

FINAL BILL REPORT

2ESSB 5171

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Synopsis as Enacted

Brief Description: Facilitating voting for service and overseas voters.

Sponsors: Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators Hobbs, Roach, Swecker, Pridemore, Shin, King, Kilmer, Hill, Keiser and McAuliffe; by request of Secretary of State).

Senate Committee on Government Operations, Tribal Relations & Elections
House Committee on State Government & Tribal Affairs

Background: A service voter is defined as any voter of the state who is a member of the U.S. Armed Forces (USAF) in active service, a student or faculty member of a U.S. military academy, a member of the Merchant Marines, a member of a religious group or welfare agency officially serving with the USAF, or a participant in the address confidentiality program. Overseas voter is defined as any voter of the state outside the territorial limits of the United States.

For regular mail-in elections and for absentee ballots, state law requires that ballots must be mailed at least 18 days before a primary, special, or general election. This time period is 30 days for overseas and military voters.

In order for a ballot to be counted, it must be postmarked no later than election day and must reach the county auditor by the last day provided for certification of the election results. For primary and special elections, the county canvassing board must certify the results by the 15th day after election day. For general elections, the time period is 21 days.

An overseas or service voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. These voters may also obtain a ballot via electronic mail (e-mail) which may be printed, voted, and returned by postal mail. A faxed or electronically sent ballot may only be counted if it is mailed and received before certification of the election.

The federal Military and Overseas Empowerment Act (Act) requires that ballots for overseas and service voters be sent 45 days before an election for federal office. The Act also requires that those voters be provided additional options for receiving ballots and that ballot instructions include contact information for the auditor's office to confirm that the voter's ballot was received. Service and overseas voters may register to vote, request a ballot, or

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transmit a ballot using forms and methods provided by the U.S. Department of Defense or the U.S. Election Assistance Commission.

Summary: No distinction is made between mail ballots, absentee ballots and ballots with all being referred to as ballots.

Counting back from the date of the general election, the primary date is two weeks earlier; candidate filing for the primary begins three weeks earlier; overseas and military ballots are mailed two weeks earlier for the general election and four weeks earlier for the primary.

The county canvassing board has one less day to certify the primary election and, to be counted, ballots must be received the day before canvassing ends, or two days early. To be counted, ballots for the general election must be received the day before canvassing ends, or one day early. Other changes in deadlines and dates in the election cycle are made.

The act provides for:

- the appeal periods for local redistricting plans based on the decennial census;
- the timing of filing periods and elections to fill unexpired terms in state and federal partisan offices;
- the rules for allowing service and overseas voters to return ballots by email or facsimile; and
- the timing of changes to precincts.

Provisions regarding vacancies and voids in candidacy are clarified.

The service and overseas voter must be provided with instructions and a secrecy coversheet for returning their voted ballot and signed declaration by fax or e-mail. Waiver of secrecy is not required. The county auditor must use established procedures to maintain the secrecy of the voted ballot.

Several conflicting and outdated sections are repealed.

The April 2012 special election is moved up one week, from the fourth Tuesday in April, to the third. The time period to certify this April 2012 special election is shortened to 10 days.

Votes on Final Passage:

Senate	47	1	
House	94	1	(House amended)
Senate	46	0	(Senate concurred)

Effective: May 16, 2011 (Sections 10-12, 27, 28, and 30).
January 1, 2012.
July 1, 2013 (Section 21).