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SENATE BILL 5565

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State of Washington

55th Legislature

1997 Regular Session

By Senators Winsley, Haugen and Hale; by request of Secretary of State

Read first time 01/31/97. Referred to Committee on Government Operations.

1 AN ACT Relating to review of county election procedures; and  
2 amending RCW 29.60.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29.60.070 and 1992 c 163 s 9 are each amended to read  
5 as follows:

6 (1)(a) The election review staff of the office of the secretary of  
7 state shall conduct a review of election-related policies, procedures,  
8 and practices in an affected county or counties:

9 (i) If the unofficial returns of a primary or general election for  
10 a position in the state legislature indicate that a mandatory recount  
11 is likely for that position; or

12 (ii) If unofficial returns indicate a mandatory recount is likely  
13 in a state-wide election or an election for federal office.

14 Reviews conducted under (ii) of this subsection shall be performed  
15 in as many selected counties as time and staffing permit. Reviews  
16 conducted as a result of mandatory recounts shall be performed between  
17 the time the unofficial returns are complete and the time the recount  
18 is to take place, if possible.

1 (b) In addition to conducting reviews under (a) of this subsection,  
2 the election review staff shall also conduct such a review in a county  
3 periodically (~~(after)~~), in conjunction with a county primary or special  
4 or general election, at the direction of the secretary of state or at  
5 the request of the county auditor. If any resident of this state  
6 believes that an aspect of a primary or election has been conducted  
7 inappropriately in a county, the resident may file a complaint with the  
8 secretary of state. The secretary shall consider such complaints in  
9 scheduling periodic reviews under this section.

10 (c) Each county shall be reviewed under this section not less than  
11 (~~once every four years~~) twice in a ten-year period, ensuring that at  
12 least one review takes place during the even year election cycle and  
13 one review during the odd year election cycle. Before an election  
14 review is conducted in a county, the secretary of state shall provide  
15 the county auditor of the affected county and the chair of the state  
16 central committee of each major political party with notice that the  
17 review is to be conducted. When a periodic review is to be conducted  
18 in a county at the direction of the secretary of state under (b) of  
19 this subsection, the secretary shall provide the affected county  
20 auditor not less than thirty days' notice.

21 (2) Reviews shall be conducted in conformance with rules adopted  
22 under RCW 29.60.020. In performing a review in a county under this  
23 chapter, the election review staff shall evaluate the policies and  
24 procedures established for conducting the primary or election in the  
25 county and the practices of those conducting it. As part of the  
26 review, the election review staff shall issue to the county auditor and  
27 the members of the county canvassing board a report of its findings and  
28 recommendations regarding such policies, procedures, and practices. A  
29 review conducted under this chapter shall not include any evaluation,  
30 finding, or recommendation regarding the validity of the outcome of a  
31 primary or election or the validity of any canvass of returns nor does  
32 the election review staff have any jurisdiction to make such an  
33 evaluation, finding, or recommendation under this title.

34 (3) The county auditor of the county in which a review is conducted  
35 under this section or a member of the canvassing board of the county  
36 may appeal the findings or recommendations of the election review staff

1 regarding the review by filing an appeal with the board created under  
2 RCW 29.60.010.

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