

State Government Committee

HB 1554

Brief Description: *Revising absentee and mail ballot procedures.*

Sponsors: *Representative D. Schmidt .*

Brief Summary of Bill

- *Alters when an absentee ballot or mail ballot must be received to be tabulated A ballot mailed in the US must be either received on or before the close of the polls on the day of the election or primary for which it was issued or must have a date of mailing by no later than the Friday immediately before the election for which it is issued and be received no later than noon of the day the election results are certified.*
- *Requires that an absentee ballot or mail ballot may only be counted if the outer return envelope is signed by the voter no later than 8 PM on the day of the election or primary for which it was issued.*

Hearing Date: *2/19/01*

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

Background:

Absentee ballots and mail ballots are counted if they are post marked no later than the day of the election or primary for which they are issued and received by the county auditor no later than the day the results are certified. Absentee ballots and mail ballots are also counted if they are deposited with the county auditor on or before the close of the polls on the day of the election or primary for which they were issued.

Voters receiving absentee ballots or mail ballots are given instructions on how to return their ballots. This includes placing the ballot into an inner security envelope, placing the inner security envelope into the outer return identification envelope, signing and dating the declaration on the outer return envelope. The outer envelope, containing the inner security envelope and ballot, must be returned to the county auditor on or before the close

of the polls on the day of the election or primary for which it was issued or mailed to the county auditor with a postmark on or before the day of the election or primary for which it was issued.

The Secretary of State has adopted a rule providing that if a voter fails to sign the affidavit on the outer return envelope, the auditor must notify the voter and allow the voter to sign the affidavit no later than the day before the election results are certified.

Summary of Bill:

Requirements for returning absentee ballots and mail ballots are altered and clarified.

An absentee ballot or mail ballot may be tabulated only if it is:

- Mailed from anywhere in the US and either received on or before the close of the polls on the day of the election or primary for which it was issued or has a date of mailing by no later than the Friday immediately before the election or primary for which it is issued and is received no later than noon of the day the election results are certified; or*
- Mailed by an overseas or service voter and has a date of mailing by no later than the day of the election or primary for which it is issued and is received by no later than noon of the day the election results are certified; or*
- Deposited during the normal voting hours on the day of the election or primary for which it is issued at a polling place in the county of the auditor who issued the ballot.*
- Deposited with the county auditor who issued the ballot no later than 8:00 PM on the day of the election or primary for which it is issued.*

An absentee ballot or mail ballot may only be tabulated if the voter has signed the outer return envelope by the voter no later than 8:00 PM on the day of the election or primary for which it is issued.

Rulemaking Authority: *No express authority.*

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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