

HOUSE BILL REPORT

SHB 1545

As Passed House:
March 11, 2019

Title: An act relating to curing ballots to assure that votes are counted.

Brief Description: Concerning curing ballots to assure that votes are counted.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Mead, Hudgins, Morgan, Ramos, Gregerson, Wylie, Appleton, Bergquist, Doglio, Jenkins and Pollet).

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/1/19, 2/8/19 [DPS].

Floor Activity:

Passed House: 3/11/19, 91-7.

Brief Summary of Substitute Bill

- Requires that records of returned ballots that have declarations with missing or mismatched signatures be continually updated as ballots are canvassed or voters are contacted to cure deficiencies.
- Provides that those records must be sent to the Secretary of State (Secretary) within 48 hours of an update and must be made public by the Secretary within 24 hours of receipt.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

Staff: Jason Zolle (786-7124).

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.

Washington permits voting by mail. County auditors must send each voter a ballot with instructions about how to mark and return the ballot to the auditor.

Ballots delivered to voters must include a space for the voter to sign a declaration under penalty of perjury recognizing that:

- the voter meets the qualifications to vote;
- the voter has not voted in any other jurisdiction for that election;
- the voter is aware it is illegal to vote if not a United States citizen;
- the voter is aware it is illegal to vote if convicted of a felony without having one's voting rights restored; and
- the voter is aware it is illegal to cast a ballot or sign a ballot declaration on behalf of another person.

The county auditor or county canvassing board processes returned ballots. If the auditor has more than 500 ballots left to canvass, the ballots must be canvassed daily—or in a county with fewer than 75,000 people, at least every third day. Saturdays, Sundays, and legal holidays do not count, however.

When the county processes returned ballots, it is required to verify that the voter's signature on the ballot declaration matches the signature of that voter in the county's registration files. Canvassing personnel receive training on statewide standards for signature verification.

If the ballot declaration is unsigned or the signature does not match the voter's registration, the county auditor must notify the voter by mail of the correct procedures to cure the defect. If the auditor does not receive the ballot until there are fewer than three days remaining before the county canvassing board's final meeting, the auditor must notify the voter by telephone. The auditor also must telephone the voter if the voter has not responded to the mailed notice by three days before the board's final meeting.

A record must be kept of all returned ballots that have declarations with missing or mismatched signatures. The record must list the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information (if the voter does so). This record of noncompliant ballots and voter contact is a public record under the Public Records Act (PRA) and may be disclosed to interested parties upon written request.

Summary of Substitute Bill:

The record of returned ballots that have declarations with missing or mismatched signatures must be updated each day that the county canvasses ballots, each time a voter is contacted or a notice is mailed, and each time a voter submits updated information. The auditor must send this record of noncompliant ballots and voter contact to the Secretary of State (Secretary) within 48 hours after it is created or updated. The Secretary must make all records publicly available within 24 hours of receipt.

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) By making it easier for the public to see the lists of deficient ballots, this bill makes it easier for people to help others cure their deficient ballots. This will cut costs for the media and the parties as they spend time informing voters whose ballots need attention.

(Opposed) None.

Persons Testifying: Representative Hudgins.

Persons Signed In To Testify But Not Testifying: None.