

# HOUSE BILL REPORT

## ESHB 1357

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### As Amended by the Senate

**Title:** An act relating to voters' pamphlets for overseas and service voters.

**Brief Description:** Concerning voters' pamphlets for overseas and service voters.

**Sponsors:** House Committee on State Government & Tribal Relations (originally sponsored by Representatives Mosbrucker, Gregerson, Chase and Berry).

### Brief History:

#### Committee Activity:

State Government & Tribal Relations: 2/3/21, 2/11/21 [DPS];

Appropriations: 2/17/21, 2/18/21 [DPS(SGOV)].

#### Floor Activity:

Passed House: 3/3/21, 97-0.

Passed House: 1/12/22, 95-0.

Senate Amended.

Passed Senate: 3/2/22, 48-0.

### Brief Summary of Engrossed Substitute Bill

- Requires the county auditor to mail statewide and local voters' pamphlets to service and overseas voters who request them.
- Changes the deadline for the Office of Financial Management to submit fiscal impact statements for state ballot measures from August 10 to July 15.
- Contains a null and void clause.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz,

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan, Graham and Gregerson.

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

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on State Government & Tribal Relations be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

**Staff:** Linda Merelle (786-7092).

### **Background:**

#### Overseas and Service Voters.

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) permits many United States (U.S.) service members and U.S. citizens residing outside the country to vote absentee for federal offices. Washington permits such absentee voting for state offices as well.

Ballots must be mailed to overseas and service voters at least 45 days before each primary or general election. Overseas and service voters must be given a return envelope that enables them to vote postage-free if returned through the U.S. Postal Service, the U.S. Armed Forces Postal Service, or the postal service of a U.S. Foreign Embassy. Overseas and service voters are also permitted to return their ballots by fax or email. County auditors must provide instructions to these voters on how they may do so.

#### Statewide Voters' Pamphlet.

##### *Production.*

The Washington Constitution requires the Secretary of State (Secretary) to send a publication containing ballot measures referred to the people, along with arguments for and against, to each individual place of residence in the state. By statute, the Secretary also must send a voters' pamphlet if a statewide candidate appears on the ballot.

##### *Contents.*

The statewide voters' pamphlet must contain:

- specific information about each measure initiated by or referred to the people, including explanatory statements prepared by the Attorney General, arguments for

- and against, and a fiscal impact statement prepared by the Office of Financial Management (OFM);
- statements from candidates for federal and state offices that appear on the ballot that year; and
  - specific information about advisory votes on legislation that increases taxes.

Candidates may include a photograph and information to contact their campaign and, for partisan offices, a statement of political party preference or independent status.

The statewide voters' pamphlet must also provide contact information for the Public Disclosure Commission, which regulates campaign finance, and major political parties.

*Distribution.*

The Secretary must distribute the statewide voters' pamphlet to each household in the state, as well as to public libraries and other locations the Secretary deems appropriate. The Secretary must produce a taped or Braille transcript of the pamphlet to send to anyone who requests it. The Secretary may distribute the voters' pamphlet in electronic form to computer networks, print and broadcast news, and similar services.

Local Voters' Pamphlets.

*Production.*

Each county auditor must produce a local voters' pamphlet for the entire county. However, some counties have instead signed interlocal agreements with the Secretary to have local information about elections included with the statewide voters' pamphlet sent out by the Secretary. In those situations, the county produces the local content for the Secretary to include. Voters in those jurisdictions receive one pamphlet that includes all statewide and local elections.

*Contents.*

The local voters' pamphlet must include information about ballot measures within the jurisdiction and may include information about candidates in the jurisdiction. The format of the pamphlet must mirror the statewide pamphlet whenever applicable. Ballot measures must also include explanatory statements prepared by the prosecuting attorney for the county or by the jurisdiction's attorney, as well as statements for and against. If the pamphlet includes races for office, candidates must be permitted to submit a statement and may be permitted to submit a photograph.

*Distribution.*

The local voters' pamphlet must be sent to every residence in each jurisdiction that has included information in the pamphlet. If it will be more economical and efficient, a pamphlet can be instead sent to every registered voter in the jurisdiction. Local voters' pamphlets must be sent "as soon as practicable" before an election.

**Summary of Engrossed Substitute Bill:**

Overseas and service voters may request that the county auditor mail them a statewide and local voters' pamphlet. County auditors must mail pamphlets at the same time as ballots or as soon as practicable thereafter.

The deadline for the OFM to submit fiscal impact statements for state ballot measures, which are included in the statewide voters' pamphlet, is moved from August 10 to July 15.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendments permit county auditors to send printable electronic versions of the voters' pamphlets to service and overseas voters who have requested them, rather than send them paper versions by mail. The amendments also remove language that changed the due date for OFM to prepare ballot measure fiscal impact statements from August 10 to July 15.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony (State Government & Tribal Relations):**

(In support) This bill makes sure that soldiers overseas have not just a ballot but a voters' pamphlet to help explain who the candidates are. Some service members do not have electronic access or have limited time to use the Internet to visit with their families, and they would like a paper copy of the pamphlet to read through when it is convenient for them to do so. Service and overseas members should receive the same access to information as domestic voters. The challenges with the bill as drafted are timing and cost. A substitute bill that will be proposed is part of an agreement to increase efficiency and defray cost. It will ensure that service and overseas voters have the ability to receive a printed pamphlet if they request one from the county auditor. It also maintains the longstanding practice that pamphlets are mailed to the voter from the county in which they are registered.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) It is difficult to receive and process information when serving overseas. It is important for military personnel to get copies of the voters' pamphlet in addition to the ballots. The requirement that county auditors provide state and local voters' pamphlets at the request of overseas and military voters greatly reduces the cost to the state.

(Opposed) None.

**Persons Testifying (State Government & Tribal Relations):** Representative Mosbrucker, prime sponsor; and Jay Jennings, Office of the Secretary of State.

**Persons Testifying (Appropriations):** Representative Mosbrucker, prime sponsor; Jay Jennings, Office of the Secretary of State; and Shane Inman, Veterans Legislative Coalition.

**Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.