

2 HB 2336 - S COMM AMD

3 By Committee on State & Local Government

4 NOT ADOPTED 03/08/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 29.60.010 and 1992 c 163 s 3 are each amended to read
8 as follows:

9 (1) The Washington state election administration and certification
10 board is established and has the responsibilities and authorities
11 prescribed by this chapter. The board is composed of the following
12 members:

13 (a) The secretary of state (~~(or)~~) and the secretary's designee;

14 (b) The state director of elections (~~(or)~~) and the director's
15 designee;

16 (c) Four county auditors appointed by the Washington state
17 association of county auditors or their alternates who are county
18 auditors designated by the association to serve as such alternates,
19 each appointee and alternate to serve at the pleasure of the
20 association;

21 (d) One member from each of the two largest political party
22 caucuses of the house of representatives designated by and serving at
23 the pleasure of the legislative leader of the respective caucus;

24 (e) One member from each of the two largest political party
25 caucuses of the senate designated by and serving at the pleasure of the
26 legislative leader of the respective caucus; and

27 (f) One representative from each major political party, as defined
28 by RCW 29.01.090, designated by and serving at the pleasure of the
29 chair of the party's state central committee.

30 (2) The board shall elect a chair from among its number; however,
31 neither the secretary of state nor the state director of elections nor
32 their designees may serve as the chair of the board. A majority of the
33 members appointed to the board constitutes a quorum for conducting the
34 business of the board. Chapter 42.30 RCW, the open public meetings
35 act, and RCW 42.32.030 regarding minutes of meetings, apply to the
36 meetings of the board.

1 (3) Members of the board shall serve without compensation. The
2 secretary of state shall reimburse members of the board, other than
3 those who are members of the legislature, for travel expenses in
4 accordance with RCW 43.03.050 and 43.03.060. Members of the board who
5 are members of the legislature shall be reimbursed as provided in
6 chapter 44.04 RCW.

7 **Sec. 2.** RCW 29.60.030 and 2001 c 41 s 11 are each amended to read
8 as follows:

9 The secretary of state shall:

10 (1) Establish and operate, or provide by contract, training and
11 certification programs for state and county elections administration
12 officials and personnel, including training on the various types of
13 election law violations and discrimination, and training (~~(programs)~~)
14 curriculum for political party observers and members of county
15 canvassing boards which conform to the rules for such programs
16 established under RCW 29.60.020;

17 (2) Administer tests for state and county officials and personnel
18 who have received such training and issue certificates to those who
19 have successfully completed the training and passed such tests;

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

22 (4) Provide the staffing and support services required by the board
23 created under RCW 29.60.010.

24 **Sec. 3.** RCW 29.60.040 and 1992 c 163 s 6 are each amended to read
25 as follows:

26 A person having responsibility for the administration or conduct of
27 elections, other than precinct election officers, shall, within
28 eighteen months of undertaking those responsibilities or within
29 eighteen months of July 1, 1993, whichever is later, receive general
30 training regarding the conduct of elections and specific training
31 regarding their responsibilities and duties as prescribed by this title
32 or by rules adopted by the secretary of state under this title.
33 Included among those persons for whom such training is mandatory are
34 the following:

35 (1) Secretary of state elections division personnel;

36 (2) County elections administrators under RCW 36.22.220;

37 (3) County canvassing board members; and

1 (4) (~~Persons officially designated by each major political party~~
2 ~~as elections observers; and~~

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

6 (~~The secretary of state shall reimburse election observers in~~
7 ~~accordance with RCW 43.03.050 and 43.03.060 for travel expenses~~
8 ~~incurred to receive training required under subsection (4) of this~~
9 ~~section.~~)

10 Neither this section nor RCW 29.60.030 may be construed as
11 requiring an elected official to receive training or a certificate of
12 training as a condition for seeking or holding elective office or as a
13 condition for carrying out constitutional duties.

14 **Sec. 4.** RCW 29.60.070 and 1997 c 284 s 1 are each amended to read
15 as follows:

16 (1)(a) The election review staff of the office of the secretary of
17 state shall conduct a review of election-related policies, procedures,
18 and practices in an affected county or counties:

19 (i) If the unofficial returns of a primary or general election for
20 a position in the state legislature indicate that a mandatory recount
21 is likely for that position; or

22 (ii) If unofficial returns indicate a mandatory recount is likely
23 in a statewide election or an election for federal office.

24 Reviews conducted under (ii) of this subsection shall be performed
25 in as many selected counties as time and staffing permit. Reviews
26 conducted as a result of mandatory recounts shall be performed between
27 the time the unofficial returns are complete and the time the recount
28 is to take place, if possible.

29 (b) In addition to conducting reviews under (a) of this subsection,
30 the election review staff shall also conduct such a review in a county
31 (~~periodically,~~) at least once every five years in conjunction with a
32 county primary or special or general election, at the direction of the
33 secretary of state or at the request of the county auditor. If any
34 resident of this state believes that an aspect of a primary or election
35 has been conducted inappropriately in a county, the resident may file
36 a complaint with the secretary of state. The secretary shall consider
37 such complaints in scheduling periodic reviews under this section.

1 (c) Before an election review is conducted in a county, the
2 secretary of state shall provide the county auditor of the affected
3 county and the chair of the state central committee of each major
4 political party with notice that the review is to be conducted. When
5 a periodic review is to be conducted in a county at the direction of
6 the secretary of state under (b) of this subsection, the secretary
7 shall provide the affected county auditor not less than thirty days'
8 notice.

9 (2) Reviews shall be conducted in conformance with rules adopted
10 under RCW 29.60.020. In performing a review in a county under this
11 chapter, the election review staff shall evaluate the policies and
12 procedures established for conducting the primary or election in the
13 county and the practices of those conducting it. As part of the
14 review, the election review staff shall issue to the county auditor and
15 the members of the county canvassing board a report of its findings and
16 recommendations regarding such policies, procedures, and practices. A
17 review conducted under this chapter shall not include any evaluation,
18 finding, or recommendation regarding the validity of the outcome of a
19 primary or election or the validity of any canvass of returns nor does
20 the election review staff have any jurisdiction to make such an
21 evaluation, finding, or recommendation under this title.

22 (3) The county auditor of the county in which a review is conducted
23 under this section or a member of the canvassing board of the county
24 may appeal the findings or recommendations of the election review staff
25 regarding the review by filing an appeal with the board created under
26 RCW 29.60.010.

27 **Sec. 5.** RCW 29.60.080 and 1992 c 163 s 10 are each amended to read
28 as follows:

29 The county auditor may designate any person who has been certified
30 under this chapter, other than the auditor, to participate in a review
31 conducted in the county under this chapter. Each county auditor and
32 canvassing board shall cooperate fully during an election review by
33 making available to the reviewing staff any material requested by the
34 staff. The reviewing staff shall have full access to ballot pages,
35 absentee voting materials, any other election material normally kept in
36 a secure environment after the election, and other requested material.
37 If ballots are reviewed by the staff, they shall be reviewed in the
38 presence of the canvassing board or its designees. Ballots shall not

1 leave the custody of the canvassing board. During the review and after
2 its completion, the review staff may make appropriate recommendations
3 to the county auditor or canvassing board, or both, to bring the county
4 into compliance with (~~the training required under this chapter, and~~)
5 the laws (~~(or)~~) and administrative rules of the state of Washington, to
6 safeguard election material, or to preserve the integrity of the
7 elections process."

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11 On page 1, line 1 of the title, after "elections;" strike the
12 remainder of the title and insert "and amending RCW 29.60.010,
13 29.60.030, 29.60.040, 29.60.070, and 29.60.080."

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