

SENATE BILL REPORT

SB 6363

As Reported By Senate Committee On:
State & Local Government, February 3, 2000

Title: An act relating to ballots cast by mail.

Brief Description: Clarifying procedures for absentee voting and mail ballots.

Sponsors: Senators Gardner, Patterson, McCaslin, Winsley and Costa.

Brief History:

Committee Activity: State & Local Government: 1/24/2000, 2/3/2000 [DPS].

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: That Substitute Senate Bill No. 6363 be substituted therefor, and the substitute bill do pass.

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

Staff: Diane Smith (786-7410)

Background: Provisions for absentee voting and mail ballot elections are found in the same chapter of law. By many, this is seen as unnecessarily confusing.

Absentee ballots must be requested no earlier than 45 days before the election or primary and no later than the day before the election or primary. An exception to the prohibition on issuing absentee ballots on the day of the election or primary is made for voters confined to a hospital on the day of the election or primary. Only a messenger for a hospitalized voter may pick up the absentee ballot from the issuing officer. In all other cases, the voter himself or herself, or a member of the voter's family may pick up the absentee ballot. Otherwise, the absentee ballot is mailed to the voter.

Whether absentee ballots may be forwarded is not addressed in the statutes. The practices followed by the various counties differ.

One representative from each major political party must observe the counting of ballots. Observers are also allowed to be present at recounts. They are representatives of the candidates affected by the recount or are persons representing both sides of an issue that is being recounted.

Records of requests for absentee ballots must be available for public inspection no later than 24 hours after their receipt. The auditor must make copies of these records available to the public at cost.

The county auditor may designate any precinct having fewer than 200 voters to be a mail ballot precinct. An application form must be mailed to the voter prior to the first mail ballot election and must be returned by the voter in order for the county auditor to issue a mail ballot. The application remains valid for subsequent mail ballot elections.

In some circumstances, when voting is conducted by mail ballot, the county auditor must mail the ballots at least 15 days prior to the date of the election.

Summary of Substitute Bill: An absentee ballot must be requested no earlier than 90 days before the election or primary and may be requested on the day of the election or primary. Messengers may pick up the absentee ballots of those voters who are residents of health care facilities on election day.

An absentee ballot may be forwarded under certain conditions. These conditions require that the county auditor include with the ballot a clear explanation of the qualifications necessary to vote in that election.

Absentee ballots must be processed in accordance with rules prescribed by the Secretary of State. The county auditor must request that observers appointed by the major political parties be present at the processing.

Absentee ballots must include a designated space for write-in candidates for precinct committee officer.

In addition to maintaining a public record of absentee ballot requests, the county auditor must also maintain a list of all ongoing absentee voters. Information from requests for absentee ballots must be available by the next business day after their receipt. Copies of these records must be available in either paper or electronic format.

Provisions for mail ballots are recodified into a new chapter of the election laws.

The application requirement for voters in mail ballot precincts is eliminated. The county auditor must mail a notification to each registered voter that the precinct has become a mail ballot only precinct.

In all circumstances, the county auditor must mail ballots as soon as ballots are available for the mail ballot election. If the precinct exceeds 200 voters or if for any other reason the county auditor returns to holding elections at polling places, notification of the address of the polling place must be mailed to the voters.

Mail ballot provisions for special elections are in a separate section from those for odd-year primaries by mail.

For general elections, the county auditor may not combine, divide or unite precincts.

Substitute Bill Compared to Original Bill: The substitute bill deletes the requirement that a daily, cumulative list of returned absentee ballots be maintained. It conforms provisions for depositing and obtaining replacements of mail ballots to language used in a previous bill

to avoid a double amendment. Provisions concerning county auditors' division or combination of precincts is added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a good measure for voters and administrators. This clarifies and reorganizes the two statutes.

Testimony Against: None.

Testified: Suzanne Sinclair, WACO, Island County Auditor (pro); Sheryl Moss, Secretary of State (pro).