

SENATE BILL REPORT

SB 6417

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 2, 2012

Title: An act relating to activities prohibited at a voting center or ballot drop location.

Brief Description: Concerning activities prohibited at a voting center or ballot drop location.

Sponsors: Senator Nelson.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/31/12, 2/02/12 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: Do pass.

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

Staff: Karen Epps (786-7424)

Background: 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.

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.

During the voting period, no person may, within a voting center:

- suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure;
- circulate cards or handbills of any kind;
- solicit signatures to any kind of petition; or
- engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the voting center.

Additionally, a person may not obstruct the doors or entries to a building in which a voting center or ballot drop location is located or prevent free access to and from any voting center or ballot drop location. A violation of these provisions is a gross misdemeanor and the person convicted may be ordered to pay the costs of prosecution.

Summary of Bill: During the voting period, no person may, within 50 feet of a voting center or a ballot drop location:

- suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure;
- circulate cards or handbills of any kind;
- solicit signatures to any kind of petition; or
- engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the voting center or the ballot drop location.

A sheriff or law enforcement officer must prevent these actions and may arrest a person engaging in these actions.

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: PRO: This bill establishes a 50-foot perimeter from the voting center or the ballot drop location for the activities that are already outlined in law as prohibited. This bill extends what is currently prohibited inside a voting center to a ballot drop location. Ballot drop locations are becoming increasingly popular with voters. There are reports from county auditors of people campaigning at the ballot drop locations. This bill provides a remedy for that. King County had signature gatherers at every ballot drop location in the county. They obstructed the voters, and it was dangerous. King County received numerous emails and telephone calls from voters complaining about being harassed when they wanted to be able to just cast their vote. Asking for 50 feet of room for voters to pass through unobstructed would be a fair request. This bill takes into consideration past practices when poll locations had a prohibition similar to this with a perimeter limitation.

CON: This bill attempts to create zones of free speech despite what is a valid consideration in protecting someone's right to vote. ACLU believes that the bill does have constitutional

problems. Polling places are a little bit different from voting centers in that polling places have a single purpose and voting centers have a number of different purposes. There is also a time element in this restriction that stretches out 18 days as opposed to polling places, which are only open for one day. It would be better to enforce existing law.

Persons Testifying: PRO: Senator Nelson, prime sponsor; Katie Blinn, Secretary of State's office; Evelyn Arnold, King County Elections, WA Assn. of County Officials, WA Assn. of County Auditors.

CON: Shankar Narayan, ACLU - WA.