

# HOUSE BILL REPORT

## HB 1749

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### As Passed Legislature

**Title:** An act relating to review of county election procedures.

**Brief Description:** Strengthening review and correction of county election procedures.

**Sponsors:** By Representatives Green, Nixon, Hunt, Shabro, McDermott, Haigh, Moeller, Campbell, Simpson, Sells, Schual-Berke and Linville; by request of Secretary of State.

#### **Brief History:**

##### **Committee Activity:**

State Government Operations & Accountability: 2/18/05, 3/2/05 [DP];

Appropriations: 3/5/05 [DP].

##### **Floor Activity:**

Passed House: 3/15/05, 95-1.

Passed Senate: 4/12/05, 42-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Calls for a review of election-related policies, procedures and practices to be conducted at least once every three years, or as often as possible dependent upon staffing or budget levels.
- Requires the county auditor or the county canvassing board to take corrective action for any problems uncovered during the review and the Secretary of State (Secretary) verify that the corrective action was taken.

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### HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

**Majority Report:** Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

**Staff:** Marsha Reilly (786-7135).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 28 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hinkle, Hunter, Kagi, Kenney, Kessler, Linville, McDermott, Miloscia, Pearson, Priest, Schual-Berke, Talcott and Walsh.

**Staff:** Nona Snell (786-7153).

**Background:**

Reviews of election-related policies, procedures, and practices in a county must be conducted if the unofficial returns of a primary or general election indicate that a mandatory recount is likely for a state legislative position or a federal office or in a statewide election. Reviews are also to be conducted periodically in a county after a primary or election at the direction of the Secretary or at the county auditor's request.

These post-primary or post-election reviews are conducted by the election review staff of the Office of the Secretary of State in conformance with rules adopted by the Secretary and the Election Administration and Certification Board. A review may not include an evaluation, finding, or recommendation regarding the validity of any canvass of returns or of the outcome of a primary or election. The staff must provide a report of its findings and recommendations to the county's auditor and canvassing board.

**Summary of Bill:**

Reviews of election-related policies, procedures and practices must be conducted at least once every three years, or as often as possible dependent upon staffing or budget levels. The county auditor or the county canvassing board must respond to the review report in writing listing steps to be taken to correct any problems. Before the next primary or general election, the Secretary must visit the county and verify that the corrective action was taken.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (State Government Operations & Accountability) The expectation of the public and the Legislature is that the Secretary have an active oversight role in elections. Although the counties have control of elections, the Secretary is going to work with counties to improve procedures through a review process. It is hoped to conduct a review of each county at least every three years. This was the practice a number of years ago, but was cut back because of funding. The County Auditors Association is in favor of the bill but believes the Secretary needs more funding in order to employ the high level of expertise needed to make it a valuable program. The League of Women Voters supports this effort.

**Testimony For:** (Appropriations) The review program allows the Secretary of State to go into county auditor's offices on the day of primary or general elections to review their process. Currently, only two Full Time Equivalencies (FTEs) have this responsibility. The program used to have more funding, but it was cut. Additional funding will allow the Secretary of State to add three FTEs to review every county every three years.

**Testimony Against:** (State Government Operations & Accountability) None.

**Testimony Against:** (Appropriations) None.

**Persons Testifying:** (State Government Operations & Accountability) Representative Green, prime sponsor; Sam Reed, Secretary of State; Becky Cox, League of Women Voters; and Pat McCarthy, Washington State Association of County Auditors.

**Persons Testifying:** (Appropriations) Katie Blinn, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** (State Government Operations & Accountability) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations) None.