

SENATE BILL REPORT

SB 5275

As Passed Senate, March 14, 2001

Title: An act relating to ballots cast by mail.

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

Sponsors: Senators Gardner, McCaslin, Haugen, Costa and Kohl-Welles.

Brief History:

Committee Activity: State & Local Government: 2/14/01, 2/22/01 [DP].

Passed Senate: 3/14/01, 33-16.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Kline, T. Sheldon and Swecker.

Staff: Diane Smith (786-7410)

Background: Provisions for absentee voting and mail ballot elections are found in the same chapter of law. By some, 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.

The county auditor must make an abstract of the election results by precinct. The deadline for transmittal to the Secretary of State for the general election is by March 31 of the year following the election.

Summary of 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. A voter's family member may request an absentee ballot on behalf of the voter.

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.

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 must report all election returns by precincts. The deadline for the auditor's abstract of general elections is the next business day following certification by the county canvassing board.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is a priority bill for the county auditors.

Testimony Against: None.

Testified: PRO: Suzanne Sinclair, Bob Bruce, County Auditors; Barbara Sandahl, Washington Association of County Officials; Sheryl Moss, Secretary of State; Merton Cooper.

House Amendment(s): The Secretary of State's authority to promulgate rules regarding processing of absentee ballots and ensure that absentee ballots are validly obtained is removed. Existing law is unchanged. This existing law requires the Secretary of State to adopt rules establishing standards for preventing fraud and guaranteeing secrecy of absentee and mail ballots. The House amendment requires the absentee ballot to be requested no later than the **day before** the election.