
HOUSE BILL 1286

State of Washington

56th Legislature

1999 Regular Session

By Representatives D. Schmidt, Romero, McMorris, Scott, Wensman, Esser, Carrell, Benson, Sullivan, Santos, Doumit, D. Sommers, Dunn and Bush

Read first time 01/20/1999. Referred to Committee on State Government.

1 AN ACT Relating to election procedures; amending RCW 29.36.045 and
2 29.62.020; and adding a new section to chapter 29.36 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.36 RCW
5 to read as follows:

6 An absentee ballot may be tabulated only if the absentee ballot
7 was:

8 (1) Both mailed to the county auditor from anywhere in the United
9 States with a date of mailing on or before the Saturday immediately
10 before the day of the primary or election for which it was issued and
11 received by the county auditor by noon of the day the election results
12 are certified; or

13 (2) Both mailed to the county auditor by an overseas voter or
14 service voter with a date of mailing on or before the day of the
15 primary or election for which it was issued and received by the county
16 auditor by noon of the day the election results are certified; or

17 (3) Deposited at a polling site in the county of the auditor who
18 issued the ballot, during normal voting hours of the primary or
19 election for which it was issued; or

1 (4) Deposited with the county auditor who issued the ballot on or
2 before the close of the polling places on the date of the primary or
3 election for which it was issued.

4 The date of mailing is the date of the postmark. However, if the
5 postmark is missing or illegible or if the voter is an overseas voter
6 or a service voter, the date of mailing is the date a voter attests to
7 voting, as shown on the return envelope.

8 **Sec. 2.** RCW 29.36.045 and 1987 c 346 s 12 are each amended to read
9 as follows:

10 The county auditor shall send each absentee voter a ballot, a
11 security envelope in which to seal the ballot after voting, a larger
12 envelope in which to return the security envelope, and instructions on
13 how to mark the ballot and how to return it to the county auditor. The
14 larger return envelope shall contain a declaration by the absentee
15 voter reciting his or her qualifications and stating that he or she has
16 not voted in any other jurisdiction at this election, together with a
17 summary of the penalties for any violation of any of the provisions of
18 this chapter. The return envelope shall provide space for the voter to
19 indicate the date on which the ballot was voted and for the voter to
20 sign the oath. A summary of the applicable penalty provisions of this
21 chapter shall be printed on the return envelope immediately adjacent to
22 the space for the voter's signature. The signature of the voter on the
23 return envelope shall affirm and attest to the statements regarding the
24 qualifications of that voter and to the validity of the ballot. For
25 out-of-state voters, overseas voters, and service voters, the signed
26 declaration on the return envelope constitutes the equivalent of a
27 voter registration for the election or primary for which the ballot has
28 been issued. The ~~((voter shall be instructed to either return the
29 ballot to the county auditor by whom it was issued or attach sufficient
30 first class postage, if applicable, and mail the ballot to the
31 appropriate county auditor no later than the day of the election or
32 primary for which the ballot was issued))~~ instructions must include a
33 description of the circumstances when an absentee ballot will be
34 tabulated, as provided under section 1 of this act.

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

1 (1) No later than the tenth day after a special election or primary
2 and no later than the fifteenth day after a general election, the
3 county auditor shall convene the county canvassing board to process the
4 absentee ballots and canvass the votes cast at that primary or
5 election. On the tenth day after a special election or a primary and
6 on the fifteenth day after a general election, the canvassing board
7 shall complete the canvass and certify the results. The canvass report
8 must include each absentee ballot that ~~((was returned before the~~
9 ~~closing of the polls on the date of the primary or election for which~~
10 ~~it was issued, and each absentee ballot with a date of mailing on or~~
11 ~~before the date of the primary or election for which it was issued and~~
12 ~~received on or before the date on which the primary or election is~~
13 ~~certified, shall be included in the canvass report))~~ may be tabulated
14 under section 1 of this act.

15 (2) At the request of any caucus of the state legislature, the
16 county auditor shall transmit copies of all unofficial returns of state
17 and legislative primaries or elections prepared by or for the county
18 canvassing board to ~~((either))~~ the secretary of the senate ~~((or))~~ and
19 the chief clerk of the house.

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