

# SENATE BILL REPORT

## HB 2483

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As Reported by Senate Committee On:  
Government Operations & Elections, February 22, 2010

**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:** Passed House: 1/22/10, 96-0.

**Committee Activity:** Government Operations & Elections: 2/18/10, 2/22/10 [DP, DNP, w/oRec].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Oemig, Vice Chair.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Benton.

**Staff:** Alison Mendiola (786-7483)

**Background:** Federal law requires that ballots to overseas and service voters be transmitted at least 45 days before an election for Federal office. If the request for a ballot is received less than 45 days before the election, then the ballot must be transmitted in accordance with state law. Under state law, county auditors are required to mail ballots to all overseas and service voters at least 30 days before any primary, general, or special election. Requests for ballots made by overseas or service voters after that day must be processed immediately.

The date of the signature on the ballot envelope is considered the date of mailing and the envelope must be signed by election day. Ballots must reach the county auditor before the

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results are certified in order for the votes to count. Certification occurs no later than 15 days after a primary or special election and no later than 21 days after a general election.

Service voter is defined as any voter of the state who is a member of the U.S. Armed Forces (USAF) in active service, a student or faculty member of a U.S. military academy, a member of the Merchant Marines, a member of a religious group or welfare agency officially serving with the USAF, or a participant in the address confidentiality program. Overseas voter is defined as any voter of the state outside the territorial limits of the United States.

A service or overseas voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. The ballot is counted if the original documents are received before the certification of the election. Also, a service or overseas voter may receive a ballot by electronic mail, which the voter may print out, vote on, and return by mail.

The federal Military and Overseas Voter Empowerment (MOVE) Act, recently enacted by Congress mandates that all voters be able to designate how they want to receive their ballots, by mail or electronically.

**Summary of Bill:** Service and overseas voters may request to receive all future ballots by fax, email, or other available electronic means and return a voted ballot by fax or email if the voter's signature on the declaration accompanies the ballot. Service and overseas voters may also request to stop receiving ballots by postal mail and may contact the county auditor's office to confirm that the ballot was received.

The county auditor is to establish procedures to protect the secrecy of the voted ballot.

A service and overseas voter may register to vote, request a ballot, or transmit a ballot using forms or methods provided by the United States Department of Defense or the United States Election Assistance Commission.

**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: Although some of our deployed service members are in remote areas of the world with sporadic mail delivery, there is sophisticated access to the internet. Service members are fighting for our freedom. It's often said that our freedom is best expressed by voting, so creating ways to help our service members vote is the least that we owe them. Allowing a voted ballot to be returned by email or fax is not a novel concept as eight other states are already doing this. Despite the concerns over internet security, these states haven't had any problems, and we haven't had any problems with providing online candidate filing. There are security threats for every system of voting, including mail-in voting and voting at polling places, which was the conclusion of a study that also said internet voting is vulnerable.

CON: Top computer scientists agree there are security concerns with scanning and emailing back voted ballots. These ballots could be tampered with and we would never know. It is more common than any of us would think. We all share the same objectives – that all votes are franchised. Email voting is internet voting. Our military deserves to have their vote counted. Signature verification is not the issue, cyber security is. Voter security is a part of national security.

**Persons Testifying:** PRO: Representative Hurst, prime sponsor; Brigadier General Bret Dougherty, Washington Military Department; Sam Reed, Secretary of State; Mark San Souci, Department of Defense State Liaison Office.

CON: Kelly Reese, Holly Jacobson, Voter Action.