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SENATE BILL 5291

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Roach, Chase, Rivers, and Ericksen

Read first time 01/24/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to the signing and receipt of ballots; and  
2 reenacting and amending RCW 29A.40.091 and 29A.40.110.

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

4 **Sec. 1.** RCW 29A.40.091 and 2011 c 349 s 17, 2011 c 348 s 3, 2011  
5 c 182 s 1, and 2011 c 10 s 39 are each reenacted and amended to read as  
6 follows:

7 (1) The county auditor shall send each voter a ballot, a security  
8 envelope in which to conceal the ballot after voting, a larger envelope  
9 in which to return the security envelope, a declaration that the voter  
10 must sign, and instructions on how to obtain information about the  
11 election, how to mark the ballot, and how to return the ballot to the  
12 county auditor.

13 (2) The voter must swear under penalty of perjury that he or she  
14 meets the qualifications to vote, and has not voted in any other  
15 jurisdiction at this election. The declaration must clearly inform the  
16 voter that it is illegal to vote if he or she is not a United States  
17 citizen; it is illegal to vote if he or she has been convicted of a  
18 felony and has not had his or her voting rights restored; and it is  
19 illegal to cast a ballot or sign a ((~~return-envelope~~)) ballot

1 declaration on behalf of another voter. The ballot materials must  
2 provide space for the voter ((must)) to sign the declaration, indicate  
3 the date on which the ballot was voted, and ~~((sign the declaration.~~  
4 ~~The ballot materials must also contain a space so that the voter may))~~  
5 include a telephone number.

6 (3) For overseas and service voters, the signed declaration ~~((on~~  
7 ~~the return envelope))~~ constitutes the equivalent of a voter  
8 registration for the election or primary ~~((for which the ballot has~~  
9 ~~been issued)).~~ Return envelopes for overseas and service voters must  
10 enable the ballot to be returned postage free if mailed through the  
11 United States postal service, United States armed forces postal  
12 service, or the postal service of a United States foreign embassy under  
13 39 U.S.C. 3406.

14 (4) The voter must be instructed to either return or mail the  
15 ballot to the county auditor so that the ballot is received by the  
16 county auditor no later than 8:00 p.m. the day of the election or  
17 primary~~((, or mail the ballot to the county auditor with a postmark no~~  
18 ~~later than the day of the election or primary)).~~ A ballot from an out-  
19 of-state, overseas, or service voter may be counted if it was  
20 postmarked no later than the day of the primary or election. Service  
21 and overseas voters must be provided with instructions and a ~~((secrecy~~  
22 ~~cover))~~ privacy sheet for returning the ballot and signed declaration  
23 by fax or e-mail. A voted ballot and signed declaration returned by  
24 fax or e-mail must be received by 8:00 p.m. on the day of the election  
25 or primary.

26 **Sec. 2.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and  
27 2011 c 10 s 41 are each reenacted and amended to read as follows:

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

32 (2) All received return envelopes must be placed in secure  
33 locations from the time of delivery to the county auditor until their  
34 subsequent opening. After opening the return envelopes, the county  
35 canvassing board or its designated representatives shall place all of  
36 the ballots in secure storage until processing. Ballots may be taken

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

3 (3) The canvassing board, or its designated representatives, shall  
4 examine the postmark on the return envelope and signature on the  
5 declaration before processing the ballot. The ballot (~~must either be~~  
6 ~~received no later than 8:00 p.m. on the day of the primary or election,~~  
7 ~~or must be~~) may be counted only if the return envelope was signed by  
8 the date of the primary or election for which it was issued and the  
9 ballot is in the office of the county auditor by 8:00 p.m. on the day  
10 of the primary or election for which it was issued. A ballot from an  
11 out-of-state, overseas, or service voter may be counted if it was  
12 postmarked no later than the day of the primary or election. All  
13 personnel assigned to verify signatures must receive training on  
14 statewide standards for signature verification. Personnel shall verify  
15 that the voter's signature on the ballot declaration is the same as the  
16 signature of that voter in the registration files of the county.  
17 Verification may be conducted by an automated verification system  
18 approved by the secretary of state. A variation between the signature  
19 of the voter on the ballot declaration and the signature of that voter  
20 in the registration files due to the substitution of initials or the  
21 use of common nicknames is permitted so long as the surname and  
22 handwriting are clearly the same.

23 (4) If the postmark is missing or illegible, the date on the ballot  
24 declaration to which the voter has attested determines the validity, as  
25 to the time of voting, for that ballot. For overseas voters and  
26 service voters, the date on the declaration to which the voter has  
27 attested determines the validity, as to the time of voting, for that  
28 ballot. Any overseas voter or service voter may return the signed  
29 declaration and voted ballot by fax or e-mail by 8:00 p.m. on the day  
30 of the primary or election, and the county auditor must use established  
31 procedures to maintain the secrecy of the ballot.

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