

HOUSE BILL REPORT

SSB 5063

As Reported by House Committee On:
State Government & Tribal Relations
Appropriations

Title: An act relating to prepaid postage for all election ballots.

Brief Description: Providing prepaid postage for all election ballots.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Nguyen, Hasegawa, Billig, Carlyle, Cleveland, Conway, Darneille, Frockt, Palumbo, Hunt, Wilson, C., Pedersen, Keiser, Kuderer, Saldaña, Mullet and Takko; by request of Governor Inslee).

Brief History:

Committee Activity:

State Government & Tribal Relations: 3/15/19, 3/22/19 [DPA];

Appropriations: 4/6/19, 4/8/19 [DPA(APP w/o SGOV)].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Requires that return envelopes provided to voters for all election ballots include prepaid postage.
- Requires the state to reimburse the county for the cost of providing return postage on return envelopes for all elections.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass as amended. 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: Desiree Omli (786-7105).

Background:

All counties conduct elections by mail. The county auditor must send each voter a ballot, a security envelop in which to conceal the ballot after voting, a large envelope in which to

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return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor.

A voter may return a ballot by various methods, one of which includes by mail at his or her own expense. For a ballot to be counted, it must be received no later than 8:00 p.m. on the day of the primary or election, or postmarked no later than the day of the primary or election.

The state must pay a prorated share of the cost of any primary or general election in odd-numbered years when state officers or measures are on the ballot. The state must also pay a prorated share of costs associated with elections held to fill a vacancy in the United States Senate or House of Representatives. In addition, the state is required to pay the costs of mandatory recounts for statewide measures.

For the 2018 primary and general election, the Governor allocated emergency funding to the Office of the Secretary of State to pay for grants to counties to cover the expense of prepaid postage.

Summary of Amended Bill:

The return envelope for all election ballots provided to voters must include prepaid postage, subject to the availability of amounts appropriated for this purpose. "Prepaid postage" means any method of return postage paid by the county or the state. The state must reimburse counties for the cost of return postage on mail and absentee ballots for all elections, which is also subject to the availability of amounts appropriated for this purpose.

Amended Bill Compared to Substitute Bill:

"Prepaid postage" is defined as any method of return postage paid by the county or the state. Amendatory language in the bill is modified to reflect that the state is required to reimburse counties for the cost of return postage that is required to be included on the return envelopes, rather than postage on mail and absentee ballots.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect on July 1, 2019.

Staff Summary of Public Testimony:

(In support) The committee should remove the language making the provisions of the bill subject to the availability of amounts appropriated for this purpose. If the program is

appropriated 80 percent of the cost, it is difficult to only implement the program for 80 percent of the voters. The effect of this clause would cause confusion and uncertainty during implementation of this program. The committee should also define "prepaid postage" as any method of return postage paid by the county or the state. This definition will allow flexibility for a county to use business reply mail. Since King County chose to move to prepaid postage last year, there is a need to provide consistency across the state. The cost is roughly \$7 million per year, and it is crucial to help counties with this cost, especially the small counties.

This is an investment in our democracy and our civic engagement, particularly among the youth. Broad public access to elections is essential and it is the role of the government to coordinate and fund the election process. Citizens should not be required to pay in order to vote. This state is a vote-by-mail state, but there is not a voting place in every precinct or a ballot drop box in every neighborhood. Paying for postage allows for voters of all income levels to participate in the election. Paying for postage would also free county resources to allow counties to implement same-day voting in a robust manner.

(Opposed) None.

(Other) Counties have concerns about the appropriations language added in the Senate. In addition, requiring the state to pay for postage would not free up county resources. Rather, requiring the state to pay for its share of elections in all years would free up county resources.

Persons Testifying: (In support) Senator Nguyen, prime sponsor; RaShelle Davis, Office of the Governor; Jay Jennings, Office of the Secretary of State; Rebecca Faust; Mike Hoover, Washington State Association of Counties; and Alex Hur, Washington Voting Justice Coalition.

(Other) Mike Shaw, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on State Government & Tribal Relations. Signed by 31 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Minority Report: Do not pass. Signed by 1 member: Representative Kraft.

Staff: Linda Merelle (786-7092).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government & Tribal Relations:

The condition of "subject to the availability of appropriated funds" is removed from the requirement that the state must reimburse counties for the cost of return postage and that all return envelopes for election ballots must contain prepaid postage.

A null and void clause is added, making the bill null and void if specific funding for the act is not provided by June 30, 2019.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect on July 1, 2019. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) The government, not the individual voter, must bear the cost of elections. Not all precincts have ballot boxes, and being able to mail a ballot is important. Making prepaid postage subject to the availability of appropriated funds creates a lack of stability and predictability, which can be confusing to voters. Prepaid postage needs to be provided consistently. The important principle behind this bill is that voters do not have to pay for the right to vote.

(Opposed) None.

Persons Testifying: Rebecca Faust; and Mike Hoover, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.