

HOUSE BILL REPORT

HB 1143

As Reported by House Committee On: State Government

Title: An act relating to allowing voters to return a voted ballot and signed declaration by fax or email.

Brief Description: Allowing voters to return a voted ballot and signed declaration by fax or email.

Sponsors: Representatives S. Hunt, Reykdal, Bergquist, Appleton, Dunshee, Orwall, Tarleton, Robinson, Gregerson, Ormsby, Riccelli, Ryu, Springer, Jinkins, Walkinshaw and Pollet.

Brief History:

Committee Activity:

State Government: 1/27/15, 2/5/15 [DP].

Brief Summary of Bill

- Allows voters to return a voted ballot and signed declaration by fax or electronic mail.
- Removes the requirement that the original ballot and the signed declaration be returned to the county auditor before the date of certification in order for the ballot to be counted.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 4 members: Representatives S. Hunt, Chair; Bergquist, Vice Chair; Appleton and Gregory.

Minority Report: Do not pass. Signed by 3 members: Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Hawkins.

Staff: Marsha Reilly (786-7135).

Background:

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.

Overseas and service voters may return a voted ballot and the signed declaration by fax or electronic mail (e-mail). As long as the ballot is returned by 8 p.m. on the day of the primary or election, the ballot will be counted. Other voters also may return a voted ballot and the signed declaration by fax or e-mail. However, the ballot would not be counted unless the hard copy of the ballot and declaration is received by the county auditor before the date of certification.

Summary of Bill:

Any voter may return the signed declaration and voted ballot by fax or e-mail. The requirement that the original ballot and declaration be returned before the date of certification in order to be counted is removed.

Appropriation: None.

Fiscal Note: Not requested.

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) This bill will result in increased efficiencies and will benefit disabled veterans. This policy change is a priority of the county auditors association. King County indicated that in 2014 they received 1,897 faxed votes, and 117 were rejected because the hard copy was not returned. The scanned or faxed copies have the signature and can be used to check against the voter registration records. This is an efficiency measure.

Since the Help America Vote Act, much work has been done to improve accessibility of elections for persons with disabilities. This bill is a good way to further that effort. Voters with disabilities would not have to go to a polling place, which can be difficult because of travel issues and assistance needed to mark the ballot. Many people with disabilities have computer equipment that enables them to mark their ballot and return it by fax or e-mail.

Systems have been implemented across the country to provide the security needed to maintain secrecy of the ballot. Voters who are partially able to mark their ballots have had to make do. Several states have online ballot marking systems available and these systems have helped voters who would otherwise not been able to vote. Various conditions render many voters unable to participate because they are in a hospital or a rehabilitation facility. They would be able to continue to participate in the process in secrecy and with dignity. Accessible and online delivery system are available. This bill will help the thousands of voters who are not able to mark a paper ballot.

(Neutral with concerns) Providing citizens with confidence in the elections process is a balancing act. The state has spent a lot of time making changes to election law. In 2004 everything changed because of the close governor's race. Technology was created in 2003 to help disabled voters to mark and return a ballot. Counties used that technology to issue replacement ballots because it is fast and efficient. In 2010 Congress passed legislation which expanded the ability for overseas and service voters to download and return a ballot electronically. This past election, 14,000 ballots were returned electronically and only 17 were rejected because the original ballot was not returned. Use of this technology is relatively new and more time is needed to make sure it is defensive in light of a close election.

(Opposed) None.

Persons Testifying: (In support) Mark San Souci, Department of Defense; Monty Cobb, Washington Association of County Officials; David Lord, Disability Rights Washington; and Donald DeFord, Everyone Counts.

(Neutral with concerns) Kim Wyman, Secretary of State.

Persons Signed In To Testify But Not Testifying: None.