SENATE BILL 5214

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State of Washington   **57th Legislature**   **2001 Regular Session**

By Senators Roach, Swecker, Hale and Johnson

Read first time 01/16/2001. Referred to Committee on State & Local Government.

1   AN ACT Relating to the time for signing and receipt of absentee and
2 mail ballots; and amending RCW 29.36.045, 29.36.060, 29.36.126, and
3 29.36.139.

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 signed
4 declaration on the return envelope constitutes the equivalent of a
5 voter registration for the election or primary for which the ballot has
6 been issued. The voter shall be instructed to either return the ballot
7 to the county auditor by whom it was issued or attach sufficient first
8 class postage, if applicable, and mail the ballot to the appropriate
9 county auditor ((no later than the day of the election or primary for
10 which the ballot was issued)) in accordance with the time requirements
11 of RCW 29.36.060.

12   **Sec. 2.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read
13 as follows:
14   The opening and subsequent processing of return identification
15 envelopes for any primary or election may begin on or after the tenth
16 day prior to such primary or election. The opening of the security
17 envelopes and tabulation of absentee ballots shall not commence until
18 after 8:00 ((o'clock)) p.m. on the day of the primary or election.
19   After opening the return identification envelopes, the county
20 canvassing board or its representative shall place all of the
21 ((ballot)) inner security envelopes in containers that can be secured
22 with numbered seals. These sealed containers shall be stored in a
23 secure location until after 8:00 ((o'clock)) p.m. of the day of the
24 primary or election. Absentee ballots that are to be tabulated on an
25 electronic vote tallying system may be taken from the inner security
26 envelopes and all the normal procedural steps may be performed to
27 prepare these ballots for tabulation before sealing the containers.
28   The canvassing board shall examine the postmark, statement, and
29 signature on each return identification envelope containing the
30 security envelope and absentee ballot. ((They)) An absentee ballot may
31 be counted only if the return identification envelope was signed by the
32 date of the primary or election for which it was issued and is in the
33 office of the county auditor before the close of the polls on the day
34 of the primary or election for which it was issued. However, an
35 absentee ballot from an out-of-state, overseas, or service voter may be
36 counted if it was mailed no later than the day of the primary or
37 election for which it was issued. The canvassing board or its
38 representative shall verify that the voter's signature is the same as

1 that in the registration files for that voter. For ((absentee voters
2 other than)) out-of-state voters, overseas voters, and service voters,
3 if the postmark is illegible, the date on the return identification
4 envelope to which the voter attests shall determine the validity, as to
5 the ((time of voting)) date of mailing, of that absentee ballot under
6 this chapter. For any absentee voter, a variation between the
7 signature of the voter on the return envelope and that in the
8 registration files due to the substitution of initials or the use of
9 common nicknames is permitted so long as the surname and handwriting
10 are clearly the same.

11   **Sec. 3.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to read
12 as follows:
13   Upon receipt of the mail ballot, the voter shall mark it, sign the
14 return identification envelope supplied with the ballot, and comply
15 with the instructions provided with the ballot. The voter may return
16 the marked ballot to the county auditor. The ballot must be returned
17 in the return identification envelope. ((If)) Whether mailed or
18 returned otherwise, a ballot must be ((postmarked not later than the
19 date of the election. Otherwise, the ballot must be deposited at the
20 office of the county auditor or the designated place of deposit not
21 later than 8:00 p.m. on the date of the election)) returned in
22 accordance with the time requirements as provided for an absentee
23 ballot under RCW 29.36.060.

24   **Sec. 4.** RCW 29.36.139 and 1993 c 417 s 6 are each amended to read
25 as follows:
26   (1) A mail ballot shall be counted only if it is returned in the
27 return identification envelope, if the envelope is signed by the
28 registered voter to whom the ballot is issued and was returned in
29 accordance with the time requirements as provided for an absentee
30 ballot under RCW 29.36.060, and if the signature is verified as
31 provided in this subsection. The county auditor shall verify the
32 signature of each voter on the return identification envelope with the
33 signature on the voter's registration record. A person who votes or
34 attempts to vote more than once in a mail ballot election is subject to
35 the penalties provided in chapter 29.85 RCW.

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

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