

# SENATE BILL REPORT

## SB 6238

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As Reported by Senate Committee On:  
Government Operations & Elections, January 28, 2010

**Title:** An act relating to overseas and service voters.

**Brief Description:** Concerning overseas and service voters.

**Sponsors:** Senators Hobbs, Roach, Swecker, Kilmer, King, Franklin, Shin, Tom, Kauffman and McDermott; by request of Secretary of State.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 1/18/10, 1/28/10 [DP, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Oemig, Vice Chair.

**Staff:** Alison Mendiola (786-7483)

**Background:** Federal law requires that ballots to overseas and service voters be transmitted at least 45 days before an election for Federal office. If the request for a ballot is received less than 45 days before the election, then the ballot must be transmitted in accordance with state law. Under state law, county auditors are required to mail ballots to all overseas and service voters at least 30 days before any primary, general, or special election. Requests for ballots made by overseas or service voters after that day must be processed immediately. The date of the signature on the ballot envelope is considered the date of mailing and the envelope must be signed by election day. Ballots must reach the county auditor before the results are certified in order for the votes to count. Certification occurs no later than 15 days after a primary or special election and no later than 21 days after a general election.

Service voter is defined as any voter of the state who is a member of the U.S. Armed Forces (USAF) in active service, a student or faculty member of a U.S. military academy, a member of the Merchant Marines, a member of a religious group or welfare agency officially serving

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with the USAF, or a participant in the address confidentiality program. Overseas voter is defined as any voter of the state outside the territorial limits of the United States.

A service or overseas voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. The ballot is counted if the original documents are received before the certification of the election. Also, a service or overseas voter may receive a ballot by electronic mail, which the voter may print out, vote on, and return by mail.

The federal Military and Overseas Voter Empowerment (MOVE) Act, recently enacted by Congress mandates that all voters be able to designate how they want to receive their ballots, by mail or electronically.

**Summary of Bill:** Service and overseas voters may request to receive all future ballots by fax, email, or other available electronic means and return a voted ballot by fax or email if the voter's signature on the declaration accompanies the ballot. Service and overseas voters may also request to stop receiving ballots by postal mail and may contact the county auditor's office to confirm that the ballot was received.

The county auditor is to establish procedures to protect the secrecy of the voted ballot.

A service and overseas voter may register to vote, request a ballot, or transmit a ballot using forms or methods provided by the United States Department of Defense or the United States Election Assistance Commission.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We have family and friends fighting in Afghanistan. The last thing they should be worrying about is getting a ballot back in time. Washington has a good return rate for military and overseas voters but some voters are in very remote locations with no access to mail. This is not a cutting edge concept given that 20 other states allow voted ballots to be returned by email or fax. To address voter fraud, signatures are compared with what's on file, just like any other voted ballot. Servicemembers honor their privilege to vote. They can easily scan a voted ballot and email it to the county auditor's office. Eliminating the need to return the physical ballot by mail in addition to faxing or emailing would make the process more efficient and timely. A voter's signature is public information and subject to inspection or copying so that's not really a problem under this bill. Parts of this bill are necessary due to recent federal legislation on this issue.

CON: This bill allows for blank ballots to be emailed and it's not possible to ensure the security of these ballots when they are emailed back. A report by the federal government found that email and Internet voting is subject to security challenges. Sending a blank ballot

and requiring the ballot to be mailed back can be done within the current time frame, as is supported by a 2009 Pew Center report.

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor; Sam Reed, Secretary of State; Brigadier Bret Daugherty, Washington National Guard; Mark San Souci, Department of Defense; Katie Blinn, Secretary of State's Office, Dale Movius, Veterans Legislative Coalition; and James McMahan, County Auditors.

CON: Kelly Keese, Holly Jacobson, Voter Action.