

HOUSE BILL REPORT

HB 2833

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to all mail elections.

Brief Description: Adopting all mail voting.

Sponsors: Representatives Hunt, Appleton, Miloscia and Williams.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/23/08, 1/30/08 [DPS].

Brief Summary of Substitute Bill

- Requires counties with fewer than 500,000 active registered voters to conduct all elections entirely by mail effective immediately.
- Requires counties with more than 500,000 active registered voters to conduct all elections entirely by mail no later than January 1, 2009.
- Changes precinct sizes to not more than 2,000 active registered voters effective 2012.
- Allows the appointment of two precinct committee officers in precincts that have 1,000 or more active registered voters.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Liias, Miloscia and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Staff: Marsha Reilly (786-7135).

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.

Background:

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. By 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.

Currently, 37 counties conduct elections entirely by mail. Pierce and King counties continue to offer poll-site voting.

Summary of Substitute Bill:

Vote-by-Mail

All counties with fewer than 500,000 active registered voters must conduct all elections entirely by mail ballot effective immediately. Counties with more than 500,000 active registered voters must conduct all elections by mail ballot no later than January 2009. County auditors must notify each registered voter not receiving an absentee ballot on a regular basis that all future elections will be conducted by mail. The notification must include information on the locations of voting centers.

Definitions

"Ballot drop-off site" is defined as a site or sites designated by the county auditor in which a voter may deposit his or her ballot in a secure location device on or before election day. An "accessible voting site" is defined as a facility or facilities designated by the county auditor that serves as a disability access voting location; issues provisional ballots; and serves as a ballot drop-off site.

Voting Centers

A registered voter may transfer his or her voter registration, execute a name change, or obtain a replacement ballot at a voting center. County auditors are required to designate at least one location as a voting center for purposes of disability access voting.

Procedural requirements formerly conducted at polling places are required at voting centers, as applicable. Voters must provide identification and sign an oath affirming his or her qualifications to vote. Requirements for handling ballots and provisional ballots is the same as for polling sites.

Precinct Size

Determinations of precinct size are changed from not more than 900 active registered poll voters to a maximum of 2,000 active registered voters. However, this provision does not go into effect until 2012.

Publishing Requirements

The requirement for including an application for an absentee ballot in the voters' pamphlet is removed.

The number of days before an election in which the county auditor must publish notice of the election is changed from not more than "10" and not less than "three" to not more than "30" and not less than "20."

Precinct Committee Officers

A county central committee of a major political party may opt to designate two precinct committee officer positions in any precinct that has at least 1,000 active registered voters. It must notify the county auditor no later than March 31 of the even-numbered year, and the county auditor must designate position numbers for the two precinct committee officer positions prior to accepting declarations of candidacy.

Reconciliation Reports

Reconciliation reports prepared by county auditors no longer must include numbers relating to poll voters. A requirement is added to include in the report the total number of ballots received, in addition to the ballots issued, counted, and rejected.

General Provisions and Changes

All references to polls, poll-site voting, poll books, poll lists, precinct polling place, poll-site ballot counting devices, absentee voting, precinct election officer, and inspectors and judges of election are removed. Where applicable, references to "polling place" are changed to "voting center;" "absentee" ballot is changed to "mail" ballot; and "poll workers" are changed to "election workers."

Various statutes relating to absentee voting are recodified into the chapter of RCW related to voting by mail. Various statutes relating to polling place accessibility, absentee voting, polling place elections, voting by mail, canvassing at polling places, and penalties relating to removing ballots from the polling place and absentee ballots are repealed.

Substitute Bill Compared to Original Bill:

The substitute bill defines those sites that serve as a disability access voting location as an accessible voting site. The provision requiring all paper ballots to be numbered sequentially is removed. Statutes regarding appointments and nominations of judges and inspectors of elections at poll sites are repealed. The earliest date at which a county auditor must publish notice of a primary or special election is changed from 40 to 30 days before the election. The oath regarding the authenticity of information presented to the canvassing board is administered before certification rather than before canvassing the ballots. The distance requirement for electioneering near a voting center is returned to within 300 feet of the entrance.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Section 74 relating to when counties must go vote-by-mail contains an emergency clause and takes effective immediately. Sections 1 through 73, 75 through 90, 92 through 95, and 97 through 109 take effect July 1, 2009. Section 91 which reinstates prior law related to canvassing absentee ballots, and section 96 which reinstates prior law related to election certification take effect July 1, 2013 after a scheduled expiration.

Staff Summary of Public Testimony:

(In support) There are two separate provisions related to voting - mail and poll voting. This bill brings uniformity into line. The instant runoff voting adopted by Pierce County will result in multiple ballots, making poll-site voting very difficult. Precinct sizes have grown larger and there are people who would like to be precinct committee officers. The bill also allows for larger precinct sizes.

(With concerns) County auditors are in support of the bill. Vote-by-mail has been very successful. However, there are some minor issues in the bill that need work. For instance, in Section 5, the term "voting center" is used. It is suggested that "voting centers" refer to the courthouse, and "service center" for all other voting sites. Another concern is to return the distance for electioneering from 50 feet back to 300 feet.

The Pierce County Council has concerns about the bill. The council believes there are enough citizens who still want to vote at poll-sites, and that poll-sites should not be restricted.

(Opposed) Libertarians of Pierce County are opposed to the bill. There are 38 of 39 counties that have adopted vote-by-mail. Why is it imperative to the state to have all voters vote-by-mail? Voting apathy has increased and there are fewer people voting. Voting should be a "rite" as well as a "right." There is no need for this bill.

Persons Testifying: (In support) Representative Hunt, prime sponsor.

(With concerns) Corky Mattingly, Yakima County Auditor; Evelyn Arnold, Washington State Association of County Auditors; and George Walk, Pierce County Council.

(Opposed) David Franta, Pierce County Libertarians.

Persons Signed In To Testify But Not Testifying: None.