

**CITIZENS ELECTIONS ADVISORY COMMITTEE MEETING**  
**January 28, 2010**  
**Minutes**

Date: January 28, 2010

Meeting Began: 2:10 p.m.

In Attendance: Shirley Forslof, Whatcom County Auditor  
Pete Griffin, Election Supervisor  
Nancy Moore, Auditor Staff  
Todd Backman, Computer Technology  
Robbi Ferron, League of Women Voters  
Gerrit Kuiken, Republican Party  
Margit Kingston, Disability Community  
Myra Ramos, Whatcom Fair Voting  
Steve Schuck, representing Democratic Party  
Larry & Sharon Helm, Guest  
Marian Beddill, Guest

Shirley Forslof called the meeting to order at 2:10 p.m. and introductions were made around the room. Shirley gave an overview of some of the 2010 proposed house and senate bills.

**House Bill (HB) 2398** and **Senate Bill (SB) 6322** relate to publicized election notices and is a Washington State Association of County Auditors (WSACA) priority bill. Presently three separate legal notices are mandated to be published in a local newspaper; (a) deadline for registration for an upcoming election, (b) the notice of election, and (c) open public meetings notice. HB2398 and SB6322 propose the deadline for registration notice, the notice of election, and open public meetings notice can now be combined into *one* publicized legal notice. The notice would have to be published in a local newspaper not more than 15 days prior to the registration deadline and not less than 5 days prior to the registration deadline. Washington State Auditors and the majority of legislators are in favor of the two bills.

**SB6430** relates to ballot envelopes and is a WSACA priority bill. This bill would allow the auditor to use discretion regarding exposing a voter's signature on the ballot envelope. The law currently states that the ballot return envelope *must* have a flap that the voter may seal that will cover their signature. SB6430 would modify the law to remove the requirement to conceal the voter's signature and give the county auditor the flexibility to use a ballot envelope that does not cover the signature. Shirley said Washington State law provides that anyone can request a copy of a voter's signature as it is public information. She said the ballot envelope with the flap that conceals the voter's signature is specifically designed for elections and costs Whatcom County approximately \$10,000 a year. At the present time Shirley is not ready to commit to a decision either way. She said there may be another option that would cover the signature at a lesser cost. Washington State Auditors and legislators are in favor of the bill as it provides that the auditor *may* continue to conceal the voter's signature and it would be a substantial cost savings. Myra Ramos stated her opposition to the bill and asked the discussion be brought in front of CEAC members before Shirley makes her final decision.

**HB2702** and **SB6689** relates to ballot title information. If a ballot title relates to a property tax levy, the ballot title must state whether the levy is new or a replacement and include a

comparison of the financial impact from a taxing district's prior year, if any, and the current ballot in both dollar and percentage change terms. The ballot title cannot exceed 85 words (an increase of 15 words). The ballot title would have to state whether it is an increase or decrease of what the voter is presently paying per thousand. Shirley supports SB6689. **SB6216** and **HB2578** also relate to ballot title information and levy rates.

**HB2483** relates to overseas and military voters. The bill would allow overseas or military voters to receive a ballot by fax, e-mail, or other electronic means and to return their ballot by the same means. An overseas or service voter may return a voted ballot by fax or e-mail if the voter's signature on the declaration accompanies the ballot. The county auditor must establish procedures to protect the secrecy of the voted ballot. An overseas or service voter may request to receive all future ballots by fax, e-mail, or other available electronic means. An overseas or service voter may also request to terminate receiving ballots by postal mail. Shirley stated the Auditor's Association is supportive of the bill. HB2483 passed the House with 96 yeas and 0 nays with 2 excused.

Shirley mentioned that military and overseas ballots are mailed out 30 days prior to an election. However, in order for the ballot to be counted, the voter's original signature on the oath must be received no later than 15 days after a primary election or 21 days after a general election. Presently, if an overseas or military ballot is returned by fax, the voter signs a declaration waiving the right to secrecy. Shirley stated she supports an overseas or military ballot being returned by fax.

Shirley mentioned that a question was posed to the Secretary of State whether any voter could return their ballot by fax or e-mail but the SOS didn't give a clear answer.

Marian Beddill made a motion that Shirley strongly oppose HB2483 and to ask for other auditors' support of the opposition. Robbie Ferron seconded the motion. Shirley said she will advise the Secretary of State and Washington State Auditors that a majority of CEAC members oppose HB2483.

Marian explained she has an intense fear of Internet voting. She said that voting via the Internet is not secure, the system can be hacked, and there is a loss of secrecy to returning a ballot in such a manner. Moreover, she believes it is a loss of democracy. Marian stated she is adamant that returning ballots in such a manner will destroy the integrity of the secrecy of a vote. She added that HB2483 is a clear precursor to Internet voting.

Pete Griffin responded to Marian's concerns and said that HB2483 is not talking about Internet voting. It provides for an overseas or military voter to return their ballot with the knowledge that their ballot loses its secrecy. Pete agreed with Marian and also opposes Internet voting because there is potential that an IP address could be hacked.

Myra Ramos stated her concern about the language in HB2483 is that it does not expressly restrict returning ballots by fax or e-mail to *only* overseas and military voters. She feels the language in the bill leaves the door open for other voters to return their ballots the same way. She commented that what is not restricted is permitted. Myra wonders if voters should waive their rights to secrecy for the sake of convenience.

Gerrit, a retired military person, is in favor of overseas and military voters returning their ballot by fax or e-mail because of the slow turn around time of the mail from overseas.

Myra commented that persons could write their state senator to ask for an amendment to HB2483 to restrict the bill to overseas and military voters only.

**HB1623 and SB5631** relates to the commencement of the final processing of ballots. Present law mandates that ballots cannot begin to be processed until 7:00 a.m. on Election Day. HB1623 and SB5631 would allow ballot processing to begin at 8:00 a.m. on the Monday immediately *before* the day of the election. The tabulation results must still be held in secrecy until after 8:00 p.m. on Election Day. A majority of Washington State Auditors are in favor of being allowed to begin processing ballots the day before Election Day.

The second part of HB1623 and SB5631 relates to ballot return time. Currently ballots must be postmarked no later than Election Day to be considered valid. HB1623 and SB5631 would change legislation so that ballots *must be received either in a drop box or at the auditor's office no later than 8:00 p.m.* There will be no change to military and overseas ballots and will be considered valid if the attested date is no later than Election Day. A majority of auditors are not in favor of changing the legislation that mandates ballots be received by the auditor's office no later than 8:00 p.m. on Election Day. Shirley received an e-mail that said the Secretary of State may be willing to compromise on when ballots have to be returned to the auditor's office.

**HB6797** relates to voters' pamphlets. Under the Whatcom County Charter a local voters' pamphlet is required to be published for a primary and general election. HB6797 would require publication of a local voters' pamphlet for *all* elections. Publication of a voters' pamphlet for special elections would increase the cost for the districts holding the special election.

**SB6754** relates to petition signatures. The bill would ratify the present law to read that, "once the verification and canvass of signatures is complete, the names and addresses of persons who signed the petition are public records under chapter 42.56 RCW and may be made available for public inspection and copying." The petition would be required to state that, "Signature petitions are public documents. By signing this document, your name, address, and signature may be released as part of a public records request."

**SHB1752** relates to the observation of election procedures. The bill would enable political party observers to witness the processing and duplication of ballots. Canvassing Board members would establish guidelines for the observation process. The bill would help, ". . . provide meaningful oversight of the processing of ballots, as determined by the Canvassing Board."

**Other:**

There are two elections in February. The Diking District No. 3 election will be held on February 2<sup>nd</sup>. To vote in the Diking District No. 3 election a person needs to be a registered voter in the State of Washington and either own property or be buying property on contract within the district. A corporation can also vote by having an officer of the corporation vote on behalf of the corporation providing that officer is a registered voter in the state. Eighteen ballots were mailed out for the Diking District No. 3 election and the ballots will be hand-counted on Thursday, February 4<sup>th</sup> at 9:00 a.m.

The school district election will be held on February 9<sup>th</sup>. Participating school districts are Ferndale, Meridian, Lynden, and the Whatcom County portion of the Concrete School District. The Logic and Accuracy test for the February 9<sup>th</sup> election will be Friday, February 5<sup>th</sup> at 9:00 a.m. Certification of the February 9<sup>th</sup> election will be on Wednesday, February 24<sup>th</sup> at 3:00 p.m.

Pete announced that Bellingham has annexed three parcels of property in north Bellingham. New maps were drawn up and went live on our website yesterday. The precincts involved in the City of Bellingham are 201, 208, 209 and the precincts in the county are 124 and 132. Pete clarified that we only expanded existing precincts and did not create any new precincts.

Shirley announced there will be a Whatcom Transportation Authority (WTA) election on April 27, 2010. There will only be an election in May if one or more of the school district ballot measures fail and the school district(s) decide to re-run the election. Although Shirley believes it to be unlikely, there could be a May election if a district chooses to introduce a new bond issue on the ballot.

Shirley said regarding the issue of felons being able to vote, the Ninth Circuit granted a motion for a stay of the issuance of mandate. Specifically, the Ninth Circuit's decision, which says that felons must be allowed to vote, including those in prison, will not go into effect pending the petition to the U.S. Supreme Court. It is hopeful by the end of June we will know if the Supreme Court will take the case. If they do, it is anticipated the argument will be next fall and a decision made before June 2011. At the present time, felons under the supervision of the Department of Corrections are not allowed to be registered voters. Robbi Ferron mentioned that once a felon is no longer under the supervision of the D.O.C. they can become registered voters with a number of stipulations in place.

Meeting adjourned at 3:40 p.m.

Next Scheduled Meeting: February 25, 2010