

SSB 5499 - S AMD TO S AMD (KAST HESS 016) 226
By Senator Roach

ADOPTED 03/12/2005

1 On page 9, beginning on line 26 of the amendment, strike all of
2 section 6 and insert the following:

3 "NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.40
4 RCW to read as follows:

5 (1) The county auditor shall accept and count absentee ballots for
6 persons serving in the United States armed forces stationed outside the
7 United States in accordance with this section and RCW 29A.40.110. For
8 a member of the armed forces stationed outside the United States who
9 receives an absentee ballot on or after the date of the election, in
10 order to have his or her ballot counted, he or she must attach an
11 affidavit signed by the person and his or her commanding officer,
12 stating the date on which the ballot was received.

13 (2) All absentee ballots received from persons under subsection (1)
14 of this section at any time whether before or after certification of
15 the election, until any and all recounts have concluded and been
16 certified, shall be counted.

17 **Sec. 7.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
18 read as follows:

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

24 (2) All received absentee return envelopes must be placed in secure
25 locations from the time of delivery to the county auditor until their
26 subsequent opening. After opening the return envelopes, the county
27 canvassing board shall place all of the ballots in secure storage until
28 after 8:00 p.m. of the day of the primary or election. Absentee

1 ballots that are to be tabulated on an electronic vote tallying system
2 may be taken from the inner envelopes and all the normal procedural
3 steps may be performed to prepare these ballots for tabulation.

4 (3) Before opening a returned absentee ballot, the canvassing
5 board, or its designated representatives, shall examine the postmark,
6 statement, and signature on the return envelope that contains the
7 security envelope and absentee ballot. They shall verify that the
8 voter's signature on the return envelope is the same as the signature
9 of that voter in the registration files of the county. For registered
10 voters casting absentee ballots, the date on the return envelope to
11 which the voter has attested determines the validity, as to the time of
12 voting for that absentee ballot if the postmark is missing or is
13 illegible. For out-of-state voters, overseas voters, and service
14 voters stationed in the United States, the date on the return envelope
15 to which the voter has attested determines the validity as to the time
16 of voting for that absentee ballot. For service voters stationed
17 outside the United States, the date on the return envelope to which the
18 voter has attested determines the validity as to the time of voting for
19 that absentee ballot unless there is an affidavit included with the
20 ballot in accordance with section 6 of this act, in which case section
21 6 of this act determines validity with regard to the time of voting.
22 For any absentee ballot, a variation between the signature of the voter
23 on the return envelope and the signature of that voter in the
24 registration files due to the substitution of initials or the use of
25 common nicknames is permitted so long as the surname and handwriting
26 are clearly the same."

27 Renumber the remaining sections consecutively and correct any
28 internal references accordingly.

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29 On page 22, line 12 of the title amendment, after "29A.84.650;"

1 strike "adding a new section" and insert "adding new sections"

EFFECT: Allows the vote of overseas military voters to count even if the voter's ballot was received by the county auditor after certification if the ballot is accompanied by an affidavit attesting to the fact the ballot was received on or after the election date, if the election is still in question.

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