

# HOUSE BILL REPORT

## HB 1501

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*As Reported By House Committee on:  
State Government*

**Title:** An act relating to voting by mail.

**Brief Description:** Authorizing mail balloting in certain primaries and special elections.

**Sponsor(s):** Representatives McLean, Anderson, Miller, Bowman, Chandler, Silver, Holland and Paris.

**Brief History:**

Reported by House Committee on:  
State Government, February 20, 1991, DPS.

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**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *That Substitute House Bill No. 1501 be substituted therefor, and the substitute bill do pass.*  
Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

**Staff:** Kenneth Hirst (786-7105).

**Background:**

Vote-By-Mail Elections. In precincts with less than 100 registered voters, the county auditor may choose to conduct any primary or election exclusively by mail ballot.

In other precincts, elections may be conducted exclusively by mail ballot only for nonpartisan special elections not being held in conjunction with a state primary or state general election. The jurisdiction for which the special election is to be conducted may request that the election be conducted by mail ballot. The county auditor may honor or deny that request; the decision of the auditor is final.

If at any time an election is conducted by mail in a precinct, the canvassing board may direct that the ballots be counted on election day. In such a case, the count is to be done by not less than three election officials. The results of the count may not be revealed until after the

polls have closed. If vote tallying devices are used, political party observers may choose to count the ballots of not more than 10 precincts by hand. If a replacement ballot has been issued to a voter and the auditor determines that the voter has voted more than once, the auditor is not to count any votes cast by that person and the prosecutor and the Attorney General are to be notified.

Registration Cancellation. The Election Code identifies circumstances under which procedures for cancelling the registration of a voter are to be initiated automatically. One of the circumstances involves issuing vote-by-mail ballots. If the ballot of a person is returned to the auditor by the Postal Service as being undeliverable, the cancellation procedures are to be initiated regarding that person's registration.

***Summary of Substitute Bill:***

Vote-By-Mail in Small Precincts. The size of the precinct in which the auditor may choose to conduct any primary or election exclusively by mail ballot is increased. The auditor may choose to conduct such primaries or elections in a precinct with fewer than 200 registered voters (rather than fewer than 100, as under current law).

Vote-By-Mail Primary. In an odd-numbered year, the auditor may conduct a primary, or a special election concurrently with the primary, by mail ballot: For any office or ballot measure of a special purpose district; and for any nonpartisan office or ballot measure of a county, city, or town with the concurrence of the legislative authority of the county, city, or town. The auditor may also conduct such a primary or special election by mail ballot for a special purpose district which lies within more than one county if the auditors of each of the counties involved agree to conduct it in this manner. However, such a primary may not be conducted by mail ballot in any precinct with 200 or more registered voters if a partisan office or state office or state ballot measure is to be voted upon at that primary in the precinct.

Canvassing Procedures. If the canvassing board directs that vote-by-mail ballots be counted on the day of a primary or election, the counting must be conducted in the presence of the board or its representatives (rather than in the presence of at least three election officials). The results may not be revealed until after 8:00 p.m. or at such later time as the auditor directs. Political party observers may select at random ballots to be which must be counted by hand, rather than counting the ballots themselves and

counting not more than 10 precincts in this manner, as under current law.

A person who votes or attempts to vote more than once is subject to punishment under the crimes and penalties chapter of the Election Code; however, the provisions of current law are repealed which prohibit the counting of any ballots from such a person and require the prosecutor and the Attorney General to be notified regarding the person.

Registration Cancellation. The time is lengthened during which a voter must respond to the cancellation inquiry of an auditor under automatic cancellation procedures. If the procedures were initiated because a person's vote-by-mail ballot was returned to the auditor by the Postal Service as being undeliverable, the person has 90 rather than 45 days in which to respond to the auditor's inquiry.

**Substitute Bill Compared to Original Bill:** The substitute bill adds the requirement that an auditor secure the concurrence of the legislative authority of a county, city, or town before conducting, by mail ballot, a primary (or special election with the primary) for such a unit of local government.

**Fiscal Note:** Not requested.

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

**Testimony For:** (1) Most of the vote-by-mail elections conducted in this state have had three times the "turnout" or voter participation experienced in similar elections conducted at the polls. Turnout at a traditional primary held in an odd-numbered year is now down to 12 to 15 percent. That turnout could be as high as 60 to 70 percent with a vote-by-mail primary. (2) Vote-by-mail is particularly important for special elections in outlying areas which are neglected in media coverage directed at urban audiences. Receipt of the mail ballot informs the voter that an election is being conducted.

**Testimony Against:** As many as 70 precincts in Pierce County would qualify as permanent vote-by-mail precincts under this bill.

**Witnesses:** Sam Reed and Tim Likness, County Auditors Association (in favor); Cris Shardelman (opposed); and Eleanora Ballascotes.