CERTIFICATION OF ENROLLMENT

HOUSE BILL 1880

Chapter 125, Laws of 2010

(partial veto)

61st Legislature
2010 Regular Session

BALLOT ENVELOPES--SECRECY FLAP

EFFECTIVE DATE: 06/10/10

Passed by the House March 8, 2010
Yeas 94  Nays 2

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 5, 2010
Yeas 45  Nays 3

BRAD OWEN
President of the Senate

Approved March 19, 2010, 1:33 p.m., with the exception of Section 2 which is vetoed.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 1880 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 19, 2010

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to ballot envelopes; amending RCW 29A.40.091; and declaring an emergency.

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

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

The county auditor shall send each ((absentee)) voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany ((an absentee)) a ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The ((absentee)) voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the ((absentee)) voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote
if he or she has been convicted of a felony and has not had his or her
ing Voting rights restored; and, except as otherwise provided by law, it is
illegal to cast a ballot or sign (an absentee) a return envelope on
behalf of another voter. The return envelope must provide space for
the voter to indicate the date on which the ballot was voted and for
the voter to sign the oath. It must also contain a space so that the
voter may include a telephone number. A summary of the applicable
penalty provisions of this chapter must be printed on the return
envelope immediately adjacent to the space for the voter's signature.
The signature of the voter on the return envelope must affirm and
attest to the statements regarding the qualifications of that voter and
to the validity of the ballot. The return envelope (must also have
a)) may provide secrecy ((flap that the voter may seal that will
cover)) for the voter's signature and optional telephone number. For
overseas ((voters)) and service voters, the signed declaration on the
return envelope constitutes the equivalent of a voter registration for
the election or primary for which the ballot has been issued. The
voter must be instructed to either return the ballot to the county
auditor by whom it was issued or attach sufficient first-class postage,
if applicable, and mail the ballot to the appropriate county auditor no
later than the day of the election or primary for which the ballot was
issued.

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

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

*Sec. 2 was vetoed. See message at end of chapter.

Passed by the House March 8, 2010.
Passed by the Senate March 5, 2010.
Approved by the Governor March 19, 2010, with the exception of
certain items that were vetoed.
Filed in Office of Secretary of State March 19, 2010.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, House Bill 1880 entitled:

"AN ACT Relating to ballot envelopes."

This bill provides that county auditors may, but are no longer required to, provide return ballot envelopes that have a privacy flap to cover the voter's signature and optional telephone number. There is no emergent need for the bill to become effective immediately, and therefore the emergency clause in Section 2 of this bill is unnecessary. For this reason, I have vetoed Section 2 of House Bill 1880.

With the exception of Section 2, House Bill 1880 is approved."