
State Government & Tribal Affairs
Committee

HB 1000

Brief Description: Concerning overseas and service voters.

Sponsors: Representatives Hurst, Stanford, Blake, Finn, Ladenburg, Goodman, Appleton, Pearson and Moeller.

Brief Summary of Bill

- Revises and clarifies statutory provisions governing the voting process for overseas and service voters.

Hearing Date: 1/12/11

Staff: Thamas Osborn (786-7129).

Background:

County auditors must mail ballots to all overseas and service voters at least 30 days before any primary, general election, or special election. Requests for ballots made by overseas or service voters after that day must be processed immediately by the auditor. Ballots must reach the county auditor before the 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.

The information on the envelopes for overseas and service voters must contain specified information and instructions, including:

- The date of the signature on the ballot envelope is considered the date of mailing and the envelope must be signed by election day;
- The signed declaration on the envelope is the equivalent of voter registration;
- An overseas or service voter may fax a voted ballot and accompanying envelope if the voter agrees to waive secrecy;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- A ballot sent by fax will be counted if the original documents are received before certification of the election;
- A voter may obtain a ballot via electronic mail, which the voter may return by mail; and
- Instructions regarding the use of the electronic ballot must include the web site address of the Office of the Secretary of State.

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

Summary of Bill:

Introduction.

The act revises and clarifies the statutory provisions governing the voting process applicable to overseas and service voters, including those pertaining to:

- the means used by county auditors in the sending or transmission of paper and electronic ballots;
- the means by which a voter may return a voted ballot;
- requests by voters to receive ballots by electronic means; and
- the voting instructions that must accompany a ballot sent by an auditor.

Receipt and Return of Ballots.

Voters are explicitly authorized to obtain a ballot via fax, email, or other electronic means. A voter may return a voted ballot via fax or email, provided the voter includes a signed declaration with the voted ballot. In addition to, or in place of, receiving a ballot by mail, a voter may request the auditor to send all future ballots by fax, email, or other available means.

Instructions to be Included with Ballots.

The voting instructions that must be provided to overseas and service voters are revised so as to require the following information:

- the signed declaration on the ballot envelope is the equivalent of voter registration if the voter is not already registered to vote;
- a voter may receive a ballot by fax, in addition to the electronic methods allowed under statute;
- instructions as to how a voter may return a ballot by fax or email; and
- a voter may request to receive all future ballots by fax, e-mail, or other electronic means.

Deletes the requirement that a voter receive notice from the auditor that a ballot sent by fax will be counted only if the original documents are received before certification of the election.

Other Voting Methods Authorized by Federal Agencies.

Overseas or service voters may use the forms and methods available through the United States Department of Defense and the United States Election Assistance Commission in order to register to vote, request a ballot, or transmit a ballot.

Appropriation: None.

Fiscal Note: Not requested.

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