

SENATE BILL REPORT

SB 5291

As of January 30, 2013

Title: An act relating to the signing and receipt of ballots.

Brief Description: Concerning the signing and receipt of ballots.

Sponsors: Senators Roach, Chase, Rivers and Ericksen.

Brief History:

Committee Activity: Governmental Operations: 1/29/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Karen Epps (786-7424)

Background: All counties vote exclusively by mail in primary and general elections. County auditors must send each voter a ballot and a voter declaration that must be signed. A security envelope in which to conceal the ballot after voting, and a larger envelope in which to return the security envelope must be sent with the ballot. The voter also must receive instructions on how to obtain information about the election, how to complete the ballot, and how to return the ballot to the county auditor.

For the ballot to be counted, the voter must either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or mail the ballot to the county auditor with a postmark on the larger envelope no later than the day of the election. Overseas or service voters may return ballots by fax or e-mail by 8:00 p.m. on the day of the election.

Summary of Bill: A ballot may only be counted only if the return envelope is signed by the date of the election and the ballot is received by the county auditor by 8:00 p.m. on Election Day. A ballot from an out-of-state, overseas, or service voter may be counted if it is postmarked no later than Election Day.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: PRO: Washington State has the slowest process for coming up with election results. It took about three weeks to get elections results in the 17th District. In the closer races, it is important to get a speedy and accurate count, especially for the primary election. Washington State used to get election results much quicker. There used to be more counts that would give the people a sense of what is happening in those races. There needs to be a timely answer on election results. Mail-in ballots are not checked as quickly as ballots were at a polling place in which the ballot was verified at the moment the ballot was cast. Mail-in voting is a much more time-consuming process at the auditor's office.

CON: The public likes to vote and return their ballot at the last minute on election day. If this bill passes, there will be a challenge to communicate the deadline to voters to ensure that the ballot is received on time to be counted. Washington voters do not always know the winner on election day, but this bill will not speed up the release of election results very much. Washington law has many safeguards in place to ensure the integrity of the system. Many of these requirements, including checking every signature on every ballot, visually scanning every ballot, tallying write-ins, and reconciling votes cast down to the precinct level, were adopted by the Legislature after the 2004 election. The reconciliation effort gives auditors the ability to know where every ballot is, at every moment in time. It takes a day and a half for a ballot to go through the entire process. Oregon is also a vote by mail state and indications are that results in Oregon are released at a very similar pace as they are in Washington. Oregon reports about 55 percent of its results on election night and by Friday of election week, there is 95 percent of its results reported. That is similar to Washington. The bill needs clarification on who would be exempt from the 8:00 p.m. deadline. This bill will serve to disenfranchise many Washington voters that expect to vote on election day. Voting procedures should serve the voter. Mail that comes from rural areas of Washington might not be delivered in a timely fashion.

Persons Testifying: PRO: Senator Roach, prime sponsor.

CON: Lori Augino, Office of the Secretary of State; Sherril Huff, King County; Pat Dickason, League of Women Voters.