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ENGROSSED SENATE BILL 6430

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State of Washington

61st Legislature

2010 Regular Session

By Senators McDermott, Parlette, and Tom

Read first time 01/14/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to ballot envelopes; amending RCW 29A.40.091; and  
2 declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29A.40.091 and 2009 c 369 s 39 are each amended to  
5 read as follows:

6 The county auditor shall send each ((absentee)) voter a ballot, a  
7 security envelope in which to seal the ballot after voting, a larger  
8 envelope in which to return the security envelope, and instructions on  
9 how to mark the ballot and how to return it to the county auditor. The  
10 instructions that accompany ((an-absentee)) a ballot for a partisan  
11 primary must include instructions for voting the applicable ballot  
12 style, as provided in chapter 29A.36 RCW. The ((absentee)) voter's  
13 name and address must be printed on the larger return envelope, which  
14 must also contain a declaration by the ((absentee)) voter reciting his  
15 or her qualifications and stating that he or she has not voted in any  
16 other jurisdiction at this election, together with a summary of the  
17 penalties for any violation of any of the provisions of this chapter.  
18 The declaration must clearly inform the voter that it is illegal to  
19 vote if he or she is not a United States citizen; it is illegal to vote

1 if he or she has been convicted of a felony and has not had his or her  
2 voting rights restored; and, except as otherwise provided by law, it is  
3 illegal to cast a ballot or sign (~~(an absentee)~~) a return envelope on  
4 behalf of another voter. The return envelope must provide space for  
5 the voter to indicate the date on which the ballot was voted and for  
6 the voter to sign the oath. It must also contain a space so that the  
7 voter may include a telephone number. A summary of the applicable  
8 penalty provisions of this chapter must be printed on the return  
9 envelope immediately adjacent to the space for the voter's signature.  
10 The signature of the voter on the return envelope must affirm and  
11 attest to the statements regarding the qualifications of that voter and  
12 to the validity of the ballot. The return envelope (~~(must also have~~  
13 ~~a)) may provide secrecy (~~(flap that the voter may seal that will~~  
14 ~~cover)~~) for the voter's signature and optional telephone number. For  
15 overseas voters and service voters, the signed declaration on the  
16 return envelope constitutes the equivalent of a voter registration for  
17 the election or primary for which the ballot has been issued. The  
18 voter must be instructed to either return the ballot to the county  
19 auditor by whom it was issued or attach sufficient first-class postage,  
20 if applicable, and mail the ballot to the appropriate county auditor no  
21 later than the day of the election or primary for which the ballot was  
22 issued.~~

23 If the county auditor chooses to forward (~~(absentee)~~) ballots, he  
24 or she must include with the ballot a clear explanation of the  
25 qualifications necessary to vote in that election and must also advise  
26 a voter with questions about his or her eligibility to contact the  
27 county auditor. This explanation may be provided on the ballot  
28 envelope, on an enclosed insert, or printed directly on the ballot  
29 itself. If the information is not included, the envelope must clearly  
30 indicate that the ballot is not to be forwarded and that return postage  
31 is guaranteed.

32 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of the  
34 state government and its existing public institutions, and takes effect  
35 immediately.

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