

SHB 2695 - S AMD 399
By Senator Roach

ADOPTED 3/7/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 29A.60.165 and 2005 c 243 s 8 are each amended to
4 read as follows:

5 (1) If the voter neglects to sign the outside envelope of an
6 absentee or provisional ballot, the auditor shall notify the voter by
7 ~~((telephone))~~ first class mail and advise the voter of the correct
8 procedures for completing the unsigned affidavit. ~~((If the auditor is
9 not able to provide the information personally to the voter by
10 telephone, then the voter must be contacted by first class mail and
11 advised of the correct procedures for completing the unsigned
12 affidavit. Leaving a voice mail message for the voter is not to be
13 considered as personally contacting the voter.))~~ If the absentee
14 ballot is received within three business days of the final meeting of
15 the canvassing board, or the voter has been notified by first class
16 mail and has not responded at least three business days before the
17 final meeting of the canvassing board, then the auditor shall attempt
18 to notify the voter by telephone, using the voter registration record
19 information. In order for the ballot to be counted, the voter must
20 either:

21 (a) Appear in person and sign the envelope no later than the day
22 before the certification of the primary or election; or

23 (b) Sign a copy of the envelope provided by the auditor, and return
24 it to the auditor no later than the day before the certification of the
25 primary or election.

26 (2)(a) If the handwriting of the signature on an absentee or
27 provisional ballot envelope is not the same as the handwriting of the
28 signature on the registration file, the auditor shall notify the voter
29 by ~~((telephone))~~ first class mail, enclosing a copy of the envelope
30 affidavit, and advise the voter of the correct procedures for updating
31 his or her signature on the voter registration file. ~~((If the auditor
32 is not able to provide the information personally to the voter by~~

1 ~~telephone, then the voter must be contacted by first class mail and~~
2 ~~advised of the correct procedures for completing the unsigned~~
3 ~~affidavit. Leaving a voice mail message for the voter is not to be~~
4 ~~considered as personally contacting the voter.)) If the absentee or
5 provisional ballot is received within three business days of the final
6 meeting of the canvassing board, or the voter has been notified by
7 first class mail and has not responded at least three business days
8 before the final meeting of the canvassing board, then the auditor
9 shall attempt to notify the voter by telephone, using the voter
10 registration record information. In order for the ballot to be
11 counted, the voter must either:~~

12 (i) Appear in person and sign a new registration form no later than
13 the day before the certification of the primary or election; or

14 (ii) Sign a copy of the affidavit provided by the auditor and
15 return it to the auditor no later than the day before the certification
16 of the primary or election. The voter may enclose with the affidavit
17 a photocopy of a valid government or tribal issued identification
18 document that includes their current signature. If the signature on
19 the copy of the affidavit does not match the signature on file or the
20 signature on the copy of the identification document, the voter must
21 appear in person and sign a new registration form no later than the day
22 before the certification of the primary or election in order for the
23 ballot to be counted.

24 (b) If the signature on an absentee or provisional ballot envelope
25 is not the same as the signature on the registration file because the
26 name is different, the ballot may be counted as long as the handwriting
27 is clearly the same. The auditor shall send the voter a change-of-name
28 form under RCW 29A.08.440 and direct the voter to complete the form.

29 (c) If the signature on an absentee or provisional ballot envelope
30 is not the same as the signature on the registration file because the
31 voter used initials or a common nickname, the ballot may be counted as
32 long as the surname and handwriting are clearly the same.

33 (3) A voter may not cure a missing or mismatched signature for
34 purposes of counting the ballot in a recount.

35 (4) A record must be kept of all ballots with missing and
36 mismatched signatures. The record must contain the date on which the
37 voter was contacted or the notice was mailed, as well as the date on
38 which the voter signed the envelope, a copy of the envelope, a new
39 registration form, or a change-of-name form. That record is a public

1 record under chapter 42.17 RCW and may be disclosed to interested
2 parties on written request."

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