

SENATE BILL REPORT

SB 6180

As Reported By Senate Committee On:
Government Operations & Elections, January 22, 2008

Title: An act relating to postelection audits.

Brief Description: Regarding postelection audits.

Sponsors: Senators Oemig, Fairley and McDermott.

Brief History:

Committee Activity: Government Operations & Elections: 1/21/08, 1/22/08 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Kline, McDermott, Pridemore and Swecker.

Staff: Cindy Calderon (786-7784)

Background: A political party observer may randomly select mail ballots for manual counting. In counties voting entirely by mail, mutually agreeing political party observers or the county auditor may conduct a random check of the ballot counting equipment. (The random check is limited to one office or issue on the ballots.) This check compares the machine count and the manual count for up to three precincts or six batches. The county canvassing board establishes in its procedures the selection process for checking precincts or batches.

In counties using poll site voting devices, the political party observers may choose up to three precincts for manually counting. The manual count will be compared with the poll-site ballot counting device results for that precinct. The selection of precincts must be made within 30 minutes of the polls closing, and the manual count must be completed within 48 hours of the polls closing. In counties not using a polling place, the official political party observer may request that a precinct be randomly selected for a manual count. The manual count will be compared with the vote tallying system results for that precinct.

Summary of Bill (Recommended Substitute): Standardizes procedures for all counties for random checks of ballot counting equipment. Random checks will be a comparison of the machine count to a manual count of either three precincts or six batches of ballots or a

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sufficient number of ballots to satisfy a statistical sampling formula established by the Secretary of State. The check must be completed no later than 72 hours prior to certification.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Changes the time frame in which post election checks must be completed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill addresses the needs of larger counties. In conducting post election checks, three precincts or six batches is not enough. Under this bill, larger jurisdictions would be able to do a sampling with a sufficient number of ballots to satisfy a statistical sampling formula to be established by the Secretary of State. This bill also adds an important element of integrity to the process; if the manual and machine count are different, it will raise a flag that there could be a problem, and that will allow more random checks. Current law requires the checks to be completed within 48 hours after election day. We would like to see that change to 48 hours prior to certification. This will provide more time to discover problems, resolve the problems, and go to a Superior Court Judge if needed.

Persons Testifying: PRO: Senator Oemig, prime sponsor; Shane Hamlin, Office of the Secretary of State; Greg Kimsey, Kim Wyman, Washington Association of County Auditors.