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**State Government Committee**

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**SSB 5218**

**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 Summary of Substitute Bill**

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

**Hearing Date:** 3/27/03

**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 or election or may become an ongoing absentee voter and automatically obtain an absentee ballot for each subsequent primary or election. County auditors are required to have sufficient absentee ballots ready to mail to absentee voters at least twenty days before any primary, general election, or special election.

A county auditor may designate any precinct having fewer than two hundred 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 twenty days before the date of the election.

**Summary of Bill:**

County auditors are required to mail all absentee ballots at least 18 days before the primary or election to those voters who have requested an absentee ballot. For late requests, those received 19 days or less before a primary or 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 or election.

Once absentee ballots are mailed, county auditors must certify to the Secretary of State (Secretary) the dates the ballots were available and mailed. Copies of the certification are 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 or mailed as required, the county auditor must immediately certify to the office of 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 office of the Secretary 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.

#### House Bill Compared to Senate Bill

The Senate bill requires 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, whether the ballots are mailed on time or are mailed late. The House bill requires copies of certifications be provided to those groups only when absentee ballots are mailed late.

**Appropriation:** None.

**Fiscal Note:** Requested on March 18, 2003.

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