
SUBSTITUTE SENATE BILL 6639

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Roach, Benton, Schmidt, Esser, Mulliken, Stevens, McCaslin, Haugen and Kline)

READ FIRST TIME 02/04/04.

1 AN ACT Relating to the time for signing and receipt of absentee and
2 mail ballots; amending RCW 29A.40.090, 29A.40.110, and 29A.48.050; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 29A.40.090 and 2003 c 111 s 1009 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 larger return envelope must contain a declaration by the absentee voter
12 reciting his or her qualifications and stating that he or she has not
13 voted in any other jurisdiction at this election, together with a
14 summary of the penalties for any violation of any of the provisions of
15 this chapter. The return envelope must provide space for the voter to
16 indicate the date on which the ballot was voted and for the voter to
17 sign the oath. A summary of the applicable penalty provisions of this
18 chapter must be printed on the return envelope immediately adjacent to
19 the space for the voter's signature. The signature of the voter on the

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

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

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

23 (1) The opening and subsequent processing of return identification
24 envelopes for any primary or election may begin on or after the tenth
25 day before the primary or election. The tabulation of absentee ballots
26 must not commence until after 8:00 p.m. on the day of the primary or
27 election.

28 (2) After opening the return identification envelopes, the county
29 canvassing board or its representative shall place all of the ballots
30 in secure storage until after 8:00 p.m. of the day of the primary or
31 election. Absentee ballots that are to be tabulated on an electronic
32 vote tallying system may be taken from the inner security envelopes and
33 all the normal procedural steps may be performed to prepare these
34 ballots for tabulation.

35 (3) Before opening a returned absentee ballot, the canvassing
36 board, or its designated representatives, shall examine the postmark,
37 statement, and signature on the return identification envelope that

1 contains the security envelope and absentee ballot. ((They)) An
2 absentee ballot may be counted only if the return identification
3 envelope was signed by the date of the primary or election for which it
4 was issued and is in the office of the county auditor before the close
5 of the polls on the day of the primary or election for which it was
6 issued. However, an absentee ballot from an out-of-state, overseas, or
7 service voter may be counted if it was mailed no later than the day of
8 the primary or election for which it was issued. The canvassing board
9 or its representative shall verify that the voter's signature on the
10 return envelope is the same as the signature of that voter in the
11 registration files of the county. For registered voters casting
12 absentee ballots, the date on the return identification envelope to
13 which the voter has attested determines the validity, as to the ((time
14 of voting)) date of mailing for that absentee ballot if the postmark is
15 missing or is illegible. For out-of-state voters, overseas voters, and
16 service voters, the date on the return identification envelope to which
17 the voter has attested determines the validity as to the ((time of
18 voting)) date of mailing for that absentee ballot. For any absentee
19 ballot, a variation between the signature of the voter on the return
20 envelope and the signature of that voter in the registration files due
21 to the substitution of initials or the use of common nicknames is
22 permitted so long as the surname and handwriting are clearly the same.

23 **Sec. 3.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to
24 read as follows:

25 The voter shall return the ballot to the county auditor in the
26 return identification envelope. ((If)) Whether mailed or returned
27 otherwise, a ballot must be ((postmarked not later than the date of the
28 primary or election. Otherwise, the ballot must be deposited at the
29 office of the county auditor or the designated place of deposit not
30 later than 8:00 p.m. on the date of the primary or election)) returned
31 in accordance with the time requirements as provided for an absentee
32 ballot under RCW 29A.40.110.

33 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004.

--- END ---