

# HOUSE BILL REPORT

## ESHB 1571

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*As Passed Legislature*

**Title:** An act relating to recounting votes.

**Brief Description:** Requiring a recount by hand of election returns that have a difference of less than one-fourth of one percent.

**Sponsor(s):** By House Committee on State Government (originally sponsored by Representatives Jones, McLean, Anderson, Hargrove, Ferguson, Phillips and Jacobsen).

**Brief History:**

Reported by House Committee on:  
State Government, February 20, 1991, DPS;  
Passed House, March 13, 1991, 97-0;  
Passed Legislature, 97-0.

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**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *That Substitute House Bill No. 1571 be substituted therefor, and the substitute bill do pass.*  
Signed by 6 members: Representatives Anderson, Chair; Pruitt, Vice Chair; R. Fisher; Grant; O'Brien; and Sheldon.

**Minority Report:** *Do not pass.* Signed by 4 members: Representatives McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; and Moyer.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The Election Code permits a candidate for an office who failed to be nominated or elected at a primary or election to request that the votes for the office be recounted. An officer of a political party may also request that the votes for an office be recounted. Any group of five or more registered voters may request that the votes for a ballot measure be recounted. The application must be filed within three days (excluding weekends and holidays) of the date that the county canvassing board or the Secretary of State has declared the results of the primary or election to be official.

The application must state whether the recount is to be conducted manually or by a vote tallying device. The

recount must be conducted within five days of the date the application is filed with the county or (for a multi-county office or issue) within five days of the date the county receives the request from the Secretary of State. Such a recount is provided on a fee-for-service basis, unless the recount results in a change in the outcome of the primary or election.

State law mandates that a recount be conducted, without charge to the parties involved, if the difference in the votes cast for the top two vote getters for an office is not more than 0.5 percent of the total number of votes cast for both candidates.

**Summary of Bill:** If the difference in the votes cast for the top two vote getters for an office is not more than 0.25 percent, the recount mandated by state law must be conducted manually.

A deadline is established by which the Secretary of State must direct the county canvassing boards to conduct a recount of the returns for a multi-county office if the recount is mandated by state law. The secretary must issue the directive within three business days of the date the returns for the office have first been certified by the canvassing boards.

After being counted, the votes cast in any single precinct may not be recounted more than twice.

A provision of law is repealed which applies to requests for recounts filed after a recount has reversed the outcome of a primary or election. The repealed provision permits a person or ballot measure's group whose fortunes were reversed by the recount to apply for a recount of only those ballots which have not been recounted.

**Fiscal Note:** Not requested.

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

**Testimony For:** (1) Voters get weary of repeated recounts of elections. The mandatory manual recount will catch tallying errors right away, rather than after several recounts. (2) The deadline established for the Secretary of State to order a recount will expedite the process.

**Testimony Against:** None.

**Witnesses:** Representative Evan Jones (in favor); and Vern Spatz.