
SENATE BILL 5125

State of Washington

62nd Legislature

2011 Regular Session

By Senators Becker, Swecker, and King; by request of Secretary of State

Read first time 01/14/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to absentee ballots; amending RCW 29A.40.091,
2 29A.40.110, 29A.48.050, 29A.60.190, and 29A.60.190; adding a new
3 section to chapter 29A.40 RCW; providing an effective date; and
4 providing an expiration date.

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

6 **Sec. 1.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to read
7 as follows:

8 The county auditor shall send each voter a ballot, a security
9 envelope in which to seal the ballot after voting, a larger envelope in
10 which to return the security envelope, and instructions on how to mark
11 the ballot and how to return it to the county auditor. The
12 instructions that accompany a ballot for a partisan primary must
13 include instructions for voting the applicable ballot style, as
14 provided in chapter 29A.36 RCW. The voter's name and address must be
15 printed on the larger return envelope, which must also contain a
16 declaration by the voter reciting his or her qualifications and stating
17 that he or she has not voted in any other jurisdiction at this
18 election, together with a summary of the penalties for any violation of
19 any of the provisions of this chapter. The declaration must clearly

1 inform the voter that it is illegal to vote if he or she is not a
2 United States citizen; it is illegal to vote if he or she has been
3 convicted of a felony and has not had his or her voting rights
4 restored; and, except as otherwise provided by law, it is illegal to
5 cast a ballot or sign a return envelope on behalf of another voter.
6 The return envelope must provide space for the voter to indicate the
7 date on which the ballot was voted and for the voter to sign the oath.
8 It must also contain a space so that the voter may include a telephone
9 number. A summary of the applicable penalty provisions of this chapter
10 must be printed on the return envelope immediately adjacent to the
11 space for the voter's signature. The signature of the voter on the
12 return envelope must affirm and attest to the statements regarding the
13 qualifications of that voter and to the validity of the ballot. The
14 return envelope may provide secrecy for the voter's signature and
15 optional telephone number. For overseas and service voters, the signed
16 declaration on the return envelope constitutes the equivalent of a
17 voter registration for the election or primary for which the ballot has
18 been issued. The voter must be instructed to either return the ballot
19 to the county auditor by whom it was issued or attach sufficient first-
20 class postage, if applicable, and mail the ballot to the appropriate
21 county auditor (~~((no later than the day of the election or primary for
22 which the ballot was issued))~~) in accordance with the time requirements
23 of RCW 29A.40.110.

24 If the county auditor chooses to forward ballots, he or she must
25 include with the ballot a clear explanation of the qualifications
26 necessary to vote in that election and must also advise a voter with
27 questions about his or her eligibility to contact the county auditor.
28 This explanation may be provided on the ballot envelope, on an enclosed
29 insert, or printed directly on the ballot itself. If the information
30 is not included, the envelope must clearly indicate that the ballot is
31 not to be forwarded and that return postage is guaranteed.

32 **Sec. 2.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to
33 read as follows:

34 (1) The opening and subsequent processing of return envelopes for
35 any primary or election may begin upon receipt. The tabulation of
36 absentee ballots (~~((must not))~~) may commence (~~((until after))~~) at 8:00
37 (~~((p.m.))~~) a.m. on the Monday immediately before the day of the primary

1 or election. Tabulation results must be held in secrecy, as provided
2 in RCW 29A.84.730, until after 8:00 p.m. on the day of the primary or
3 election.

4 (2) All received absentee return envelopes must be placed in secure
5 locations from the time of delivery to the county auditor until their
6 subsequent opening. After opening the return envelopes, the county
7 canvassing board, or its designated representatives, shall place all of
8 the ballots in secure storage until ~~((after 8:00 p.m. of the day of the~~
9 ~~primary or election))~~ tabulation. Absentee ballots that are to be
10 tabulated on an electronic vote tallying system may be taken from the
11 inner envelopes and all the normal procedural steps may be performed to
12 prepare these ballots for tabulation.

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

27 (4) For registered voters casting absentee ballots, the ~~((date on~~
28 ~~the return envelope to which the voter has attested determines the~~
29 ~~validity, as to the time of voting for that absentee ballot if the~~
30 ~~postmark is missing or is illegible))~~ absentee ballots must be received
31 by the county auditor by 8:00 p.m. on the day of the primary or
32 election in order to be valid. The county auditor may designate poll
33 sites, deposit sites, or other locations for the receipt of absentee
34 ballots. For overseas voters and service voters, the date on the
35 return envelope to which the voter has attested ~~((determines the~~
36 ~~validity as to the time of voting for that absentee ballot))~~ must be no
37 later than the day of the primary or election in order for the ballot
38 to be valid.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.40 RCW
2 to read as follows:

3 Following certification of each election, the county auditor shall
4 notify each voter whose absentee ballot was not counted because it was
5 not returned within the time requirements provided in RCW 29A.40.110.

6 **Sec. 4.** RCW 29A.48.050 and 2006 c 206 s 8 are each amended to read
7 as follows:

8 The voter shall return the ballot to the county auditor in the
9 return ((identification)) envelope in accordance with the time
10 requirements of RCW 29A.40.110. ((If mailed, a ballot must be
11 postmarked not later than the date of the primary or election.
12 Otherwise, the ballot must be deposited at the office of the county
13 auditor or the designated place of deposit not later than 8:00 p.m. on
14 the date of the primary or election.)) All personnel assigned to
15 verify signatures on the return envelope must receive training on
16 statewide standards for signature verification.

17 **Sec. 5.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to
18 read as follows:

19 (1) Except as provided by subsection (3) of this section, fifteen
20 days after a primary or special election and twenty-one days after a
21 general election, the county canvassing board shall complete the
22 canvass and certify the results. Each absentee ballot that was
23 returned ((before the closing of the polls, and each absentee ballot
24 bearing a postmark on or before the date of the primary or election and
25 received on or before the date on which the primary or election is
26 certified,)) in accordance with the time requirements of RCW 29A.40.110
27 must be included in the canvass report.

28 (2) At the request of a caucus of the state legislature, the county
29 auditor shall transmit copies of all unofficial returns of state and
30 legislative primaries or elections prepared by or for the county
31 canvassing board to either the secretary of the senate or the chief
32 clerk of the house of representatives.

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

1 **Sec. 6.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to
2 read as follows:

3 (1) Fifteen days after a primary or special election and twenty-one
4 days after a general election, the county canvassing board shall
5 complete the canvass and certify the results. Each absentee ballot
6 that was returned (~~((before the closing of the polls, and each absentee
7 ballot bearing a postmark on or before the date of the primary or
8 election and received on or before the date on which the primary or
9 election is certified,))~~) in accordance with the time requirements of
10 RCW 29A.40.110 must be included in the canvass report.

11 (2) At the request of a caucus of the state legislature, the county
12 auditor shall transmit copies of all unofficial returns of state and
13 legislative primaries or elections prepared by or for the county
14 canvassing board to either the secretary of the senate or the chief
15 clerk of the house of representatives.

16 NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1, 2013.

17 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1,
18 2013.

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