
HOUSE BILL 1554

State of Washington

57th Legislature

2001 Regular Session

By Representative D. Schmidt

Read first time 01/29/2001. Referred to Committee on State Government.

1 AN ACT Relating to election procedures; amending RCW 29.36.045,
2 29.36.060, 29.36.126, 29.36.139, and 29.62.020; and adding a new
3 section to chapter 29.36 RCW.

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

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

7 An absentee ballot may be tabulated only if the voter complied with
8 all instructions, including the voter signing the outer return
9 identification envelope, and the absentee ballot was returned to the
10 county auditor who issued the absentee ballot as follows:

11 (1) If mailed from anywhere in the United States, the absentee
12 ballot must either: (a) Be received by the county auditor no later
13 than 8:00 p.m. on the day of the primary or election for which it was
14 issued; or (b) have a date of mailing on or before the Friday
15 immediately before the day of the primary or election for which it was
16 issued and be received by the county auditor no later than 12:00 noon
17 on the day the primary or election results are certified; or

18 (2) If mailed by an overseas voter or service voter, the absentee
19 ballot must have a date of mailing on or before the day of the election

1 or primary for which it was issued and be received by the county
2 auditor no later than 12:00 noon on the day the primary or election
3 results are certified; or

4 (3) The absentee ballot was deposited at a polling site in the
5 county of the auditor who issued the absentee ballot, during normal
6 voting hours of the primary or election for which it was issued; or

7 (4) The absentee ballot was deposited with the county auditor who
8 issued the absentee ballot no later than 8:00 p.m. on the date of the
9 primary or election for which it was issued.

10 The date of mailing is the date of the postmark appearing on the
11 outer return envelope. However, if the postmark is missing or
12 illegible, the date of mailing is the date a voter attests to voting,
13 as shown on the outer return envelope.

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

16 The county auditor shall send each absentee voter a ballot, an
17 inner security envelope in which to seal the ballot after voting, a
18 larger outer return identification envelope in which to return the
19 security envelope, and instructions on how to mark the ballot and how
20 to return it to the county auditor so that the ballot may be tabulated
21 as provided under section 1 of this act. The ((larger)) outer return
22 envelope shall contain a declaration by the absentee voter reciting his
23 or her qualifications and stating that he or she has not voted in any
24 other jurisdiction at this primary or election, together with a summary
25 of the penalties for any violation of any of the provisions of this
26 chapter. The outer return envelope shall provide space for the voter
27 to indicate the date on which the ballot was voted and for the voter to
28 sign the oath. A summary of the applicable penalty provisions of this
29 chapter shall be printed on the outer return envelope immediately
30 adjacent to the space for the voter's signature. The signature of the
31 voter on the outer return envelope shall affirm and attest to the
32 statements regarding the qualifications of that voter and to the
33 validity of the ballot. For out-of-state voters, overseas voters, and
34 service voters, the signed declaration on the return envelope
35 constitutes the equivalent of a voter registration for the election or
36 primary for which the ballot has been issued. ((The voter shall be
37 instructed to either return the ballot to the county auditor by whom it
38 was issued or attach sufficient first class postage, if applicable, and

1 mail the ballot to the appropriate county auditor no later than the day
2 of the election or primary for which the ballot was issued.))

3 **Sec. 3.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read
4 as follows:

5 The opening and subsequent processing of outer return
6 identification envelopes for any primary or election may begin on or
7 after the tenth day (~~((prior to such))~~) before the primary or election.
8 The opening of the security envelopes and tabulation of absentee
9 ballots shall not commence until after 8:00 (~~((o'clock))~~) p.m. on the day
10 of the primary or election.

11 After opening the outer return envelopes, the county canvassing
12 board or its representative shall place all of the (~~((ballot))~~) inner
13 security envelopes in containers that can be secured with numbered
14 seals. These sealed containers shall be stored in a secure location
15 until after 8:00 (~~((o'clock))~~) p.m. of the day of the primary or
16 election. However, absentee ballots that are to be tabulated (~~((on))~~) by
17 an electronic vote tallying system may be taken from the inner security
18 envelopes and all the normal procedural steps may be performed to
19 prepare these absentee ballots for tabulation before sealing the
20 absentee ballots in sealed containers.

21 The canvassing board or its representative shall examine the
22 postmark, statement, and signature on each outer return envelope
23 containing the inner security envelope and absentee ballot(~~((. They))~~)
24 and shall verify that the voter's signature is the same as that in the
25 registration files for that voter. (~~((For absentee voters other than~~
26 ~~out-of-state voters, overseas voters, and service voters, if the~~
27 ~~postmark is illegible, the date on the return envelope to which the~~
28 ~~voter attests shall determine the validity, as to the time of voting,~~
29 ~~of that absentee ballot under this chapter. For any absentee voter,))~~)
30 An absentee ballot may only be counted if the proper voter signature on
31 the outer return envelope was made by no later than 8:00 p.m. on the
32 primary or election for which it was issued. A variation between the
33 signature of the voter on the outer return envelope and that in the
34 registration files due to the substitution of initials or the use of
35 common nicknames is permitted so long as the surname and handwriting
36 are clearly the same.

1 **Sec. 4.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to read
2 as follows:

3 Upon receipt of the mail ballot, the voter shall mark it, sign the
4 outer return identification envelope supplied with the ballot, and
5 comply with the instructions provided with the ballot. The voter may
6 return the marked ballot to the county auditor. ~~((The ballot must be
7 returned in the return identification envelope.))~~ If ~~((mailed))~~
8 returned by mail, a mail ballot ~~((must be postmarked not later than the
9 date of the election))~~ may only be tabulated under the same conditions
10 that an absentee ballot may be tabulated if it is returned by mail.
11 Otherwise, ~~((the))~~ a mail ballot ~~((must be))~~ may be tabulated only if
12 it was deposited at the office of the county auditor no later than 8:00
13 p.m. on the date of the primary or election for which it was issued or
14 if it was deposited at the designated place of deposit not later than
15 8:00 p.m. on the date of the primary or election for which it was
16 issued.

17 **Sec. 5.** RCW 29.36.139 and 1993 c 417 s 6 are each amended to read
18 as follows:

19 (1) A mail ballot shall be counted only if it is returned in the
20 outer return identification envelope as provided under RCW 29.36.126,
21 if the outer return envelope is signed by the registered voter to whom
22 the ballot is issued, and if the signature is verified ~~((as provided in
23 this subsection. The county auditor shall verify the signature of each
24 voter on the return identification envelope with the signature on the
25 voter's registration record))~~ in the same manner as a signature on the
26 outer return envelope containing an absentee ballot is verified under
27 RCW 29.36.060. A person who votes or attempts to vote more than once
28 in a mail ballot election is subject to the penalties provided in
29 chapter 29.85 RCW.

30 (2) Any mail ballot may be challenged in the same manner as an
31 absentee ballot.

32 **Sec. 6.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to read
33 as follows:

34 (1) At least every third day after a ~~((special election,))~~
35 primary~~((,))~~ or ~~((general))~~ election and before certification of the
36 ~~((election))~~ results, except Sundays and legal holidays, the county
37 auditor shall convene the county canvassing board or ~~((their))~~ its

1 designees to process absentee ballots and canvass the votes cast at
2 that (~~special election,~~) primary((~~7~~)) or (~~general~~) election, if the
3 county auditor is in possession of more than twenty-five ballots that
4 have yet to be canvassed. The county auditor may use his or her
5 discretion in determining when to convene the canvassing board or
6 (~~their~~) its designees during the final four days before the
7 certification of (~~election~~) results in order to protect the secrecy
8 of any ballot.

9 Each absentee ballot previously not canvassed that was received by
10 the county auditor two days or more before the convening of the
11 canvassing board or (~~their~~) its designees and that either was
12 received by the county auditor before the closing of the polls on the
13 day of the(~~special election,~~) primary((~~7~~)) or (~~general~~) election
14 for which it was issued, or that bears a date of mailing on or before
15 the (~~special election,~~) primary((~~7~~)) or (~~general~~) election for
16 which it was issued, must be processed at that time. The tabulation of
17 votes (~~that results~~) resulting from that day's canvass must be made
18 available to the general public immediately upon completion of the
19 canvass.

20 (2) On the tenth day after a special election or a primary and on
21 the fifteenth day after a general election, the canvassing board shall
22 complete the canvass and certify the results. The canvass report must
23 include each absentee ballot that was (~~returned before the closing of~~
24 ~~the polls on the date of the primary or election for which it was~~
25 ~~issued, and each absentee ballot with a date of mailing on or before~~
26 ~~the date of the primary or election for which it was issued and~~
27 ~~received on or before the date on which the primary or election is~~
28 ~~certified, shall be included in the canvass report~~) tabulated as
29 provided under section 1 of this act.

30 (3) At the request of any major political party caucus of the state
31 legislature, the county auditor shall transmit copies of all unofficial
32 returns of state and legislative primaries or elections prepared by or
33 for the county canvassing board to either the secretary of the senate
34 or the chief clerk of the house.

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