
SENATE BILL 6325

State of Washington 57th Legislature**2002 Regular Session**

By Senators Gardner, Horn, T. Sheldon, Roach, McCaslin, Winsley and Oke; by request of Secretary of State

Read first time 01/15/2002. Referred to Committee on State & Local Government.

1 AN ACT Relating to the administration of elections; and amending
2 RCW 29.60.010, 29.60.030, 29.60.040, 29.60.070, 29.60.080, and
3 29.60.090.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29.60.010 and 1992 c 163 s 3 are each amended to read
6 as follows:

7 (1) The Washington state election administration and certification
8 board is established and has the responsibilities and authorities
9 prescribed by this chapter. The board is composed of the following
10 members:

11 (a) The secretary of state ((or)) and the secretary's designee;
12 (b) The state director of elections ((or)) and the director's
13 designee;

14 (c) Four county auditors appointed by the Washington state
15 association of county auditors or their alternates who are county
16 auditors designated by the association to serve as such alternates,
17 each appointee and alternate to serve at the pleasure of the
18 association;

1 (d) One member from each of the two largest political party
2 caucuses of the house of representatives designated by and serving at
3 the pleasure of the legislative leader of the respective caucus;

4 (e) One member from each of the two largest political party
5 caucuses of the senate designated by and serving at the pleasure of the
6 legislative leader of the respective caucus; and

7 (f) One representative from each major political party, as defined
8 by RCW 29.01.090, designated by and serving at the pleasure of the
9 chair of the party's state central committee.

10 (2) The board shall elect a chair from among its number; however,
11 neither the secretary of state nor the state director of elections nor
12 their designees may serve as the chair of the board. A majority of the
13 members appointed to the board constitutes a quorum for conducting the
14 business of the board. Chapter 42.30 RCW, the open public meetings
15 act, and RCW 42.32.030 regarding minutes of meetings, apply to the
16 meetings of the board.

17 (3) Members of the board shall serve without compensation. The
18 secretary of state shall reimburse members of the board, other than
19 those who are members of the legislature, for travel expenses in
20 accordance with RCW 43.03.050 and 43.03.060. Members of the board who
21 are members of the legislature shall be reimbursed as provided in
22 chapter 44.04 RCW.

23 **Sec. 2.** RCW 29.60.030 and 2001 c 41 s 11 are each amended to read
24 as follows:

25 The secretary of state shall:

26 (1) Establish and operate, or provide by contract, training and
27 certification programs for state and county elections administration
28 officials and personnel, including training on the various types of
29 election law violations and discrimination, and training ((programs))
30 curriculum for political party observers and members of county
31 canvassing boards which conform to the rules for such programs
32 established under RCW 29.60.020;

33 (2) Administer tests for state and county officials and personnel
34 who have received such training and issue certificates to those who
35 have successfully completed the training and passed such tests;

36 (3) Maintain a record of those individuals who have received such
37 training and certificates; and

1 (4) Provide the staffing and support services required by the board
2 created under RCW 29.60.010.

3 **Sec. 3.** RCW 29.60.040 and 1992 c 163 s 6 are each amended to read
4 as follows:

5 A person having responsibility for the administration or conduct of
6 elections, other than precinct election officers, shall, within
7 eighteen months of undertaking those responsibilities or within
8 eighteen months of July 1, 1993, whichever is later, receive general
9 training regarding the conduct of elections and specific training
10 regarding their responsibilities and duties as prescribed by this title
11 or by rules adopted by the secretary of state under this title.
12 Included among those persons for whom such training is mandatory are
13 the following:

14 (1) Secretary of state elections division personnel;
15 (2) County elections administrators under RCW 36.22.220;
16 (3) County canvassing board members; and
17 (4) ((Persons officially designated by each major political party
18 as elections observers; and

19 (+5)) Any other person or group charged with election
20 administration responsibilities if the person or group is designated by
21 rule adopted by the secretary of state as requiring the training.

22 ((The secretary of state shall reimburse election observers in
23 accordance with RCW 43.03.050 and 43.03.060 for travel expenses
24 incurred to receive training required under subsection (4) of this
25 section.))

26 Neither this section nor RCW 29.60.030 may be construed as
27 requiring an elected official to receive training or a certificate of
28 training as a condition for seeking or holding elective office or as a
29 condition for carrying out constitutional duties.

30 **Sec. 4.** RCW 29.60.070 and 1997 c 284 s 1 are each amended to read
31 as follows:

32 (1)(a) The election review staff of the office of the secretary of
33 state shall conduct a review of election-related policies, procedures,
34 and practices in an affected county or counties:

35 (i) If the unofficial returns of a primary or general election for
36 a position in the state legislature indicate that a mandatory recount
37 is likely for that position; or

1 (ii) If unofficial returns indicate a mandatory recount is likely
2 in a statewide election or an election for federal office.

3 Reviews conducted under (ii) of this subsection shall be performed
4 in as many selected counties as time and staffing permit. Reviews
5 conducted as a result of mandatory recounts shall be performed between
6 the time the unofficial returns are complete and the time the recount
7 is to take place, if possible.

8 (b) In addition to conducting reviews under (a) of this subsection,
9 the election review staff shall also conduct such a review in a county
10 ((periodically,)) at least once every five years in conjunction with a
11 county primary or special or general election, at the direction of the
12 secretary of state or at the request of the county auditor. If any
13 resident of this state believes that an aspect of a primary or election
14 has been conducted inappropriately in a county, the resident may file
15 a complaint with the secretary of state. The secretary shall consider
16 such complaints in scheduling periodic reviews under this section.

17 (c) Before an election review is conducted in a county, the
18 secretary of state shall provide the county auditor of the affected
19 county and the chair of the state central committee of each major
20 political party with notice that the review is to be conducted. When
21 a periodic review is to be conducted in a county at the direction of
22 the secretary of state under (b) of this subsection, the secretary
23 shall provide the affected county auditor not less than thirty days'
24 notice.

25 (2) Reviews shall be conducted in conformance with rules adopted
26 under RCW 29.60.020. In performing a review in a county under this
27 chapter, the election review staff shall evaluate the policies and
28 procedures established for conducting the primary or election in the
29 county and the practices of those conducting it. As part of the
30 review, the election review staff shall issue to the county auditor and
31 the members of the county canvassing board a report of its findings and
32 recommendations regarding such policies, procedures, and practices. A
33 review conducted under this chapter shall not include any evaluation,
34 finding, or recommendation regarding the validity of the outcome of a
35 primary or election or the validity of any canvass of returns nor does
36 the election review staff have any jurisdiction to make such an
37 evaluation, finding, or recommendation under this title.

38 (3) The county auditor of the county in which a review is conducted
39 under this section or a member of the canvassing board of the county

1 may appeal the findings or recommendations of the election review staff
2 regarding the review by filing an appeal with the board created under
3 RCW 29.60.010.

4 **Sec. 5.** RCW 29.60.080 and 1992 c 163 s 10 are each amended to read
5 as follows:

6 The county auditor may designate any person who has been certified
7 under this chapter, other than the auditor, to participate in a review
8 conducted in the county under this chapter. Each county auditor and
9 canvassing board shall cooperate fully during an election review by
10 making available to the reviewing staff any material requested by the
11 staff. The reviewing staff shall have full access to ballot pages,
12 absentee voting materials, any other election material normally kept in
13 a secure environment after the election, and other requested material.
14 If ballots are reviewed by the staff, they shall be reviewed in the
15 presence of the canvassing board or its designees. Ballots shall not
16 leave the custody of the canvassing board. During the review and after
17 its completion, the review staff may make appropriate recommendations
18 to the county auditor or canvassing board, or both, to bring the county
19 into compliance with ((the training required under this chapter, and))
20 the laws ((or)) and administrative rules of the state of Washington, to
21 safeguard election material, or to preserve the integrity of the
22 elections process.

23 **Sec. 6.** RCW 29.60.090 and 1992 c 163 s 11 are each amended to read
24 as follows:

25 The secretary of state shall establish within the elections
26 division an election assistance and clearinghouse program, which shall
27 provide regular communication between the secretary of state((–)) and
28 local election officials, ((and major and minor political parties))
29 regarding newly enacted elections legislation, relevant judicial
30 decisions affecting the administration of elections, and applicable
31 attorney general opinions, and which shall respond to inquiries ((from
32 elections administrators, political parties, and others)) regarding
33 election information. This section does not empower the secretary of
34 state to offer legal advice or opinions, but the secretary may discuss

1 the construction or interpretation of election law, case law, or legal
2 opinions from the attorney general or other competent legal authority.

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