

# HOUSE BILL REPORT

## HB 1861

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**As Reported by House Committee On:**  
State Government & Tribal Relations

**Title:** An act relating to improving ballot rejection rates while maintaining the integrity of elections.

**Brief Description:** Concerning ballot rejection rates.

**Sponsors:** Representatives Mead, Appleton and Pollet.

**Brief History:**

**Committee Activity:**

State Government & Tribal Relations: 2/13/19, 2/5/20 [DPS].

**Brief Summary of Substitute Bill**

- Requires the State Auditor's Office (SAO) to audit each county after the 2020 general election to analyze ballot rejection rates and compare the county's practices to legal requirements and best practices.
- Requires the SAO to publish a report of these audits, including trends in ballot rejection rates and recommendations to reduce those rates.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Appleton, Dolan and Hudgins.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Goehner, Assistant Ranking Minority Member; Mosbrucker and Smith.

**Staff:** Jason Zolle (786-7124).

**Background:**

Canvassing is the process of examining ballots to determine the official results of an election. In Washington, this responsibility falls to county canvassing boards. During this process of

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examining ballots, some ballots may be challenged for failing to follow voting rules. A ballot will be rejected if, among other reasons, it:

- lacks a signature in the ballot declaration, or the signature does not match the signature in the voters' registration file;
- is postmarked after the election; or
- is folded together with another ballot.

A ballot may also be rejected in part if a voter casts more votes for a particular office than permitted by law.

The county canvassing board is charged with determining the validity of challenged ballots, and it may not delegate this task.

Beginning in 2017, the Secretary of State (Secretary) is required to conduct and publish a biennial statewide survey of ballot rejection rates and the reasons for those rejections. This survey must analyze current ballot rejection practices by auditors and canvassing boards, and it must include recommendations for improvements to minimize rejections. When applicable, the Secretary should recommend standardization of statewide practices. The Secretary must also compare statewide data to national data and recognized best practices.

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### **Summary of Substitute Bill:**

By December 1 of each year, the Secretary must review rejected ballot rates statewide and rank the counties from highest to lowest.

*Audits.* Using the data from the 2020 state general election, the State Auditor's Office (SAO) must conduct an audit of each county. The audit must:

- review the county's procedures for identifying, correcting, reviewing, and rejecting questionable ballots;
- examine the accuracy of ballot rejections;
- compare the county's practices with legal requirements and best practices;
- identify any trends in rejected ballots, including demographic trends of voters whose ballots were rejected; and
- make recommendations to reduce the rate of rejected ballots.

The SAO is given access to sealed ballots to conduct an audit.

*Reports.* By December 31, 2021, the SAO must release a statewide report that includes recommendations to lower ballot rejection rates. The report must be submitted to the appropriate committees of the Legislature and posted online.

### **Substitute Bill Compared to Original Bill:**

The substitute bill:

- requires audits of ballot rejection rates after only the 2020 general election, rather than annually until after 2028;

- requires an audit of every county, not just those with rejection rates above the statewide mean;
  - removes the processes by which counties may receive a waiver from being audited or submit comments in response to preliminary audit reports;
  - requires the Secretary, rather than the SAO, to rank county rejection rates each year; and
  - removes the expiration date.
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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

See Committee Records from the 2019 Legislative Session.

**Persons Testifying:** See Committee Records from the 2019 Legislative Session.

**Persons Signed In To Testify But Not Testifying:** See Committee Records from the 2019 Legislative Session.