<u>SB 6238</u> - S AMD **155** By Senator Oemig

- 1 Strike everything after the enacting clause and insert the 2 following:
- "NEW SECTION. Sec. 1. The legislature finds that fax, e-mail, and 3 4 internet voting remain fundamentally less secret than mail voting or poll voting and less secure against technical failure, fraud, and 5 6 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. is the intent of the legislature that fax, e-mail, and internet voting 10 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:
- (1) An overseas or service voter may receive a ballot by fax, 17 e-mail, or other electronic means. An overseas or service voter may 18 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 residence in section 4 of this act and if the voter's signature on both 2.1 2.2 the declaration and the waiver and affirmation of residence accompanies the ballot. All other overseas and service voters must return voted 23 ballots by postal service or private courier service. The county 24 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

- overseas or service voter may also request to terminate receiving ballots by postal mail.
- 3 <u>(3)</u> The ((information-on-the-envelopes-or)) instructions for 4 overseas voters and service voters must include the contact information 5 <u>for the county auditor's office, the waiver and affirmation of</u> 6 <u>residence, and must explain that:</u>

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- $((\frac{1}{1}))$ (a) Return postage is free if the ballot is mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy;
- 10 $((\frac{2}{2}))$ (b) The date of the <u>declaration</u> signature is considered the date of mailing;
- 12 (((3))) <u>(c)</u> The ((envelope)) <u>waiver and affirmation of residence</u>, 13 <u>if required</u>, <u>and the declaration</u> must be signed ((by)) <u>no later than</u> 14 election day;
- 15 (((4))) <u>(d) If the voter is not already registered to vote, the</u> 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
- ((6) A voter may obtain a ballot via electronic mail, which the voter may print out, vote, and return by mail. In order to facilitate the electronic acquisition of ballots by overseas and service voters, the ballot instructions shall include the web site of the office of the secretary—of—state)) (f) A voter may contact the county auditor's office to confirm that the ballot was received.
- NEW SECTION. Sec. 3. A new section is added to chapter 29A.40 RCW to read as follows:
- An overseas or service voter may register to vote, request a ballot, or transmit a ballot using forms or methods provided by the United States department of defense or the United States election assistance commission so long as that form or method does not conflict with the provisions of RCW 29A.40.150.

- 1 <u>NEW SECTION.</u> **Sec. 4.** A new section is added to chapter 29A.40 RCW
- 2 to read as follows:
- 3 The waiver and affirmation of residence shall contain in substance
- 4 the following:
- 5 Waiver and Affirmation of Residence
- 6 I know that I can use e-mail or fax to return my ballot only if it is
- 7 not feasible to return my ballot on time by postal mail.
- 8 I affirm that I reside in a designated combat zone, hostile fire, or
- 9 imminent danger area as defined by the United States department of
- 10 defense; or that I am on overseas active duty with a branch of the
- 11 United States military service, am a merchant marine, in the
- 12 commissioned corps of the public health service, or in the commissioned
- 13 corps of the national oceanic and atmospheric administration; or that
- 14 I reside in an area receiving a disaster declaration as recognized by
- 15 the United States agency for international development's office of
- 16 United States foreign disaster assistance, and that postal service is
- 17 not sufficient to accommodate the timely postal mailing of my voted
- 18 ballot.
- 19 I understand that by returning my voted ballot by e-mail or fax, my
- 20 voted ballot will not be secret. My voted ballot with my name may
- 21 remain available on the computers and systems used to send, receive,
- 22 and process my ballot.
- 23 I hereby knowingly and voluntarily waive my right to a secret ballot.
- 25 Signature Date"

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- On page 1, line 1 of the title, after "voters;" strike the
- 27 remainder of the title and insert "amending RCW 29A.40.150; adding new

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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