

SB 6238 - S AMD 155
By Senator Oemig

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that fax, e-mail, and
4 internet voting remain fundamentally less secret than mail voting or
5 poll voting and less secure against technical failure, fraud, and
6 rigging. The legislature further finds that until the demonstrated
7 flaws with these methods of voting are resolved, e-mail, fax, and
8 internet voting must be deemed inferior to mail voting or poll voting
9 regardless of any relative convenience or potential cost savings. It
10 is the intent of the legislature that fax, e-mail, and internet voting
11 must be utilized, if deployed at all, as an alternative method
12 available only to voters that demonstrate or affirm that all best
13 efforts to facilitate paper ballot mail voting will fail to enfranchise
14 the voter.

15 **Sec. 2.** RCW 29A.40.150 and 2009 c 415 s 12 are each amended to
16 read as follows:

17 (1) An overseas or service voter may receive a ballot by fax,
18 e-mail, or other electronic means. An overseas or service voter may
19 return a voted ballot by fax, e-mail, or other electronic means if the
20 voter meets the conditions indicated in the waiver and affirmation of
21 residence in section 4 of this act and if the voter's signature on both
22 the declaration and the waiver and affirmation of residence accompanies
23 the ballot. All other overseas and service voters must return voted
24 ballots by postal service or private courier service. The county
25 auditor must establish procedures to best protect the secrecy of voted
26 ballots.

27 (2) An overseas or service voter may request to receive all future
28 ballots by fax, e-mail, or other available electronic means. An

1 overseas or service voter may also request to terminate receiving
2 ballots by postal mail.

3 (3) The ~~((information on the envelopes or))~~ instructions for
4 overseas voters and service voters must include the contact information
5 for the county auditor's office, the waiver and affirmation of
6 residence, and must explain that:

7 ~~((+1))~~ (a) Return postage is free if the ballot is mailed through
8 the United States postal service, United States armed forces postal
9 service, or the postal service of a United States foreign embassy;

10 ~~((+2))~~ (b) The date of the declaration signature is considered the
11 date of mailing;

12 ~~((+3))~~ (c) The ~~((envelope))~~ waiver and affirmation of residence,
13 if required, and the declaration must be signed ~~((by))~~ no later than
14 election day;

15 ~~((+4))~~ (d) If the voter is not already registered to vote, the
16 signed declaration ~~((on the envelope))~~ is the equivalent of voter
17 registration;

18 ~~((+5))~~ (e) A voter may ~~((fax a voted ballot and the accompanying~~
19 ~~envelope if the voter agrees to waive secrecy. The ballot will be~~
20 ~~counted if the original documents are received before certification of~~
21 ~~the election))~~ request to receive all future ballots by fax, e-mail, or
22 other available electronic means; and

23 ~~((+6) A voter may obtain a ballot via electronic mail, which the~~
24 ~~voter may print out, vote, and return by mail. In order to facilitate~~
25 ~~the electronic acquisition of ballots by overseas and service voters,~~
26 ~~the ballot instructions shall include the web site of the office of the~~
27 ~~secretary of state))~~ (f) A voter may contact the county auditor's
28 office to confirm that the ballot was received.

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

31 An overseas or service voter may register to vote, request a
32 ballot, or transmit a ballot using forms or methods provided by the
33 United States department of defense or the United States election
34 assistance commission so long as that form or method does not conflict
35 with the provisions of RCW 29A.40.150.

1 sections to chapter 29A.40 RCW; and creating a new section."

EFFECT: Adds an intent section. Allows only voters residing in designated areas, and who sign an affirmation and waiver to that effect, to return a voted ballot by fax, e-mail, or other electronic means.

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