HOUSE BILL REPORT
HB 1233

As Reported By House Committee On:
Government Operations

Title: An act relating to canvassing of election returns.

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

Sponsors: Representatives L. Thomas, R. Fisher and Wolfe; by request of Secretary of State.

Brief History:
  Committee Activity:
    Government Operations: 2/1/95, 2/3/95 [DPS].

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt; Sommers; Van Luven and Wolfe.

Staff: Steve Lundin (786-7127).

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 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 superior court of the county.

Summary of Substitute Bill: Provisions relating to designations of persons serving on a county canvassing board in lieu of a named county official are altered so that the named county official designates the person to take his or her position, the designee by the county auditor must be a deputy auditor, the designee by the county prosecutor

must be a deputy prosecutor, and the designee by 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.

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.

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, the vote shall not be counted unless the number of 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 in the only one for which the voter cast a vote.

This measure repeals an unused statute relating to canvassing votes in a city with a commission plan of government.

Substitute Bill Compared to Original Bill: This measure changes technical wording, clarifies how an absentee ballot is received by election officials, and repeals an unused statute relating to canvassing votes in a city with a commission plan of government.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This inserts the appearance of fairness in counting votes. An official, or someone designated by that official, should not determine if a ballot cast for or against that official is counted.

Testimony Against: None.

Testified: (Pro) Les Thomas, Prime Sponsor; John Pearson, Secretary of State; and Doug Cochran, Yakima County Auditors Association.