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**SENATE BILL 5017**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senator Nobles; by request of Secretary of State and Uniform Law Commission

AN ACT Relating to adopting national standards for uniformed and overseas civilian voting, including conforming amendments to existing statute; amending RCW 29A.04.109, 29A.04.151, 29A.04.163, 29A.04.210, 29A.08.107, 29A.40.050, 29A.40.070, 29A.40.091, and 29A.40.110; reenacting and amending RCW 29A.40.110; adding new sections to chapter 29A.04 RCW; adding a new chapter to Title 29A RCW; providing an effective date; and providing an expiration date.

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

**PART I**

**ADOPTION OF NATIONAL STANDARDS**

NEW SECTION. **Sec.**  INTENT. The legislature finds voting rights for all eligible citizens a priority, this includes assisting Washington citizens serving in the military and those living overseas in securing their voting rights. These rights must be secured for the voters and against interference. This act conforms Washington voting law with federal law concerning voting rights for military and overseas voters by enacting the uniform military and overseas voters act.

NEW SECTION. **Sec.**  DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Covered voter" means:

(a) A uniformed-service voter or an overseas voter who is registered to vote in Washington state;

(b) A uniformed-service voter defined in subsection (9)(a) of this section whose voting residence is in this state and who otherwise satisfies Washington state voter eligibility requirements;

(c) An overseas voter who, before leaving the United States, was last eligible to vote in Washington state and, except for a state residency requirement, otherwise satisfies Washington state voter eligibility requirements;

(d) An overseas voter who, before leaving the United States, would have been last eligible to vote in Washington state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

(e) An overseas voter who was born outside the United States, is not described in (c) or (d) of this subsection, and, except for a state residency requirement, otherwise satisfies Washington state voter eligibility requirements, if:

(i) The last place where a parent, legal guardian, or family member of the voter is, was, or under this chapter would have been, eligible to vote currently, or before leaving the United States is within Washington state; and

(ii) The voter has not previously registered to vote in any other state and is not registered to vote in another state.

(2) "Dependent" means an individual recognized as a dependent by a uniformed service, and, by reason of the active duty or service of the member, is absent from the place of residence where the dependent is otherwise qualified to vote.

(3) "Federal postcard application" means the application prescribed under section 101(b)(2) of the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20301(b)(2).

(4) "Federal write-in absentee ballot" means the ballot described in section 103 of the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20303.

(5) "Military-overseas ballot" means:

(a) A federal write-in absentee ballot;

(b) A ballot specifically prepared or distributed for use by a covered voter in accordance with Washington voting law; or

(c) A ballot cast by a covered voter in accordance with Washington voting law.

(6) "Overseas voter" means a United States citizen who is outside the United States.

(7) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(8) "Uniformed service" means:

(a) Active and reserve components of the army, navy, air force, marine corps, coast guard, or space force of the United States;

(b) The merchant marine, the commissioned corps of the public health service, or the commissioned corps of the national oceanic and atmospheric administration of the United States; or

(c) The national guard and state militia.

(9) "Uniformed-service voter" means an individual who is qualified to vote and is:

(a) A member of the active or reserve components of the army, navy, air force, marine corps, coast guard, or space force of the United States who is on active duty, including students or faculty members at a United States military academy;

(b) A member of the merchant marine, the commissioned corps of the public health service, or the commissioned corps of the national oceanic and atmospheric administration of the United States;

(c) A member on activated status of the national guard or state militia; or

(d) A spouse or dependent of a member referred to in this subsection, and, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(10) "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

NEW SECTION. **Sec.**  ELECTIONS COVERED. The voting procedures in this chapter apply to:

(1) A general, special, presidential primary, or election for federal office;

(2) A general, special, recall, or primary election for statewide or state legislative office or state ballot measure; and

(3) A general, special, recall, or primary election for local government office or local ballot measure conducted under this title.

NEW SECTION. **Sec.**  ROLE OF SECRETARY OF STATE. (1) The secretary of state, working cooperatively with county auditors, is the state official responsible for implementing this act and the state's responsibilities under the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20301 et seq.

(2) The secretary of state shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots. The secretary of state may delegate the responsibility under this subsection for voter registration and ballot production and processing only to county auditor offices in compliance with section 102(b)(1) of the uniformed and overseas citizens absentee voting act, 52 U.S.C. Sec. 20302(b)(1).

(3) The secretary of state shall establish an electronic transmission system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information under this chapter.

(4) The secretary of state shall:

(a) Develop standardized absentee-voting materials, including privacy and transmission envelopes and their electronic equivalents, authentication materials, and voting instructions, for use with a military-overseas ballot of a voter authorized to vote in any jurisdiction in this state; and

(b) To the extent reasonably possible, coordinate with county auditors and other states to carry out this subsection.

(5) The secretary of state shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, status as a covered voter, and timely and proper completion of an overseas-military ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The secretary of state shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

NEW SECTION. **Sec.**  OVERSEAS VOTER'S REGISTRATION ADDRESS. In registering to vote, a covered voter who is eligible to vote in this state shall use and must be assigned to the voting precinct associated with the address of the last place of residence of the voter in this state, or, in the case of a voter described by section 102(1)(e) of this act, the address of the last place of residence in this state of the parent, legal guardian, or family member of the voter.

NEW SECTION. **Sec.**  METHODS OF REGISTERING TO VOTE. (1) To apply to register to vote, in addition to any other approved method, a covered voter may use a federal postcard application, or the application's electronic equivalent.

(2) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by 8:00 p.m. election day. If the declaration is received after that date and time, it must be treated as an application to register to vote for subsequent elections.

(3) The secretary of state shall ensure that the electronic transmission system described in section 104(3) of this act is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. A covered voter may use the electronic transmission system or any other approved method to register to vote.

NEW SECTION. **Sec.**  METHODS OF APPLYING FOR MILITARY-OVERSEAS BALLOT. (1) A covered voter who is registered to vote in this state may apply for a military-overseas ballot using either the regular Washington state voting system as defined in this title or the federal postcard application or the application's electronic equivalent.

(2) A covered voter who is not registered to vote in Washington state may use a federal postcard application or the application's electronic equivalent to apply simultaneously to register to vote under section 105 of this act and for a military-overseas ballot.

(3) The secretary of state shall ensure that the electronic transmission system described in section 104(3) of this act is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to apply for a military-overseas ballot.

(4) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a UOCAVA ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by one day prior to that election.

(5) To receive the benefits of this chapter, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas mailing address on an approved voter registration application or ballot application; and

(c) The inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

(6) This chapter does not preclude a covered voter from voting under standard vote by mail law as defined in this title.

NEW SECTION. **Sec.**  TIMELINESS AND SCOPE OF APPLICATION FOR MILITARY-OVERSEAS BALLOT. An application for a UOCAVA ballot is timely if received by election day. An application for a UOCAVA ballot for a primary election, whether or not timely, is effective as an application for a UOCAVA ballot for the general election. The auditor shall send the mail ballot not later than two business days after the application arrives. If a voter registration application is received within 20 days prior to an election and the covered voter has provided an email address, a notification should be immediately provided on how to obtain a ballot by email or online in the event that the voter does not receive it by election day.

NEW SECTION. **Sec.**  TRANSMISSION OF UNVOTED BALLOTS. (1) The county auditor must mail UOCAVA ballots to each service and overseas voter at least 30 days before each special election, and at least 45 days before each primary or general election, presidential primary, or any special election that involves a federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(2) Covered voters may request that their ballots and balloting materials for each election be sent to them by electronic transmission instead of by mail. A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose facsimile transmission or email delivery, or, if offered by the voter's jurisdiction, internet delivery. The auditor shall transmit the ballot to the voter using the means of transmission chosen by the voter.

(3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots to voters, the auditor shall transmit them to the voter not later than two business days after the application arrives.

(4) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

NEW SECTION. **Sec.**  TIMELY CASTING OF BALLOT. To be valid, a voted UOCAVA ballot must be received by the appropriate county auditor not later than the day prior to the county certification of election results for that election, and the voter must have submitted the ballot for mailing, or other authorized means of delivery not later than 8:00 p.m. the date of the election.

NEW SECTION. **Sec.**  FEDERAL WRITE-IN ABSENTEE BALLOT. A covered voter may use a federal write-in absentee ballot to vote for all offices and ballot measures in an election described in RCW 29A.04.210.

NEW SECTION. **Sec.**  RECEIPT OF VOTED BALLOT. (1) A valid UOCAVA ballot cast in accordance with section 110 of this act must be counted if it is delivered by the end of business on the day before the deadline for certification of the election under RCW 29A.60.190 to the county auditor.

(2) If, at the time of completing a UOCAVA ballot, the voter has signed and dated the ballot declaration under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark.

NEW SECTION. **Sec.**  CONFIRMATION OF RECEIPT OF APPLICATION AND VOTED BALLOT. The secretary of state, in coordination with county auditors, shall implement an electronic free-access system by which a covered voter may determine by telephone, email, or internet whether:

(1) The voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

(2) The voter's military-overseas ballot has been received and the current status of the ballot.

NEW SECTION. **Sec.**  USE OF VOTER'S ELECTRONIC-MAIL ADDRESS. (1) The county auditor shall request an email address from each covered voter who registers to vote. An email address provided by a covered voter may not be made available to the public or any individual or organization other than an authorized agent of the county auditor and is exempt from inspection and copying under chapter 42.56 RCW. The address may be used only for official communication with the voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the voter's mailing address and physical location. The request for an email address must describe the purposes for which the email address may be used and include a statement that any other use or disclosure of the email address is prohibited.

(2) A covered voter who provides an email address may make a standing request for electronic delivery of a ballot for all elections held in which the voter is eligible to vote while the voter is registered as an overseas or uniformed-service voter. A county auditor shall provide a military-overseas ballot by electronic delivery to a voter who makes a standing request for each election to which the request is applicable.

NEW SECTION. **Sec.**  BALLOT RETURN PORTAL. (1) The secretary of state shall explore options for an electronic ballot portal to be available for UOCAVA voters that are not able to access standard mail return of voted ballots.

(2) Only UOCAVA voters shall be permitted to use an approved portal to return voted ballots.

(3) The secretary of state may approve a portal for use by county election offices and UOCAVA voters in returning voted ballots, any approved portal must be renewed annually and may be removed as circumstances require.

(a) The secretary of state must work to develop and test electronic methods of ballot return for UOCAVA voters that are secure against electronic monitoring and incursion or interference, provides the maximum level of voter secrecy and privacy available, and ensures that only a single vote is cast by any UOCAVA voter.

(b) The secretary of state may establish rules governing the use of any approved portal that include times of availability, storage of ballots, and establishing the circumstance in which a UOCAVA voter may use the portal to return a voted ballot.

(c) The secretary of state may establish reasonable rules related to the standards and procedures for the examination and testing of any portal to be used by UOCAVA voters.

(d) Each county election office using an approved portal for the return of voted UOCAVA ballots must keep record of every attempt at ballot return, successful and unsuccessful, and prepare a report at the conclusion of each voting period listing the number of ballots returned using the portal and confirming that only UOCAVA voters used the portal. The report must be submitted to the secretary of state using the deadlines contained in RCW 29A.60.190.

(e) The secretary of state shall prepare a statewide report annually aggregating the information provided by each county.

NEW SECTION. **Sec.**  RETURN OF VOTED BALLOTS. (1) UOCAVA voters may return voted ballots using fax or email or an electronic portal approved by the secretary of state specifically for that purpose under the requirements of section 115 of this act.

(2) UOCAVA voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax, email, or electronic portal. Return envelopes for UOCAVA ballots must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

(3) A voted UOCAVA ballot and signed declaration returned by fax, email, or electronic portal must be received by 8:00 p.m. Pacific Standard Time on the day of the primary or election.

(4) The county auditor must establish procedures to maintain the secrecy of the ballot for any UOCAVA ballot returned using fax, email, or electronic portal.

(5) The use of fax, email, or electronic portal is limited to only UOCAVA voters that meet the requirements of section 102 of this act.

NEW SECTION. **Sec.**  CREATION OF A LIST OF KNOWN CANDIDATES AND ISSUES REFERRED TO THE BALLOT. (1) At least 100 days before a regularly scheduled election and as soon as practicable before a special election, the county auditor shall prepare a list of known candidates and issues referred to the ballot for that jurisdiction, to be used in conjunction with a federal write-in absentee ballot. The list must contain all the ballot measures and federal, state, and local offices that as of that date the official expects to be on the ballot on the date of the election. This list must be accompanied by specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(2) A covered voter may request a copy of this list and instructions. The official charged with preparing the list shall send it to the voter by facsimile, email, or regular mail, as the voter requests.

(3) As soon as candidates are certified for the ballot, and not later than the date ballots are required to be transmitted to voters under RCW 29A.40.070, the official charged with preparing the list under subsection (1) of this section shall update it with the certified candidates for each office and ballot measure questions and make the updated list publicly available.

(4) The county auditor shall make the list prepared under subsection (1) of this section and updated versions of the list regularly available on the auditor's website.

NEW SECTION. **Sec.**  PROHIBITION OF NONSUBSTANTIVE REQUIREMENTS. (1) If a voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter. In a write-in ballot authorized by this chapter, if the intention of the voter is discernible under the statewide standard uniform definition of what constitutes a vote published by the secretary of state, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

(2) The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

(3) Notarization is not required for the execution of a document under this chapter.

NEW SECTION. **Sec.**  EQUITABLE RELIEF. A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:

(1) A covered voter alleging a grievance under this chapter; or

(2) An election official in this state.

NEW SECTION. **Sec.**  UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. **Sec.**  RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

NEW SECTION. **Sec.**  Sections 101 through 121 of this act constitute a new chapter in Title 29A RCW.

**PART II**

**CONFORMING AMENDMENTS**

NEW SECTION. **Sec.**  A new section is added to chapter 29A.04 RCW to read as follows:

"Special absentee ballot" means a write-in ballot available 100 days prior to an election for voters unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots. The ballot must conform with the list of known candidates and issues referred to the ballot created as required in section 117 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.04 RCW to read as follows:

"UOCAVA ballot" means the ballot sent to an overseas or service voter in compliance with the federal uniformed and overseas citizens absentee voting act and chapter 29A.--- RCW (the new chapter created in section 122 of this act).

**Sec.**  RCW 29A.04.109 and 2009 c 369 s 2 are each amended to read as follows:

"Overseas voter" means any elector of the state of Washington outside the territorial limits of the United States or as defined in section 102 of this act.

**Sec.**  RCW 29A.04.151 and 2003 c 111 s 126 are each amended to read as follows:

"Residence" for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode. However((~~, no~~)):

(1) No person ((~~gains residence by reason of his or her presence or~~)) loses ((~~his or her~~)) residence by reason of ((~~his or her~~)) absence:

((~~(1)~~)) (a) While employed in the civil or military service of the state or of the United States;

((~~(2)~~)) (b) While engaged in the navigation of the waters of this state or the United States or the high seas; or

((~~(3)~~)) (c) While a student at any institution of learning((~~;~~

~~(4) While confined~~)).

(2) No person gains residence while serving a sentence in total confinement in any public prison.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

**Sec.**  RCW 29A.04.163 and 2009 c 369 s 3 are each amended to read as follows:

"Service voter" means ((~~any~~)):

(1) Any elector of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a member of a reserve component of the armed forces, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States; or

(2) A uniformed-service voter as defined in section 102 of this act.

**Sec.**  RCW 29A.04.210 and 2009 c 369 s 4 are each amended to read as follows:

((~~Except for service and overseas voters, only persons~~)) Persons registered to vote shall be permitted to vote:

(1) At any election held for the purpose of electing persons to public office;

(2) At any recall election of a public officer;

(3) At any election held for the submission of a measure to any voting constituency;

(4) At any primary election.

This section does not apply to elections where being registered to vote is not a prerequisite to voting.

**Sec.**  RCW 29A.08.107 and 2009 c 369 s 9 are each amended to read as follows:

(1) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant match the information maintained by the Washington department of licensing or the social security administration, and the applicant provided all information required by RCW 29A.08.010, the applicant must be registered to vote.

(2) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant do not match the information maintained by the Washington department of licensing or the social security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a social security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or one of the following forms of alternate identification:

(a) Valid photo identification;

(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;

(c) A copy of a current utility bill;

(d) A current bank statement;

(e) A copy of a current government check;

(f) A copy of a current paycheck; or

(g) A government document, other than a voter registration card, that shows both the name and address of the voter.

(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a social security number that matches the information maintained by the Washington department of licensing or the social security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to active registered voter status.

(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

(5) The requirements of this section do not apply to an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to a registered ((~~voter transferring his or her~~)) voter updating information on their voter registration record.

**Sec.**  RCW 29A.40.050 and 2011 c 10 s 37 are each amended to read as follows:

(1)(a) County auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular ballots.

(b) A special absentee ballot may not be requested more than ((~~ninety~~)) 100 days before the applicable state primary or general election. The special absentee ballot will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) The county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other ballots under this chapter and chapter 29A.60 RCW.

(4) A voter who requests a special absentee ballot under this section may also request a regular ballot. If the regular absentee ballot is properly voted and returned, the special absentee ballot is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.

**Sec.**  RCW 29A.40.070 and 2013 c 11 s 48 are each amended to read as follows:

(1) Except where a recount or litigation is pending, the county auditor must mail ballots to each voter at least eighteen days before each primary or election, and as soon as possible for all subsequent registration changes.

(2) ((~~Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election, and at least forty~~‑~~five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.~~

~~(3)~~)) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

((~~(4)~~)) (3) Each county auditor shall certify to the office of the secretary of state the dates the ballots were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely.

((~~(5)~~)) (4) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

**Sec.**  RCW 29A.40.091 and 2024 c 269 s 7 are each amended to read as follows:

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) ((~~For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.~~

~~(4)~~)) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. ((~~Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.~~

~~(5)~~)) (4) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

((~~(6)~~)) (5) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec.**  RCW 29A.40.110 and 2024 c 269 s 8 and 2024 c 138 s 2 are each reenacted and amended to read as follows:

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

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all ((~~of~~)) the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election.

(4) All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed.

(5) Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(6) A county that is participating in the alternative verification options pilot project under RCW 29A.40.111 may also verify a voter's ballot using an alternative verification method approved by the office of the secretary of state.

((~~(4)~~)) (7) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ((~~Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.~~))

**Sec.**  RCW 29A.40.110 and 2024 c 269 s 8 are each amended to read as follows:

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

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all ((~~of~~)) the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election.

(4) All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed.

(5) Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

((~~(4)~~)) (6) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. ((~~Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.~~))

NEW SECTION. **Sec.**  Section 211 of this act expires January 1, 2029.

NEW SECTION. **Sec.**  Section 212 of this act takes effect January 1, 2029.

**--- END ---**