

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2695**

Chapter 208, Laws of 2006

59th Legislature  
2006 Regular Session

ELECTIONS--ABSENTEE BALLOTS

EFFECTIVE DATE: 6/7/06

Passed by the House March 7, 2006  
Yeas 55 Nays 43

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate March 7, 2006  
Yeas 40 Nays 9

BRAD OWEN

**President of the Senate**

Approved March 24, 2006.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2695** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

**Chief Clerk**

FILED

March 24, 2006 - 2:24 p.m.

**Secretary of State  
State of Washington**

---

**SUBSTITUTE HOUSE BILL 2695**

---

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on State Government Operations Accountability  
(originally sponsored by Representatives Haigh, Sump and McDermott)

READ FIRST TIME 01/31/06.

1            AN ACT Relating to absentee or provisional ballot notice  
2 requirements; and amending RCW 29A.60.165.

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

4            **Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read  
5 as follows:

6            (1) If the voter neglects to sign the outside envelope of an  
7 absentee or provisional ballot, the auditor shall notify the voter by  
8 ~~((telephone))~~ first class mail and advise the voter of the correct  
9 procedures for completing the unsigned affidavit. ~~((If the auditor is  
10 not able to provide the information personally to the voter by  
11 telephone, then the voter must be contacted by first class mail and  
12 advised of the correct procedures for completing the unsigned  
13 affidavit. Leaving a voice mail message for the voter is not to be  
14 considered as personally contacting the voter.))~~ If the absentee ballot  
15 is received within three business days of the final meeting of the  
16 canvassing board, or the voter has been notified by first class mail  
17 and has not responded at least three business days before the final  
18 meeting of the canvassing board, then the auditor shall attempt to

1 notify the voter by telephone, using the voter registration record  
2 information. In order for the ballot to be counted, the voter must  
3 either:

4 (a) Appear in person and sign the envelope no later than the day  
5 before the certification of the primary or election; or

6 (b) Sign a copy of the envelope provided by the auditor, and return  
7 it to the auditor no later than the day before the certification of the  
8 primary or election.

9 (2)(a) If the handwriting of the signature on an absentee or  
10 provisional ballot envelope is not the same as the handwriting of the  
11 signature on the registration file, the auditor shall notify the voter  
12 by ~~((telephone))~~ first class mail, enclosing a copy of the envelope  
13 affidavit, and advise the voter of the correct procedures for updating  
14 his or her signature on the voter registration file. ~~((If the auditor~~  
15 ~~is not able to provide the information personally to the voter by~~  
16 ~~telephone, then the voter must be contacted by first class mail and~~  
17 ~~advised of the correct procedures for completing the unsigned~~  
18 ~~affidavit. Leaving a voice mail message for the voter is not to be~~  
19 ~~considered as personally contacting the voter.))~~ If the absentee or  
20 provisional ballot is received within three business days of the final  
21 meeting of the canvassing board, or the voter has been notified by  
22 first class mail and has not responded at least three business days  
23 before the final meeting of the canvassing board, then the auditor  
24 shall attempt to notify the voter by telephone, using the voter  
25 registration record information. In order for the ballot to be  
26 counted, the voter must either:

27 (i) Appear in person and sign a new registration form no later than  
28 the day before the certification of the primary or election; or

29 (ii) Sign a copy of the affidavit provided by the auditor and  
30 return it to the auditor no later than the day before the certification  
31 of the primary or election. The voter may enclose with the affidavit  
32 a photocopy of a valid government or tribal issued identification  
33 document that includes the voter's current signature. If the signature  
34 on the copy of the affidavit does not match the signature on file or  
35 the signature on the copy of the identification document, the voter  
36 must appear in person and sign a new registration form no later than  
37 the day before the certification of the primary or election in order  
38 for the ballot to be counted.

1 (b) If the signature on an absentee or provisional ballot envelope  
2 is not the same as the signature on the registration file because the  
3 name is different, the ballot may be counted as long as the handwriting  
4 is clearly the same. The auditor shall send the voter a change-of-name  
5 form under RCW 29A.08.440 and direct the voter to complete the form.

6 (c) If the signature on an absentee or provisional ballot envelope  
7 is not the same as the signature on the registration file because the  
8 voter used initials or a common nickname, the ballot may be counted as  
9 long as the surname and handwriting are clearly the same.

10 (3) A voter may not cure a missing or mismatched signature for  
11 purposes of counting the ballot in a recount.

12 (4) A record must be kept of all ballots with missing and  
13 mismatched signatures. The record must contain the date on which the  
14 voter was contacted or the notice was mailed, as well as the date on  
15 which the voter signed the envelope, a copy of the envelope, a new  
16 registration form, or a change-of-name form. That record is a public  
17 record under chapter 42.17 RCW and may be disclosed to interested  
18 parties on written request.

Passed by the House March 7, 2006.

Passed by the Senate March 7, 2006.

Approved by the Governor March 24, 2006.

Filed in Office of Secretary of State March 24, 2006.