

HOUSE BILL REPORT

HB 1041

*As Reported By House Committee on:
State Government*

Title: An act relating to facsimile filing of election documents.

Brief Description: Authorizing facsimile filing of election documents.

Sponsor(s): Representatives Anderson, McLean, Cantwell, Ferguson, Broback, Tate, Basich, May, Miller, Vance and Mitchell; by request of Secretary of State.

Brief History:

Reported by House Committee on:
State Government, March 1, 1991, DPA.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 9 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; O'Brien; and Sheldon.

Staff: Kenneth Hirst (786-7105).

Background: The Election Code requires a variety of election related documents to be filed with the county auditor and the secretary of state within certain prescribed deadlines. Some, such as a declaration of candidacy, must be signed in the presence of an official.

Summary of Amended Bill: The following may be filed with the secretary of state or county auditor by electronic facsimile transmission: declarations of candidacy, certification of candidates and measures by the secretary, candidates' pamphlet statements, arguments for and against ballot measures, requests for absentee ballots, county canvass reports, requests for recounts, and directives by the secretary for mandatory recounts. The secretary may, by rule, authorize other election-related documents to be filed in this manner.

The document must be filed in a timely manner, must be legible, and must otherwise satisfy the requirements of law

regarding form and content. If the original document must be signed and a copy is filed by facsimile transmission, the original must be subsequently filed as well. The secretary must identify the deadlines for filing these original, signed copies and may also require originals of other documents be filed following the filing of copies by facsimile transmission. The secretary must adopt rules implementing this filing procedure.

Amended Bill Compared to Original Bill: The amendments require a subsequent filing of originals of documents when the documents are those which must be signed. The amendments also limit the application of the bill to election-related documents and require that rules be adopted in accordance with the Administrative Procedure Act.

Fiscal Note: Not requested.

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

Testimony For: (1) The bill acknowledges a new technological advance for filing documents. Under federal law, the State processed by FAX absentee ballot requests sent by military service personnel involved in Operation Desert Shield. (2) The bill would officially recognize something that is becoming a fairly common practice.

Testimony Against: None.

Witnesses: John Pearson, Office of the Secretary of State (in favor); and Sam Reed, County Auditors Association (in favor).