

# SENATE BILL REPORT

## ESSB 5124

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As Passed Senate, March 4, 2011

**Title:** An act relating to elections by mail.

**Brief Description:** Modifying elections by mail provisions.

**Sponsors:** Senate Committee on Government Operations, Tribal Relations & Elections (originally sponsored by Senators White, Pridemore, Fraser and Shin; by request of Secretary of State).

**Brief History:**

**Committee Activity:** Government Operations, Tribal Relations & Elections: 1/18/11, 1/31/11 [DPS, DNP].

Passed Senate: 3/04/11, 26-23.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5124 be substituted therefor, and the substitute bill do pass.

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

**Minority Report:** Do not pass.

Signed by Senator Roach.

**Staff:** Sharon Swanson (786-7447)

**Background:** As early as 1915, a voter was allowed to cast an absentee ballot if the voter was not able to be present to vote at the polls on election day. In 1933 voters with disabilities and voters over the age of 65 were authorized to vote via absentee ballot. In 1967 a county auditor could designate a mail ballot precinct if the precinct had less than 100 registered voters. By 1974 the Legislature expanded absentee voting to all voters who made a request, and by 1993 those voters could requested to vote absentee on an ongoing basis. In 2005 county auditors were allowed to conduct all elections entirely by mail ballot with the approval of the county legislative authority.

Presently, all counties, except Pierce County, conduct elections entirely by mail.

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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.*

**Summary of Engrossed Substitute Bill:** All counties must conduct all elections entirely by mail ballot. Any county auditor that maintained poll site voting must notify each registered poll voter that all future primary, general, and special elections will be conducted by mail.

County auditors are required to open a voting center in the county auditor's office that must be open during business hours during the voting period. The voting period begins 18 days before and ends at 8 p.m. on the day of an election. The voting center must provide voter registration materials, replacement ballots, provisional ballots, disability access voting devices, sample ballots, instructions on how to vote the ballot, a ballot drop box, and voters' pamphlets, if published.

The voting center must be accessible to persons with disabilities and must provide at least one voting unit that provides access to individuals who are blind or visually impaired.

Persons wishing to vote at a voting center must either sign a ballot declaration or provide identification. A voter who has already returned a ballot but requests to vote at a voting center must be issued a provisional ballot. The provisional ballot will not be counted if the canvassing board finds that the voter's regular ballot has been returned and the voter has already been credited with voting.

Determinations of precinct size are changed from not more than 900 active registered poll voters to a maximum of 1500 active registered voters.

Reference to polls, poll site voting, poll books, poll lists, precinct polling places, poll site ballot counting devices, absentee voting, precinct election officers, and inspectors and judges of elections are removed.

Statutes relating to precinct and polling place determination and accessibility, absentee voting, polling place elections and poll workers, disability access voting, voting by mail, canvassing, casting a vote at a polling site, duties of election officers in securing unused ballots at polling sites, and crimes and penalties are repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except for section 53, relating to processing absentee ballots, and section 58, relating to canvassing the ballots, which take effect July 1, 2013, after expiration of the instant run-off voting pilot project.

**Staff Summary of Public Testimony on Original Bill:** PRO: Voters in Washington have been voting absentee since 1915. The vast majority to ballots in Pierce County, over 90 percent, are mail in ballots. The past three county auditors for Pierce County have all come to testify in favor of moving the entire state towards vote by mail. Although Pierce County allows poll voting, the numbers of poll voters who actually turn out is only at 40 percent.

Voter turnout for vote by mail is close to 70 percent. Pierce County is at the bottom of counties in regard to voter turnout. Changing the system to a vote by mail system will improve voter turnout. In 2005 the Legislature changed the law to allow counties to choose to vote by mail. Thirty-eight of 39 counties have chosen to do so. Polling places are more expensive to run. The cost per polling place ballot is about \$8 while a mail ballot is about \$4. Additionally, because we have two systems we have two sets of rules. The media focuses on people mailing in their ballots on time. This causes confusion for Pierce County voters who think they should be receiving a ballot. We really should have uniformity in how we vote. We need one set of rules on the books. This is not a one county bill, this bill touches upon many counties and their election processes.

CON: Poll voting is the safest way for a voter to cast their ballot. You must go and show your identification and then you are handed a ballot. If you have a ballot mailed to your home you must rely on the postal service and hope that the post office has your correct address. The mail can be interrupted or be taken. The mail box may not be secure. The Pierce County Council can vote to make this change if they choose to. The state should not step in and tell a local government what to do. This issue is a matter of choice and the people of Pierce County should be able to choose this for themselves. There is no reason for the state to step in and do this. We should preserve this historic institution. Poll voting is another line of checks and balances. Samuel Adams said elections to office are and ought to be highly important. The people should have reason to expect that their officials will adhere to the letter and intent of the Constitution. If corruption ever invades our elections, corruption will invade our government. My concerns about passing this bill are related to the cost, timeliness, and accuracy. Please let us keep open our opportunity to vote at our polls. Let the people of Pierce County decide this issue.

**Persons Testifying:** PRO: Sam Reed, Secretary of State; Katie Blinn, Office of the Secretary of State; Julie Anderson, Pierce County Auditor; Milene Henley, San Juan County Auditor/Washington Association of County Auditors; James McMahan, Washington Association of County Auditors.

CON: Terry Busch; Tom Niewulis Jr.; Erika Cranmer, Citizen.