

FINAL BILL REPORT

HB 1644

C 417 L 93
Synopsis as Enacted

Brief Description: Changing provisions relating to voting by mail.

By Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Patterson, Brough, King, Springer, Forner, Wineberry and J. Kohl.

House Committee on State Government
Senate Committee on Government Operations

Background:

VOTE-BY-MAIL ELECTIONS

In precincts with less than 100 registered voters, the county auditor may choose to conduct any primary or election exclusively by mail ballot.

In other precincts, an election may be conducted exclusively by mail ballot only for a nonpartisan special election not being held in conjunction with a state primary or state general election. The jurisdiction for which the special election is to be conducted may request that the election be conducted by mail ballot. The county auditor may honor or deny that request; the decision of the auditor is final.

Any time an election is conducted by mail in a precinct, the canvassing board may direct that the ballots be counted on election day. In such a case, the count is to be done by not less than three election officials. The results of the count may not be revealed until after the polls have closed. If vote tallying devices are used, political party observers may choose to count the ballots of not more than 10 precincts by hand.

REGISTRATION CANCELLATION

The Election Code identifies circumstances under which procedures for cancelling the registration of a voter are to be initiated automatically. One of the circumstances involves issuing vote-by-mail ballots. If a ballot sent to a person is returned to the auditor by the U.S. Postal Service as being undeliverable, the cancellation procedures are to be initiated regarding that person's registration.

Summary:

VOTE-BY-MAIL IN SMALL PRECINCTS

The size of the precinct in which the auditor may choose to conduct any primary or election exclusively by mail ballot is increased. The auditor may now choose to conduct a primary or election in a precinct with fewer than 200 registered voters.

VOTE-BY-MAIL PRIMARY

In an odd-numbered year, the auditor may conduct a primary, or a special election concurrently with the primary, by mail ballot. This procedure may be used: for any office or ballot measure of a special purpose district; and for any nonpartisan office or ballot measure of a county, city, or town with the concurrence of the legislative authority of the county, city, or town. The auditor may also conduct such a primary or special election by mail ballot for a special purpose district which lies within more than one county if the auditors of each of the counties involved agree to conduct it in this manner. However, in an odd-numbered year, a primary may not be conducted by mail ballot in any precinct with 200 or more registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

CANVASSING PROCEDURES

If the canvassing board directs that vote-by-mail ballots be counted on the day of a primary or election, the counting must be conducted in the presence of the board or its representatives, rather than in the presence of at least three election officials. The results may not be revealed until after 8:00 p.m. or at such later time as the auditor directs. Political party observers may select, at random, ballots which must be counted by hand.

REGISTRATION CANCELLATION

The time is lengthened during which a voter must respond to the cancellation inquiry of an auditor under automatic cancellation procedures. If the procedures were initiated because a person's vote-by-mail ballot was returned to the auditor by the U.S. Postal Service as being undeliverable, the person has 90 days in which to respond to the auditor's inquiry, rather than the current 45 days.

Votes on Final Passage:

House 97 0

Senate 38 10 (Senate amended)
House (House refused to concur)
Senate 31 16 (Senate receded)

Effective: July 25, 1993