

SENATE BILL REPORT

SB 5125

As of February 9, 2011

Title: An act relating to absentee ballots.

Brief Description: Counting absentee ballots.

Sponsors: Senators Becker, Swecker and King; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/18/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: Currently, ballots must be postmarked on or before Election Day. If an auditor's office receives a ballot envelope after the date of the election and the envelope was not post marked on or before the date of the election, the votes on the ballot will not be counted.

County auditors may begin opening and processing absentee ballots as soon as the ballots are received.

Tabulation of ballots may not begin until after 8 p.m. on the day of the election.

Summary of Bill: Tabulation of absentee ballots may begin at 8 a.m. on the Monday immediately before the day of the primary or election. Results must be kept secret until after 8 p.m. on the day of the election.

Absentee ballots must be received by the county auditor by 8 p.m. on the day of the primary or election in order to be valid.

The county auditor may designate poll sites, deposit sites, or other locations for the receipt of absentee ballots.

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.

For overseas voters and service voters, the date on the return envelope to which the voter has attested, must not be later than the day of the primary or election in order for the ballot to be valid.

Following certification of each election, the county auditor is required to notify each voter whose absentee ballot was not counted because it was not returned within the required timeframe.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: By the time elections results are final the public has moved on, especially in close elections. It no longer works to have ballots come for days after the election. The law needs to be changed to require ballots to be received by Election Day. This change will allow election results to be announced in a timely fashion. People need to know who their elected officials are. Oregon recently made this change.

CON: Allowing early tabulations of ballots before the polls close is a very bad idea. The knowledge of which candidate is ahead or which initiative is behind could become known in time to impact the outcome of the election. Elections workers will be running the machines and will know the trends. That information is only safe if all of the people with the information keep it confidential. The requirement that ballots be in by election day is concerning. Voters will be required to rely on the mail delivery service to ensure they are not disenfranchised. What if a voter mails his or her ballot in plenty of time but it gets delayed by weather or backlog? How can a voter ensure their ballot arrives on time? A postmark is very different from a guaranteed arrival time. Currently, 90 percent of ballots are counted by the Thursday after the election. Later voters are thoughtful voters. This bill will create a system where the voters who read and listen and learn about the issues and wait to cast their ballot are the voters we are penalizing.

Persons Testifying: PRO: Sam Reed, Secretary of State; Katie Blinn, Office of the Secretary of State.

CON: Terry Busch; Steve Breaux, Washington Public Interest Research Group; Kim Wyman, Milene Henley, Washington Association of County Auditors; James Carender, voter.