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**HOUSE BILL 1361**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Klippert and Chase

AN ACT Relating to the timely mailing of ballots by county auditors; and amending RCW 29A.40.070.

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

**Sec.**  RCW 29A.40.070 and 2013 c 11 s 48 are each amended to read as follows:

(1) Except where a recount or litigation is pending, the county auditor must mail ballots to each voter at least eighteen days before each primary or election, and as soon as possible for all subsequent registration changes.

(2) Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election, and at least forty-five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(3) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

(4) ((~~Each~~)) Within 24 hours of mailing the ballots, the county auditor shall certify to the office of the secretary of state the dates the ballots were mailed((~~, or~~)). If the ballots are not mailed at least 18 days before the election, the auditor must notify the secretary within 24 hours of the reason for the delay and the date the ballots will be mailed ((~~if the ballots were not mailed timely~~)). If the county auditor has not provided such information to the secretary by the Monday 15 days before the election, the secretary must contact the county auditor to inquire about the reason for the delay and the date that the auditor expects the ballots will be sent.

(5) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

**--- END ---**