

# SENATE BILL REPORT

## SB 5399

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As of February 4, 2003

**Title:** An act relating to election procedures.

**Brief Description:** Revising absentee and mail ballot procedures.

**Sponsors:** Senator Schmidt.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/5/03.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Staff:** Ronda Larson (786-7429)

**Background:** For an absentee voter's ballot to qualify in an election or primary, the voter must mail or deliver the completed ballot to the county auditor on or before the day that voters go to the polls. To determine whether the absentee voter ballot was mailed within the deadline, election officials use the postmark date or the date that the voter signed the ballot. The method that applies depends upon the circumstances.

For in-state voters, if the ballot postmark date is legible, that date determines whether the voter complied with the deadline. The envelope must be postmarked by 8:00 pm on the day of the primary or election. If the postmark is not legible, the date on the mailing envelope signature line determines whether the voter complied with the deadline. All voters must sign and date the mailing envelope before mailing a completed ballot.

For out-of-state or overseas voters, election officials do not consider the postmark. Only the date on the mailing envelope signature line counts for determining whether the voter met the mailing deadline.

Before election results are certified and at the request of any political party caucus of the Legislature, the county auditor must transmit copies of the unofficial returns to the Legislature. After ten to 15 days, the canvassing board must certify election results and make a report on them. The time-line is ten days for primaries and special elections and 15 days for general elections.

**Summary of Bill:** The deadline for returning absentee ballots is tightened. Rather than requiring voters to mail the completed ballots by the date of the election, completed absentee ballots must be received by the auditor by that date. As an alternative, completed ballots may be received by noon on the day the results are certified, but only if the ballots were postmarked by the Friday before the election day. These deadlines apply also to out-of-state voters, but not to overseas or service voters.

For overseas and service voters, the absentee ballot must have been received by noon on the certification day, but only if postmarked by the date of the election. As with other absentee voters, if the postmark is not legible for overseas voters, the signature date is determinative.

Instead of any caucus, only major political party caucuses are given the power to request transmittal of unofficial election results to the Legislature.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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