

SENATE BILL REPORT

ESHB 1290

As of March 21, 2013

Title: An act relating to placement of ballot drop boxes.

Brief Description: Concerning ballot drop boxes.

Sponsors: House Committee on Government Operations & Elections (originally sponsored by Representatives Orwall, Hunt, Bergquist, Fitzgibbon, Maxwell, Lytton, McCoy, Ryu, Riccelli, Hudgins, Pollet, Zeiger, Farrell and Ormsby).

Brief History: Passed House: 3/08/13, 53-44.

Committee Activity: Governmental Operations: 3/21/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Samuel Brown (786-7470)

Background: All counties conduct elections entirely by mail. County auditors must send each registered voter a ballot. For the ballot to be counted, the voter must either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or mail the ballot to the county auditor with a postmark on the larger envelope that is no later than the day of the election.

County auditors must open a voting center in the county auditor's office that must remain open during business hours during the voting period. The voting period begins 18 days before an election and ends at 8:00 p.m. on the day of an election. The voting center must provide voter registration materials, replacement ballots, provisional ballots, disability access voting devices, sample ballots, instructions on how to vote using the ballot, a ballot drop box, and voters' pamphlets – if published. The voting center must be accessible to persons with disabilities and must provide at least one voting unit that provides access to individuals who are blind or visually impaired.

County auditors are permitted to provide election services at locations in addition to the required voting center. The services provided at the additional locations, and the days and hours the additional locations are open, are at the county auditor's discretion. Ballots must be removed according to statutory procedures and all ballot drop boxes must be secured at 8:00 p.m. on the day of the election.

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.

Summary of Bill: Each county auditor or local election official must place at least one ballot drop box at each public college and university campus, branch campus, and main campus of each public community and technical college if no ballot drop box is within one mile of the campus. The campus administration or an associated student body association may assist with funding the required ballot drop box. If the administration or student body association commits to jointly funding installation, additional ballot drop boxes may be placed on the campus.

Each county auditor or local election official must establish an advisory committee including representatives from the Washington Student Association and the administration and student government of each public college, university, branch campus, and community and technical college in the county. The committee must help identify locations for the ballot drop boxes and develop an outreach plan to promote student voting.

Each county auditor or local election official must provide a report to the Secretary of State including the number, type, and location of the county's ballot boxes and the methods used to inform voters of ballot drop box locations. The Secretary of State and county auditors or election officials must implement a plan to provide access to ballot drop boxes. Indian reservations must be considered when selecting ballot drop box locations.

Tampering with or destroying a ballot drop box incurs a civil penalty of not more than \$5,000 in addition to other penalties authorized by law.

The ballot drop box location and advisory committee requirements do not apply to Western Governors University.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill has been greatly narrowed. It is a great way to engage young voters, and it is convenient to have them on the campuses. At Central Washington University (CWU), they saw a huge increase in voting. Ballot drop boxes are very popular with voters, and it would be great to have an understanding of where they are and how voters know about them. We are not legally allowed to give stamps to students for the purpose of voting. The only continued cost is for checking the box during elections. College campuses have security on them. We have the money to cost-share these initiatives. Colleges can do this responsibly, efficiently, and within our means. One of the main questions we were asked during the last election was "where is the ballot drop box?"

CON: County auditors are opposed to this bill. County auditors are in the best position to make decisions about how and where to expand ballot drop box programs. This would have ridiculous and unintended consequences. It provides special treatment to one small group of voters. People elected to run elections know best how to respond to the needs of their voters.

Every community is different. I have not received a single complaint from students about a lack of ballot drop boxes on a college campus. Auditors would rather have students be part of current advisory committees and bring their concerns to us. Unattended ballot drop boxes should be visited at least once per day by two people to remove any ballots in those boxes. Ballot drop boxes are only a part of the increase in voting.

OTHER: Having a specialized group get a special place to put their ballots does not provide uniformity. This is a local control issue.

Persons Testifying: PRO: Representative Orwall, prime sponsor; Jaclyn Sperlich, Associated Students of CWU; Angie Weiss, Associated Students of University of WA (UW); Kyle Curtis, UW College Republicans.

CON: Julie Anderson, Greg Kimsey, Jerry Pettit, WA. Assn. of County Auditors.

OTHER: Kathy Lambert, King County Council.