

# HOUSE BILL REPORT

## HB 2483

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**As Reported by House Committee On:**  
State Government & Tribal Affairs

**Title:** An act relating to overseas and service voters.

**Brief Description:** Concerning overseas and service voters.

**Sponsors:** Representatives Hurst, O'Brien, Armstrong, Hunt, Rodne, Morrell, Appleton, Alexander, Eddy, Kelley, Sullivan, Carlyle, Rolfes, Roach, Green and Kirby; by request of Secretary of State.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 1/12/10 [DP].

**Brief Summary of Bill**

- Allows overseas or service voters to request, receive, and return ballots by fax or electronic mail.
- Requires ballot instructions to include contact information for the county auditor's office so that the voter may confirm the ballot was received.
- Allows overseas or service voters to register to vote, request ballots, or transmit ballots on forms provided by the U.S. Department of Defense or the U.S. Election Assistance Commission.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Hurst, Miloscia and Taylor.

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

**Background:**

State law requires that ballots must be mailed at least 18 days before a primary or election. In order for a ballot to be counted, it must be postmarked no later than election day and must

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reach the county auditor before the results are certified. An overseas or service voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. A voter may also obtain a ballot via electronic mail (e-mail) which may be printed, voted, and returned by postal mail. A faxed or electronically sent ballot may only be counted if it is mailed and received before certification of the election.

The federal Military and Overseas Empowerment Act (Act) requires that ballots for overseas and service voters be sent 45 days before an election. The Act also requires that those voters be provided additional options for receiving ballots and that ballot instructions include contact information for the auditor's office to confirm that the voter's ballot was received. Service and overseas voters may register to vote, request a ballot, or transmit a ballot using forms and methods provided by the U.S. Department of Defense or the U.S. Election Assistance Commission.

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**Summary of Bill:**

An overseas or service voter may receive a ballot by fax, e-mail, or other electronic means. A voted ballot may be returned by fax or e-mail if the voter's signature on the declaration accompanies the ballot. The county auditor must establish procedures to protect the secrecy of the voted ballot. Overseas or service voters may request to receive all future ballots by fax, e-mail, or other available electronic means, and may also make a request via e-mail to discontinue receipt of mail ballots.

Ballot instructions for overseas and service voters must include contact information for the county auditor's office and must explain that a voter may return a ballot and signed declaration by fax or e-mail.

An overseas or service voter may register to vote, request a ballot, or transmit a ballot using forms or methods provided by the U. S. Department of Defense or the U.S. Election Assistance Commission.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Too many military and overseas voters have been unable to register to vote or vote in a timely manner. Ballots have not been received in time to vote because of slow mail. Many question whether or not a voted ballot was received by the county auditor. Deployment of forces has changed. Many deployed units do not have the administrative

support needed in order to participate in elections and many units are deployed to very remote areas. However, they all have access to computers and can vote by electronic means. Many voters have ballots faxed and e-mailed now, but in order for the ballots to be counted, the ballots must be returned by postal mail. While Washington has been on the cutting edge in elections, 20 other states already allow ballots to be returned through fax or e-mail. There have not been any cases of fraud. This program will help many overseas voters, including those serving in the Peace Corps or as missionaries.

(Opposed) While it is important that military personnel be able to vote, it is also important that they vote a secure and verifiable ballot. Studies indicate security risks for Internet voting. Sending blank ballots and e-mail ballots results in loss of privacy and security risks. Military voters deserve privacy and integrity of elections.

**Persons Testifying:** (In support) Representative Hurst, prime sponsor; Major General Lowenberg, Washington Military Department; Sam Reed, Secretary of State; Mark San Souci, Department of Defense State Liaison Office; and 1st Lieutenant Chad Crowley, National Guard Association of Washington.

(Opposed) Kelly Reese, Voter Action.

**Persons Signed In To Testify But Not Testifying:** None.