

# FINAL BILL REPORT

## SHB 1233

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### C 139 L 95

#### Synopsis as Enacted

**Brief Description:** Avoiding conflicts of interest on election canvassing boards.

**Sponsors:** House Committee on Government Operations (originally sponsored by Representatives L. Thomas, R. Fisher and Wolfe; by request of Secretary of State).

#### House Committee on Government Operations

#### Senate Committee on Government Operations

**Background:** A three-member county canvassing board is established in each county to canvas the returns of every election or primary in that county. The canvassing board consists of the county auditor, chairman of the county legislative authority, and the county prosecuting attorney, or the designated representatives of those officials.

If the primary or election is one in which the county auditor is to be nominated or elected, the canvass of the returns for that office are made by the other two members of the canvassing board. If the two disagree, then the returns for that office are canvassed by the presiding judge of the county superior court.

**Summary:** Provisions relating to designations of persons serving on a county canvassing board are altered so that the named county official designates the person to take his or her position. The designee of the county auditor must be a deputy auditor, the designee of the county prosecutor must be a deputy prosecutor, and the designee of the chairman of the county legislative authority must be another member of the county legislative authority.

A member of a county canvassing board may not be an individual who is a candidate for an office to be voted upon at the primary or election to be canvassed, unless no other individuals qualify for the position on the canvassing board.

If the election or primary is one at which a member of the canvassing board, or the officer designating a member, is a candidate for office, decisions of a voter's intent with respect to a vote cast for that office shall be made by the other two members of the board who were not designated by that officer. If the two disagree on a voter's intent, that vote shall not be counted unless the number of such votes that were not counted could affect the result of the election, in which case the secretary of state or a designee shall make the decisions on votes that are not counted. Decisions on the

acceptance or rejection of entire ballots are not restricted by this requirement, unless the office in question is the only one for which the voter cast a vote.

Under rules adopted by the secretary of state, a county canvassing board may delegate the performance of any task that is assigned by law to the board. The delegation must be in writing or done at a public meeting.

An unused statute is repealed that relates to canvassing votes in a city with a commission plan of government.

**Votes on Final Passage:**

House	96 0
Senate	45 0

**Effective:** July 23, 1995