
HOUSE BILL 1564

State of Washington

55th Legislature

1997 Regular Session

By Representatives Mielke, Pennington, Talcott and Cole

Read first time 01/30/97. Referred to Committee on Government Administration.

1 AN ACT Relating to conducting elections with the use of absentee
2 ballots and mailed ballots; and amending RCW 29.36.045, 29.36.060,
3 29.62.020, and 29.62.040.

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

5 **Sec. 1.** RCW 29.36.045 and 1987 c 346 s 12 are each amended to read
6 as follows:

7 The county auditor shall send each absentee voter a ballot, a
8 security envelope in which to seal the ballot after voting, a larger
9 envelope in which to return the security envelope, and instructions on
10 how to mark the ballot and how to return it to the county auditor. The
11 larger return envelope shall contain a declaration by the absentee
12 voter reciting his or her qualifications and stating that he or she has
13 not voted in any other jurisdiction at this election, together with a
14 summary of the penalties for any violation of any of the provisions of
15 this chapter. The return envelope shall provide space for the voter to
16 indicate the date on which the ballot was voted and for the voter to
17 sign the oath. A summary of the applicable penalty provisions of this
18 chapter shall be printed on the return envelope immediately adjacent to
19 the space for the voter's signature. The signature of the voter on the

1 return envelope shall affirm and attest to the statements regarding the
2 qualifications of that voter and to the validity of the ballot. For
3 ~~((out of state voters,))~~ overseas voters~~((,))~~ and service voters, the
4 signed declaration on the return envelope constitutes the equivalent of
5 a voter registration for the election or primary for which the ballot
6 has been issued.

7 The ~~((voter shall be instructed to either return))~~ instructions
8 must indicate that, to be counted, the absentee ballot must be returned
9 to the county auditor by ((whom it was issued or attach sufficient
10 first class postage, if applicable, and mail the ballot to the
11 appropriate county auditor)) depositing the ballot at the office of the
12 county auditor or at a polling place in the county, or by sending the
13 ballot by first class mail to the office of the county auditor, and
14 must be received by the county auditor no later than 8:00 p.m. on the
15 day of the election or primary ((for which the ballot was issued)).
16 Emphasis must be given to the date and time by which an absentee ballot
17 must be received if it is to be counted. Special instructions must be
18 provided to overseas voters and service voters describing the exception
19 where absentee ballots cast by overseas voters and service voters are
20 counted if mailed on or before the date of the primary or election and
21 received by the county auditor on or before noon on the day the results
22 of the primary or election are certified.

23 **Sec. 2.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read
24 as follows:

25 The opening and subsequent processing of return envelopes ~~((for any~~
26 ~~primary or election))~~ may begin on or after the tenth day ~~((prior to~~
27 ~~such))~~ before the primary or election. The opening of the security
28 envelopes and tabulation of absentee ballots shall not commence until
29 after 8:00 ~~((o'clock))~~ p.m. on the day of the primary or election.

30 After opening the return envelopes, the county canvassing board or
31 its representatives shall place all of the ballot envelopes in
32 containers that can be secured with numbered seals. These sealed
33 containers shall be stored in a secure location until after 8:00
34 ~~((o'clock))~~ p.m. of the day of the primary or election. Absentee
35 ballots that are to be tabulated on an electronic vote tallying system
36 may be taken from the inner envelopes and all the normal procedural
37 steps may be performed to prepare these ballots for tabulation before
38 sealing the containers.

1 The canvassing board or its representatives shall examine the
2 ~~((postmark,))~~ statement~~((,))~~ and signature on each return envelope
3 containing the security envelope and absentee ballot~~((. They shall)),~~
4 verify that the voter's signature is the same as that in the
5 registration files for that voter, determine when the ballot was
6 received, and for absentee ballots cast by overseas voters or service
7 voters, determine the date of mailing. ~~((For absentee voters other~~
8 ~~than out-of-state voters, overseas voters, and service voters, if the~~
9 ~~postmark is illegible, the date on the return envelope to which the~~
10 ~~voter attests shall determine the validity, as to the time of voting,~~
11 ~~of that absentee ballot under this chapter.))~~ For any absentee voter,
12 a variation between the signature of the voter on the return envelope
13 and that in the registration files due to the substitution of initials
14 or the use of common nicknames is permitted so long as the surname and
15 handwriting are clearly the same.

16 An absentee ballot cast by a voter other than an overseas voter or
17 service voter may be counted only if it is signed by the voter and
18 received by the county auditor on or before 8:00 p.m. on the day of the
19 primary or election. An absentee ballot cast by an overseas voter or
20 service voter may be only counted if it is signed by the voter, mailed
21 on or before the day of the primary or election, and received by the
22 county auditor on or before noon on the day the results are certified.

23 **Sec. 3.** RCW 29.62.020 and 1995 c 139 s 2 are each amended to read
24 as follows:

25 (1) No later than the tenth day after a special election or primary
26 and no later than the fifteenth day after a general election, the
27 county auditor shall convene the county canvassing board to ~~((process~~
28 ~~the absentee ballots and))~~ canvass the votes cast at that primary or
29 election, including votes cast at voting places on the day of the
30 primary or election, absentee or mailed ballots that were received by
31 the county auditor on or before 8:00 p.m. on the day of the primary or
32 election, and absentee ballots cast by overseas voters or service
33 voters that were mailed on or before the day of the primary or election
34 and received on or before noon on the date the results of the primary
35 or election are certified. On the tenth day after a special election
36 or a primary and on the fifteenth day after a general election, the
37 canvassing board shall complete the canvass and certify the results.
38 ~~((Each absentee ballot that was returned before the closing of the~~

1 ~~polls on the date of the primary or election for which it was issued,~~
2 ~~and each absentee ballot with a date of mailing on or before the date~~
3 ~~of the primary or election for which it was issued and received on or~~
4 ~~before the date on which the primary or election is certified, shall be~~
5 ~~included in the canvass report.))~~

6 (2) At the request of any caucus of the state legislature, the
7 county auditor shall transmit copies of all unofficial returns of state
8 and legislative primaries or elections prepared by or for the county
9 canvassing board to either the secretary of the senate or the chief
10 clerk of the house.

11 **Sec. 4.** RCW 29.62.040 and 1990 c 59 s 63 are each amended to read
12 as follows:

13 Before canvassing the returns of a primary or election, the
14 chairman of the county legislative authority shall administer an oath
15 to the county auditor attesting to the authenticity of the information
16 presented to the canvassing board. This oath must be signed by the
17 county auditor and filed with the returns of the primary or election.

18 The county canvassing board shall proceed to verify the results
19 ~~((from the precincts and the absentee ballots.—The board))~~ and shall
20 execute a certificate of the results of the primary or election signed
21 by all members of the board. Failure to certify the returns, if they
22 can be ascertained with reasonable certainty, is a misdemeanor.

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