
SENATE BILL 5017

State of Washington

69th Legislature

2025 Regular Session

By Senators Nobles, Dhingra, Lias, Pedersen, Saldaña, Trudeau, and Wellman; by request of Secretary of State and Uniform Law Commission

Prefiled 12/09/24. Read first time 01/13/25. Referred to Committee on State Government, Tribal Affairs & Elections.

1 AN ACT Relating to adopting national standards for uniformed and
2 overseas civilian voting, including conforming amendments to existing
3 statute; amending RCW 29A.04.109, 29A.04.151, 29A.04.163, 29A.04.210,
4 29A.08.107, 29A.40.050, 29A.40.070, 29A.40.091, and 29A.40.110;
5 reenacting and amending RCW 29A.40.110; adding new sections to
6 chapter 29A.04 RCW; adding a new chapter to Title 29A RCW; providing
7 an effective date; and providing an expiration date.

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

9 **PART I**

10 **ADOPTION OF NATIONAL STANDARDS**

11 NEW SECTION. **Sec. 101.** INTENT. The legislature finds voting
12 rights for all eligible citizens a priority, this includes assisting
13 Washington citizens serving in the military and those living overseas
14 in securing their voting rights. These rights must be secured for the
15 voters and against interference. This act conforms Washington voting
16 law with federal law concerning voting rights for military and
17 overseas voters by enacting the uniform military and overseas voters
18 act.

1 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

4 (1) "Covered voter" means:

5 (a) A uniformed-service voter or an overseas voter who is
6 registered to vote in Washington state;

7 (b) A uniformed-service voter defined in subsection (9)(a) of
8 this section whose voting residence is in this state and who
9 otherwise satisfies Washington state voter eligibility requirements;

10 (c) An overseas voter who, before leaving the United States, was
11 last eligible to vote in Washington state and, except for a state
12 residency requirement, otherwise satisfies Washington state voter
13 eligibility requirements;

14 (d) An overseas voter who, before leaving the United States,
15 would have been last eligible to vote in Washington state had the
16 voter then been of voting age and, except for a state residency
17 requirement, otherwise satisfies this state's voter eligibility
18 requirements; or

19 (e) An overseas voter who was born outside the United States, is
20 not described in (c) or (d) of this subsection, and, except for a
21 state residency requirement, otherwise satisfies Washington state
22 voter eligibility requirements, if:

23 (i) The last place where a parent, legal guardian, or family
24 member of the voter is, was, or under this chapter would have been,
25 eligible to vote currently, or before leaving the United States is
26 within Washington state; and

27 (ii) The voter has not previously registered to vote in any other
28 state and is not registered to vote in another state.

29 (2) "Dependent" means an individual recognized as a dependent by
30 a uniformed service, and, by reason of the active duty or service of
31 the member, is absent from the place of residence where the dependent
32 is otherwise qualified to vote.

33 (3) "Federal postcard application" means the application
34 prescribed under section 101(b)(2) of the uniformed and overseas
35 citizens absentee voting act, 52 U.S.C. Sec. 20301(b)(2).

36 (4) "Federal write-in absentee ballot" means the ballot described
37 in section 103 of the uniformed and overseas citizens absentee voting
38 act, 52 U.S.C. Sec. 20303.

39 (5) "Military-overseas ballot" means:

40 (a) A federal write-in absentee ballot;

1 (b) A ballot specifically prepared or distributed for use by a
2 covered voter in accordance with Washington voting law; or

3 (c) A ballot cast by a covered voter in accordance with
4 Washington voting law.

5 (6) "Overseas voter" means a United States citizen who is outside
6 the United States.

7 (7) "State" means a state of the United States, the District of
8 Columbia, Puerto Rico, the United States Virgin Islands, or any
9 territory or insular possession subject to the jurisdiction of the
10 United States.

11 (8) "Uniformed service" means:

12 (a) Active and reserve components of the army, navy, air force,
13 marine corps, coast guard, or space force of the United States;

14 (b) The merchant marine, the commissioned corps of the public
15 health service, or the commissioned corps of the national oceanic and
16 atmospheric administration of the United States; or

17 (c) The national guard and state militia.

18 (9) "Uniformed-service voter" means an individual who is
19 qualified to vote and is:

20 (a) A member of the active or reserve components of the army,
21 navy, air force, marine corps, coast guard, or space force of the
22 United States who is on active duty, including students or faculty
23 members at a United States military academy;

24 (b) A member of the merchant marine, the commissioned corps of
25 the public health service, or the commissioned corps of the national
26 oceanic and atmospheric administration of the United States;

27 (c) A member on activated status of the national guard or state
28 militia; or

29 (d) A spouse or dependent of a member referred to in this
30 subsection, and, by reason of the active duty or service of the
31 member, is absent from the place of residence where the spouse or
32 dependent is otherwise qualified to vote.

33 (10) "United States," used in the territorial sense, means the
34 several states, the District of Columbia, Puerto Rico, the United
35 States Virgin Islands, and any territory or insular possession
36 subject to the jurisdiction of the United States.

37 NEW SECTION. **Sec. 103.** ELECTIONS COVERED. The voting procedures
38 in this chapter apply to:

1 (1) A general, special, presidential primary, or election for
2 federal office;

3 (2) A general, special, recall, or primary election for statewide
4 or state legislative office or state ballot measure; and

5 (3) A general, special, recall, or primary election for local
6 government office or local ballot measure conducted under this title.

7 NEW SECTION. **Sec. 104.** ROLE OF SECRETARY OF STATE. (1) The
8 secretary of state, working cooperatively with county auditors, is
9 the state official responsible for implementing this act and the
10 state's responsibilities under the uniformed and overseas citizens
11 absentee voting act, 52 U.S.C. Sec. 20301 et seq.

12 (2) The secretary of state shall make available to covered voters
13 information regarding voter registration procedures for covered
14 voters and procedures for casting military-overseas ballots. The
15 secretary of state may delegate the responsibility under this
16 subsection for voter registration and ballot production and
17 processing only to county auditor offices in compliance with section
18 102(b)(1) of the uniformed and overseas citizens absentee voting act,
19 52 U.S.C. Sec. 20302(b)(1).

20 (3) The secretary of state shall establish an electronic
21 transmission system through which a covered voter may apply for and
22 receive voter registration materials, military-overseas ballots, and
23 other information under this chapter.

24 (4) The secretary of state shall:

25 (a) Develop standardized absentee-voting materials, including
26 privacy and transmission envelopes and their electronic equivalents,
27 authentication materials, and voting instructions, for use with a
28 military-overseas ballot of a voter authorized to vote in any
29 jurisdiction in this state; and

30 (b) To the extent reasonably possible, coordinate with county
31 auditors and other states to carry out this subsection.

32 (5) The secretary of state shall prescribe the form and content
33 of a declaration for use by a covered voter to swear or affirm
34 specific representations pertaining to the voter's identity,
35 eligibility to vote, status as a covered voter, and timely and proper
36 completion of an overseas-military ballot. The declaration must be
37 based on the declaration prescribed to accompany a federal write-in
38 absentee ballot, as modified to be consistent with this chapter. The
39 secretary of state shall ensure that a form for the execution of the

1 declaration, including an indication of the date of execution of the
2 declaration, is a prominent part of all balloting materials for which
3 the declaration is required.

4 NEW SECTION. **Sec. 105.** OVERSEAS VOTER'S REGISTRATION ADDRESS.
5 In registering to vote, a covered voter who is eligible to vote in
6 this state shall use and must be assigned to the voting precinct
7 associated with the address of the last place of residence of the
8 voter in this state, or, in the case of a voter described by section
9 102(1)(e) of this act, the address of the last place of residence in
10 this state of the parent, legal guardian, or family member of the
11 voter.

12 NEW SECTION. **Sec. 106.** METHODS OF REGISTERING TO VOTE. (1) To
13 apply to register to vote, in addition to any other approved method,
14 a covered voter may use a federal postcard application, or the
15 application's electronic equivalent.

16 (2) A covered voter may use the declaration accompanying a
17 federal write-in absentee ballot to apply to register to vote
18 simultaneously with the submission of the federal write-in absentee
19 ballot, if the declaration is received by 8:00 p.m. election day. If
20 the declaration is received after that date and time, it must be
21 treated as an application to register to vote for subsequent
22 elections.

23 (3) The secretary of state shall ensure that the electronic
24 transmission system described in section 104(3) of this act is
25 capable of accepting both a federal postcard application and any
26 other approved electronic registration application sent to the
27 appropriate election official. A covered voter may use the electronic
28 transmission system or any other approved method to register to vote.

29 NEW SECTION. **Sec. 107.** METHODS OF APPLYING FOR MILITARY-
30 OVERSEAS BALLOT. (1) A covered voter who is registered to vote in
31 this state may apply for a military-overseas ballot using either the
32 regular Washington state voting system as defined in this title or
33 the federal postcard application or the application's electronic
34 equivalent.

35 (2) A covered voter who is not registered to vote in Washington
36 state may use a federal postcard application or the application's

1 electronic equivalent to apply simultaneously to register to vote
2 under section 105 of this act and for a military-overseas ballot.

3 (3) The secretary of state shall ensure that the electronic
4 transmission system described in section 104(3) of this act is
5 capable of accepting the submission of both a federal postcard
6 application and any other approved electronic military-overseas
7 ballot application sent to the appropriate election official. The
8 voter may use the electronic transmission system or any other
9 approved method to apply for a military-overseas ballot.

10 (4) A covered voter may use the declaration accompanying a
11 federal write-in absentee ballot as an application for a UOCAVA
12 ballot simultaneously with the submission of the federal write-in
13 absentee ballot, if the declaration is received by the appropriate
14 election official by one day prior to that election.

15 (5) To receive the benefits of this chapter, a covered voter must
16 inform the appropriate election official that the voter is a covered
17 voter. Methods of informing the appropriate election official that a
18 voter is a covered voter include:

19 (a) The use of a federal postcard application or federal write-in
20 absentee ballot;

21 (b) The use of an overseas mailing address on an approved voter
22 registration application or ballot application; and

23 (c) The inclusion on an approved voter registration application
24 or ballot application of other information sufficient to identify the
25 voter as a covered voter.

26 (6) This chapter does not preclude a covered voter from voting
27 under standard vote by mail law as defined in this title.

28 NEW SECTION. **Sec. 108.** TIMELINESS AND SCOPE OF APPLICATION FOR
29 MILITARY-OVERSEAS BALLOT. An application for a UOCAVA ballot is
30 timely if received by election day. An application for a UOCAVA
31 ballot for a primary election, whether or not timely, is effective as
32 an application for a UOCAVA ballot for the general election. The
33 auditor shall send the mail ballot not later than two business days
34 after the application arrives. If a voter registration application is
35 received within 20 days prior to an election and the covered voter
36 has provided an email address, a notification should be immediately
37 provided on how to obtain a ballot by email or online in the event
38 that the voter does not receive it by election day.

1 NEW SECTION. **Sec. 109.** TRANSMISSION OF UNVOTED BALLOTS. (1) The
2 county auditor must mail UOCAVA ballots to each service and overseas
3 voter at least 30 days before each special election, and at least 45
4 days before each primary or general election, presidential primary,
5 or any special election that involves a federal office. A request for
6 a ballot made by an overseas or service voter after that day must be
7 processed immediately.

8 (2) Covered voters may request that their ballots and balloting
9 materials for each election be sent to them by electronic
10 transmission instead of by mail. A covered voter who requests that a
11 ballot and balloting materials be sent to the voter by electronic
12 transmission may choose facsimile transmission or email delivery, or,
13 if offered by the voter's jurisdiction, internet delivery. The
14 auditor shall transmit the ballot to the voter using the means of
15 transmission chosen by the voter.

16 (3) If a ballot application from a covered voter arrives after
17 the jurisdiction begins transmitting ballots to voters, the auditor
18 shall transmit them to the voter not later than two business days
19 after the application arrives.

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

24 NEW SECTION. **Sec. 110.** TIMELY CASTING OF BALLOT. To be valid, a
25 voted UOCAVA ballot must be received by the appropriate county
26 auditor not later than the day prior to the county certification of
27 election results for that election, and the voter must have submitted
28 the ballot for mailing, or other authorized means of delivery not
29 later than 8:00 p.m. the date of the election.

30 NEW SECTION. **Sec. 111.** FEDERAL WRITE-IN ABSENTEE BALLOT. A
31 covered voter may use a federal write-in absentee ballot to vote for
32 all offices and ballot measures in an election described in RCW
33 29A.04.210.

34 NEW SECTION. **Sec. 112.** RECEIPT OF VOTED BALLOT. (1) A valid
35 UOCAVA ballot cast in accordance with section 110 of this act must be
36 counted if it is delivered by the end of business on the day before

1 the deadline for certification of the election under RCW 29A.60.190
2 to the county auditor.

3 (2) If, at the time of completing a UOCAVA ballot, the voter has
4 signed and dated the ballot declaration under penalty of perjury that
5 the ballot was timely submitted, the ballot may not be rejected on
6 the basis that it has a late postmark, an unreadable postmark, or no
7 postmark.

8 NEW SECTION. **Sec. 113.** CONFIRMATION OF RECEIPT OF APPLICATION
9 AND VOTED BALLOT. The secretary of state, in coordination with county
10 auditors, shall implement an electronic free-access system by which a
11 covered voter may determine by telephone, email, or internet whether:

12 (1) The voter's federal postcard application or other
13 registration or military-overseas ballot application has been
14 received and accepted; and

15 (2) The voter's military-overseas ballot has been received and
16 the current status of the ballot.

17 NEW SECTION. **Sec. 114.** USE OF VOTER'S ELECTRONIC-MAIL ADDRESS.

18 (1) The county auditor shall request an email address from each
19 covered voter who registers to vote. An email address provided by a
20 covered voter may not be made available to the public or any
21 individual or organization other than an authorized agent of the
22 county auditor and is exempt from inspection and copying under
23 chapter 42.56 RCW. The address may be used only for official
24 communication with the voter about the voting process, including
25 transmitting military-overseas ballots and election materials if the
26 voter has requested electronic transmission, and verifying the
27 voter's mailing address and physical location. The request for an
28 email address must describe the purposes for which the email address
29 may be used and include a statement that any other use or disclosure
30 of the email address is prohibited.

31 (2) A covered voter who provides an email address may make a
32 standing request for electronic delivery of a ballot for all
33 elections held in which the voter is eligible to vote while the voter
34 is registered as an overseas or uniformed-service voter. A county
35 auditor shall provide a military-overseas ballot by electronic
36 delivery to a voter who makes a standing request for each election to
37 which the request is applicable.

1 NEW SECTION. **Sec. 115.** BALLOT RETURN PORTAL. (1) The secretary
2 of state shall explore options for an electronic ballot portal to be
3 available for UOCAVA voters that are not able to access standard mail
4 return of voted ballots.

5 (2) Only UOCAVA voters shall be permitted to use an approved
6 portal to return voted ballots.

7 (3) The secretary of state may approve a portal for use by county
8 election offices and UOCAVA voters in returning voted ballots, any
9 approved portal must be renewed annually and may be removed as
10 circumstances require.

11 (a) The secretary of state must work to develop and test
12 electronic methods of ballot return for UOCAVA voters that are secure
13 against electronic monitoring and incursion or interference, provides
14 the maximum level of voter secrecy and privacy available, and ensures
15 that only a single vote is cast by any UOCAVA voter.

16 (b) The secretary of state may establish rules governing the use
17 of any approved portal that include times of availability, storage of
18 ballots, and establishing the circumstance in which a UOCAVA voter
19 may use the portal to return a voted ballot.

20 (c) The secretary of state may establish reasonable rules related
21 to the standards and procedures for the examination and testing of
22 any portal to be used by UOCAVA voters.

23 (d) Each county election office using an approved portal for the
24 return of voted UOCAVA ballots must keep record of every attempt at
25 ballot return, successful and unsuccessful, and prepare a report at
26 the conclusion of each voting period listing the number of ballots
27 returned using the portal and confirming that only UOCAVA voters used
28 the portal. The report must be submitted to the secretary of state
29 using the deadlines contained in RCW 29A.60.190.

30 (e) The secretary of state shall prepare a statewide report
31 annually aggregating the information provided by each county.

32 NEW SECTION. **Sec. 116.** RETURN OF VOTED BALLOTS. (1) UOCAVA
33 voters may return voted ballots using fax or email or an electronic
34 portal approved by the secretary of state specifically for that
35 purpose under the requirements of section 115 of this act.

36 (2) UOCAVA voters must be provided with instructions and a
37 privacy sheet for returning the ballot and signed declaration by fax,
38 email, or electronic portal. Return envelopes for UOCAVA ballots must
39 enable the ballot to be returned postage free if mailed through the

1 United States postal service, United States armed forces postal
2 service, or the postal service of a United States foreign embassy
3 under 39 U.S.C. Sec. 3406.

4 (3) A voted UOCAVA ballot and signed declaration returned by fax,
5 email, or electronic portal must be received by 8:00 p.m. Pacific
6 Standard Time on the day of the primary or election.

7 (4) The county auditor must establish procedures to maintain the
8 secrecy of the ballot for any UOCAVA ballot returned using fax,
9 email, or electronic portal.

10 (5) The use of fax, email, or electronic portal is limited to
11 only UOCAVA voters that meet the requirements of section 102 of this
12 act.

13 NEW SECTION. **Sec. 117.** CREATION OF A LIST OF KNOWN CANDIDATES
14 AND ISSUES REFERRED TO THE BALLOT. (1) At least 100 days before a
15 regularly scheduled election and as soon as practicable before a
16 special election, the county auditor shall prepare a list of known
17 candidates and issues referred to the ballot for that jurisdiction,
18 to be used in conjunction with a federal write-in absentee ballot.
19 The list must contain all the ballot measures and federal, state, and
20 local offices that as of that date the official expects to be on the
21 ballot on the date of the election. This list must be accompanied by
22 specific instructions for how a voter is to indicate on the federal
23 write-in absentee ballot the voter's choice for each office to be
24 filled and for each ballot measure to be contested.

25 (2) A covered voter may request a copy of this list and
26 instructions. The official charged with preparing the list shall send
27 it to the voter by facsimile, email, or regular mail, as the voter
28 requests.

29 (3) As soon as candidates are certified for the ballot, and not
30 later than the date ballots are required to be transmitted to voters
31 under RCW 29A.40.070, the official charged with preparing the list
32 under subsection (1) of this section shall update it with the
33 certified candidates for each office and ballot measure questions and
34 make the updated list publicly available.

35 (4) The county auditor shall make the list prepared under
36 subsection (1) of this section and updated versions of the list
37 regularly available on the auditor's website.

1 NEW SECTION. **Sec. 118.** PROHIBITION OF NONSUBSTANTIVE
2 REQUIREMENTS. (1) If a voter's mistake or omission in the completion
3 of a document under this chapter does not prevent determining whether
4 a covered voter is eligible to vote, the mistake or omission does not
5 invalidate the document. Failure to satisfy a nonsubstantive
6 requirement, such as using paper or envelopes of a specified size or
7 weight, does not invalidate a document submitted under this chapter.
8 In a write-in ballot authorized by this chapter, if the intention of
9 the voter is discernible under the statewide standard uniform
10 definition of what constitutes a vote published by the secretary of
11 state, an abbreviation, misspelling, or other minor variation in the
12 form of the name of a candidate or a political party must be accepted
13 as a valid vote.

14 (2) The declaration and any information in the declaration may be
15 compared with information on file to ascertain the validity of the
16 document.

17 (3) Notarization is not required for the execution of a document
18 under this chapter.

19 NEW SECTION. **Sec. 119.** EQUITABLE RELIEF. A court may issue an
20 injunction or grant other equitable relief appropriate to ensure
21 substantial compliance with, or enforce, this chapter on application
22 by:

23 (1) A covered voter alleging a grievance under this chapter; or

24 (2) An election official in this state.

25 NEW SECTION. **Sec. 120.** UNIFORMITY OF APPLICATION AND
26 CONSTRUCTION. In applying and construing this uniform act,
27 consideration must be given to the need to promote uniformity of the
28 law with respect to its subject matter among states that enact it.

29 NEW SECTION. **Sec. 121.** RELATION TO ELECTRONIC SIGNATURES IN
30 GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and
31 supersedes the electronic signatures in global and national commerce
32 act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or
33 supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or
34 authorize electronic delivery of any of the notices described in
35 section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

1 ((~~3~~)) (c) While a student at any institution of learning(~~(+~~
2 ~~(4) While confined~~)).

3 (2) No person gains residence while serving a sentence in total
4 confinement in any public prison.

5 Absence from the state on business shall not affect the question
6 of residence of any person unless the right to vote has been claimed
7 or exercised elsewhere.

8 **Sec. 205.** RCW 29A.04.163 and 2009 c 369 s 3 are each amended to
9 read as follows:

10 "Service voter" means (~~any~~):

11 (1) Any elector of the state of Washington who is a member of the
12 armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service,
13 is a member of a reserve component of the armed forces, is a student
14 or member of the faculty at a United States military academy, is a
15 member of the merchant marine of the United States, or is a member of
16 a religious group or welfare agency officially attached to and
17 serving with the armed forces of the United States; or

18 (2) A uniformed-service voter as defined in section 102 of this
19 act.

20 **Sec. 206.** RCW 29A.04.210 and 2009 c 369 s 4 are each amended to
21 read as follows:

22 (~~Except for service and overseas voters, only persons~~) Persons
23 registered to vote shall be permitted to vote:

24 (1) At any election held for the purpose of electing persons to
25 public office;

26 (2) At any recall election of a public officer;

27 (3) At any election held for the submission of a measure to any
28 voting constituency;

29 (4) At any primary election.

30 This section does not apply to elections where being registered
31 to vote is not a prerequisite to voting.

32 **Sec. 207.** RCW 29A.08.107 and 2009 c 369 s 9 are each amended to
33 read as follows:

34 (1) If the driver's license number, state identification card
35 number, or last four digits of the social security number provided by
36 the applicant match the information maintained by the Washington
37 department of licensing or the social security administration, and

1 the applicant provided all information required by RCW 29A.08.010,
2 the applicant must be registered to vote.

3 (2) If the driver's license number, state identification card
4 number, or last four digits of the social security number provided by
5 the applicant do not match the information maintained by the
6 Washington department of licensing or the social security
7 administration, or if the applicant does not provide a Washington
8 driver's license, a Washington state identification card, or a social
9 security number, the applicant must be provisionally registered to
10 vote. An identification notice must be sent to the voter to obtain
11 the correct driver's license number, state identification card
12 number, last four digits of the social security number, or one of the
13 following forms of alternate identification:

- 14 (a) Valid photo identification;
- 15 (b) A valid enrollment card of a federally recognized Indian
16 tribe in Washington state;
- 17 (c) A copy of a current utility bill;
- 18 (d) A current bank statement;
- 19 (e) A copy of a current government check;
- 20 (f) A copy of a current paycheck; or
- 21 (g) A government document, other than a voter registration card,
22 that shows both the name and address of the voter.

23 (3) The ballot of a provisionally registered voter may not be
24 counted until the voter provides a driver's license number, a state
25 identification card number, or the last four digits of a social
26 security number that matches the information maintained by the
27 Washington department of licensing or the social security
28 administration, or until the voter provides alternate identification.
29 The identification must be provided no later than the day before
30 certification of the primary or election. If the voter provides one
31 of the forms of identification in subsection (2) of this section, the
32 voter's registration status must be changed from provisionally
33 registered to active registered voter status.

34 (4) A provisional registration must remain on the official list
35 of registered voters through at least two general elections for
36 federal office. If, after two general elections for federal office,
37 the voter still has not verified his or her identity, the provisional
38 registration may be canceled.

39 (5) The requirements of this section do not apply to an overseas
40 or service voter who registers to vote by signing the return envelope

1 of an absentee ballot, or to a registered (~~voter transferring his or~~
2 ~~her~~) voter updating information on their voter registration record.

3 **Sec. 208.** RCW 29A.40.050 and 2011 c 10 s 37 are each amended to
4 read as follows:

5 (1) (a) County auditors shall provide special absentee ballots to
6 be used for state primary or state general elections. An auditor
7 shall provide a special absentee ballot only to a registered voter
8 who completes an application stating that she or he will be unable to
9 vote and return a regular ballot by normal mail delivery within the
10 period provided for regular ballots.

11 (b) A special absentee ballot may not be requested more than
12 (~~ninety~~) 100 days before the applicable state primary or general
13 election. The special absentee ballot will list the offices and
14 measures, if known, scheduled to appear on the state primary or
15 general election ballot. The voter may use the special absentee
16 ballot to write in the name of any eligible candidate for each office
17 and vote on any measure.

18 (2) The county auditor shall include a listing of any candidates
19 who have filed before the time of the application for offices that
20 will appear on the ballot at that primary or election and a list of
21 any issues that have been referred to the ballot before the time of
22 the application.

23 (3) Write-in votes on special absentee ballots must be counted in
24 the same manner provided by law for the counting of other write-in
25 votes. The county auditor shall process and canvass the special
26 absentee ballots provided under this section in the same manner as
27 other ballots under this chapter and chapter 29A.60 RCW.

28 (4) A voter who requests a special absentee ballot under this
29 section may also request a regular ballot. If the regular absentee
30 ballot is properly voted and returned, the special absentee ballot is
31 void, and the county auditor shall reject it in whole when special
32 absentee ballots are canvassed.

33 **Sec. 209.** RCW 29A.40.070 and 2013 c 11 s 48 are each amended to
34 read as follows:

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

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

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

13 ~~((4))~~ (3) Each county auditor shall certify to the office of
14 the secretary of state the dates the ballots were mailed, or the
15 reason and date the ballots will be mailed if the ballots were not
16 mailed timely.

17 ~~((5))~~ (4) Failure to mail ballots as prescribed in this section
18 does not by itself provide a basis for an election contest or other
19 legal challenge to the results of a primary, general election, or
20 special election.

21 **Sec. 210.** RCW 29A.40.091 and 2024 c 269 s 7 are each amended to
22 read as follows:

23 (1) The county auditor shall send each voter a ballot, a security
24 envelope in which to conceal the ballot after voting, a larger
25 envelope in which to return the security envelope, a declaration that
26 the voter must sign, and instructions on how to obtain information
27 about the election, how to mark the ballot, and how to return the
28 ballot to the county auditor. The calendar date of the election must
29 be prominently displayed in bold type, twenty-point font or larger,
30 on the envelope sent to the voter containing the ballot and other
31 materials listed in this subsection.

32 (2) The voter must swear under penalty of perjury that he or she
33 meets the qualifications to vote, and has not voted in any other
34 jurisdiction at this election. The declaration must clearly inform
35 the voter that it is illegal to vote if he or she is not a United
36 States citizen; it is illegal to vote if he or she is serving a
37 sentence of total confinement under the jurisdiction of the
38 department of corrections for a felony conviction or is currently
39 incarcerated for a federal or out-of-state felony conviction; it is

1 illegal to cast a ballot or sign a ballot declaration on behalf of
2 another voter; and that the signature on the declaration will be
3 compared to the signature in the voter's registration file. The
4 ballot materials must provide space for the voter to sign the
5 declaration, indicate the date on which the ballot was voted, and
6 include a telephone number.

7 ~~(3) ((For overseas and service voters, the signed declaration
8 constitutes the equivalent of a voter registration. Return envelopes
9 for overseas and service voters must enable the ballot to be returned
10 postage free if mailed through the United States postal service,
11 United States armed forces postal service, or the postal service of a
12 United States foreign embassy under 39 U.S.C. 3406.~~

13 ~~(4))~~ The voter must be instructed to either return the ballot to
14 the county auditor no later than 8:00 p.m. the day of the election or
15 primary, or mail the ballot to the county auditor with a postmark no
16 later than the day of the election or primary. Return envelopes for
17 all election ballots must include prepaid postage. ~~((Service and
18 overseas voters must be provided with instructions and a privacy
19 sheet for returning the ballot and signed declaration by fax or
20 email. A voted ballot and signed declaration returned by fax or email
21 must be received by 8:00 p.m. on the day of the election or primary.~~

22 ~~(5))~~ (4) The county auditor's name may not appear on the
23 security envelope, the return envelope, or on any voting instructions
24 or materials included with the ballot if he or she is a candidate for
25 office during the same year.

26 ~~((6))~~ (5) For purposes of this section, "prepaid postage" means
27 any method of return postage paid by the county or state.

28 **Sec. 211.** RCW 29A.40.110 and 2024 c 269 s 8 and 2024 c 138 s 2
29 are each reenacted and amended to read as follows:

30 (1) The opening and subsequent processing of return envelopes for
31 any primary or election may begin upon receipt. The tabulation of
32 absentee ballots must not commence until after 8:00 p.m. on the day
33 of the primary or election.

34 (2) All received return envelopes must be placed in secure
35 locations from the time of delivery to the county auditor until their
36 subsequent opening. After opening the return envelopes, the county
37 canvassing board shall place all ~~((e#))~~ the ballots in secure storage
38 until processing. Ballots may be taken from the inner envelopes and

1 all the normal procedural steps may be performed to prepare these
2 ballots for tabulation.

3 (3) The canvassing board, or its designated representatives,
4 shall examine the postmark on the return envelope and signature on
5 the declaration before processing the ballot. The ballot must either
6 be received no later than 8:00 p.m. on the day of the primary or
7 election, or must be postmarked no later than the day of the primary
8 or election.

9 (4) All personnel assigned to verify signatures must receive
10 training on statewide standards for signature verification. The
11 county auditor shall publish on its website the names of all
12 canvassing board members who received training on statewide standards
13 for signature verification and the dates on which the training was
14 completed.

15 (5) Personnel shall verify that the voter's signature on the
16 ballot declaration is the same as the signature of that voter in the
17 registration files of the county. Verification may be conducted by an
18 automated verification system approved by the secretary of state. A
19 variation between the signature of the voter on the ballot
20 declaration and the signature of that voter in the registration files
21 due to the substitution of initials or the use of common nicknames is
22 permitted so long as the surname and handwriting are clearly the
23 same.

24 (6) A county that is participating in the alternative
25 verification options pilot project under RCW 29A.40.111 may also
26 verify a voter's ballot using an alternative verification method
27 approved by the office of the secretary of state.

28 ~~((4))~~ (7) If the postmark is missing or illegible, the date on
29 the ballot declaration to which the voter has attested determines the
30 validity, as to the time of voting, for that ballot. For overseas
31 voters and service voters, the date on the declaration to which the
32 voter has attested determines the validity, as to the time of voting,
33 for that ballot. ~~((Any overseas voter or service voter may return the
34 signed declaration and voted ballot by fax or email by 8:00 p.m. on
35 the day of the primary or election, and the county auditor must use
36 established procedures to maintain the secrecy of the ballot.))~~

37 **Sec. 212.** RCW 29A.40.110 and 2024 c 269 s 8 are each amended to
38 read as follows:

1 (1) The opening and subsequent processing of return envelopes for
2 any primary or election may begin upon receipt. The tabulation of
3 absentee ballots must not commence until after 8:00 p.m. on the day
4 of the primary or election.

5 (2) All received return envelopes must be placed in secure
6 locations from the time of delivery to the county auditor until their
7 subsequent opening. After opening the return envelopes, the county
8 canvassing board shall place all ~~((ϕ))~~ the ballots in secure storage
9 until processing. Ballots may be taken from the inner envelopes and
10 all the normal procedural steps may be performed to prepare these
11 ballots for tabulation.

12 (3) The canvassing board, or its designated representatives,
13 shall examine the postmark on the return envelope and signature on
14 the declaration before processing the ballot. The ballot must either
15 be received no later than 8:00 p.m. on the day of the primary or
16 election, or must be postmarked no later than the day of the primary
17 or election.

18 (4) All personnel assigned to verify signatures must receive
19 training on statewide standards for signature verification. The
20 county auditor shall publish on its website the names of all
21 canvassing board members who received training on statewide standards
22 for signature verification and the dates on which the training was
23 completed.

24 (5) Personnel shall verify that the voter's signature on the
25 ballot declaration is the same as the signature of that voter in the
26 registration files of the county. Verification may be conducted by an
27 automated verification system approved by the secretary of state. A
28 variation between the signature of the voter on the ballot
29 declaration and the signature of that voter in the registration files
30 due to the substitution of initials or the use of common nicknames is
31 permitted so long as the surname and handwriting are clearly the
32 same.

33 ~~((+4))~~ (6) If the postmark is missing or illegible, the date on
34 the ballot declaration to which the voter has attested determines the
35 validity, as to the time of voting, for that ballot. For overseas
36 voters and service voters, the date on the declaration to which the
37 voter has attested determines the validity, as to the time of voting,
38 for that ballot. ~~((Any overseas voter or service voter may return the
39 signed declaration and voted ballot by fax or email by 8:00 p.m. on~~

1 ~~the day of the primary or election, and the county auditor must use~~
2 ~~established procedures to maintain the secrecy of the ballot.))~~

3 NEW SECTION. **Sec. 213.** Section 211 of this act expires January
4 1, 2029.

5 NEW SECTION. **Sec. 214.** Section 212 of this act takes effect
6 January 1, 2029.

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