

SENATE BILL REPORT

SHB 1545

As of March 20, 2019

Title: An act relating to curing ballots to assure that votes are counted.

Brief Description: Concerning curing ballots to assure that votes are counted.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Mead, Hudgins, Morgan, Ramos, Gregerson, Wylie, Appleton, Bergquist, Doglio, Jinkins and Pollet).

Brief History: Passed House: 3/11/19, 91-7.

Committee Activity: State Government, Tribal Relations & Elections: 3/20/19.

Brief Summary of Bill

- Requires that records of returned ballots with missing or mismatched signatures be continually updated as ballots are canvassed or voters are contacted.
- Requires that, after an update, those records be sent to the Secretary of State, who must make those records publicly available.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Voting by Mail. Each county in Washington votes by mail. County auditors send each voter a ballot with instructions about how to mark and return the ballot to the auditor. Ballots delivered to voters must include a space for the voter to sign a declaration under penalty of perjury recognizing that:

- the voter meets the qualifications to vote;
- the voter has not voted in any other jurisdiction for that election;
- the voter is aware it is illegal to vote if not a United States citizen;
- the voter is aware it is illegal to vote if convicted of a felony without having one's voting rights restored; and
- the voter is aware it is illegal to cast a ballot or sign a ballot declaration on behalf of another person.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Processing Ballots. The county auditor or county canvassing board processes returned ballots. If the auditor has more than 500 ballots left to canvass, the ballots must be canvassed each business day—or in a county with fewer than 75,000 people, at least every third business day. When the county processes returned ballots, it must verify that the voter's signature on the ballot declaration matches the signature of that voter in the county's registration files. Canvassing personnel receive training on statewide standards for signature verification.

If the ballot declaration is unsigned or the signature does not match the voter's registration, the county auditor must notify the voter by mail of the correct procedures to cure the defect. If the auditor does not receive the ballot until there are fewer than three days remaining before the county canvassing board's final meeting, or the voter has not responded to the mailed notice by three days before the county canvassing board's final meeting, the auditor must notify the voter by telephone.

A record must be kept of all returned ballots that have declarations with missing or mismatched signatures, listing the date on which the voter was contacted or the notice was mailed and, if applicable, the date the voter submitted updated information. This record of noncompliant ballots and voter contact is a public record and may be disclosed to interested parties upon written request.

Summary of Bill: The record of returned ballots that have declarations with missing or mismatched signatures must be updated:

- each day that the county canvasses ballots;
- each time a voter is contacted or a notice is mailed; and
- each time a voter submits updated information.

Within 48 hours of creation or update of the record of noncompliant ballots and voter contact, the auditor must send the record to the Secretary of State, who must then make all records publicly available within 24 hours of receipt.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: This creates a process for consistently recording rejected ballots in a timely manner so that there is a better chance ballots are cured and all voices are heard.

Persons Testifying: PRO: Representative Jared Mead, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.