.01.036.

(2) Elections professionals are nominated to attend training, certification, and testing programs as follows:

(a) Each of the two major political parties in the state may nominate ten elections professionals. The political parties shall select elections professionals from each of the ten congressional districts, to the extent feasible.

(b) The speaker of the house of representatives may nominate two elections professionals, which may include elected officials, professional legislative staff, or other appropriate nominees.

(c) The president of the senate may nominate two elections professionals, which may include elected officials, professional legislative staff, or other appropriate nominees.

(d) A statewide organization representing counties with membership including county commissioners, council members, and county executives may nominate two election professionals.

(e) The office of the secretary of state may nominate four elections professionals who:

(i) Are federal or city elected officials, or their relevant staff;

(ii) Have election administration certifications from another state; or

(iii) Are currently serving as a member on a county canvassing board.

(3) A person nominated under subsection (2) of this section may participate in training, certification, and testing programs for up to two years immediately succeeding the nomination.

(4) The office of the secretary of state may prioritize individuals currently administering elections in the state when filling openings at trainings, certifications, or testing programs based on factors such as capacity, available dates, and the need to provide training to those currently administering elections. The office of the secretary of state may refuse to accept any nominee into a training, certification, or testing program who does not meet the qualifications of an elections professional or who has been disruptive at a prior testing, training, or certification program. The office of the secretary of state must notify the nominee in writing within five business days detailing the reason for its refusal to accept the nominee in the program. The office of the secretary of state may request that a nominee leave a testing, training, or certification program if he or she is being actively disruptive.

(5) On December 1st of each year, the office of the secretary of state shall solicit new nominations from the nominating parties under subsection (2) of this section. The nominating parties must provide the office of the secretary of state with the names of their nominees by December 31st of each year. The new nominations take effect on the following January 1st.

(6) If the thirty seats reserved pursuant to subsection (1) of this section are not filled by two weeks prior to the date of the training, certification, or testing being offered, the office of the secretary of state may fill the vacancies with nonnominated applicants.

(7) For purposes of this section, "elections professional" has the same meaning as in RCW 29A.04.530.

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

The office of the secretary of state shall send a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, by November 30th of each year. The report must include:

(1) An anonymized comparison of pass rates between elections professionals, nominated pursuant to section 2 of this act, and those admitted under traditional criteria that has resulted in a shortage of certified elections administrators;

(2) To measure the effectiveness of the trainings, certification courses, and testing offered under RCW 29A.04.530, an evaluation of the attendance rates and completion rates for the aggregate of all trainings, certification courses, and testing offered that calendar year; and

(3) Recommendations for increasing oversight of elections administrators in order to create more trust and accountability in the elections system, while addressing the current shortage of certified elections administrators in the state. In developing its recommendations, the office of the secretary of state 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.

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