
State Government & Tribal Affairs
Committee

HB 2310

Brief Description: Reducing costs of the elections division of the office of the secretary of state.

Sponsors: Representatives Sells, Hinkle, Darneille and McCune; by request of Secretary of State.

Brief Summary of Bill

- Makes changes to eliminate costs of the Secretary of State.

Hearing Date: 3/26/09

Staff: Marsha Reilly (786-7135)

Background:

Legal Notice for Constitutional Amendments and State Measures. The state Constitution requires that notice of amendments to the constitution be published at least four times during the four weeks preceding the election in every legal newspaper of the state. Statute requires the Secretary of State (Secretary) to give notice of proposed constitutional amendments and other state measures on the general election ballot up to four times during the four weeks immediately preceding that election by publishing the measures in every legal newspaper in the state as well as through radio and television advertisements. The notice must include the legal identification of the measure; the ballot title; an explanatory statement; a statement of effect should it be approved; and the vote tally for and against the measure in each house of the Legislature.

Voters' Pamphlets. The Secretary must print and distribute a state voters' pamphlet whenever at least one statewide measure or state office will appear on the general election ballot. The pamphlet must contain the following:

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- information on each measure, including the full text of the measure, arguments for and against, and fiscal impact statements;
- candidate statements;
- information on how voters may participate in the election campaign process (in even-numbered years);
- the name, address, and telephone number of each political party with candidates listed in the pamphlet (even-numbered years);
- information regarding the precinct caucus and convention process used by major political parties to elect delegates to its national presidential candidate nominating convention (odd-numbered year before a presidential nomination);
- an application form for an absentee ballot;
- a brief statement explaining the deletions and additions of language for proposed measures; and
- any additional information required by law or in the judgment of the Secretary to be helpful to the voters.

Candidate statements for candidates for state representatives are limited to 100 words. Statements for candidates for state senator, court of appeals and superior court judges, supreme court justices, and statewide offices other than Governor, are limited to 200 words. Statements for candidates for Governor, President and Vice President, and United States senators and representatives are limited to 300 words.

Printing of the voters' pamphlets is contracted out by the state printer.

Manuals and Guides. The Secretary is required to produce a voter's guide that details what constitutes voter fraud and discrimination under state elections laws. The guide must be provided to every county election officer and auditor, as well as to any person upon request. A manual explaining all election laws and rules must be prepared and printed by the Secretary in sufficient quantity to be available for use in all vote-counting centers throughout the state.

Election Administration and Certification Board. The Election Administration and Certification Board (Board) is composed of: the Secretary; the state's Director of Elections (Director); four county auditors appointed by the state's Association of County Auditors; four legislators, one from each of the four principal caucuses of the Legislature; and one representative of each major political party.

The Board must elect a chair from its members; however, the Secretary and the Director cannot serve as chair. The members of the Board serve without compensation. Nonlegislative members are reimbursed by the Secretary for travel expenses; legislative members are to be reimbursed as provided by laws governing the Legislature. Staffing and support services are provided by the Secretary.

The Board and the Secretary jointly adopt rules governing: (1) the training of political party observers and the training and certification of election administrators and personnel; (2) policies and procedures for conducting reviews of election-related policies, procedures, and practices in counties; and (3) policies to be used by the board in considering appeals of findings and recommendations resulting from a review conducted in a county. The Board reviews appeals for denial of certifications and findings or recommendations related to election reviews.

Certification, Training, and Review Programs. The Secretary must provide training and certification programs for state and county elections personnel, including canvassing board members, and for political party observers. Travel costs for election observers to attend training and certification are reimbursed by the Secretary.

The Secretary also must conduct a review of election-related policies, procedures, and practices in each county at least once every three years. The review consists of an evaluation of the policies and procedures established by the county for conducting elections and the practices of those conducting the elections. Once the review is complete, the Secretary's election review staff shall issue a report of its findings and recommendations to the county auditor and the county canvassing board. The county auditor or the canvassing board must respond to any findings by identifying steps that will be taken to correct the problems. The Secretary must visit that county before the next primary or general election to verify that the steps identified to correct the problems are taken. Any findings or recommendations identified in the review may be appealed to the Board.

Overseas and Service Voters. Ballots must be mailed to overseas and service voters at least 30 days before an election by the county auditors. The Secretary must provide envelopes and instructions that explain that the date of the signature is considered the date of mailing; return postage is free if mailed through the US Postal Service; a voter may fax a voted ballot if secrecy is waived; and a voter may obtain and print a ballot through electronic mail.

Summary of Bill:

Legal Notice for Constitutional Amendments and State Measures. The Secretary is no longer required to publish notice of state measures in every legal newspaper in the state four times in the four weeks preceding an election. The newspaper notice is required for constitutional amendments, however the broadcast notice is no longer required for constitutional amendments or for initiatives and referenda.

Voters' Pamphlets. The voter's pamphlet is no longer required to be printed by the state printer. An application form for an absentee ballot is no longer required to be printed in the pamphlet. Explanatory and effect statements for state measures prepared by the Attorney General are limited to 500 words and must be submitted to the Secretary by August 1. Fiscal impact statements for state measures prepared by the Office of Financial Management, including a summary and more detailed statements, are limited to 500 words. Candidate statements for the pamphlet are limited as well. Statements for candidates for U.S. representative, state representative, state senator, court of appeals and superior court judges are limited to 100 words. Statements for candidates for statewide office are limited to 200 words.

Manuals and Guides. The requirement that the Secretary provide for a voter's guide and an election manual is removed.

Election Administration and Certification Board. The Board is eliminated. Appeals of findings and recommendations regarding an election review or for denial of certification may be made to a board of county auditors that are organized for this purpose by the Washington State Association of County Officials.

Certification, Training, and Review Programs. Until June 30, 2011, reviews of county election procedures will be conducted once every five years. Effective July 1, 2011, the reviews will revert back to once every three years. The Secretary will conduct follow-up reviews within one year, rather than before the next primary or general election.

Political party observers will be trained by the appropriate county auditor. The requirement that the Secretary reimburse political parties for travel expenses associated with the certification and training program is repealed.

Overseas and Service Voters. The statute requiring the Secretary to furnish ballot envelopes and instructions to overseas and military voters is repealed.

Appropriation: None.

Fiscal Note: Available.

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