

HOUSE BILL REPORT

HB 1079

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to elections by mail.

Brief Description: Modifying elections by mail provisions.

Sponsors: Representatives Hunt, Green, Darneille, Liias, Reykdal, McCoy, Appleton, Kagi and Jinkins; by request of Secretary of State.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/12/11, 1/31/11 [DPS].

Brief Summary of Substitute Bill

- Requires all counties to conduct all elections entirely by mail.
- Changes precinct sizes to not more than 1,000 active registered voters.
- Requires county auditors to open a voting center in the county auditor's office.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hunt, Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

Staff: Marsha Reilly (786-7135).

Background:

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

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the age of 65 were authorized to vote an absentee ballot. In 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. Presently, all counties, except Pierce County, conduct elections entirely by mail.

Summary of Substitute Bill:

All counties must conduct all elections entirely by mail ballot. Any county auditor that maintains poll-site voting must notify each registered poll voter that all future primaries and general and special elections will be conducted by mail.

County auditors are required to open a voting center in the county auditor's office that shall be open during business hours during the voting period. The voting period begins 18 days before and ends at 8:00 p.m. on the day of an election. The voting center must provide voter registration materials, replacement ballots, provisional ballots, disability access voting devices, sample ballots, instructions on how to vote the ballot, a ballot drop box, and voters' pamphlets, if published.

The voting center must be accessible to persons with disabilities and must provide at least one voting unit that provides access to individuals who are blind or visually impaired.

Persons wishing to vote at a voting center must either sign a ballot declaration or provide identification. A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The provisional ballot will not be counted if the canvassing board finds that the voter's ballot has been returned and the voter has already been credited with voting.

Determinations of precinct size are changed from not more than 900 active registered poll voters to a maximum of 1,000 active registered voters.

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.

Statutes relating to precinct and polling place determination and accessibility; absentee voting; polling place elections and poll workers; disability access voting; 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.

Substitute Bill Compared to Original Bill:

The substitute bill:

- changes the precinct size from 2,000 registered voters to 1,000 registered voters;

- removes the effective date of January 1, 2012;
 - corrects cross references to repealed statutes;
 - makes technical corrections to delete references to poll voting; and
 - clarifies that ballots picked up from drop boxes must be returned to the counting center in sealed containers.
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Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 53, relating to processing absentee ballots, and section 58, relating to canvassing the ballots, which take effect July 1, 2013, after expiration of the instant run-off voting pilot project.

Staff Summary of Public Testimony:

(In support) The Secretary of State supports the bill. Vote by mail has been in effect since 1915 and has worked very well for voters and election workers. Ninety-nine percent of the votes cast are cast by mail. County auditors are required to have a voting center in the county auditor's office that will provide various voting materials. There are numerous drop locations and voters can drop a ballot at the county auditor's office. The maximum precinct size is currently limited to 900 poll voters, which does not match the practice. Other states are moving in the vote by mail direction. The programs have been very successful and, after the 2004 election, the move to vote by mail was made to increase the security and integrity of elections. The bill meets a federal mandate that all elections conform to the same procedures.

The county auditors support the bill. The vast majority of counties will benefit from the provisions of the bill as the governing statutes no longer apply to vote by mail elections.

Pierce County operates the best and the only poll place elections in the state, but only 18 percent of voters are listed as poll site voters. Of that number, only 21 percent have ever cast a ballot. Conducting two elections costs more money, and the return on investment of conducting poll site voting is low. Pierce County will have more ballot drop boxes than any county in the state and will open several voting centers.

(Opposed) The Evergreen Freedom Foundation has concerns about the bill. The experience with vote by mail is still an experiment. In Spokane County, ballots are being handled by a private courier service. There are questions about how this operates. There is no impediment to counties voting by mail. Counties now have a choice to vote by mail, or continue polling place voting. The national debate about vote by mail is ongoing.

There has been talk of voter fraud and unanswered questions from the 2004 election remain. There is concern that our system has a lot of holes in it. It is believed that returning to polling places would be a solution to the voter fraud issue. People at the polls show their

identification, as opposed to signature verification for vote by mail voters. This bill removes the choice for counties and for individual voters.

The chain of custody for ballots in King County is of concern because that is where a lot of the fraud occurs. The ballots pass through a lot of hands. Vote by mail increases the number of campaign days by a month.

Persons Testifying: (In support) Katie Blinn, Office of the Secretary of State; James McMahan, Washington Association of County Officials; and Julie Anderson, Pierce County Auditor.

(Opposed) Trent England, Evergreen Freedom Foundation; Terry Busch; and Lynda Wilson.

Persons Signed In To Testify But Not Testifying: None.