

HOUSE BILL REPORT

HB 2916

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

Title: An act relating to voters' pamphlets for overseas and service voters.

Brief Description: Concerning voters' pamphlets for overseas and service voters.

Sponsors: Representatives Mosbrucker, Ormsby, Chandler, Chapman, Hoff, Gregerson and J. Johnson.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/4/20, 2/5/20 [DP].

Brief Summary of Bill

- Requires the Secretary of State to distribute a voters' pamphlet along with ballots to each household in which a service or overseas voter lives.
- Requires any local voters' pamphlets that are produced to be sent along with ballots to the residence of every service or overseas voter who is registered in the jurisdiction.
- Changes the deadline for the Office of Financial Management to submit fiscal impact statements for state ballot measures from August 10 to July 15.
- Contains a null and void clause.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Jason Zolle (786-7124).

Background:

Overseas and Service Voters.

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.

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) permits many United States (U.S.) service members and U.S. citizens residing outside the country to vote absentee for federal offices. Washington permits such absentee voting for state offices as well.

Ballots must be mailed to overseas and service voters at least 45 days before each primary or general election. Overseas and service voters must be given a return envelope that enables them to vote postage-free if returned through the U.S. Postal Service, the U.S. Armed Forces Postal Service, or the postal service of a U.S. Foreign Embassy. Overseas and service voters are also permitted to return their ballots by fax or electronic mail. County auditors must provide instructions to these voters on how they may do so.

Statewide Voters' Pamphlet.

Production.

The Washington Constitution requires the Secretary of State (Secretary) to send a publication containing ballot measures referred to the people, along with arguments for and against, to each individual place of residence in the state. By statute, the Secretary also must send a voters' pamphlet if a statewide candidate appears on the ballot.

Contents.

The statewide voters' pamphlet must contain:

- specific information about each measure initiated by or referred to the people, including explanatory statements prepared by the Attorney General, arguments for and against, and a fiscal impact statement prepared by the Office of Financial Management (OFM);
- statements from candidates for federal and state offices that appear on the ballot that year; and
- advisory votes on legislation that increases taxes.

Candidates may include a photograph and information to contact their campaign and, for partisan offices, a statement of political party preference or independent status.

The statewide voters' pamphlet must also provide contact information for the Public Disclosure Commission, which regulates campaign finance, and major political parties.

Distribution.

The Secretary must distribute the statewide voters' pamphlet to each household in the state, as well as to public libraries and other locations the Secretary deems appropriate. The Secretary must produce taped or Braille transcripts of the pamphlet to send to anyone who requests. The Secretary may distribute the voters' pamphlet in electronic form to computer networks, print and broadcast news, and similar services.

Local Voters' Pamphlets.

Production.

Counties, first-class cities, and code cities are permitted by statute to produce a local voters' pamphlet. To do so they must adopt an ordinance authorizing the creation of the pamphlet at least 90 days before a primary or general election or at least 40 days before a special election. The ordinance may provide for a pamphlet at a specific election or for any future elections.

Some counties have instead signed interlocal agreements with the Secretary to have local information about elections included with the statewide voters' pamphlet sent out by the Secretary. In those situations, the county produces the local content for the Secretary to include. Voters in those jurisdictions receive one pamphlet that includes all statewide and local elections.

Contents.

The local voters' pamphlet must include information about ballot measures within the jurisdiction and may include information about candidates in the jurisdiction. However, a county's pamphlet may not include information about first-class or code cities in its jurisdiction if those cities produce their own pamphlet. A county's pamphlet may, but is not required to, include information about elections in other cities and towns in its jurisdiction if they produce their own pamphlet.

Counties may enter into an interlocal agreement to distribute their pamphlets outside of their jurisdiction to provide for cities, towns, or districts that are located within more than one county.

The format of the pamphlet must mirror the statewide pamphlet whenever applicable. Ballot measures must also include explanatory statements prepared by the prosecuting attorney for the county or by the jurisdiction's attorney, as well as statements for and against. If the pamphlet includes races for office, candidates must be permitted to submit a statement and may be permitted to submit a photograph.

Distribution.

The local voters' pamphlet must be sent to every residence in each jurisdiction that has included information in the pamphlet. If it will be more economical and efficient, a pamphlet can be instead sent to every registered voter in the jurisdiction. Local voters' pamphlets must be sent "as soon as practicable" before an election.

Summary of Bill:

A statewide voters' pamphlet must be sent to each household in which a service or overseas voters lives. A local voters' pamphlet, if one is produced, must be sent to the residence of every service or overseas voter who is registered to vote in the jurisdiction. Pamphlets must be mailed at the same time as ballots.

The deadline for the OFM to submit fiscal impact statements for state ballot measures, which are included in the statewide voters' pamphlet, is moved from August 10 to July 15.

Appropriation: None.

Fiscal Note: Requested on February 2, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) The genesis for this bill was testimony in this committee by a soldier who explained that when he was deployed, he received a ballot but not a voters' pamphlet, and he had to call his wife and ask who to vote for. Others in the military have had the same experience, and they don't want to use their time for calls to their family to discuss who is on the ballot. The Secretary is encouraged that the state is interested in purchasing this service. The bill importantly requires the OFM to expedite its fiscal impact analysis, which is necessary to allow them to expedite voters' pamphlets. As drafted, this bill may leave federal funds on the table that could be used instead of state taxpayer dollars. The state owes it to overseas and military voters to provide the same information as for domestic voters.

(Opposed) None.

Persons Testifying: Representative Mosbrucker, prime sponsor; and Jay Jennings, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.