



2005 Elections Reform Package

Restore Public Trust

Key Provisions

- Prohibit third-parties from collecting or returning absentee or provisional ballot signature affidavits.
- Require auditors to notify, in writing, individuals whose ballot signatures are missing or questionable, and requires voters to submit signatures by the day before certification.
- Create procedures that treat absentee and provisional ballots without a signature the same as absentee and provisional ballots with a mismatching signature.
- Provide more specificity with respect to signature matching standards.
- Require counties, on election night, to tabulate every valid ballot in their possession.
- Provide that, for absentee ballots to be valid they must be postmarked by the Friday immediately before the primary or general election for which the ballot was issued or that the ballot be received by close of the polls on Election Day.
 - Require all ballot instructions to CLEARLY and PROMINENTLY state new deadline requirements.
 - Require Auditors to notify, in writing, voters whose ballot was not tabulated because the ballot was received after Election Day.
 - Require voter education and outreach on the new deadlines.
 - Require tracking of the number of “late” ballots received.
- Require all valid ballots, i.e. those without signature problems or that are not “challenged,” to be tabulated by the Friday immediately after the primary or general election.
- Extend the current certification period from 15 days to 20 days.
- While protecting the secrecy of the results, permit counties to tabulate valid absentee ballots the Monday morning immediately before the primary or election.
- Allow counties the option of conducting all elections as vote by mail elections.

What do these reform measures accomplish?

- Prohibiting third parties from collecting signature affidavits helps protect the integrity of the electoral process – both real and perceived.
- Standardizing absentee and provisional ballot processing with respect to signature verification ensures that all voters (and their votes) are treated the same, especially with regard to voter notification and deadlines for corrective action.
- Extending the certification period, especially when coupled with an earlier primary, helps ensure county elections officials have adequate time to process and reconcile ballots, resolve signature issues and investigate any irregularities or discrepancies that arise during the canvassing process.
- Early due dates for ballots, allowing early tabulation (with due respect to election results secrecy), and requiring valid ballots to be tabulated by specified timelines will help the public and candidates receive election results in a more timely manner.

Strengthen the Role of Canvassing Boards Clarify the Recount and Election Contest Procedures

Key Provisions

- Clarify that only a canvassing board can reject a ballot (other than a ballot where the voter is not registered or the signature is missing on the absentee ballot); prohibits a canvassing board from delegating such authority to staff.
- Clarify that recanvassing is intended to allow the board to correct election staff errors, not voter errors.
- Establish guidelines in the administrative code for the conduct of election recounts.
- Require election contests to be filed in the appropriate court not later than ten days after the Secretary of State certifies the election or signs an amended abstract of the election results (in cases of a recount).

What do these reform measures accomplish?

- By ensuring that only the legally appointed body, i.e. the canvassing board, has the authority to reject ballots we further protect voter rights.
- There are specific deadlines for correcting voter and election worker errors in statute and administrative rule; however, the recanvassing statute can be further clarified to ensure that canvassing boards can, up until they have certified their county's election results, correct election worker errors. This issue caused confusion or charges of

favoritism, while inviting litigation this past election. Clarifying the statutes to reflect the unanimous decisions of State Supreme Court is important to protecting future elections.

- Washington statutes provide uniform procedures for the conduct of an election recount. The historic 2004 election proves the need for a more specific set of recount guidelines in administrative rule.
- Under current law, an election contest can be filed over a week after an individual takes office. This raises serious legal questions and creates uncertainty in our election process and democracy. Limiting contests to the period of up to ten days after the final certification by the Secretary of State provides a longer timeframe for a contest to be resolved *before* an individual takes office.

Improve Washington State Elections in the Areas of Training, County Review, and Voter Education

Key Provisions

- Require the Secretary of State to conduct 13 county election reviews each year.
- Enhance election worker training.
- Require the state to pay its share of election costs in even-numbered year elections.
- Require publication of a statewide primary voters' pamphlet.

What do these reform measures accomplish?

- Current law requires only periodic reviews of each county's election program. With this proposal each county will be reviewed every three years. Mandating more frequent reviews, which are similar to audits, helps protect the integrity of the process and ensures counties are complying with state election laws and procedures.
- Enhanced training focusing on the most common mistakes made this election season will serve to mitigate (but not eliminate) the most common flaw revealed in the 2004 election – human error.
- To help counties deploy competent, well-trained staff in numbers adequate to mitigate problems that arise simply because of the sheer size of a major election, and to conduct frequent thorough reviews in preparation for elections, the state must invest more money in democracy.
- Current law requires cities, schools and other special purposes districts to reimburse counties for their share of election costs; it is time the state paid for its share of its election costs as well.
- It is becoming cliché to say an informed electorate is critical to a well functioning democracy; nonetheless, this statement remains true.

Voters want information about candidates in both the primary and general election. Producing a primary voters' pamphlet is a responsible step toward helping voters make more informed decisions when casting their ballots.

Safeguard Our State's Direct Democracy

Key Provision

- Require initiative and referendum signature gatherers to be paid by the hour.

What do these reform measures accomplish?

- Washington enjoys a long and proud history of being a populist state. As of late our system of direct democracy, the initiative and referendum, has been in overdrive. Initiative and referendum sponsors pay signature collectors by the number of signatures they collect. To help protect the integrity of the ballot measure process, we need to remove incentives for cheating; which we believe the current the pay-per-signature scheme does. Paying signature collectors by the hour helps accomplish this. After all, signature collectors aren't really in the business of sales and commissions aren't part of the democratic process.

Avoid a Train Wreck by Moving the Primary Earlier in the Year

Key Provisions

- The third Tuesday in June.
- Clean up other processes and procedures in the election calendar: candidate filing and related filing states, mailing of absentee ballots etc.
- Amend campaign finance statutes to prohibit receipt of campaign contributions from registered lobbyists, or their employers, if they have business before the legislature during and up to 30 days after a legislative session. The prohibition applies to incumbents who will appear on the ballot in that year's election or any challenger who becomes a candidate in the manner defined by the PDC. Incumbents and challengers could hold grassroots fundraisers "in district" during and immediately after the session. Our office remains open to discussing the details of how the campaign finance laws can be amended to best address everyone's concerns.

What do these reform measures accomplish?

- Provides more time to:
 - Send and receive ballots to our state's military and overseas voters, avoiding potential penalties or lawsuits from the Department of Justice and ensuring all voters have ample time to participate in the electoral process, regardless of where they are at the time of the primary or election.
 - Resolve recounts in a primary, or resolve a contested primary that ends up in court.
 - Prepare for the general election. County elections staff would have more time to prepare and, if necessary, receive extra training for the general election in response to election review findings. In turn, this could reduce fatigue or mitigate "burnout" and, hopefully, the potential for human error.
 - Conduct logic and accuracy testing in preparation for the general election.
 - Prepare the general election voters' pamphlet; more time might reduce costs due to a less stringent delivery timeline and provide a wider margin of time to address any production delays or problems (legal challenges to candidates, candidates statements etc.).