

HOUSE BILL REPORT

HB 1093

As Reported By House Committee On:
Government Administration

Title: An act relating to election laws.

Brief Description: Making various changes in election laws.

Sponsors: Representatives D. Schmidt, Costa, D. Sommers, Dunn, O'Brien and Anderson.

Brief History:

Committee Activity:

Government Administration: 1/21/97, 1/28/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT ADMINISTRATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives D. Schmidt, Chairman; D. Sommers, Vice Chairman; Scott, Ranking Minority Member; Gardner, Assistant Ranking Minority Member; Doumit; Dunn; Dunshee; Murray; Reams; Smith; L. Thomas; Wensman and Wolfe.

Staff: Bronwyn Mauldin (786-7093).

Background: State statutes detail elections provisions.

Using registered voter data for commercial advertising or solicitation is a felony punishable by imprisonment, a fine of no more than \$5,000, or both.

There is ambiguity in the law about when an elected school director begins his or her term of office.

County auditors appoint registration assistants in each precinct or group of precincts to assist in registering voters. County auditors may also appoint registration assistants for common schools and fire stations.

The law is inconsistent regarding whether write-in candidates must pay filing fees when declaring candidacy for office. One provision states that they must pay filing fees, while another provision states that it is not required.

No candidate for public office may appear more than once upon any single ballot. The one exception is that any candidate for public office may also run for precinct officer during the same election.

A voter loses his or her ongoing absentee status when he or she submits a written request to be removed, dies, is disqualified, the registration record of the voter is canceled, or an ongoing absentee ballot is returned as undeliverable.

Although polling places and registration facilities are required to be accessible to elderly and handicapped persons in some instances, county auditors are encouraged to take actions to ensure that all polling places and registration locations are accessible at all times. During state primary and general elections in even-numbered years, however, the secretary of state and county auditor must take specific steps to ensure elderly and handicapped accessibility to polling places and registration locations.

Every county auditor must report to the secretary of state each year on any polling places in the county that are inaccessible. The secretary of state must check each polling place so identified. The secretary of state must also report to the federal election commission every two years on the number of accessible and inaccessible polling places in the state.

Summary of Substitute Bill: A variety of changes are made to election laws, both technical and substantive.

The maximum fine for using registered voter data for commercial advertising or solicitation is increased from \$5,000 to \$10,000.

The school director's term of office is clarified. It begins at the first official meeting of the board of directors after certification of the election results.

In addition to appointing registration assistants, the county auditor ensures that mail-in voter registration application forms are readily available at public locations, including but not limited to the elections office, all common schools, fire stations, and public libraries.

The inconsistency regarding write-in candidates is removed. They must pay filing fees upon declaration of candidacy.

There are now three exceptions to the ban on candidates appearing more than once on a single ballot. Candidates for any elected office may run for precinct officer, a temporary elected position such as freeholder, or for a position that is not normally nominated or elected in that same election.

In addition to return an ongoing absentee ballot being returned undeliverable, six more items are added that, if returned as undeliverable, will cause the voter's status as ongoing absentee voter to be terminated. These are an acknowledgment of registration, acknowledgment of transfer to a new address, a vote-by-mail ballot, an application for a ballot, notification to a voter after precinct reassignment, or notification to serve on jury duty. In addition, if any other document other than a confirmation notice, required by statute to be mailed by the county auditor to the voter, is returned as undeliverable, status as an ongoing absentee voter will be terminated.

Provisions concerning accessibility of polling places and registration facilities to elderly and handicapped persons are clarified and expanded. County auditors must take actions to ensure that all polling places are accessible to elderly and handicapped persons. Accessibility requirements for polling places and registration facilities are expanded to apply to all elections in all years.

Any county auditor whose report to the secretary of state shows that all polling places in the county have been accessible two years in a row, is not required to submit that report in subsequent years. The secretary of state is no longer required to check on inaccessible polling places, nor report to the federal election commission on the accessibility of polling places in the state.

Substitute Bill Compared to Original Bill: The substitute bill retains the requirement that county auditors appoint registration assistants in common schools and fire stations. It also clarifies the fact that it is the county auditors, not the common schools, fire stations, or public libraries, who are responsible for making voter registration application forms available to the public.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Adding new ways to remove voters from ongoing absentee voter status will prevent potential elections problems and mistakes. Clarifying when school directors begin their terms of office brings two sections of the law into agreement.

Testimony Against: None.

Testified: Bob Terwilliger, Snohomish County Auditor; and Doug Cochran, Yakima County Auditor.