

HOUSE BILL REPORT

ESHB 1290

As Passed House:
March 8, 2013

Title: An act relating to placement of ballot drop boxes.

Brief Description: Concerning ballot drop boxes.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Orwall, Hunt, Bergquist, Fitzgibbon, Maxwell, Lytton, McCoy, Ryu, Riccelli, Hudgins, Pollet, Zeiger, Farrell and Ormsby).

Brief History:

Committee Activity:

Government Operations & Elections: 1/29/13, 2/12/13 [DPS].

Floor Activity:

Passed House: 3/8/13, 53-44.

Brief Summary of Engrossed Substitute Bill

- Requires county auditors to place at least one ballot drop box at the main campus of each public college, university, community college, and technical college, and at certain branch campuses.
- Authorizes county auditors to install additional ballot drop boxes if the college's administration or a student body association agrees to jointly fund the installation.
- Requires each county auditor to establish a ballot drop box advisory committee with student representatives and representatives from the college administration.
- Requires reporting to the Secretary of State and the Legislature of ballot drop box placement and methods used to inform voters.
- Requires consideration of Indian reservations in the placement of ballot drop boxes.
- Establishes a civil penalty of \$5,000 for tampering or destroying a ballot drop box, in addition to any other penalties authorized by law.

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.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Carlyle, Fitzgibbon, Orwall and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Kristiansen and Manweller.

Staff: Jasmine Vasavada (786-7301).

Background:

All counties conduct elections entirely by mail, in that each registered voter is automatically issued a mail ballot. A voter may vote by returning the ballot by mail, so long as the ballot is postmarked no later than the day of the election or primary. A voter must affix postage to a ballot that is being returned by mail.

Although voters may submit their ballots by mail, the county auditors also open at least one voting center each primary, special election, and general election. Each voting center provides provisional and replacement ballots, as well as a ballot drop box for individuals who are unable to or do not wish to mail their ballots. Voting centers also provide a range of other services, including voter registration materials, disability access voting devices, and instructions on how to vote the ballot. County auditors may also place ballot drop boxes in other locations.

All ballot drop boxes must be secured at 8 p.m. on the day of the election. Ballots that have been submitted to drop boxes are then returned to the counting center in secured transport containers.

Summary of Engrossed Substitute Bill:

The engrossed substitute house bill requires the county auditor or local election official to place at least one ballot drop box at each public college, university, community college, and technical college, as well as the branch campuses of Washington State University and the University of Washington. This requirement is waived if there already is a ballot drop box within the county within one mile of the campus. The college administration or student association may assist with funding these ballot drop boxes. The county auditor or local election official is authorized to install additional ballot drop boxes on any campus, if the college administration or an associated student body association commits to jointly funding the installation.

Each county auditor or election official shall establish and maintain an advisory committee, including a representative from the Washington Student Association, the college administration, and student government, to assist election officials by identifying locations for ballot drop box placement and by developing an outreach plan. The Western Governors University, an online university, is exempt from the requirements related to the placement of

ballot drop boxes on college campuses or the creation of an advisory committee containing student representatives.

County auditors must provide a report to the Secretary of State within ninety days of the effective date of the act including the number, type, and location of the county's ballot drop boxes and a description of the methods used to inform voters. The Secretary of State shall compile the information and develop and implement a plan to provide voter access to drop boxes in every county.

County auditors, local election officials, and the Secretary of State must consider Indian reservations when identifying ballot drop box locations or developing proposals for the placement of ballot drop boxes.

A civil penalty of up to \$5,000 is established for tampering with or destroying a ballot drop box, in addition to any other penalties authorized by law.

Appropriation: None.

Fiscal Note: Available.

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) The location of ballot drop boxes on campus can be very important to students, especially commuters who may not know much about the surrounding area. So even when a drop box location might be near a campus, it may not be in a location frequented by students. Some student governments and associations have found that a permanent ballot box on campus can become the center point of their civic engagement efforts, and can be pointed out on the student's first tour of campus.

Student leaders also sometimes take on the responsibility of gathering ballots on campus and bringing them in to the county, but local election officials cannot sanction such efforts because they do not want to encourage people to hand their ballots over to other students they do not know, instead of depositing them in a secured container. Student groups who get involved with voter registration may find that students are bringing ballots over to their offices, but they have no place to deposit them. Some counties have provided stamps to student groups, so the student representative can hand them out to people to promote vote by mail.

(In support with concerns) Although having a ballot drop box on campus can have a profound impact, it may not be important to have one box for every 3,000 students.

(With concerns) Some college campuses do not have a ballot drop box because of the resources required to properly maintain one, both during the voting period, when ballots need to be removed before the box overflows, and the rest of the year, when trash or graffiti may be a concern. The cost of a ballot drop box may vary widely, and it is important that these

boxes be secure so that you cannot fish a ballot out with gum on a wire. In one county, mobile vans were deployed to collect ballots from campuses. There may not be a one-size fits all approach, because rural and urban and big and small counties have different issues that need to be addressed. Some high school principals have expressed concern about placing a ballot box at their location, because they do not want people who are not supposed to be on their campuses visiting throughout the day and night. In requiring counties to consider other locations, counties should be instructed to work with a disability advisory committee to ensure the location and type of box is accessible to disabled individuals.

(Opposed) The cost of a ballot drop box is more than the cost of buying a ballot drop box; it includes maintenance crews and staffing costs. On election night, there must be two staff to go to each drop box site, secure the box, and transport it back to the location where the ballots will be counted. Student groups can play an incredibly important role, but there are many things we need to consider. Auditors seeking to put ballot drop boxes on campuses of schools need to work closely with the school administration to meet their requirements, and also work to find secure places with adequate lighting, accessible by car. To require smaller counties to put out additional ballot drop boxes might be difficult.

Persons Testifying: (In support) Representative Orwall, prime sponsor; and Lucas Barash-David, Associated Students of the University of Washington.

(In support with concerns) Jackie Sperlich, Associated Students of Central Washington University; and Gabriel Boman, Associated Students of the University of Washington, Tacoma.

(With concerns) Sherrill Huff and Monty Cobb, Washington Association of County Officials; David Lord, Disability Rights of Washington; and Steve Homan, Thurston County Elections.

(Opposed) Jerry Pettit, Washington Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.