HOUSE OF REPRESENTATIVES
Olympia, Washington

Bill Analysis   Bill No. HB 2305

Harmonizing laws on ballot processing   Hrg. Date: 1/27/98
Brief Title

Reps. Smith/Bush   Staff Contact: S. Lundin
Sponsor   Comm. on Govt. Admin.
                                        Phone: 786-7127

BACKGROUND:

Procedures differ for processing and tabulating absentee ballots and ballots that are cast at polling places.

Absentee ballot return envelopes may be opened and subsequently processed commencing on the tenth day prior to the primary or election for which they are issued. In addition, absentee ballots may be removed from inner security envelopes and all the normal processing steps may be performed to prepare these ballots for tabulation at that time if electronic vote tallying systems are used. Absentee ballots may not be tabulated until after the close of the polls on the day of the or primary election for which they are issued.

Ballots cast at polling places may be picked up before polls are closed and must be picked up after the close of the polls. These ballots may be counted after they are picked up but election returns may not be released prior to the close of polling places.

Ballots collected from polling places are manually inspected for damage, write-in votes, and incorrect or incomplete marks-and a true duplicate copy of a ballot is made if the vote tallying system cannot properly count the ballot as a result of damage or incorrect or incomplete marks. The remaking of ballots must be done in the presence of witnesses. Absentee ballots are similarly inspected and remade.

SUMMARY:

Greater specificity is made for processing and tabulation of absentee ballots and ballots that are cast at polling places and for inspecting and potential remaking of all types of ballots that cannot be read by vote tallying systems.

1. <u>Processing and tabulating absentee ballots</u>.

It is clarified that absentee ballots may be fully processed up to the point of running the ballots through vote tallying systems commencing 10 days prior to the date of the primary or election for which they are issued. Absentee ballots may not be run through vote tallying systems until 7:00 a.m. on the day of the primary or election, but results may not be tabulated until after the closing of the polls.

The chair of the central committee of each major political party in a county is notified when the processing and opening absentee ballot return envelopes will commence and is asked to appoint at least four official observers. The failure to appoint official observers, or the failure of appointed observers to attend all or a portion of the processing and tabulating of absentee ballots, does not preclude the processing and tabulation of absentee ballots.

2. <u>Tabulating ballots cast at polling places</u>.

Ballots that are picked up from polling places may not be tabulated until after the close of the polls, but this restriction does not apply to the existing authority for paper ballots to be tabulated at polling places prior to the close of the polls.

3. <u>Inspecting and making true duplicate copies of a ballot</u>.

The following procedures are established for manually inspecting both absentee ballots and ballots cast at polling places and remaking a true duplicate copy of a ballot that is damaged or has incorrect or incomplete marks:

- o An absentee ballot may be duplicated during the initial processing of absentee ballots commencing 10 days prior to the primary or election, but a ballot cast at polling places may not be duplicated until all other ballots cast at polling places have been tabulated.

- o Duplicate ballots must be of a different color than original ballots.

- o A team of two people make each duplicate ballot.

- o The same identification number is marked on the upper right hand corner or an original ballot and the duplicate that is made of the original ballot.

- o The names of the two persons who remade the ballot must be clearly written on both the original and duplicate ballots.

- o After tabulation, each original ballot must be stapled to its duplicate ballot and sets of original and duplicate ballots grouped by congressional, legislative, and precinct order and stored in sealed containers.

Notice of the duplication of ballots must be made in the same manner as notice of a special meeting under the Open Public Meetings Act, as well as being sent to the chairs of the central committees of each major political party in the county.

4. <u>Posters summarizing election crimes and penalties</u>.

The Secretary of State must adopt rules providing for posters summarizing election crimes and maximum penalties to be displayed prominently in all locations where ballots are processed and tabulated.