

# HOUSE BILL REPORT

## SSB 5640

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**As Passed House - Amended:**

April 13, 1999

**Title:** An act relating to elections.

**Brief Description:** Studying primary dates and speeding counting.

**Sponsors:** Senate Committee on State & Local Government (originally sponsored by Senators Gardner and McCaslin; by request of Secretary of State).

**Brief History:**

**Committee Activity:**

State Government: 3/30/99, 4/2/99 [DPA].

**Floor Activity:**

Passed House - Amended: 4/13/99, 93-2.

**Brief Summary of Substitute Bill  
(As Amended by House Committee)**

- Creates a task force to make recommendations on the date for primaries.
- Requires county canvassing boards to convene at least every third day after an election or primary to process ballots and canvass votes. A canvassing board must process all but 50 ballots whenever it is convened, except for the final canvass of votes when all unprocessed ballots are processed.
- Creates separate chapters of law for absentee ballots and mail ballots and makes a number of changes to these statutes, including clarifying how absentee ballots are processed and allowing mail ballots to be forwarded in certain circumstances.

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**HOUSE COMMITTEE ON STATE GOVERNMENT**

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives McMorris, Republican Co-Chair; Romero, Democratic Co-Chair; Campbell, Republican Vice Chair; Miloscia, Democratic Vice Chair; Dunshee; Haigh; Lambert and D. Schmidt.

**Staff:** Steve Lundin (786-7127).

**Background:**

A primary election to nominate candidates is held at the earlier of either the third Tuesday in September prior to a general election, or the seventh Tuesday prior to a general election.

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

A three-member county canvassing board in each county canvasses votes cast at each election or primary and certifies the election results. The canvass must be completed and the results must be certified 15 days after a general election and 10 days after a special election or primary.

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**Summary of Amended Bill:**

A. Task force to make recommendations on the timing of primaries.

A 13-member temporary task force is established to make recommendations on the timing of primaries and related issues. The task force consists of: (a) three citizen members jointly appointed by the Secretary of State, president of the Senate, and co-speakers of the House of Representatives; (b) two members of the Senate, one from each of the two largest caucuses, appointed by the president of the Senate; two members of the House of Representatives, one from each of the two largest caucuses, appointed by the speaker; (c) the Secretary of State or a designee; (d) three county elections officers appointed by the Association of County Officials; and (e) a representative of each major political party in the state appointed by the chair of the Party Central Committee.

The task force must report its recommendations no later than December 1, 1999, and terminates on December 31, 1999.

B. Canvassing boards.

The county auditor must convene the county canvassing board to process absentee ballots and canvass votes at least every third day after an election or primary and before certification of the election results. The canvassing board must process all but 50

absentee ballots that have not been processed each time it is convened prior to its final canvass of votes. Results of the latest tabulation must be made public immediately after the completion of the canvass.

C. Absentee ballots and mail ballots.

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.

1. 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.

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.

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.

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.

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.

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.

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.

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 in the total votes cast at polling places. A list of absentee ballots that have been returned must be kept on a daily basis.

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

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.

## 2. Mail ballots.

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.

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.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The late date of our primary is a big problem. Move the date of the primary back. A study is better than nothing. It is important to keep from processing at least 50 ballots prior to the final canvassing to maintain voter confidentiality, especially in smaller counties. The proposed changes for absentee ballots and mail ballots have been developed over years and clarify many confusing provisions.

**Testimony Against:** None.

**Testified:** (In favor original bill) Senator Gardner, prime sponsor; Ralph Munro, Secretary of State; Gary McIntosh, Office of Secretary of State; Bob Terwilliger, Snohomish County Auditor; and Bill Gavin, Farm Bureau.