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**State Government & Tribal Affairs**  
**Committee**

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**HB 1080**

**Brief Description:** Facilitating voting for service and overseas voters.

**Sponsors:** Representatives Hurst, Klippert, Eddy, Taylor, Green, Armstrong, Hunt, Dammeier, Appleton and Moeller; by request of Secretary of State.

**Brief Summary of Bill**

- Changes the date of the primary for general elections to be held in November to the first Tuesday of the preceding August.
- Authorizes overseas and service voters to return voted ballots by electronic means, provided the voter includes a signed declaration with the voted ballot.
- Requires a county auditor to send ballots to each service and overseas voter at least 30 days before each special election and at least 45 days before each primary and general election.
- Changes numerous election-related dates and deadlines in response to the change in the date of the primary and other requirements of the federal Military and Overseas Empowerment Act.

**Hearing Date:** 2/16/11

**Staff:** Thamas Osborn (786-7129).

**Background:**

General Election Primaries.

Primaries for general elections to be held in November, and precinct committee officer elections, must be held on the third Tuesday of the preceding August.

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*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.*

Civilian and Resident Mail-In Ballots.

State law requires that ballots must be mailed to voters at least 18 days before a primary, special, or general election. In order for a mail-in ballot to be counted, it must be postmarked no later than election day and must reach the county auditor before the election results are certified. For primary and special elections, the county canvassing board must certify election results by the 15th day after the election. For general elections, the election results must be certified within 21 days.

Overseas and Service Voter Ballots.

County auditors must send 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. Paper ballots returned by overseas and service voters 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.

Overseas and service voters are subject to additional special provisions and requirements, including:

- an overseas or service voter may fax a voted ballot and accompanying envelope if the voter agrees to waive secrecy;
- a ballot sent by fax will be counted only if the original paper ballot documents are received before certification of the election;
- 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; and
- a voter may obtain a ballot via electronic mail, which the voter may return by mail.

Definition of Overseas and Service Voters.

"Service voter" is defined as any voter of the state who is a member of the United States Armed Forces (USAF) either in active service or as a member of the military reserves, a student or faculty member of a United States 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.

Military and Overseas Empowerment Act.

The federal Military and Overseas Empowerment Act (MOVE Act) requires that ballots for overseas and service voters be sent 45 days before an election. The MOVE 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 United States Department of Defense or the United States Election Assistance Commission.

**Summary of Bill:**

Scheduling of the Primary and Other Election-Related Scheduling Changes.

The date of the primary is moved up by two weeks. Accordingly, primaries for general elections to be held in November, and precinct committee officer elections, must be held on the first Tuesday of the preceding August.

The county auditor must send ballots to each service and overseas voter at least 30 days before each special election and at least 45 days before each primary and general election.

The beginning of the filing period for primary candidates is moved up by three weeks.

The county canvassing board has one less day to certify the primary election and, to be counted, ballots must be received the day before canvassing ends. To be counted, general election ballots must be received the day before canvassing ends.

*Voting by Overseas and Service Voters.*

Overseas and service voters may receive a ballot via fax, email, or other electronic means. Ballots must be sent to each service and overseas voter at least 30 days before each special election and at least 45 days before each primary and general election. An overseas or service voter may return a voted ballot via fax or e-mail, provided the voter includes a signed declaration with the voted ballot. In order for an electronically transmitted ballot to count, it must be returned to the county auditor by fax or email by 8:00 p.m. on the day of the primary or election. Where an overseas or service voter returns a voted electronic ballot, the requirement that the original paper ballot be returned is eliminated.

*Changes to Election- Related Dates and Deadlines.*

Numerous election-related dates and deadlines are changed in response to the change in the date of the primary and other requirements of the federal MOVE Act.

**Appropriation:** None.

**Fiscal Note:** Available.

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