

# HOUSE BILL REPORT

## HB 1080

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

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

**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 History:**

**Committee Activity:**

State Government & Tribal Affairs: 2/16/11, 2/17/11 [DPS].

**Brief Summary of Substitute 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.

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**HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS**

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Hunt, Chair; Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta, Darneille, Dunshee, Hurst, McCoy and Miloscia.

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

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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.*

## **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.

### 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 fifteenth 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 (e-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.

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## **Summary of Substitute 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.

Only for the year 2012, the date of the April special election is moved one week earlier, to the third Tuesday, or April 17, 2012. For that special election only, the county canvassing board must complete the canvass and certify the election results 10 days after election day. This new provision will provide an extra week and a half between the date when the April election is finalized and the date of candidate filing. The extra time is needed to make necessary changes in voter registration systems to facilitate the accurate assignment of voters to their new jurisdictions and precincts following redistricting.

### Voting by Overseas and Service Voters.

Overseas and service voters may receive a ballot via fax, e-mail, 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 e-mail by 8 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.

**Substitute Bill Compared to Original Bill:**

The substitute bill adds one provision to the original bill that addresses technical issues arising from the upcoming redistricting process and its effect on the 2012 April special election schedule. Only for the year 2012, the date of the April special election is moved one week earlier, to the third Tuesday, or April 17, 2012. For that special election only, the county canvassing board must complete the canvass and certify the election results 10 days after election day. This new provision will provide an extra week and a half between the date when the April election is finalized and the date of candidate filing. The extra time is needed to make necessary changes in voter registration systems to facilitate the accurate assignment of voters to their new jurisdictions and precincts following redistricting.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2012, except for section 21, relating to deadlines for county canvassing boards to certify election results, which takes effect on July 1, 2013.

**Staff Summary of Public Testimony:**

(In support) This bill must be passed because federal law mandates that our primary date be moved up by two weeks so as to ensure that ballots are mailed to overseas and service voters at least 45 days before a general election. This federal requirement is set in stone and will be enforced by the federal government if the state does not act. The Department of Defense supports this bill because it will make it much more likely that our overseas troops will have a meaningful opportunity to vote. Under the current voting system, overseas service members, especially those in the field and in combat zones, often find it very difficult, if not impossible, to cast a ballot. The provisions of the bill allowing electronic voting and requiring that ballots be sent earlier to overseas and service voters will greatly help to remedy this problem. Overseas troops very much need special treatment when it comes to voting.

(In support with concerns) This is a good bill, but it does not go far enough to ensure that troops in the field have the ability to cast a secret ballot. Electronic voting in the field presents a big privacy problem, since it is not difficult to access information on computers in order to discover how a service person voted. Additional procedures are needed to ensure secrecy. The electronic voting provisions in the bill should be limited to those who truly cannot access or use paper ballots.

(Opposed) None.

**Persons Testifying:** (In support) Sam Reed, Secretary of State; Mark San Souci, Department of Defense State Liaison Office; Bob Rudolph, Veterans Legislative Coalition; Kim Wyman, Washington Association of County Auditors; Skip Moore, Chelan County Auditor; and Vern Spatz, Grays Harbor County Auditor.

(In support with concerns) Tim White, San Juan County Fair Elections.

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