

# SENATE BILL REPORT

## ESHB 1752

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As Reported by Senate Committee On:  
Government Operations & Elections, March 24, 2009

**Title:** An act relating to the observation of election procedures.

**Brief Description:** Regarding the observation of election procedures.

**Sponsors:** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hurst and Hunt).

**Brief History:** Passed House: 3/05/09, 92-5.

**Committee Activity:** Government Operations & Elections: 3/24/09 [DP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott, Pridemore and Swecker.

**Staff:** Sharon Swanson (786-7447)

**Background:** Major political parties have a responsibility to provide observers to monitor the election process. Prior to an election, the county auditor or county election department must contact the major political parties and inform them of how many observers are needed to observe the election. A political party is designated as a major political party if one of its nominees received more than 5 percent of the total votes cast for President, U.S. Senator, or a statewide office in a general election in an even numbered year.

Major party observers must receive training prior to an election. An observer should observe all aspects of the election process from the printing of ballots through the certification of the election. Observers cannot touch or interfere with the processing of ballots. The observers may be as close to the process as space allows.

**Summary of Bill:** Major party observers must be allowed, if they choose, to witness the duplication of damaged ballots.

Major party observers must be allowed close enough to election workers to provide meaningful monitoring of the processing of ballots, as determined by the County Canvassing

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Board. "Meaningful monitoring" includes, but is not limited to, being able to view individual ballots, hear conversations between election workers, and observe the selection of ballots for a random check.

Designated observers of a recount must be close enough to the election workers to provide meaningful monitoring of the process, as determined by the County Canvassing Board. This includes, but is not limited to, viewing the individual ballots and hearing conversations among the election workers.

Observers may only engage in direct conversations with those election workers identified by the county auditor.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill comes about based on an experience the prime sponsor had monitoring a bond election. The monitors were required to stand 250 feet away and were unable to see or hear anything that took place. There was plenty of room in a wide open space but the monitors were still kept at a far distance. The bond issue failed by two votes. It is quite reasonable to assume that some of the hundreds of ballots had irregularities and could have been challenged. Unfortunately, the monitors were so far removed they could not do so. This bill clarifies what it means for an observer to have the opportunity for "meaningful monitoring."

**Persons Testifying:** PRO: Representative Hurst, prime sponsor.