

HOUSE BILL REPORT

HB 1000

As Passed Legislature

Title: An act relating to overseas and service voters.

Brief Description: Concerning overseas and service voters.

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

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/12/11 [DP].

Floor Activity:

Passed House: 2/4/11, 95-0.

Senate Amended.

Passed Senate: 4/12/11, 46-0.

House Concurred.

Passed House: 4/15/11, 96-0.

Passed Legislature.

Brief Summary of Bill

- Establishes procedures to be followed by county auditors to facilitate voting by overseas and service voters.
- Authorizes overseas and service voters to return voted ballots by fax or electronic mail.
- Requires county auditors to develop and use procedures to maintain the secrecy of ballots returned by electronic means.
- Requires that county auditors provide 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.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

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.

Majority Report: Do pass. Signed by 10 members: Representatives Hunt, Chair; Appleton, Vice Chair; Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta, Dunshee, Hurst, McCoy and Miloscia.

Staff: Thamas Osborn (786-7129).

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 occurs 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 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 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 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 of Bill:

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.

County auditors are required to mail ballots to each overseas and service voter at least 30 days before each special election and at least 45 days before each primary or general election.

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.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Under current statute, overseas and service voters are greatly disadvantaged regarding the receipt and return of paper ballots. Service personnel and others living overseas often reside in areas or countries where mail service is poor or even nonexistent. This results in the disenfranchisement of many such voters. Furthermore, combat zones and other areas of military conflict create conditions where the receipt and return of paper ballots is all but impossible. Research has shown that, in fact, a great many service personnel have been unable to vote under the current system used in this state. Our overseas military personnel are entitled to a voting system that ensures the opportunity to participate in the electoral process.

Passage of this bill will be a big step towards ensuring that service and overseas voters will receive ballots and have an opportunity to vote. Facilitating voting by electronic means, as opposed to paper ballots, is the best means of achieving this goal. It simplifies the overseas voting process and yields results that are consistent and fair. Many states use electronic voting methods for service and overseas voters and these systems have worked very well. Polling of military personnel has shown that a large majority of military personnel favor electronic voting methods. This is due, in part, to the fact that e-mail is readily available overseas and even in combat zones. Furthermore, the use of electronic voting systems has not resulted in voter fraud or ballot security issues. All branches of the military have come out in support of state implementation of systems for electronic voting.

(Opposed) None.

Persons Testifying: Representative Hurst, prime sponsor; General Timothy Lowenberg, Washington National Guard; Sam Reed, Secretary of State; Mark San Souci, Department of Defense State Liaison Office Northwest; Mike Partridge, Veterans Legislative Coalition; Kim Wyman, Washington Association of County Auditors; Skip Moore, Washington State Association of Counties; and James McMahan, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.