

HOUSE BILL REPORT

HB 2671

As Reported By House Committee On:

Government Administration

Title: An act relating to voting at other than regular polling places.

Brief Description: Clarifying procedures for absentee voting and mail ballots.

Sponsors: Representatives D. Schmidt, Scott, Gardner, Doumit and D. Sommers.

Brief History:

Committee Activity:

Government Administration: 1/27/98, 2/5/98 [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: Steve Lundin (786-7127).

Background: Voters may vote using different procedures, including casting regular ballots at polling places, casting absentee ballots, and casting mail ballots.

A voter may obtain an absentee ballot for a single election or primary or may become an on-going absentee voter and automatically receive an absentee ballot for all elections and primaries.

Absentee ballots returned to the county auditor may be processed beginning 10 days prior to the election or primary for which they are issued, which includes all the normal processing steps necessary to prepare the ballots for tabulation. Absentee ballots may not be tabulated until after the close of the polls on the day of the or primary election.

Mail ballot voting is allowed as follows:

- The county auditor may designate a precinct with 200 or fewer active registered voters as a vote-by-mail precinct. All active and inactive registered voters in a newly

created vote-by-mail precinct are sent a card inquiring whether they want a mail ballot when the precinct is first designated as a vote-by-mail precinct. Only those voters returning the card are sent a mail ballot. All elections and primaries in a vote-by-mail precinct are conducted using mail ballots.

- Any local government may request that a mail ballot election be held at a special election it calls, or requests be called, if the special election is not held in conjunction with a state primary or general election and if a partisan elective office is not considered at the primary or election. If a mail ballot election is approved by the county auditor, a mail ballot is mailed to each active registered voter in the local government and either a mail ballot or a card to request a mail ballot is mailed to each inactive registered voter in the local government.

Mail ballots are generally processed in the same manner as absentee ballots. However, mail ballots may not be forwarded.

Summary of Substitute Bill: Statutes providing for mail ballots are codified in a chapter of law separate from the chapter of law providing for absentee ballots. A variety of changes are made for absentee ballots and mail ballots.

ABSENTEE BALLOTS

1. Requesting absentee ballots.

The last day a voter may request an absentee ballot is moved from the day before the primary or election to the day of the primary or election. The special process for voters confined to a hospital to request absentee ballots on the day of the primary or election by messenger is expanded to include persons confined in health care facilities, and requirements are eliminated for verification of the status of the person who is hospitalized.

A request for an absentee ballot may be made electronically.

2. Special absentee ballots.

Specific reasons for issuing a special absentee ballot for a specific election or primary are eliminated and voters requesting special absentee ballots need only state that they will be unable to vote and return a regular absentee ballot by normal mail within the normal period.

3. Ballots used to elect precinct committee officers.

Contested elections for the office of precinct committee officer that are considered at even-numbered year general elections may be included on the regular absentee ballot or included on a separate absentee ballot.

4. Replacement absentee ballots.

A registered voter who is eligible to receive an absentee ballot may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received. The request may be made by telephone, mail, electronically, or in person.

5. Absentee ballot voter voting at polling place.

It is clarified that a voter attempting to vote at his or her precinct who has been issued an absentee ballot for an election or primary, or who is an on-going absentee voter, is allowed to vote at the precinct using a special ballot but the special ballot is not counted if the canvassing board finds the voter has also voted by absentee ballot.

6. Processing and tabulating ballots.

It is clarified that the processing of absentee ballots that may commence 10 days prior to the election or primary includes removing ballots from inner security envelopes, inspecting ballots for damage, write-in votes, or incorrect or incomplete marks, and making a true duplicate copy of any damaged ballot. Absentee ballots may be fed into and read by electronic vote tabulating systems commencing at 7:00 A.M. on the day of the primary or election. However, absentee ballots may not be tabulated until after the close of the polls. Ballots picked up from precincts during polling hours may not be tabulated until after the polls are closed.

County auditors must notify county chairs of major political parties when absentee ballot processing will commence.

7. Making true duplicate copies of ballots and enhancing ballots.

Enhancing ballots is limited to situations where a voter casts a write-in vote but fails to mark the ballot indicating that a write-in vote has been cast, in which case the ballot may be enhanced by making the mark indicating that a write-in vote has been made.

Notice of making true duplicate copies of ballots, or enhancing ballots is made in the same manner as notice of a special meeting under the open public meetings act and shall also be made to the chair of the county central committee of each major party in the county.

8. Tracking absentee ballots.

It is clarified that absentee ballot results must be reported at a minimum on a congressional and legislative district basis, in addition to being included to the total votes cast at polling places.

A list of absentee ballots that have been returned must be kept on a daily basis.

9. Terminating status as ongoing absentee voter.

Status as an ongoing absentee voter is terminated if the voter is placed on inactive voter registration rolls.

10. Posters detailing election crimes and penalties.

The Secretary of State shall adopt rules providing for posters summarizing election crimes and maximum penalties to be displayed prominently in all locations where ballots are processed and tabulated.

MAIL BALLOT ELECTIONS

1. Vote-by mail precincts.

The process for distributing ballots in a vote-by-mail precinct is altered for the first election or primary after a vote-by-mail precinct has been designated. The auditor mails a mail ballot to each active registered voter, and either mails a mail ballot or a request for a mail ballot to each inactive registered voter, in the precinct at that election. Notice that a vote-by-mail precinct is being converted back to normal voting procedures, together with the address of the new polling place, must be made to each voter in a vote-by-mail precinct whenever the number of registered voters in the precinct exceeds 200 or if the county auditor determines to return the vote-by-mail precinct to normal procedures.

2. Mail ballots in general.

Mail ballots are generally treated in the same manner as absentee ballots. The prohibition on forwarding mail ballots is altered. Mail ballots may be forwarded by the post office if a clear statement is included of qualifications necessary to vote and advising a voter with questions to contact the county auditor. A mail ballot may not be forwarded if this information is not included.

A replacement ballot in a mail ballot election may only be issued at the county auditor's office.

The auditor may expand the times when mail ballots may be deposited with the auditor, rather than returned by mail, beyond the hours when polls are open during the day of the primary or election.

Substitute Bill Compared to Original Bill: Provisions were added relating to making true duplicate copies of ballots, enhancing ballots, and tabulating ballots picked up from polling sites prior to the close of the polls. The poster requirement was added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is the result of a major interim study. Many changes are made to clarify absentee ballot and mail ballot procedures. These are good changes and clarifications.

Testimony Against: Re-marking ballots is very serious business. The absolute secrecy of ballots is being violated. Inner security envelopes should not be opened until after the close of the polls.

Testified: Representatives Dave Schmidt and Scott Smith, sponsors; Bob Terwilliger, Snohomish County Auditor; John Pearson, Office of the Secretary of State; Barbara Sandahl, Washington Association of County Officials; and Sherry Bockwinkel, (CLEAN), Citizens for Leaders with Ethics and Accountability Now.