
HOUSE BILL 1342

State of Washington 65th Legislature 2017 Regular Session

By Representatives Bergquist, Koster, Gregerson, and Pollet

Read first time 01/18/17. Referred to Committee on State Government.

1 AN ACT Relating to allowing voted ballots to be returned
2 electronically; amending RCW 29A.40.091 and 29A.04.255; and
3 reenacting and amending RCW 29A.40.110.

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

5 **Sec. 1.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
6 2011 c 10 s 41 are each reenacted and amended to read as follows:

7 (1) The opening and subsequent processing of return envelopes for
8 any primary or election may begin upon receipt. The tabulation of
9 absentee ballots must not commence until after 8:00 p.m. on the day
10 of the primary or election.

11 (2) All received return envelopes must be placed in secure
12 locations from the time of delivery to the county auditor until their
13 subsequent opening. After opening the return envelopes, the county
14 canvassing board shall place all of the ballots in secure storage
15 until processing. Ballots may be taken from the inner envelopes and
16 all the normal procedural steps may be performed to prepare these
17 ballots for tabulation.

18 (3) The canvassing board, or its designated representatives,
19 shall examine the postmark on the return envelope and signature on
20 the declaration before processing the ballot. The ballot must either
21 be received no later than 8:00 p.m. on the day of the primary or

1 election, or must be postmarked no later than the day of the primary
2 or election. All personnel assigned to verify signatures must receive
3 training on statewide standards for signature verification. Personnel
4 shall verify that the voter's signature on the ballot declaration is
5 the same as the signature of that voter in the registration files of
6 the county. Verification may be conducted by an automated
7 verification system approved by the secretary of state. A variation
8 between the signature of the voter on the ballot declaration and the
9 signature of that voter in the registration files due to the
10 substitution of initials or the use of common nicknames is permitted
11 so long as the surname and handwriting are clearly the same.

12 (4) If the postmark is missing or illegible, the date on the
13 ballot declaration to which the voter has attested determines the
14 validity, as to the time of voting, for that ballot. For (~~overseas~~
15 ~~voters and service voters~~) ballots returned electronically, the date
16 on the declaration to which the voter has attested determines the
17 validity, as to the time of voting, for that ballot. Any (~~overseas~~
18 ~~voter or service~~) voter may return the signed declaration and voted
19 ballot (~~by fax or email~~) electronically by 8:00 p.m. on the day of
20 the primary or election, and the county auditor must use established
21 procedures to maintain the secrecy of the ballot.

22 (5) For a ballot returned electronically, the electronically
23 transmitted image of the voter's signature on the ballot declaration
24 is sufficient to accept the ballot for tabulation. The return of an
25 original or hard copy of the ballot or declaration is not required.

26 **Sec. 2.** RCW 29A.40.091 and 2016 c 83 s 3 are each amended to
27 read as follows:

28 (1) The county auditor shall send each voter a ballot, a security
29 envelope in which to conceal the ballot after voting, a larger
30 envelope in which to return the security envelope, a declaration that
31 the voter must sign, and instructions on how to obtain information
32 about the election, how to mark the ballot, and how to return the
33 ballot to the county auditor.

34 (2) The voter must swear under penalty of perjury that he or she
35 meets the qualifications to vote, and has not voted in any other
36 jurisdiction at this election. The declaration must clearly inform
37 the voter that it is illegal to vote if he or she is not a United
38 States citizen; it is illegal to vote if he or she has been convicted
39 of a felony and has not had his or her voting rights restored; and it

1 is illegal to cast a ballot or sign a ballot declaration on behalf of
2 another voter. The ballot materials must provide space for the voter
3 to sign the declaration, indicate the date on which the ballot was
4 voted, and include a telephone number.

5 (3) For overseas and service voters, the signed declaration
6 constitutes the equivalent of a voter registration. Return envelopes
7 for overseas and service voters must enable the ballot to be returned
8 postage free if mailed through the United States postal service,
9 United States armed forces postal service, or the postal service of a
10 United States foreign embassy under 39 U.S.C. 3406.

11 (4) The voter must be instructed to either return the ballot to
12 the county auditor no later than 8:00 p.m. the day of the election or
13 primary, or mail the ballot to the county auditor with a postmark no
14 later than the day of the election or primary. (~~Service and~~
15 ~~overseas~~) All voters must be provided with instructions and a
16 privacy sheet for the option of returning the ballot and signed
17 declaration (~~by fax or email~~) electronically. A voted ballot and
18 signed declaration returned (~~by fax or email~~) electronically must
19 be received by 8:00 p.m. on the day of the election or primary.

20 (5) The county auditor's name may not appear on the security
21 envelope, the return envelope, or on any voting instructions or
22 materials included with the ballot if he or she is a candidate for
23 office during the same year.

24 **Sec. 3.** RCW 29A.04.255 and 2011 c 349 s 1, 2011 c 348 s 1, and
25 2011 c 10 s 9 are each reenacted and amended to read as follows:

26 The secretary of state or a county auditor shall accept and file
27 in his or her office electronic transmissions of the following
28 documents:

- 29 (1) Declarations of candidacy;
- 30 (2) County canvass reports;
- 31 (3) Voters' pamphlet statements;
- 32 (4) Arguments for and against ballot measures that will appear in
33 a voters' pamphlet;
- 34 (5) Requests for recounts;
- 35 (6) Certification of candidates and measures by the secretary of
36 state;
- 37 (7) Direction by the secretary of state for the conduct of a
38 recount;
- 39 (8) Requests for ballots;

1 (9) Voted ballots and declarations; and
2 (10) Any other election related document authorized by rule
3 adopted by the secretary of state under RCW 29A.04.611.

4 The acceptance by the secretary of state or the county auditor is
5 conditional upon the document being filed in a timely manner, being
6 legible, and otherwise satisfying the requirements of state law or
7 rules with respect to form and content.

8 The secretary may by rule require that the original of any
9 document, a copy of which is filed by electronic transmission under
10 this section, also be filed by a deadline established by the
11 secretary by rule.

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