

# FINAL BILL REPORT

## HB 1000

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### PARTIAL VETO C 348 L 11 Synopsis as Enacted

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

**Sponsors:** Representatives Hurst, Stanford, Blake, Finn, Ladenburg, Goodman, Appleton, Pearson and Moeller.

**House Committee on State Government & Tribal Affairs**  
**Senate Committee on Government Operations, Tribal Relations & Elections**

#### **Background:**

County auditors must mail ballots to all overseas and service voters at least 30 days before any primary, general election, or special election. Requests for ballots made by overseas or service voters after that day must be processed immediately by the auditor. Ballots must reach the county auditor before the results are certified in order for the votes to count. Certification must occur no later than 15 days after a primary or special election and no later than 21 days after a general election.

The information on the ballot envelopes for overseas and service voters must contain specified information and instructions, including:

- the date of the signature on the ballot envelope is considered the date of mailing and the envelope must be signed by election day;
- the signed declaration on the envelope is the equivalent of voter registration;
- an overseas or service voter may fax a voted ballot and accompanying envelope if the voter agrees to waive secrecy;
- a ballot sent by fax will be counted if the original ballot documents are received before certification of the election;
- a voter may obtain a ballot via electronic mail, which the voter may return by mail; and
- instructions regarding the use of the electronic ballot must include the website address of the Office of the Secretary of State.

"Service voter" is defined as any voter of the state who is a member of the United States Armed Forces (USAF) either in active service or as a member of the military reserves, a student or faculty member of a United States military academy, a member of the Merchant

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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.*

Marines, or a member of a religious group or welfare agency officially serving with the USAF. "Overseas voter" is defined as any voter of the state outside the territorial limits of the United States.

**Summary:**

Overseas and service voters are authorized to return electronic ballots by fax or electronic mail (e-mail).

County auditors must provide overseas and service voters with a secrecy cover sheet and instructions for returning the ballot and signed declaration by fax or e-mail.

A voted ballot and signed declaration returned by fax or e-mail must be received by 8:00 p.m. on the day of the election or primary.

County auditors must use established procedures to maintain ballot secrecy for those ballots returned by electronic means.

Procedures are established for a registered voter to receive a replacement ballot.

The voted ballots of service and overseas voters that are returned by mail must either be received by the county auditor by 8:00 p.m. on the day of the election or primary or be postmarked no later than the day of the election or primary.

In addition to a ballot and the requisite envelopes, a county auditor must send each voter a declaration that he/she must sign as well as instructions on how to obtain information about the election. By signing the declaration, the voter swears under penalty of perjury that he or she meets the qualifications to vote.

**Votes on Final Passage:**

House	95	0	
Senate	46	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** July 22, 2011

**Partial Veto Summary:** The Governor vetoed section 2, amending an election statute to require county auditors to mail ballots to overseas and service voters at least 30 days before each special election and at least 45 days before each primary or general election. The bill required the statute, as amended, to take effect 90 days following the end of the legislative session. The reason for the veto is that another bill enacted during the 2011 legislative session, Second Engrossed Substitute Senate Bill 5171, contained the same amendment as that in section 2 of House Bill 1000, but with an effective date of January 1, 2012.