

# HOUSE BILL REPORT

## HB 1094

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**As Reported by House Committee On:**  
State Government

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

**Brief Description:** Extending mail balloting.

**Sponsors:** Representatives Hatfield and Morris.

**Brief History:**

**Committee Activity:**

State Government: 2/13/03, 2/27/03 [DPS].

**Brief Summary of Substitute Bill**

- Allows a county auditor to designate the entire county as a "mail ballot county."
- Allows a county auditor to conduct a particular primary or special election by mail.
- Requires a county auditor to include voters who vote ongoing absentee in the count of active registered voters for purposes of precinct size.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

**Staff:** Katie Blinn (786-7114).

**Background:**

Voters in Washington have the option of voting by mail in every election. This practice is known as "vote-by-mail" or "ongoing absentee." Voters can revert to voting at their assigned polling place by notifying the county auditor. Of those who voted in the 2000 general election, 54 percent voted by mail.

Aside from the option that voters have to vote ongoing absentee, counties may conduct an election entirely by mail under three circumstances:

- A county auditor may designate a precinct as a "mail ballot precinct" if it has less than 200 active voters, not including those who already vote ongoing absentee. This is a semi-permanent designation;
- A local jurisdiction requesting a special election for a nonpartisan office may request that the election be conducted by mail. This option is intended to reduce the costs of the special election, which the jurisdiction must bear. The county auditor decides whether the election will be conducted by mail. This is an election-by-election decision; and
- A county auditor may conduct an odd-year primary by mail for a local office or ballot measure if the auditor first obtains the approval of all affected legislative bodies. The primary may not be conducted by mail if a partisan office, state office, or state ballot measure is on the ballot. This is an election-by-election decision.

Precinct sizes are established by each county legislative authority and may not exceed 900 active registered voters. A county legislative authority may establish a lower ceiling for the size of precincts but may not go beyond 900 active registered voters per precinct. However, for purposes of establishing precinct size, "active registered voter" does not include a voter who votes ongoing absentee; the term only includes those who vote at polling places.

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### **Summary of Substitute Bill:**

Counties may conduct an election entirely by mail under the following four circumstances:

- A county auditor may designate a precinct as a "mail ballot precinct" if it has less than 200 active voters, not including those who already vote ongoing absentee. This semi-permanent method remains unchanged;
- A county auditor may designate the entire county as a mail ballot county. This semi-permanent method is new;
- A local jurisdiction requesting a special election for a nonpartisan office may request that the election be conducted by mail. This election-by-election method remains unchanged; and
- A county auditor may conduct a primary or special election, but not a general election, by mail. This election-by-election method is a variation of the existing method.

Voters who vote ongoing absentee must be included in the count of active registered voters for purposes of establishing precinct size.

### **Substitute Bill Compared to Original Bill:**

The substitute bill reinstates current law that allows a county auditor to designate a precinct having fewer than 200 active voters, excluding those voting ongoing absentee, as a mail ballot precinct. A new designation method is added that allows a county auditor to designate the entire county as a mail ballot county.

The substitute bill eliminates the provision of law that allows voters who vote ongoing absentee to be excluded from the count of active registered voters when the county legislative authority establishes precinct boundaries and size. Both poll voters and ongoing absentee voters must be considered when the county establishes precinct size.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill gives counties the option of conducting an election entirely by mail. Even if a county votes 80 percent by mail, auditors still have to find and train poll workers, keep the polls open, and maintain equipment appropriate for poll site voting. The bill provides a way for counties to save money. In 2002 an average cost of processing a ballot was \$1.04 for a vote by mail ballot and \$3.21 for a polling place ballot. Two counties currently conduct elections entirely by mail because of their rural populations. It is more difficult for some issues, such as school levies and bonds, to pass if the voter turnout is low. Counties purge the election records regularly to eliminate inactive voters. Many counties have reduced the number of polling places by combining precincts, which helps to save some money, but the counties still have to train poll workers, keep the polls open, and maintain the equipment.

**Testimony Against:** A sense of community is lost by the vote-by-mail process. An opportunity for children to see their parents go to the polls and vote is also lost in the vote-by-mail process. The bill provides too much flexibility to county auditors because it allows auditors to designate some precincts as vote by mail while leaving others as polling place precincts. Because voting by mail often results in more conservative election results, the designation can potentially impact the results of an election. There should be a bright line rule, or clear standards, that guide auditors when a precinct can be designated vote by mail.

**Testified:** (In support) Representative Hatfield, prime sponsor; Kris Swanson, Cowlitz County Auditor; and Bob Terwiliger, Snohomish County Auditor.

(Opposed) Richard Shepard, Libertarian Party of Washington State.