

HOUSE BILL REPORT

HB 2614

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to ballots returned electronically.

Brief Description: Concerning electronic ballot return.

Sponsors: Representatives Bergquist, McDonald, Hudgins and Wylie.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 1/24/18, 1/26/18 [DPS].

Brief Summary of Substitute Bill

- Allows a nonoverseas or service voter who submits a ballot electronically to submit a signed declaration to the county auditor before certification.
- Requires the county auditor to provide notice for returning a signed declaration to a voter who submits a ballot electronically.
- Requires the county auditor to audit electronically returned ballots for tampering in the transmission process.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Appleton, Gregerson, Johnson and Pellicciotti.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft, Assistant Ranking Minority Member.

Staff: Sean Flynn (786-7124).

Background:

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.

All ballots must be received or postmarked by 8 p.m. on the day of the primary or election in order to be tabulated. Ballots must include a signed and dated ballot declaration that the voter is qualified to vote and has not voted in another jurisdiction for the same election. If a voter neglects to sign the declaration, the auditor must send the voter notice by mail, as well as by telephone if the voter has not responded to the mailing or if the unsigned ballot is received within three days of the last certification board meeting.

Overseas and service voters may return a voted ballot and the signed declaration by fax or electronic mail (e-mail). As long as the ballot is returned by 8 p.m. on the day of the primary or election, the ballot will be counted. Other voters also may return a voted ballot and the signed declaration by fax or e-mail. However, the ballot would not be counted unless the hard copy of the ballot and declaration is received by the county auditor before the date of certification.

Summary of Substitute Bill:

A voter, other than an overseas or service voter, who returns a ballot electronically may return a signed declaration to the county auditor up to the certification date. The county auditor must provide notice to a voter who returns a ballot electronically in the same manner as a voter who returns an unsigned ballot.

The county auditor must conduct an audit of electronically returned ballots from nonoverseas and service voters. If the county receives at least 40 electronically returned ballots, the county auditor must randomly select 25 percent of that group and request those voters to return their original ballot. The auditor must analyze any of such ballots that are returned to ensure that the original matches the voted electronic ballot. If the auditor discovers any manipulation, alteration, or interception of the electronic ballot, then he or she must request every electronic ballot voter to return his or her original ballot and analyze each original ballot against the electronic version.

Substitute Bill Compared to Original Bill:

The substitute bill requires the audit of electronically returned ballots.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In previous elections about 20,000 ballots were received by e-mail, which were mostly submitted by overseas and service voters. This process is working well, with few instances where such votes are not counted. Overseas and service voters only need to return their electronic ballot; however, other voters must return the original physical version in order to count the electronic ballot. Some counties have rejected about 70 percent of electronic ballots returned simply because the voter did not send back the original version. This is unnecessary because the auditors do not need the hard copy in order to validate the vote; they only need the signed declaration.

There are times in an election when the only way to get a ballot to a voter is electronically, and it is hard for that voter to return their original ballot. Allowing other voters to return electronic ballots should level the playing field with overseas voting procedures.

(Opposed) None.

Persons Testifying: Representative Bergquist, prime sponsor; and Mary Hall, Thurston County Auditor's Office.

Persons Signed In To Testify But Not Testifying: None.