

SENATE BILL REPORT

SB 5218

As Reported By Senate Committee On:
Government Operations & Elections, February 11, 2003

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

Brief Description: Requiring timely mailing of ballots.

Sponsors: 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: Government Operations & Elections: 2/4/03, 2/11/03 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Staff: Diane Smith (786-7410)

Background: There are two types of voting where the voter mails his or her ballot back to the county auditor for processing and tallying. The first type is absentee voting. Increasingly, voters are choosing 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 20 days before any primary, general election, or special election.

The second type of voting by mail is called election by mail ballot. 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 doing so is approved by the county auditor. The county auditor is required to make a mail ballot available to each registered voter 20 days before the date of the election.

Summary of Substitute Bill: Enough absentee ballots must be available for absentee voters at least 20 days before any primary or election. If a request for an absentee ballot has been received at least 19 days before the primary or election, the county auditor must mail the absentee ballot at least 18 days before the primary or election. For requests received after the 19th day before the election, the auditor must make every effort to mail the absentee ballot within one business day and shall mail the ballot within two business days.

A procedure is established for the county auditor to certify his or her compliance with these requirements to the Secretary of State and to provide notice to the public that this certification is made.

For mail ballot elections, the auditor must mail all active voters a ballot at least 18 days before the primary or election. For inactive voters, the mailing must occur at least 19 days before the primary or election.

In all cases, the county auditor must make every effort to mail ballots to overseas and service voters earlier than 18 days before the primary or election.

Substitute Bill Compared to Original Bill: For requests for ballots received after the 19th day before the election or primary, the substitute bill requires best efforts from the county auditor to mail the ballot within one business day, but the mailing must occur within two business days. The original bill required mailing turnaround by the next business day.

A requirement to inform the public when the absentee ballots are mailed to the voters is added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: About 69 percent of ballots cast in general elections and 80 to 90 percent cast in primaries are absentees. Current statutes are not explicit on the date required for the county auditors to mail these absentee ballots out to the voters.

County auditors are all in favor of having a date certain in statute by which ballots must be mailed out. There could be problems with a next-day turnaround, especially in presidential election years when hundreds of requests come in late in the day.

Testimony Against: None.

Testified: PRO: Sam Reed, Secretary of State; Karen Flynn, WA Association of County Auditors.