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## State Government & Tribal Relations Committee

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### HB 1861

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

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

#### Brief Summary of Bill

- Requires the State Auditor's Office (SAO) to annually audit every county with a ballot rejection rate greater than the statewide average to examine the accuracy of the county's procedures and compare them to legal requirements and best practices.
- Requires the SAO to publish an annual report of these audits, including trends in ballot rejection rates and recommendations to reduce those rates.
- Expires after 2028 once county variance in rejection rates no longer exceeds 5 percent.

**Hearing Date:** 2/13/19

**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 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.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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.

**Summary of Bill:**

*Audits.* By December 1 of each year, the Secretary and the State Auditor's Office (SAO) must review rejected ballot rates statewide and rank the counties from highest to lowest. For every county with a ballot rejection rate greater than the statewide average, the SAO must conduct an audit. 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.

*Waivers.* The SAO may grant a waiver of the audit requirement to a county if:

- the audit would be unduly burdensome;
- the audit would not change the results of that year's elections; and
- the county has taken steps to address its rejection rate.

*Reports.* For each audit, the SAO must prepare a preliminary report and submit it to the county auditor for review, and the county auditor may submit comments to the SAO. By June 1 the SAO will prepare a final audit report containing each individual audit, the counties' responses, and a list of waivers requested, indicating whether the waiver was granted or denied.

No later than December 1, 2028, the SAO must release a statewide report that analyzes the change in ballot rejection rates since 2019, identifying changes in the mean and variance rates among counties. The report must include recommendations to lower rejection rates, and the SAO must recommend an acceptable rejection rate for counties.

*Duration of the program.* The bill expires when, after December 31, 2028, the SAO determines that the difference between the highest and lowest county rejection rates is no greater than 5 percent.

**Appropriation:** None.

**Fiscal Note:** Requested on February 6, 2019.

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