

# HOUSE BILL REPORT

## SHB 1572

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### As Passed House:

March 9, 2009

**Title:** An act relating to all mail elections.

**Brief Description:** Adopting all mail voting.

**Sponsors:** House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Liias, Appleton, Miloscia and Williams).

### Brief History:

#### Committee Activity:

State Government & Tribal Affairs: 2/6/09, 2/12/09 [DPS].

#### Floor Activity

Passed House: 3/9/09, 54-43.

### Brief Summary of Substitute Bill

- Requires all counties to conduct all elections entirely by mail.
- Changes precinct sizes to not more than 2,000 active registered voters effective 2012.
- Allows the appointment of four precinct committee officers in precincts that have 2,000 or more active registered voters.

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## HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan, Hurst and Miloscia.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Armstrong, Ranking Minority Member; Alexander.

**Staff:** Marsha Reilly (786-7135)

### Background:

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*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.*

As early as 1915 a voter was allowed to cast an absentee ballot if he or she was not able to be present to vote at the polls on election day. In 1933 voters with disabilities and voters over the age of 65 were authorized to vote an absentee ballot. By 1967 a county auditor could designate a mail ballot precinct if the precinct had less than 100 registered voters. By 1974 the Legislature expanded absentee voting to all voters who made a request, and by 1993 those voters could request to vote absentee on an on-going basis. In 2005 county auditors were allowed to conduct all elections entirely by mail ballot with the approval of the county legislative authority. Today all counties, except Pierce County, conduct elections entirely by mail.

### **Summary of Substitute Bill:**

#### Vote by Mail.

All counties must conduct all elections entirely by mail ballot. County auditors must notify each registered voter not receiving an absentee ballot on a regular basis that all future elections will be conducted by mail. The notification must include information on the locations of voting centers.

#### Definitions.

"Ballot drop-off site" is defined as a site or sites designated by the county auditor in which a voter may deposit his or her ballot in a secure location device on or before election day.

A "voting center" is defined as a facility or facilities designated by the county auditor that serves as a disability access voting location, issues provisional ballots, and serves as a ballot drop-off site.

#### Voting Centers.

A registered voter may transfer his or her voter registration, execute a name change, or obtain a replacement ballot at a voting center. County auditors are required to designate at least one location as a voting center for purposes of disability access voting.

Procedural requirements formerly conducted at polling places are required at voting centers, as applicable. Voters must provide identification and sign an oath affirming his or her qualifications to vote. Requirements for handling ballots and provisional ballots are the same as for poll sites.

The county auditor is required to appoint three election officials for each voting center. The appointments must be made at least 20 days prior to a primary or election. The appointments of election officials for each voting center are the same as the requirements for appointing inspectors and judges of elections.

#### Precinct Size.

Determinations of precinct size are changed from not more than 900 active registered poll voters to a maximum of 2,000 active registered voters. This provision does not go into effect until 2012.

#### Publishing Requirements.

The requirement for including an application for an absentee ballot in the voters' pamphlet is

removed. County auditors must publish notice of an election between 40 and 20 days before the election.

Precinct Committee Officers.

A county central committee of a major political party may opt to designate four precinct committee officer positions in any precinct that has at least 2,000 active registered voters, as of the day of the general election in the previous odd-numbered year. The county auditor must designate position numbers for the precinct committee officer positions prior to accepting declarations of candidacy.

Reconciliation Reports.

Reconciliation reports prepared by county auditors no longer must include numbers relating to poll voters. A requirement is added to include in the report the total number of ballots received, in addition to the ballots issued, counted, and rejected.

General Provisions and Changes.

All references to polls, poll site voting, poll books, poll lists, precinct polling places, poll site ballot counting devices, absentee voting, precinct election officers, and inspectors and judges of election are removed. Where applicable, references to "polling place" are changed to "voting center;" "absentee" ballot is changed to "mail" ballot; "poll workers" are changed to "election workers;" "precinct election officers" are changed to "election officers;" and inspectors and judges of election are changed to "election observers."

Recodified Statutes.

Certain statutes relating to absentee voting are recodified in with statutes relating to voting by mail.

Repealed Statutes.

Certain statutes relating to precinct and polling place determination and accessibility; absentee voting; polling place elections and poll workers; voting by mail; canvassing; casting a vote at a polling site; duties of election officers in securing unused ballots at polling sites; and crimes and penalties are 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 except for sections 1 through 72, 77 through 89, 91 through 94, and 96 through 109 pertaining to poll site voting, take effect July 1, 2010; and sections 90 and 95 pertaining to processing ballots and canvassing votes after the expiration of the instant runoff voting pilot project take effect July 1, 2013.

**Staff Summary of Public Testimony:**

(In support) The Secretary of State (Secretary) supports the bill. While this is an issue of local control, county auditors are running two different elections at the same time. For the vast majority of elections, very few people vote at the polls. The number of people voting by

mail has steadily increased. With 38 of the 39 counties voting by mail, there are concerns of continuity. If King County had switched last year, less than 2 percent of votes cast would have been cast at the polls. In a majority of elections, the percentage of those voting by mail is 96 percent, the only exception is for presidential elections. Mail voters are more likely to turn out than poll voters. The hardest decision a county auditor made was to conduct elections entirely by mail. The decision to switch to vote by mail is due, in part, to some of the onerous conditions set forth by the Help America Vote Act (HAVA). County auditors spent a lot of time and resources implementing the HAVA requirements for poll sites. The HAVA is easier to maintain in a vote by mail situation. County auditors provide accessibility voting sites at voting centers. Vote by mail has been good for levy and bond issues because the turnout has been better and meets the 40 percent requirement. The Department of Justice has not been to Yakima County since it converted to vote by mail.

(With concerns) The HAVA has made elections more accessible. The disadvantage of vote by mail is that any person with a disability will only have one place to go to vote, instead of a more local location. In the recent King County election, voters had to go to Renton to vote in person. Accessibility is a concern and it is a burden for persons with disabilities to have to travel long distances. There needs to be more voting locations. There also needs to be a process to allow for same-day registration if we move to vote by mail.

(Opposed) Pierce County is opposed to the bill although the Pierce County executive is in favor of the bill. Pierce County Council believes the decision to vote by mail should remain a local option. State law is not consistent with federal law, particularly the accessibility requirements of the HAVA. This has never been changed and the Secretary and the Legislature are ignoring the difference. Elections must be held on systems that are accessible. California tested machines for accessibility, and the Diebold machines here did not pass the accessibility test. There is a strong desire by many people in Pierce County to continue to vote at the polls. There is no sponsor on the bill from Pierce County. The decision to go vote by mail should be the decision of Pierce County. There were long lines at the polls during the last election. Some people stood in line for three hours in order to vote. It is an emotional and important issue for many. The citizens of Oregon voted on whether or not to change to vote by mail. King County did not allow citizens to vote for the change. King County will have access voting centers in which 40,000 people will use. There will still be poll voting. It is not true that poll voting is more expensive than by mail. In California, the turnout for mail elections has decreased. There is a decrease in voter turnout over time for vote by mail. There are a number of people who are disenfranchised because the ballot was not signed, or the ballot was received too late, or the ballot was not received at all. The number of errors at poll sites are fewer than the errors with vote by mail. Poll voting is a family event.

**Persons Testifying:** (In support) Representative Hunt, prime sponsor; Katie Blinn, Office of the Secretary of State; Kim Wyman, Thurston County Auditor; Corky Mattingly, Yakima County Auditor; Steve Zemke; and George Walk.

(With concerns) David Lord, Disability Rights Washington.

(Opposed) George Walk, Pierce County; John Gideon, Voters Unite; Paddy Finnigan; Jason Osgood; and Elizabeth Walter, Washington Citizens for Fair Action.

**Persons Signed In To Testify But Not Testifying:** None.