

HOUSE BILL REPORT

SHB 1644

As Passed House:

March 9, 2001

Title: An act relating to recount procedures.

Brief Description: Clarifying recount procedures.

Sponsors: By House Committee on State Government (originally sponsored by Representatives McMorris, Romero, Linville and Kenney; by request of Secretary of State).

Brief History:

Committee Activity:

State Government: 2/14/01, 2/23/01 [DPS].

Floor Activity:

Passed House: 3/9/01, 94-0.

Brief Summary of Substitute Bill

- Revises election recount procedures to only provide a mandatory recount if the difference between the two sides is less than 2,000 votes, along with the existing requirement that the difference be less than 0.5 percent.
- Requires a complete recount to be made if a partial recount changes the election result.
- Increases fees that must be deposited for a requested recount.
- Requires each county auditor to transmit a cumulative report of the election, and a copy of the certificate of the election, to the Secretary of State immediately through electronic means if an office or measure is voted upon in a greater than countywide basis.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Miloscia, Democratic Vice Chair; Schindler, Republican Vice

Chair; Haigh, Lambert, McDermott and D. Schmidt.

Staff: Steve Lundin (786-7127).

Background:

Each county canvassing board canvasses and certifies primary and election results for all offices and ballot measures appearing on the ballot countywide or in a less than countywide area. Each county auditor prepares an abstract of the votes cast in the county at a primary or election for all greater than countywide offices and ballot measures and forwards the abstract to the Secretary of State. The Secretary of State canvasses and certifies the returns on these greater than countywide offices and ballot measures.

Both mandatory and requested recounts of primary and election results are allowed.

A mandatory recount occurs if the difference between the votes cast for a candidate apparently nominated or elected, and the number of votes cast for the closest apparent defeated opponent, is less than 0.5 percent. The recount is of all votes cast for the office. A mandatory is conducted manually if the difference is both less than 150 votes and less than 0.25 percent, but a different recount method may occur if the two candidates sign and file an agreement for this alternative recount method.

A request for a recount may be made by an officer of a political party, a candidate, or any five or more registered voters. The request must be made within three days (excluding Saturdays, Sundays, and holidays) from the date the results are certified. An application may be for a recount of all or a portion of the votes and must specify whether the recount will be done manually or by tally system. Recounts by a tally system must use a separate and distinct programming from that used in the original count with a separate and distinct test of the logic and accuracy of that program. An application for a recount must include a deposit fee of equal to 5 cents per ballot cast for the office or measure. The person requesting a recount is liable for any costs in excess of the deposit fee but is reimbursed if the costs are less than the deposit fee. No charges are made if the recount changes the result.

After the initial recount in a single precinct, no more than two recounts may be made.

Summary of Bill:

Recount procedures are altered.

The term "recount" is defined to be the process of retabulating ballots and producing amended election returns based on the retabulation, even if the totals have not changed.

The requirement is deleted that separate and distinct programming must be used, and a separate and distinct logic test be made, for a requested recount. Programming in a requested recount may only recount and report the office or measure in question.

A mandatory recount only occurs if the difference between the apparent winner and the closest apparent defeated opponent, or if the number of votes cast for and against a state ballot measure, is less than 2,000 votes, along with the existing requirement that the difference be less than 0.5 percent.

The Secretary of State only conducts recounts for offices if the declaration of candidacy is made with the Secretary of State, rather than if the office appears on the ballot in more than one county.

Deposit fees for requested recounts are increased from 5 cents per ballot cast to 25 cents per ballot cast for manual recounts and 15 cents per ballot cast for a machine recount.

The time for making the recount is altered from less than five days after the filing of the recount request or certification of the results causing an automatic recount, to less than three business days after that event. The county auditor must notify the affected parties of the time and place of the recount by either telephone, fax, or E-mail at the same time the notice is mailed to these parties.

Language is deleted about voting devices that do not provide an individual record of voter choices. Language is deleted allowing a canvassing board to stop a recount if the remaining ballots to be recounted could not alter the election results.

If a partial recount alters the election results, the canvassing board or secretary of state must order a complete recount of all ballots cast for the office or issue and this expanded recount is treated like an automatic recount.

A county auditor must transmit the cumulative report of the election, and a copy of the certificate of the election, to the Secretary of State immediately through electronic means if an office or measure is voted upon in a greater than countywide basis. The cumulative report and election certificate must be mailed, along with the abstract of the election results, no later than three business days after certification by the canvassing board.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This straightens up timeline problems. A specific definition of recount

is provided. The 5 cent deposit fee has been around for a long time and frequently does not cover the actual costs, which the person requesting the recount is liable to pay. They get mad when asked to pay more money after the recount has been completed. Its truth in advertizing.

Testimony Against: None.

Testified: David Elliott, Office of the Secretary of State.