

**SB 5738 - S AMD 59**

By Senators Oemig, Fairley and Roach

**PULLED 3/12/2007**

1 On page 3, strike all of Section 3 and insert the following:

2 "Sec. 3. RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to  
3 read as follows:

4 ~~((A registered voter shall not be allowed to vote in the precinct  
5 in which he or she is registered at any election or primary for which  
6 that voter has cast an absentee ballot. A registered voter who has  
7 requested an absentee ballot for a primary or special or general  
8 election but chooses to vote at the voter's precinct polling place in  
9 that primary or election shall cast a provisional ballot. The  
10 canvassing board shall not count the ballot if it finds that the voter  
11 has also voted by absentee ballot in that primary or election.))~~ If a  
12 registered voter who was issued an absentee or mail ballot requests to  
13 vote at a polling place, the precinct election officer shall attempt to  
14 confirm whether the voter has already returned an absentee or mail  
15 ballot. Confirmation may be achieved by accessing the county voter  
16 registration system by electronic, telephonic, or other means.

17 (a) If the precinct election officer is able to confirm that the  
18 voter has not already returned an absentee or mail ballot, the voter  
19 may be issued a regular ballot. In order to prevent multiple voting,  
20 the voter must be immediately credited or flagged in the voter  
21 registration system as having voted. If an absentee or mail ballot is  
22 subsequently returned, the canvassing board may not count the absentee  
23 or mail ballot.

24 (b) If the precinct election officer is unable to confirm whether  
25 the voter has already returned a ballot, the voter must be issued a  
26 provisional ballot. If the voter has already returned an absentee or  
27 mail ballot, the canvassing board may not count the provisional ballot.  
28 If the canvassing board counts the provisional ballot and an absentee  
29 or mail ballot is subsequently returned, the canvassing board may not  
30 count the absentee or mail ballot."

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**EFFECT:** When a voter who was issued an absentee or mail ballot requests to vote at a polling place, the election officer must confirm whether the voter has returned the absentee or mail ballot. If the election officer can confirm that a ballot has not been returned, the voter shall be issued a regular ballot, and the election officer must immediately credit the voter with voting to prevent multiple voting. If an absentee or mail ballot is subsequently returned, the ballot must not be counted. If the election officer is unable to confirm whether a ballot has been returned, the voter must be issued a provisional ballot, which will be counted if an absentee or mail ballot has not been returned.