
SUBSTITUTE HOUSE BILL 1527

State of Washington

60th Legislature

2008 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Armstrong, Kenney, Moeller, Ormsby, and Seaquist; by request of Secretary of State)

READ FIRST TIME 01/28/08.

1 AN ACT Relating to administering elections by mail; amending RCW
2 29A.40.150, 29A.44.090, 29A.48.060, 29A.60.110, 29A.60.190, and
3 29A.60.190; reenacting and amending RCW 29A.40.110 and 29A.60.165;
4 providing an effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
7 each reenacted and amended to read as follows:

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

12 (2) All received absentee return envelopes must be placed in secure
13 locations from the time of delivery to the county auditor until their
14 subsequent opening. After opening the return envelopes, the county
15 canvassing board shall place all of the ballots in secure storage
16 (~~until after 8:00 p.m. of the day of the primary or election~~).
17 Absentee ballots that are to be tabulated on an electronic vote
18 tallying system may be taken from the inner envelopes and all the

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

3 (3) Before opening a returned absentee ballot, the canvassing
4 board, or its designated representatives, shall examine the postmark,
5 statement, and signature on the return envelope that contains the
6 security envelope and absentee ballot. All personnel assigned to
7 verify signatures must receive training on statewide standards for
8 signature verification. Personnel shall verify that the voter's
9 signature on the return envelope is the same as the signature of that
10 voter in the registration files of the county. Verification may be
11 conducted by an automated verification system approved by the secretary
12 of state. For any absentee ballot, a variation between the signature
13 of the voter on the return envelope and the signature of that voter in
14 the registration files due to the substitution of initials or the use
15 of common nicknames is permitted so long as the surname and handwriting
16 are clearly the same.

17 (4) For registered voters casting absentee ballots, the date on the
18 return envelope to which the voter has attested determines the
19 validity, as to the time of voting for that absentee ballot if the
20 postmark is missing or is illegible. For out-of-state voters, overseas
21 voters, and service voters stationed in the United States, the date on
22 the return envelope to which the voter has attested determines the
23 validity as to the time of voting for that absentee ballot.

24 **Sec. 2.** RCW 29A.40.150 and 2006 c 206 s 7 are each amended to read
25 as follows:

26 The secretary of state shall produce and furnish envelopes and
27 instructions for overseas voters and service voters. The information
28 on the envelopes or instructions must explain that:

29 (1) Return postage is free if the ballot is mailed through the
30 United States postal service, United States armed forces postal
31 service, or the postal service of a United States foreign embassy;

32 (2) The date of the signature is considered the date of mailing;

33 (3) The envelope must be signed by election day;

34 (4) The signed declaration on the envelope is the equivalent of
35 voter registration;

36 (5) A voter may (~~fax~~) return a voted ballot and the accompanying

1 signed envelope electronically if the voter agrees to waive secrecy(~~(-~~
2 ~~The ballot will be counted if the original documents are received~~
3 ~~before certification of the election))~~); and

4 (6) A voter may obtain a ballot via electronic mail, which the
5 voter may print out, vote, and return (~~(by mail)~~). In order to
6 facilitate the electronic acquisition of ballots by overseas and
7 service voters, the ballot instructions shall include the web site of
8 the office of the secretary of state.

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

11 (~~(A registered voter shall not be allowed to vote in the precinct~~
12 ~~in which he or she is registered at any election or primary for which~~
13 ~~that voter has cast an absentee ballot. A registered voter who has~~
14 ~~requested an absentee ballot for a primary or special or general~~
15 ~~election but chooses to vote at the voter's precinct polling place in~~
16 ~~that primary or election shall cast a provisional ballot. The~~
17 ~~canvassing board shall not count the ballot if it finds that the voter~~
18 ~~has also voted by absentee ballot in that primary or election.))~~)

19 (1) If a registered voter who was issued an absentee or mail ballot
20 requests to vote at a polling place, the precinct election officer
21 shall attempt to confirm whether the voter has already returned a
22 ballot. Confirmation may be achieved by accessing the county voter
23 registration system by electronic, telephone, or other means.

24 (2) If the precinct election officer is able to confirm that the
25 voter has not already returned a ballot, the voter may be issued a
26 regular ballot. In order to prevent multiple voting, the voter must be
27 immediately credited or flagged in the voter registration system as
28 having voted. If an absentee or mail ballot is subsequently returned,
29 the canvassing board may not count the absentee or mail ballot.

30 (3) If the precinct election officer is unable to confirm whether
31 the voter has already returned a ballot, the voter must be issued a
32 provisional ballot. If the voter has already returned an absentee or
33 mail ballot, the canvassing board may not count the provisional ballot.
34 If the canvassing board counts the provisional ballot and an absentee
35 or mail ballot is subsequently returned, the canvassing board may not
36 count the absentee or mail ballot.

1 **Sec. 4.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to
2 read as follows:

3 All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or
4 29A.48.030 must contain the same offices, names of nominees or
5 candidates, and propositions to be voted upon, including precinct
6 offices, as if the ballot had been voted in person at the polling
7 place. Except as otherwise provided by law, mail ballots must be
8 treated in the same manner as absentee ballots issued at the request of
9 the voter. If electronic vote tallying devices are used, political
10 party observers must be given the opportunity to be present, and a test
11 of the equipment must be performed as required by RCW 29A.12.130 before
12 tabulating ballots. ~~((Political party observers may select at random
13 ballots to be counted manually as provided by RCW 29A.60.170.))~~

14 **Sec. 5.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to
15 read as follows:

16 Immediately after their tabulation, all ballots counted at a ballot
17 counting center must be sealed in containers that identify the primary
18 or election and be retained for at least sixty days or according to
19 federal law, whichever is longer. All ballots tallied by poll-site
20 ballot counting devices must be returned to the elections department in
21 sealed ballot containers on election day. Counties composed entirely
22 of islands or portions of counties composed of islands shall collect
23 the ballots within twenty-four hours of the close of the polls.

24 Ballots tabulated in poll-site ballot counting devices must be
25 sealed by two of the election precinct officers at the polling place,
26 and a log of the seal and the names of the people sealing the container
27 must be completed. One copy of this log must be retained by the
28 inspector, one copy must be placed in the ballot transfer case, and one
29 copy must be transported with the ballots to the elections department,
30 where the seal number must be verified by the county auditor or a
31 designated representative. Ballots may be transported by one election
32 employee if the container is sealed at the poll and then verified when
33 returned to the elections department. Auditors using poll-site ballot
34 counting devices may conduct early pickup of counted ballots on
35 election day.

36 In the presence of major party observers who are available, ballots
37 may be removed from the sealed containers at the elections department

1 and consolidated into one sealed container for storage purposes. The
2 containers may only be opened by the canvassing board as part of the
3 canvass, or to conduct recounts, or under RCW 29A.60.170(~~(+3)~~), or by
4 order of the superior court in a contest or election dispute. If the
5 canvassing board opens a ballot container, it shall make a full record
6 of the additional tabulation or examination made of the ballots. This
7 record must be added to any other record of the canvassing process in
8 that county.

9 **Sec. 6.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
10 each reenacted and amended to read as follows:

11 (1) If the voter neglects to sign the (~~outside envelope of~~) oath
12 on an absentee or provisional ballot envelope, signs the oath with a
13 mark and fails to have two witnesses attest to the signature, or signs
14 the ballot envelope but the signature on the envelope does not match
15 the signature on the voter registration record, the auditor shall
16 notify the voter by first class mail (~~and advise the voter~~) of the
17 correct procedures for (~~completing the unsigned affidavit~~) curing the
18 signature. If (~~the~~) such an absentee ballot is not received within
19 three business days of the final meeting of the canvassing board, or
20 the voter has been notified by first class mail and has not responded
21 by at least three business days before the final meeting of the
22 canvassing board, (~~then~~) the auditor shall attempt to notify the
23 voter by telephone, using information in the voter registration record
24 (~~information~~).

25 (~~In order for the ballot to be counted~~) (2) If the voter neglects
26 to sign the oath on an absentee or provisional ballot envelope, or
27 signs the oath with a mark and fails to have two witnesses attest to
28 the signature, the voter must either:

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

31 (b) Sign a copy of the envelope provided by the auditor, and return
32 it to the auditor no later than the day before (~~the~~) certification of
33 the primary or election.

34 (~~(2)(a) If the handwriting of the signature on an absentee or~~
35 ~~provisional ballot envelope is not the same as the handwriting of the~~
36 ~~signature on the registration file, the auditor shall notify the voter~~
37 ~~by first class mail, enclosing a copy of the envelope affidavit, and~~

1 ~~advise the voter of the correct procedures for updating his or her~~
2 ~~signature on the voter registration file. If the absentee or~~
3 ~~provisional ballot is received within three business days of the final~~
4 ~~meeting of the canvassing board, or the voter has been notified by~~
5 ~~first class mail and has not responded at least three business days~~
6 ~~before the final meeting of the canvassing board, then the auditor~~
7 ~~shall attempt to notify the voter by telephone, using the voter~~
8 ~~registration record information. In order for the ballot to be~~
9 ~~counted)) (3) If the signature on the oath of an absentee or~~
10 ~~provisional ballot envelope does not match the signature on the voter~~
11 ~~registration record, the voter must ((either)):~~

12 ~~((i))~~ (a) Appear in person and sign a new registration form no
13 later than the day before ((the)) certification of the primary or
14 election. The updated signature provided on the new registration form
15 becomes the signature on the voter registration record for the current
16 election and future elections; ((or

17 ~~(ii))~~ (b) Sign a copy of the affidavit provided by the auditor and
18 ~~((return it to the auditor no later than the day before the~~
19 ~~certification of the primary or election. The voter may enclose with~~
20 ~~the affidavit)) provide a photocopy of a valid government or tribal~~
21 ~~issued identification document that includes the voter's current~~
22 ~~signature. ((If)) The signatures on ((the copy of)) the affidavit~~
23 ~~((does not match the signature on file or the signature on the copy~~
24 ~~of)), the identification ((document, the voter must appear in person~~
25 ~~and sign a new registration form)), and the ballot envelope must all~~
26 ~~match. The voter must return the signed affidavit and the~~
27 ~~identification to the auditor no later than the day before ((the))~~
28 ~~certification of the primary or election ((in order for the ballot to~~
29 ~~be counted)). The county auditor may also send the voter a new~~
30 ~~registration form to update the signature on the voter registration~~
31 ~~record for future elections; or~~

32 (c) Sign a copy of the affidavit provided by the auditor in front
33 of two witnesses who are registered voters and who attest to the
34 signature. The signature on the affidavit must match the signature on
35 the ballot envelope. The voter must return the signed affidavit to the
36 auditor no later than the day before certification of the primary or
37 election. The county auditor may also send the voter a new

1 registration form to update the signature on the voter registration
2 record for future elections.

3 ((+b)) (4) If the signature on an absentee or provisional ballot
4 envelope is not the same as the signature on the registration ((file))
5 record because the name is different, the ballot may be counted as long
6 as the handwriting is clearly the same. The auditor shall send the
7 voter a change-of-name form under RCW 29A.08.440 and direct the voter
8 to complete the form. ((+e)) If the signature on an absentee or
9 provisional ballot envelope is not the same as the signature on the
10 registration ((file)) record because the voter used initials or a
11 common nickname, the ballot may be counted as long as the surname and
12 handwriting are clearly the same.

13 ((+3)) (5) A voter may not cure a missing or mismatched signature
14 for purposes of counting the ballot in a recount.

15 ((+4)) (6) A record must be kept of all ballots with missing and
16 mismatched signatures. The record must contain the date on which the
17 voter was contacted or the notice was mailed, as well as the date on
18 which the voter signed the envelope, a copy of the envelope, a new
19 registration form, or a change-of-name form. That record is a public
20 record under chapter 42.56 RCW and may be disclosed to interested
21 parties on written request.

22 **Sec. 7.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to
23 read as follows:

24 (1) Except as provided by subsection (3) of this section, fifteen
25 days after a primary or special election and twenty-one days after a
26 general election, the county canvassing board shall complete the
27 canvass and certify the results. Each absentee ballot that was
28 returned before the closing of the polls, and each absentee ballot
29 bearing a postmark on or before the date of the primary or election and
30 received on or before the date on which the primary or election is
31 certified, must be included in the canvass report. If a service voter
32 or overseas voter returned an absentee ballot by electronic
33 transmission, the original documents need not be received on or before
34 the date on which the primary or election is certified in order to be
35 included in the canvass report.

36 (2) At the request of a caucus of the state legislature, the county
37 auditor shall transmit copies of all unofficial returns of state and

1 legislative primaries or elections prepared by or for the county
2 canvassing board to either the secretary of the senate or the chief
3 clerk of the house of representatives.

4 (3) On or before the thirtieth day after an election conducted
5 under the instant runoff voting method for the pilot project authorized
6 by RCW 29A.53.020, the canvassing board shall complete the canvass and
7 certify the results.

8 **Sec. 8.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to
9 read as follows:

10 (1) Fifteen days after a primary or special election and twenty-one
11 days after a general election, the county canvassing board shall
12 complete the canvass and certify the results. Each absentee ballot
13 that was returned before the closing of the polls, and each absentee
14 ballot bearing a postmark on or before the date of the primary or
15 election and received on or before the date on which the primary or
16 election is certified, must be included in the canvass report. If a
17 service voter or overseas voter returned an absentee ballot by
18 electronic transmission, the original documents need not be received on
19 or before the date on which the primary or election is certified in
20 order to be included in the canvass report.

21 (2) At the request of a caucus of the state legislature, the county
22 auditor shall transmit copies of all unofficial returns of state and
23 legislative primaries or elections prepared by or for the county
24 canvassing board to either the secretary of the senate or the chief
25 clerk of the house of representatives.

26 NEW SECTION. **Sec. 9.** Section 7 of this act expires July 1, 2013.

27 NEW SECTION. **Sec. 10.** Section 8 of this act takes effect July 1,
28 2013.

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