

# SENATE BILL REPORT

## SB 5273

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As Passed Senate, March 7, 1995

**Title:** An act relating to canvassing of election returns.

**Brief Description:** Avoiding conflicts of interest on election canvassing boards.

**Sponsors:** Senators Hale, Haugen, Winsley and Franklin; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Government Operations: 2/2/95, 2/22/95 [DP].  
Passed Senate, 3/7/95, 46-0.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Drew, Hale, Heavey, McCaslin and Winsley.

**Staff:** Rod McAulay (786-7754)

**Background:** County canvassing boards are responsible for canvassing the results of elections in the county, ruling on questioned ballots, and certifying the results of elections. Canvassing boards also have authority to adopt rules and to resolve tied votes by lot.

The canvassing board consists of the county auditor, chairman of the county legislative authority and the county prosecutor or their designees.

In a primary or election in which the county auditor is to be nominated or elected, canvass of the returns for that office shall be made by the other two members of the board, and if they disagree, by the presiding judge of the superior court. This restriction does not apply if the incumbent auditor is a candidate for a different office, or to the other members of the canvassing board.

**Summary of Bill:** The Secretary of State may adopt rules governing the delegation of the responsibilities of county canvassing boards. However, the responsibility for determination of the validity of challenged or special ballots and certification of primary or election returns may not be delegated.

The auditor and prosecutor may designate only a deputy auditor or deputy prosecutor respectively to serve as his or her representative on a canvassing board. The chairperson of the county legislative authority may designate only another member of the county legislative authority to serve as his or her representative. Designations of representatives on the canvassing board must be in writing and filed in the office of the county auditor by the first day duties are to be performed. Persons who are candidates for an office to be voted

on at the primary or election to be canvassed may not be designated to serve on the canvassing board unless no other individuals qualify.

If a member of the board or the designating official is a candidate in the primary or election being canvassed, he or she may not participate in any decision regarding the determination of a voter's intent with respect to a vote cast for that office. If the other two members cannot agree on a questioned vote, the Secretary of State or designee must make the decision.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The inconsistencies in the law regarding canvassing boards are removed.

**Testimony Against:** None.

**Testified:** PRO: Margaret Eby, Office of Secretary of State; Doug Cochrane, Yakima County Auditor.