

SENATE BILL REPORT

SB 6181

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

Title: An act relating to county canvassing board membership.

Brief Description: Providing an employee of the county legislative authority may be appointed to the county canvassing board.

Sponsors: Senators McDermott, Oemig and Fairley.

Brief History:

Committee Activity: Government Operations & Elections: 1/17/08, 1/22/08 [DPS, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach, Ranking Minority Member.

Staff: Cindy Calderon (786-7784)

Background: A county canvassing board determines the status of provisional ballots and certifies official election returns. A board is composed of three members: the county auditor, the county prosecuting attorney, and the chair of the county legislative body. If a member is not available to carry out his or her duties, he or she, may designate an individual to act in their respective place; the county auditor may designate a deputy auditor, the county prosecutor may designate a deputy prosecutor, and the chair of the county legislative body may designate another member of the county legislative body. Designations may be made on an election-by-election basis or on a permanent basis. All designations must be in writing, and filed with the county auditor if done for a special election, or be on file with the county auditor's office if done on a permanent basis until revoked.

Washington has three forms of county-level governments: commission form, consolidated city-county, and home rule charter. A home rule charter allows for powers of initiative and referendum. County powers, authority, and the duties of county officials vest in the county legislative authority, unless expressly assigned to a specific officer in the home rule charter. Six counties operate with a home rule charter.

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.

Summary of Bill (Recommended Substitute): Allows a chair of a county legislative body to designate an employee of the legislative body as a member of the county canvassing board. Applies only to counties with a population over one million.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Changes the conditions for when a chair of the county legislative body may designate an employee of the legislative body to the county canvassing board. Defines an employee of the legislative body. Adds requirement of training and taking an oath.

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 gives county council members the same authority that auditors and prosecuting attorneys have in designating an alternate to the county canvassing board. This bill would provide flexibility during those periods where the work load is heavy and when the budget is being worked. In King County, there are 1.1 million voters so the duty of the canvassing board can be voluminous. The alternate would be the Chief of Staff and the Clerk of Counsel. The designated employees will attend training offered by the Secretary of State, and will take an oath to uphold the law.

CON: The county canvassing board plays a vital and public role; it has to determine voter intent which is difficult. This is a very important role that is taken seriously. Councilman are representatives of the people. If a staff member is designated as an alternate, then the connection and nexus between the voting people is removed. The direct link of accountability is critical, and this bill removes accountability.

Persons Testifying: PRO: Senator McDermott, prime sponsor; Chuck Williams, King County.

CON: Shane Hamlin, Office of the Secretary of State; Pat McCathy, Pierce County; Walt Washington, Kitsap County; Skip Moore, Chelan County.