

HOUSE BILL REPORT

HB 1156

As Reported by House Committee On:

State Government

Title: An act relating to the timely mailing of absentee and mail ballots.

Brief Description: Requiring timely mailing of ballots.

Sponsors: Representatives Miloscia, Armstrong, Ruderman, Hunt, Kenney, Nixon, Shabro, Haigh, Rockefeller, Cairnes, Simpson, McDermott, Tom, Moeller, Anderson, O'Brien, Benson, Carrell, Mielke, Schual-Berke, Wallace, Hudgins, Kessler, Campbell and Upthegrove; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/28/03, 2/7/03 [DPS].

Brief Summary of Substitute Bill

- Requires county auditors to mail absentee ballots at least 18 days before the primary, general election or special election and to certify to the Office of the Secretary of State the dates the ballots were available and mailed.

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: Marsha Reilly (786-7135).

Background:

Voters may cast their ballots under several different procedures. The most common procedure is for voters to appear at designated polling sites and cast their ballots. Increasingly voters are electing to cast their ballots using absentee ballots. A voter may obtain an absentee ballot for a single primary or election or may become an ongoing absentee voter and automatically obtain an absentee ballot for each subsequent primary or

election. County auditors are required to have sufficient absentee ballots ready to mail to absentee voters at least 20 days before any primary, general election, or special election.

A county auditor may designate any precinct having fewer than 200 active registered voters at the time of closing of voter registration as a mail ballot precinct. The county auditor is required to mail or deliver a ballot and an envelope to each active registered voter as soon as ballots are available.

Some special elections may be conducted by mail ballot if it is approved by the county auditor. The county auditor is required to make available to each registered voter a mail ballot 20 days before the date of the election.

Summary of Substitute Bill:

County auditors must have sufficient absentee ballots available for absentee voters at least 20 days before any primary, general election, or special election. Absentee ballots must be mailed 18 days before the primary or election to each voter for whom requests have been received by the county auditor 19 days before the primary or election.

The county auditor will mail absentee ballots within two business days of the date a request is received for any request for an absentee ballot received after 19 days before the primary or election. However, the county auditor will make every effort to mail those ballots within one business day.

The county auditor will make every effort to mail ballots to overseas and service voters earlier than 18 days before a primary or election.

County auditors are required to certify to the Secretary of State (Secretary) the dates the ballots were available and mailed.

If absentee ballots are not available or mailed as required, the county auditor must immediately certify to the Secretary when the ballots will be available and mailed. Copies of this certification will be provided to the County Canvassing Board, the press, jurisdictions with issues on the ballot in the election, and any candidates.

If absentee ballots are not available and mailed as required, the county auditor will submit a report to the Secretary detailing why the deadline was missed and what corrective actions will be taken in future elections to ensure that ballots are available and mailed on time.

Substitute Bill Compared to Original Bill:

For the requirement that county auditors mail absentee ballots for those requests that are

received after 19 days before the primary or election, the next business day is changed to two business days. However, every effort will be made to mail those ballots within one business day.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is a result of issues that arose in King County last fall. The challenge is that many things can be done to improve the process of mailing absentee ballots. The turnaround time on mailing ballots for requests that come in late is of concern, particularly because of the large volume of requests received in King County.

Testimony Against: None.

Testified: Bob Ruegher, Manager, Records and Elections, King County; and Sam Reed, Secretary of State.