

SENATE BILL REPORT

HB 1000

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, March 24, 2011

Title: An act relating to overseas and service voters.

Brief Description: Concerning overseas and service voters.

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

Brief History: Passed House: 2/04/11, 95-0.

Committee Activity: Government Operations, Tribal Relations & Elections: 3/24/11 [DPA].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass as amended.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Chase, Nelson and Roach.

Staff: Diane Smith (786-7410)

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; and
- instructions regarding the use of the electronic ballot must include the website address of the Office of the Secretary of State.

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.

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.

Summary of Bill (Recommended Amendments): Voters are authorized to obtain a ballot via fax, e-mail, or other electronic means. A voter may return a voted ballot via fax or e-mail, provided the voter includes a signed declaration with the voted ballot, and a waiver of secrecy.

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 e-mail, in addition to by fax;
- instructions as to how a voter may return a ballot by fax or e-mail; and
- a voter may request to receive all future ballots by fax, e-mail, or other electronic means.

The act 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.

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.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Amendments): The striking amendment restores the secrecy waiver and amends various sections of elections law so as to preserve the same rights and responsibilities for military and overseas voters as are found in the original bill.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill ensures that soldiers in the field can have their votes counted. As do 20 other states, this bill would allow Washington voters around the globe to have their votes count, regardless of the vagaries of the postal systems where they reside.

Persons Testifying: PRO: Representative Hurst, prime sponsor; Mark San Souci, Department of Defense; Ted Wicorek, Veterans' Legislative Coalition; Julie Anderson, Washington State Association of County Auditors; Katie Blinn, Secretary of State.