

HOUSE BILL REPORT

ESHB 1716

As Passed House:

January 28, 2022

Title: An act relating to locations at which ballots may be cast.

Brief Description: Concerning locations at which ballots may be cast.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Valdez, Dolan and Pollet).

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/13/22, 1/17/22 [DPS].

Floor Activity:

Passed House: 1/28/22, 92-3.

Brief Summary of Engrossed Substitute Bill

- Requires that county auditors open a voting center during a special election only when the county is conducting a special election.
- Requires the county auditor to open a voting center, rather than only conduct in-person voter registration, at certain locations, and narrows those locations to include the county auditor's office or the division of elections if located in a separate location from the auditor's office, rather than at both the county auditor's office and the division of elections if located in a separate city than the auditor's office.
- Restricts certain political activity near voting centers, student engagement hubs, and ballot drop boxes during the specified voting period.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Dolan and Gregerson.

Minority Report: Do not pass. Signed by 2 members: Representatives Walsh, Assistant Ranking Minority Member; Graham.

Staff: Jessica Cable (786-7290) and Desiree Omli (786-7105).

Background:

Voter Registration.

A person registering to vote, or changing a residence address for voting, must submit a registration application electronically, by mail, or in person. A person wishing to register or submit a change of address in person must do so at a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, a student engagement hub, or other locations designated by the county auditor no later than 8 p.m. on the day of the primary, special election, or general election.

The county auditor must register voters in person at each of the following locations:

- the county auditor's office;
- the division of elections, if located in a separate city from the county auditor's office; and
- for each presidential general election, at a voting center in each city with a population of 1,000 or greater and which does not already have a voting center.

Voting Centers.

County auditors must open a voting center for each primary, special election, and general election. Each voting center must provide, among other things, ballot materials and for in-person voter registration.

Beginning 18 days before an election and through the end of the election, a person may not, within a voting center, influence or interfere with a voter attempting to vote in a voting center by:

- suggesting or persuading a voter to vote a certain way;
- circulating political materials or soliciting signatures;
- engaging in any practice that disrupts the administration of the voting center; or
- obstructing doors or entries to a voting center or ballot drop location.

Summary of Engrossed Substitute Bill:

Voter Registration.

The list of places that a person may register to vote or change their address in person is modified to include the division of elections if it is in a different location from, rather than

different city than, the county auditor's office. For special elections, a person wishing to register to vote in person or submit a change of address in person must do so by the deadline on the day of the special election in which the county is conducting an election.

The county auditor must open a voting center, rather than only conduct in-person voter registration, at certain locations. The list of locations is narrowed and includes, among other places, the county auditor's office or the division of elections if located in a separate location from the auditor's office, rather than at both the county auditor's office and the division of elections if located in a separate city than the auditor's office.

Voting Centers.

County auditors must open a voting center for each primary, special election if the county is conducting one, and general election.

The locations where a person may not influence or interfere with a voter by means prohibited by law is expanded to include:

- a student engagement hub and any public street or room within a 100-foot radius of a voting center; and
- any public street or room within a 25-foot radius of a ballot drop box.

A person may not influence or interfere with voters by means prohibited under law by using electronic amplification if the person can be understood within:

- 100 feet of the voting center or student engagement hub; or
- 25 feet of a ballot drop box.

The prohibitions on certain political activities at or near a voting center, student engagement hub, or ballot drop box do not restrict authorized political party observers from observing the election process.

The county auditor must designate a specific point or points as the entrance to each voting center to ensure voters are unimpeded in arriving and departing the voting center. The auditor must also post a sign at the designated entrance to provide notice of the prohibition against influencing or interfering with voters near voting centers, student engagement hubs, and ballot drop boxes.

Appropriation: None.

Fiscal Note: Available.

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) County auditors do not have enough staff or resources to open a large number of voting centers and without regard for whether the county is having a special election. It is not feasible for every county to open voting centers when another county holds an election and auditors should be given the respect and flexibility to set elections. This bill saves time and resources of underfunded election departments and will allow them to meet the demands of increasing registration and improve community relations.

Electioneering inside and outside of voting centers is harmful to elections, but the law does not address electioneering in the immediate space around voting centers and ballot drop boxes. Other states restrict electioneering within 30-300 feet, but Washington is one of the only states without a buffer. Adding a buffer zone ensures voters can cast ballots without inference.

(Opposed) The term "location" is too broad because auditors may interpret the term however they like. Stronger definitions and parameters on what "locations" mean would be better for the bill. Election observers should also be protected and allowed to adequately observe elections. The bill has the potential to keep observers from having an adequate view of the process.

(Other) None.

Persons Testifying: (In support) Representative Javier Valdez, prime sponsor; Paddy McGuire and Mary Hall, Washington State Association of County Auditors; Julie Wise; Andy Ryder; Sara Thein; and Kathy Sakahara, Northwest Progressive Institute.

(Opposed) Sharon Hanek.

Persons Signed In To Testify But Not Testifying: None.