

HOUSE BILL REPORT

ESHB 1290

As Reported by House Committee On:
Government Operations & Elections

Title: An act relating to placement of ballot drop boxes.

Brief Description: Concerning ballot drop boxes.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Orwall, S. Hunt, Bergquist, Fitzgibbon, Maxwell, Lytton, McCoy, Ryu, Riccelli, Hudgins, Pollet, Zeiger, Farrell and Ormsby).

Brief History:

Committee Activity:

Government Operations & Elections: 1/29/13, 2/12/13 [DPS], 1/22/14 [DP].

Brief Summary of Bill

- Requires county auditors to place at least one ballot drop box at each public college, university, community college, and technical college, and at certain branch campuses.
- Authorizes county auditors to install additional ballot drop boxes if the college's administration or a student body association agrees to jointly fund the installation.
- Requires each county auditor to establish a ballot drop box advisory committee with student representatives and representatives from the college administration.
- Requires reporting to the Secretary of State and the Legislature of ballot drop box placement and methods used to inform voters.
- Requires consideration of Indian reservations in the placement of ballot drop boxes.
- Establishes a civil penalty of \$5,000 for tampering with or destroying a ballot drop box, in addition to any other penalties authorized by law.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

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.

Majority Report: Do pass. Signed by 6 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Carlyle, Orwall, Robinson and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Taylor, Ranking Minority Member; Young, Assistant Ranking Minority Member; Christian, Kretz and Manweller.

Staff: Marsha Reilly (786-7135).

Background:

All counties conduct elections entirely by mail, in that each registered voter is automatically issued a mail ballot. A voter may vote by returning the ballot by mail, so long as the ballot is postmarked no later than the day of the election or primary. A voter must affix postage to a ballot that is being returned by mail.

Although voters may submit their ballots by mail, county auditors also open at least one voting center each primary, special election, and general election. County auditors may also place ballot drop boxes in other locations.

All ballot drop boxes must be secured at 8 p.m. on the day of the election. Ballots that have been submitted to drop boxes are then returned to the counting center in secured transport containers.

Summary of Bill:

The Engrossed Substitute House Bill 1290 requires the county auditor or local election official to place at least one ballot drop box at each public college, university, community college, and technical college, as well as the branch campuses of Washington State University and the University of Washington. This requirement is waived if a ballot drop box is located within the county within one mile of the campus. The college administration or student association may assist with funding these ballot drop boxes. The county auditor or local election official is authorized to install additional ballot drop boxes on any campus, if the college administration or an associated student body association commits to jointly funding the installation.

Each county auditor or election official shall establish and maintain an advisory committee that includes a representative from the Washington Student Association (WSA), the college administration, and student government, to assist election officials by identifying locations for ballot drop box placement and by developing an outreach plan. The Western Governors University, an online university, is exempt from the requirements related to the placement of ballot drop boxes on college campuses or the creation of an advisory committee containing student representatives.

County auditors must provide a report to the Secretary of State within 90 days of the effective date of the act including the number, type, and location of the county's ballot drop

boxes and a description of the methods used to inform voters. The Secretary of State shall compile the information and develop and implement a plan to provide voter access to drop boxes in every county.

When identifying ballot drop box locations or developing proposals for the placement of ballot drop boxes, county auditors, local election officials, and the Secretary of State must consider Indian reservations.

A civil penalty of up to \$5,000 is established for tampering with or destroying a ballot drop box, in addition to any other penalties authorized by law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The students' testimony from last year when the bill was heard was compelling. Students appreciated having the boxes on campus. Those students were also able to rally and do activities to motivate other students to register to vote. There are a lot of young students who would benefit by having more access to drop boxes on campuses.

(Opposed) The bill focuses on drop boxes on college campuses. The auditors completed a survey last year and submitted it to the members of this committee earlier this week. There are a total of 337 ballot deposit sites throughout the state, including dedicated and permanent ballot drop boxes, voting centers, and temporary mobile deposit sites that offer voters the opportunity to return their ballots. County auditors are committed to the security and accessibility of drop boxes. Whatcom County has had ballot drop boxes at Western Washington University since they were first deployed. Recently, a permanent box was established on campus, paid for by students and another one will be installed later this year. The penalty section of the bill is important as some boxes have been tampered with. Auditors would like to be allowed local control to select the best locations for drop boxes based on all demographics. It would be better to have the Secretary of State develop a plan jointly with the auditors. The survey has already been completed. Other cost factors, in addition to the boxes, include the number of boxes and how many people are available to pick up ballots. The Washington Association of County Auditors are not opposed to the bill, but would like to look at a much broader perspective on how we deploy drop boxes. The strong approach to tampering is appreciated. Kittitas County has worked with Central Washington University (CWU) students and administration and the drop box was only one part of that partnership.

(Commented) The Washington Student Association (WSA) has not taken a position. The WSA is committed to the goal that students be registered and active in the voting process.

Placing drop boxes on campuses will encourage participation through accessibility. The CWU has been able to place a permanent drop box on campus and has established an election assistance center.

Persons Testifying: (In support) Representative Orwall, prime sponsor.

(Opposed) Debbie Adelstein and Jerry Pettit, Washington Association of County Auditors.

(Commented) Garrett Havens, Washington Student Association.

Persons Signed In To Testify But Not Testifying: None.