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**SENATE BILL 5823**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senator Ericksen

AN ACT Relating to ensuring elections integrity by requiring witnesses to ballot signature marks to identify themselves; and amending RCW 29A.40.091.

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

**Sec.**  RCW 29A.40.091 and 2016 c 83 s 3 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, a declaration that any witnesses 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.

(2)(a) 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 has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. 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.

(b) If a voter signs the declaration with a mark, the mark must be accompanied by the signatures of two witnesses attesting to the validity of the signature mark. Each witness must sign a declaration under penalty of perjury demonstrating that they have personally observed the voter making their signature mark on the ballot. Each witness must provide their printed name, and a valid current address and phone number on the ballot envelope.

(c) If a voter neglects to sign, or signs with a mark and fails to have two witnesses attest to the signature, the voter must either:

(i) Appear in person and sign the declaration no later than the day before certification of the primary or election; or

(ii) Sign a copy of the declaration, or mark the declaration in the manner specified in (b) of this subsection, and return it to the county auditor no later than the day before certification of the primary or election.

(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. 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) 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.

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