SENATE BILL REPORT
SB 5171

As of February 9, 2011

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

Brief Description: Facilitating voting for service and overseas voters.

Sponsors: Senators Hobbs, Roach, Swecker, Pridemore, Shin, King, Kilmer, Hill, Keiser and McAuliffe; by request of Secretary of State.

Brief History:
    Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/11.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Diane Smith (786-7410)

Background: A service voter is defined as any voter of the state who is a member of the U.S. Armed Forces (USAF) in active service, a student or faculty member of a U.S. military academy, a member of the Merchant Marines, a member of a religious group or welfare agency officially serving with the USAF, or a participant in the address confidentiality program. Overseas voter is defined as any voter of the state outside the territorial limits of the United States.

For regular mail-in elections and for absentee ballots, state law requires that ballots must be mailed at least 18 days before a primary, special, or general election. This time period is 30 days for overseas and military voters.

In order for a ballot to be counted, it must be postmarked no later than election day and must reach the county auditor by the last day provided for certification of the election results. For primary and special elections, the county canvassing board must certify the results by the 15th day after election day. For general elections, the time period is 21 days.

An overseas or service voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. These voters may also obtain a ballot via electronic mail (e-mail) which may be printed, voted, and returned by postal mail. A faxed or electronically sent ballot may only be counted if it is mailed and received before certification of the election.

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.

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

Summary of Bill: No distinction is made between mail ballots, absentee ballots and ballots with all being referred to as, ballots.

Counting back from the date of the general election, the primary date is two weeks earlier; candidate filing for the primary begins three weeks earlier; overseas and military ballots are mailed two weeks earlier for the general election and four weeks earlier for the primary.

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, or two days early. To be counted, ballots for the general election must be received the day before canvassing ends, or one day early. Other changes in deadlines and dates in the election cycle are changed.

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: The members of the military defend our freedoms. Their votes should count. Electronic mail is their only means to communicate. This bill changes the date of the primary so that ballots can be mailed out two weeks earlier for both the primary and the general elections. This is necessary due to federal elections law that requires transit time for ballots to be at least 45 days before election day. There are 6,600 precincts in this state and each ballot may require a unique collection of precincts. Improving the absentee process is one of the Department of Defense's top ten priorities. This bill will increase the number of ballots that will be counted. Overseas voters' ballots will also be counted in greater numbers.

Persons Testifying: PRO: Senator Hobbs, prime sponsor; Katie Blinn, Secretary of State; Mark San Souci, Department of Defense; Mike Partridge, Veterans' Legislative Coalition; Jerry Pettit, Kittitas County Auditor; Vern Spatz, Grays Harbor County Auditor.