

SENATE BILL REPORT

ESB 5738

As Passed Senate, March 12, 2007

Title: An act relating to administering elections by mail.

Brief Description: Modifying absentee ballot and related election provisions.

Sponsors: Senators Oemig and Swecker; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 2/19/07, 2/20/07 [DP, w/oRec].
Passed Senate: 3/12/07, 49-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senators Roach, Ranking Minority Member and Benton.

Staff: Sharon Swanson (786-7447)

Background: Processing mail ballots: The opening and processing of absentee ballots may begin upon receipt of the ballot. After opening the return envelopes, the ballots must be placed in secure storage until after 8 p.m. on the day of the election. The tabulation of absentee ballots may not start until after 8 p.m. on the day of the election.

Provisional ballots issued at the poll site: Disability access voting equipment must be available at all poll sites, and counties that conduct all elections entirely by mail must also make disability access voting equipment available in the county. A provisional ballot must be issued to any voter who has requested an absentee ballot and shows up to vote at a polling place; however, according to the Office of the Secretary of State, most disability access voting equipment does not allow for provisional voting.

Curing signature problems on absentee and provisional ballots: If a voter neglects to sign the outside envelope of an absentee or provisional ballot, or if the signature on the envelope doesn't match the signature on the registration file, the auditor must notify the voter by mail and advise the voter how to fix the problem. To correct an unsigned envelope, the voter must either appear in person and sign the envelope, or sign a copy of the envelope and return it to the auditor. To correct a mismatched signature, the voter must either appear in person and sign a new registration, or sign a copy of the affidavit provided by the auditor, in which case

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the signature must match the signature in the registration file or the signature on a copy of a valid government identification document that was returned with the affidavit.

Summary of Engrossed Bill: Processing mail ballots: The time designation of 8 p.m. on election day is removed for the purposes of storing absentee ballots.

Provisional ballots issued at the poll site: If a voter who was issued an absentee or mail ballot requests to vote at a polling place, the precinct election officer must attempt to confirm whether the voter has already returned an absentee or mail ballot. If the precinct election officer can confirm that the voter has not returned a ballot, the voter must be issued a regular ballot. If the voter is issued a regular ballot, the voter must be immediately credited or flagged as having voted in order to prevent multiple voting. If the precinct election officer is unable to confirm whether the voter has already returned a ballot, the voter must be issued a provisional ballot.

Curing signature problems on absentee and provisional ballots: The same provisions for correcting a missing signature are applied to include persons who sign the envelope with a mark and fail to have two witnesses attest to the signature.

A voter curing a mismatched signature on an absentee or provisional ballot has three options:

- 1) the voter can appear in person and sign a new registration form;
- 2) the voter can sign a copy of the affidavit provided by the auditor and return it along with a copy of a valid government or tribal identification document, in which case the signature on the envelope, the affidavit, and the identification document must all match; or
- 3) the voter may sign a copy of the affidavit in front of two witnesses who are registered voters and who attest to the signature, in which case the signature on the affidavit must match the signature on the envelope.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This is a bill that addresses a number of provisions related to vote by mail. Service and overseas voters can return their ballot by fax, but if the original ballot has to be sent in by certification, there is no benefit to the voters. Service and overseas voters should be able to return the ballot electronically.

Persons Testifying: PRO: Katie Blinn, Office of the Secretary of State.