

# HOUSE BILL REPORT

## SSB 5218

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### As Reported by House Committee On:

State Government

**Title:** An act relating to the timely mailing of absentee and mail ballots.

**Brief Description:** Requiring timely mailing of ballots.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Kastama, Schmidt, Fairley, Stevens, Reardon, Horn, Benton, Keiser, Johnson, Kohl-Welles, Kline and Esser; by request of Secretary of State).

### Brief History:

#### Committee Activity:

State Government: 3/27/03, 3/28/03 [DPA].

#### Brief Summary of Substitute Bill (As Amended by House Committee)

- Requires county auditors to mail absentee ballots at least 18 days before the primary, general or special election and to certify to the Office of the Secretary of State the dates the ballots were available and mailed.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

**Staff:** Marsha Reilly (786-7135).

#### Background:

Voters may cast their ballots under several different procedures. The most common procedure is for voters to appear at designated polling sites and cast their ballots. Increasingly voters are electing to cast their ballots using absentee ballots. A voter may obtain an absentee ballot for a single primary, general or special election or may become an ongoing absentee voter and automatically obtain an absentee ballot for each subsequent primary, general or special election. County auditors are required to have sufficient

absentee ballots ready to mail to absentee voters at least 20 days before any primary, general election, or special election.

A county auditor may designate any precinct having fewer than 200 active registered voters at the time of closing of voter registration as a mail ballot precinct. The county auditor is required to mail or deliver a ballot and an envelope to each active registered voter as soon as ballots are available.

Some special elections may be conducted by mail ballot if it is approved by the county auditor. The county auditor is required to make available to each registered voter a mail ballot 20 days before the date of the election.

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**Summary of Amended Bill:**

County auditors are required to mail all absentee ballots at least 18 days before the primary, general or special election to those voters who have requested an absentee ballot. For late requests, those received 19 days or less before a primary, general or special election, ballots will be mailed within two business days, although county auditors are required to make every effort to mail those ballots within one business day. County auditors are also required to make every effort to mail ballots to overseas and service voters earlier than 18 days before a primary, general or special election.

Once absentee ballots are mailed, county auditors must certify to the Secretary of State the dates the ballots were available and mailed.

If absentee ballots are not available or mailed as required, the county auditor must immediately certify to the Secretary of State when the ballots will be available and mailed. Copies of this certification will be provided to the county canvassing board, the press, jurisdictions with issues on the ballot in the election, and any candidates.

If absentee ballots are not available and mailed as required, other than for a recount or litigation, the county auditor will submit a report to the Secretary of State detailing why the deadline was missed and what corrective actions will be taken in future elections to ensure that ballots are available and mailed on time.

**Amended Bill Compared to Substitute Bill:**

The amended bill removes the requirement that copies of certifications be provided to the county canvassing board, the press, jurisdictions with issues on the ballot in the election, and any candidates when the ballots are mailed on time, and must send copies of certifications to those groups only when ballots are mailed late.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** Voting absentee is the method preferred by a majority of voters. Therefore, the date absentee ballots are mailed needs to be very clear. Pierce County tries to mail overseas ballot at least 25 days before an election. The two-day turn-around time for mailing late requests for absentee ballots may be problematic because of money saved by "batching" mail.

**Testimony Against:** None.

**Testified:** Senator Roach, prime sponsor; Dean Logan, Office of the Secretary of State; and Pat McCarthy, Pierce County Auditor.