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**State Government & Tribal Relations  
Committee**

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**ESB 5779**

**Brief Description:** Concerning ballot drop box placement requirements.

**Sponsors:** Senators Kuderer, Hunt, Takko, Dhingra and Nguyen.

**Brief Summary of Engrossed Bill**

- Changes the minimum requirements for ballot drop boxes from one per 15,000 registered voters to one per 20,000, and eliminates the requirement that each city, town, and census-designated place in the county with a post office must have one drop box.
- Eliminates the requirement that a drop box established on an Indian reservation must be accessible to the county auditor by a public road.
- Eliminates a federally recognized tribe's ability to designate a ballot pickup and collection location from which the county auditor must collect ballots.

**Hearing Date:** 3/27/19

**Staff:** Jason Zolle (786-7124).

**Background:**

Washington allows voting by mail, and the county auditor must send each voter a ballot. The auditor must also send voters a return envelope in which they may send their ballot back to the county after voting.

The county auditor is also required to establish drop boxes into which voters can deposit their ballots rather than return them by mail. Ballot drop boxes must be established at each voting center opened by the auditor, in addition to at least one location established by the auditor at which people can register to vote in person (e.g., the county auditor's office). Additional drop boxes may also be required—at minimum, there must be one ballot drop box per 15,000

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registered voters, and one drop box in each city, town, and census-designated place in the county with a post office.

Auditors must prevent overflow of a ballot drop box. At least two people must be involved when removing ballots from a drop box. Ballots are taken from a drop box to a counting center in secured transport containers. All ballot drop boxes must be secured at 8:00 p.m. on the day of the election.

Engrossed Substitute Senate Bill 5079, also known as the Native American Voting Rights Act (NAVRA), was signed by the Governor on March 14 of this year. The NAVRA permits a federally recognized tribe to request that a ballot drop box be placed on an Indian reservation on a site selected by the tribe that is accessible to the county auditor by a public road. The auditor must comply with such a request. The NAVRA also permits a federally recognized tribe to designate a ballot pickup and collection location at a building that is accessible to the county auditor by a public road. The auditor must collect ballots from that location in the same manner as from a ballot drop box.

**Summary of Bill:**

Because the NAVRA was enacted prior to June 30, 2019, only Section 2 of this bill takes effect.

The minimum requirements for ballot drop boxes is changed from one per 15,000 registered voters to one per 20,000. The requirement that each city, town, and census-designated place in the county with a post office must have one drop box is eliminated.

A drop box established on an Indian reservation no longer needs to be accessible to the county auditor by a public road.

A federally recognized tribe is no longer permitted to designate a ballot pickup and collection location from which the county auditor must collect ballots.

**Appropriation:** None.

**Fiscal Note:** Available.

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