
State Government & Tribal Relations Committee

HB 1475

Brief Description: Increasing access to elections by allowing certain populations to return ballots using an online ballot portal.

Sponsors: Representatives Farivar, Mena, Fosse, Taylor, Reed, Gregerson, Simmons, Chapman, Ryu, Peterson, Ramel, Macri, Morgan, Bergquist and Pollet.

Brief Summary of Bill

- Requires the Secretary of State to establish, in consultation with county auditors and the State Chief Information Security Officer, a statewide online ballot portal that enables certain voters to return a voted ballot electronically.
- Authorizes the following voters to return a voted ballot using the online ballot portal: overseas and service voters, voters with disabilities, and voters who are currently serving a sentence of total or partial confinement in the state except if they are serving a sentence of total confinement for a felony conviction.

Hearing Date: 1/25/23

Staff: Desiree Omli (786-7105).

Background:

VoteWA is an online portal that Washington voters may use to access information relating to their ballot and relevant elections. Specifically, voters can access the voters' guide, view drop boxes and voting center locations, update their voter registration, check their ballot status, and

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access their ballot and ballot return packet. Voters who choose to access their ballot online can mark their ballot using the online system, but must print the ballot and return a hard copy to the county auditor by mail, drop box, or in person.

Federal law requires that states provide military and overseas (UOCAVA) voters with the option to receive a blank absentee ballot electronically for federal elections. States must ensure that electronic transmission procedures protect the security of the balloting process and the privacy of the identity and personal data of UOCAVA voters transmitting approved election materials electronically. State law authorizes only UOCAVA voters to return a voted ballot for tabulation and signed declaration to the county auditor by fax or email.

Other states that allow for voters to return voted ballots electronically use online portals. Some of those states allow voters to receive, mark, and return their ballot entirely online, while others require the voter to print the ballot, mark it, scan it, and upload it into the online portal in a Portable Document Format, also known as PDF.

Summary of Bill:

The Secretary of State (Secretary) must consult with county auditors and the State Chief Information Security Officer to establish a statewide online ballot portal that allows voters to access their ballot electronically, and also allows the following three groups of voters (approved voter) to submit a voted ballot for tabulation:

1. overseas voters and service voters;
2. registered voters who qualify for special parking privileges, are blind, or who qualify under statute to receive assistance with voting; and
3. eligible voters who are currently serving a sentence of total or partial confinement in the state and who are not serving a sentence of total confinement for a felony conviction.

The Secretary must, by rule, adopt standards and procedures for the approval and use of the statewide online ballot portal. The online ballot portal must, at a minimum:

- comply with all state and federal requirements and current best practices for accessibility for persons with disabilities;
- provide the voter with their correct and accurate ballot;
- allow the county auditor to verify whether any ballot returned through the portal was returned no later than 8:00 p.m. on the day of the election or primary;
- ensure the privacy and security of all ballots returned to the county auditor using the portal, confirming that ballots have not been viewed or altered during the transmission of the ballot;
- allow the county canvassing board, or its designated representatives, to verify that each ballot returned through the portal was returned by a registered voter who is eligible to vote in the election or primary and who has not returned another ballot in the same election or primary;
- not be connected to any part of a voting system;
- produce a paper copy of each ballot returned through the portal to be used for tabulation on

- a voting system that is separate from the online ballot portal;
- instruct the voter how to return the voter's ballot; and
- include on the screen where an approved voter may submit a voted ballot the following: "I attest under penalty of perjury that I meet the qualifications to return my ballot using this online ballot portal."

Counties must use the online ballot portal established by the Secretary unless the county auditor receives a waiver from the Secretary to use another approved online ballot portal.

Reconciliation reports submitted by county auditors must also include information relating to ballots issued, received, counted, and rejected that were transmitted using the online ballot portal.

Appropriation: None.

Fiscal Note: Requested on January 22, 2023.

Effective Date: The bill takes effect on January 1, 2025.