
HOUSE BILL 1751

State of Washington

59th Legislature

2005 Regular Session

By Representatives Shabro, Haigh, Darneille, Schual-Berke and Linville; by request of Secretary of State

Read first time 02/03/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to the time for signing and receipt of absentee and
2 mail ballots; amending RCW 29A.40.091, 29A.40.110, 29A.48.050, and
3 29A.60.160; and adding a new section to chapter 29A.40 RCW.

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

5 **Sec. 1.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
6 read as follows:

7 The county auditor shall send each absentee voter a ballot, a
8 security envelope in which to seal the ballot after voting, a larger
9 envelope in which to return the security envelope, and instructions on
10 how to mark the ballot and how to return it to the county auditor. The
11 instructions that accompany an absentee ballot for a partisan primary
12 must include instructions for voting the applicable ballot style, as
13 provided in chapter 29A.36 RCW. The larger return envelope must
14 contain a declaration by the absentee voter reciting his or her
15 qualifications and stating that he or she has not voted in any other
16 jurisdiction at this election, together with a summary of the penalties
17 for any violation of any of the provisions of this chapter. The return
18 envelope must provide space for the voter to indicate the date on which
19 the ballot was voted and for the voter to sign the oath. A summary of

1 the applicable penalty provisions of this chapter must be printed on
2 the return envelope immediately adjacent to the space for the voter's
3 signature. The signature of the voter on the return envelope must
4 affirm and attest to the statements regarding the qualifications of
5 that voter and to the validity of the ballot. For out-of-state voters,
6 overseas voters, and service voters, the signed declaration on the
7 return envelope constitutes the equivalent of a voter registration for
8 the election or primary for which the ballot has been issued. The
9 voter must be instructed to either return the ballot to the county
10 auditor by whom it was issued or attach sufficient first class postage,
11 if applicable, and mail the ballot to the appropriate county auditor
12 (~~(no later than the day of the election or primary for which the ballot~~
13 ~~was issued)~~) in accordance with the time requirements of RCW
14 29A.40.110.

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

24 **Sec. 2.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
25 read as follows:

26 (1) The opening and subsequent processing of return envelopes for
27 any primary or election may begin on or after the tenth day before the
28 primary or election. The tabulation of absentee ballots (~~(must not)~~)
29 may commence (~~(until after)~~) not earlier than 8:00 (~~(p.m.)~~) a.m. on the
30 Monday immediately before the day of the primary or election. Absentee
31 ballots tabulated under this subsection must be held in secrecy, as
32 provided under RCW 29A.84.730, until the polls have closed on election
33 day.

34 (2) After opening the return envelopes, the county canvassing board
35 or its representative shall place all of the ballots in secure storage
36 (~~(until after 8:00 p.m. of the day of the primary or election)~~).
37 Absentee ballots that are to be tabulated on an electronic vote

1 tallying system may be taken from the inner envelopes and all the
2 normal procedural steps may be performed to prepare these ballots for
3 tabulation.

4 (3) Before opening a returned absentee ballot, the canvassing
5 board, or its designated representatives, shall examine the postmark,
6 statement, and signature on the return envelope that contains the
7 security envelope and absentee ballot. ~~((They))~~ An absentee ballot may
8 be counted only if the ballot is delivered to the office of the county
9 auditor, a poll site, or a county-designated place of deposit before
10 the close of the polls on the day of the primary or election for which
11 it was issued. The canvassing board or its representative shall verify
12 that the voter's signature on the return envelope is the same as the
13 signature of that voter in the registration files of the county. For
14 registered voters casting absentee ballots, the date on the return
15 envelope to which the voter has attested determines the validity, as to
16 the ~~((time of voting))~~ date of mailing for that absentee ballot if the
17 postmark is missing or is illegible. For out-of-state voters, overseas
18 voters, and service voters, the date on the return envelope to which
19 the voter has attested determines the validity as to the ~~((time of~~
20 ~~voting))~~ date of mailing for that absentee ballot. For any absentee
21 ballot, a variation between the signature of the voter on the return
22 envelope and the signature of that voter in the registration files due
23 to the substitution of initials or the use of common nicknames is
24 permitted so long as the surname and handwriting are clearly the same.

25 NEW SECTION. Sec. 3. A new section is added to chapter 29A.40 RCW
26 to read as follows:

27 The county auditor shall notify, by first class mail, any voter
28 casting an absentee ballot whose ballot was not counted because it was
29 not returned within the time requirements as provided for an absentee
30 ballot under RCW 29A.40.110. Such notice shall be made as soon as
31 possible after the county certifies its election results, but in no
32 case less than twenty days before the next primary or election.

33 Sec. 4. RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to
34 read as follows:

35 The voter shall return the ballot to the county auditor in the
36 return ~~((identification))~~ envelope. ~~((If))~~ Whether mailed or returned

1 ~~otherwise~~, a ballot must be (~~postmarked not later than the date of the~~
2 ~~primary or election. Otherwise, the ballot must be deposited at the~~
3 ~~office of the county auditor or the designated place of deposit not~~
4 ~~later than 8:00 p.m. on the date of the primary or election~~) returned
5 in accordance with the time requirements as provided for an absentee
6 ballot under RCW 29A.40.110.

7 **Sec. 5.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to
8 read as follows:

9 At least every third day after a primary or election and before
10 certification of the election results, except Sundays and legal
11 holidays, the county auditor, as delegated by the county canvassing
12 board, shall process absentee ballots and canvass the votes cast at
13 that primary or election, if the county auditor is in possession of
14 more than twenty-five ballots that have yet to be canvassed. The
15 county auditor, as delegated by the county canvassing board, may use
16 his or her discretion in determining when to process the remaining
17 absentee ballots and canvass the votes during the final four days
18 before the certification of election results in order to protect the
19 secrecy of any ballot. In counties where this process has not been
20 delegated to the county auditor, the county auditor shall convene the
21 county canvassing board to process absentee ballots and canvass the
22 votes cast at the primary or election as set forth in this section.

23 Each absentee ballot previously not canvassed that was received by
24 the county auditor two days or more before processing absentee ballots
25 and canvassing the votes as delegated by or processed by the county
26 canvassing board, that (~~either was received by the county auditor~~
27 ~~before the closing of the polls on the day of the primary or election~~
28 ~~for which it was issued, or that bears a postmark on or before the~~
29 ~~primary or election for which it was issued~~) was returned in
30 accordance with the time requirements as provided for an absentee
31 ballot under RCW 29A.40.110, must be processed at that time. The
32 tabulation of votes that results from that day's canvass must be made
33 available to the general public immediately upon completion of the
34 canvass.

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