

# HOUSE BILL REPORT

## ESSB 5124

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**As Passed House:**  
March 25, 2011

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

**Brief Description:** Modifying elections by mail provisions.

**Sponsors:** Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators White, Pridemore, Fraser and Shin; by request of Secretary of State).

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 3/10/11 [DP].

**Floor Activity:**

Passed House: 3/25/11, 52-43.

**Brief Summary of Engrossed Substitute Bill**

- Requires all counties to conduct all elections entirely by mail.
- Changes precinct sizes to not more than 1,500 active registered voters.
- Requires county auditors to open a voting center in the county auditor's office.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Dunshee, Hurst, McCoy and Miloscia.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

**Staff:** Marsha Reilly (786-7135).

**Background:**

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*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.*

As early as 1915 a voter was allowed to cast an absentee ballot if he or she was not able to be present to vote at the polls on election day. In 1933 voters with disabilities and voters over the age of 65 were authorized to vote an absentee ballot. In 1967 a county auditor could designate a mail ballot precinct if the precinct had less than 100 registered voters. By 1974 the Legislature expanded absentee voting to all voters who made a request, and by 1993 those voters could request to vote absentee on an on-going basis. In 2005 county auditors were allowed to conduct all elections entirely by mail ballot with the approval of the county legislative authority. Presently, all counties, except Pierce County, conduct elections entirely by mail.

**Summary of Bill:**

All counties must conduct all elections entirely by mail ballot. Any county auditor that maintains poll-site voting must notify each registered poll voter that all future primaries and general and special elections will be conducted by mail.

County auditors are required to open a voting center in the county auditor's office that shall be open during business hours during the voting period. The voting period begins 18 days before and ends at 8 p.m. on the day of an election. The voting center must provide voter registration materials, replacement ballots, provisional ballots, disability access voting devices, sample ballots, instructions on how to vote the ballot, a ballot drop box, and voters' pamphlets, if published.

The voting center must be accessible to persons with disabilities and must provide at least one voting unit that provides access to individuals who are blind or visually impaired.

Persons wishing to vote at a voting center must either sign a ballot declaration or provide identification. A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The provisional ballot will not be counted if the canvassing board finds that the voter's ballot has been returned and the voter has already been credited with voting.

Determinations of precinct size are changed from not more than 900 active registered poll voters to a maximum of 1,500 active registered voters.

References to polls, poll-site voting, poll books, poll lists, precinct polling places, poll-site ballot counting devices, absentee voting, precinct election officers, and inspectors and judges of election are removed.

Statutes relating to precinct and polling place determination and accessibility; absentee voting; polling place elections and poll workers; disability access voting; voting by mail; canvassing; casting a vote at a polling site; duties of election officers in securing unused ballots at polling sites; and crimes and penalties are repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 53, relating to processing absentee ballots, and section 58, relating to canvassing the ballots, which take effect July 1, 2013, after expiration of the instant run-off voting pilot project.

**Staff Summary of Public Testimony:**

(In support) The Senate vote in favor of the bill is a tremendous step forward. This change is a significant but positive change for the state. It will reduce risk and cost, and increase participation. Ninety-nine percent of ballots are cast through mail and the law should reflect that reality. Every county in the state, now and in the future, allows in-person voting for people who want to do so. A person can go to a voting center and vote there using a paper ballot or using a disability access voting device. Each county has multiple ballot drop boxes which allow voters to drop off their ballots to avoid mailing. Smaller precinct sizes provide a better chance to allow for contact with voters, and a better precinct size would be 500 registered voters.

(Opposed) Two repealed statutes take away some important provisions and protections. The bill should be amended to restore these protections. The issue is about precinct size, and a better precinct size would be 500 registered voters.

**Persons Testifying:** (In support) Julie Anderson, Washington State Association of County Auditors and Pierce County Auditor; Katie Blinn, Office of the Secretary of State; James McMahan, Washington Association of County Officials; and Bill Harrington.

(Opposed) Tim White, San Juan County Citizens for Fair Elections.

**Persons Signed In To Testify But Not Testifying:** None.