

SENATE BILL REPORT

SHB 1291

As Reported By Senate Committee On:
State & Local Government, April 1, 1999

Title: An act relating to election laws.

Brief Description: Making various changes in election laws.

Sponsors: House Committee on State Government (originally sponsored by Representatives D. Schmidt, McMorris, Romero, Scott, Wensman, Esser, Miloscia, Benson, D. Sommers and Dunn).

Brief History:

Committee Activity: State & Local Government: 3/29/99, 4/1/99 [DPA].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Diane Smith (786-7410)

Background: State statutes detail elections provisions.

- (1) Voting precincts. Voting precincts created by a county auditor are numbered consecutively.
- (2) Crimes relating to use of voter registration data. It is a felony to use registered voter data for commercial advertising or solicitation punishable by imprisonment for no more than five years, a fine of no more than \$5,000, or both.
- (3) Dates school directors assume office. Ambiguity exists about when newly elected school directors assume office. Legislation was enacted in 1979 providing that all local government elected officials take office commencing immediately after December 31, after their election. However, legislation was enacted in 1980 excluding school directors from this common date but not specifying another date.
- (4) Voter registration. All common schools, fire stations, and public libraries must make voter registration application forms available to the public. County auditors transmit newly completed voter registration cards as well as cancellation of voter registrations to the Secretary of State on each Monday following the registration or cancellation. The state motor voter law authorizes persons to register to vote or transfer their voter registrations when they apply for drivers' licenses.

(5) Declarations of candidacy. A person who files a declaration of candidacy for an elective office must, at the time of the filing, possess the qualifications to be elected to that office. The basic requirement to hold most offices is that the person be a registered voter in the geographic area represented by the office.

Statutes are in conflict as to whether a person who files a declaration of candidacy as a write-in candidate must pay the normal filing fee for the office that is sought.

(6) General prohibition on a candidate's name appearing more than once on a ballot. The name of a candidate for public office may not appear more than once on any ballot, but this restriction does not apply to the office of precinct committee officer for a major political party.

(7) Termination of on-going absentee status. A voter loses ongoing absentee status if the voter submits a written request to be removed, dies, is disqualified, the registration record of the voter is canceled, or an ongoing absentee ballot is returned as undeliverable.

(8) Access to election facilities. Polling places and registration facilities are generally required to be accessible to elderly and handicapped persons in primaries and general elections held in even-numbered years. Alternative polling places or procedures are provided for access to polling places and registration facilities in primaries and general elections held in odd-numbered years. Periodic reports are required to be made on access to polling sites and registration facilities by handicapped persons and the elderly.

(9) Reporting on absentee ballots. The county auditor must send the Secretary of State the report on absentee ballots cast by precinct after each general election in an even-numbered year.

The Secretary of State is required to make information available to deaf persons by telecommunications.

Summary of Amended Bill: Various technical and substantive changes are made to election laws.

(1) Voting precincts. Voting precincts are no longer required to be numbered consecutively.

(2) Crimes relating to use of voter registration data. The maximum fine for using registered voter data for commercial advertising or solicitation is increased from \$5,000 to \$10,000.

(3) Dates school directors assume office. A newly elected school director's term of office begins at the first official meeting of the board of directors after certification of the election results.

(4) Voter registration. The requirement for voter registration application forms to be available at common schools, fire stations, and public libraries is modified to require county auditors to keep mail-in voter registration application forms generally available at various locations, including election offices, common schools, fire stations, and public libraries. County auditors must transmit voter registration and cancellation cards to the Secretary of

State once a week. It is clarified that a voter may change his or her name for voter registration purposes when the voter applies for a driver's license.

(5) Declarations of candidacy. It is expressly required that a person must be a registered voter when he or she files a declaration of candidacy for an office.

The inconsistency regarding filing fees for write-in candidates is removed by requiring write-in candidates to pay the normal filing fees associated with the offices they seek.

(6) General prohibition on a candidate's name appearing more than once on a ballot. The exception that a candidate's name may not appear more than once on a ballot, other than the office of precinct committee officer of a major political party, is expanded to exclude a temporary elected position, such as charter review board member or freeholder.

(7) Termination of ongoing absentee status. Voters who are placed into inactive status also have their ongoing absentee voter status terminated.

(8) Access to election facilities. Laws are revised and expanded to provide greater access to election facilities. Polling places and registration facilities must be accessible to handicapped persons and the elderly at all elections and primaries. County auditors, rather than the Secretary of State, are required to make election information available to deaf persons using telecommunications.

(9) Reporting on absentee ballots. The county auditor must send the Secretary of State the report on absentee ballots cast by precinct after each general election.

Amended Bill Compared to Substitute Bill: The striking amendment adds the requirement for the county auditor to send the Secretary of State's Office the report on absentee ballots cast by precinct after every general election.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This is a great bill that clears up various glitches in voter registration law and includes handicapped accessibility provisions.

Testimony Against: None.

Testified: PRO: Bob Terwilliger, Sno. Co. Auditor for Auditors Association; David Elliott, Office of the Secretary of State.