

SENATE BILL REPORT

ESHB 1501

AS OF FEBRUARY 21, 1992

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

SPONSORS: House Committee on State Government (originally sponsored by Representatives McLean, Anderson, Miller, Bowman, Chandler, Silver, Holland and Paris).

HOUSE COMMITTEE ON STATE GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Rod McAulay (786-7754)

Hearing Dates: April 4, 1991; February 25, 1992

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. If the ballot of a person is returned to the auditor by the Postal Service as being undeliverable, cancellation procedures are to be initiated regarding that person's registration.

SUMMARY:

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 to 200 registered voters.

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. 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.

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. The vote count 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 random ballots to be counted by hand.

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 which prohibit the counting of any ballots from such a person and require the prosecutor and the Attorney General to be notified are repealed.

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.

Appropriation: none

Revenue: none

Fiscal Note: none requested