
HOUSE BILL 1560

State of Washington

58th Legislature

2003 Regular Session

By Representatives Hunt, Wallace, Armstrong, Miloscia, Schual-Berke, Rockefeller, Upthegrove, Hudgins, Kenney, Cody and Moeller

Read first time 01/30/2003. Referred to Committee on State Government.

1 AN ACT Relating to vote by mail due dates; and amending RCW
2 29.36.290, 29.36.310, 29.38.050, and 29.62.020.

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

4 **Sec. 1.** RCW 29.36.290 and 2001 c 241 s 8 are each amended to read
5 as follows:

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

1 qualifications of that voter and to the validity of the ballot. For
2 out-of-state voters, overseas voters, and service voters, the signed
3 declaration on the return envelope constitutes the equivalent of a
4 voter registration for the election or primary for which the ballot has
5 been issued. The voter must be instructed to either return the ballot
6 to the county auditor by whom it was issued or attach sufficient first
7 class postage, if applicable, and mail the ballot in time for delivery
8 to the appropriate county auditor no later than the day of the election
9 or primary for which the ballot was issued.

10 If the county auditor chooses to forward absentee ballots, he or
11 she must include with the ballot a clear explanation of the
12 qualifications necessary to vote in that election and must also advise
13 a voter with questions about his or her eligibility to contact the
14 county auditor. This explanation may be provided on the ballot
15 envelope, on an enclosed insert, or printed directly on the ballot
16 itself. If the information is not included, the envelope must clearly
17 indicate that the ballot is not to be forwarded and that return postage
18 is guaranteed.

19 **Sec. 2.** RCW 29.36.310 and 2001 c 241 s 10 are each amended to read
20 as follows:

21 (1) If mailed, a ballot must be delivered to the office of the
22 county auditor not later than the date of the primary or election.
23 Otherwise, the ballot must be deposited at the office of the county
24 auditor or the designated place of deposit not later than 8:00 p.m. on
25 the date of the primary or election.

26 (2) The opening and subsequent processing of return envelopes for
27 any primary or election may begin on or after the tenth day before the
28 primary or election. The tabulation of absentee ballots must not
29 commence until after 8:00 p.m. on the day of the primary or election.

30 ((+2)) (3) After opening the return envelopes, the county
31 canvassing board shall place all of the ballots in secure storage until
32 after 8:00 p.m. of the day of the primary or election. Absentee
33 ballots that are to be tabulated on an electronic vote tallying system
34 may be taken from the inner envelopes and all the normal procedural
35 steps may be performed to prepare these ballots for tabulation.

36 ((+3)) (4) Before opening a returned absentee ballot, the
37 canvassing board, or its designated representatives, shall examine the

1 postmark, statement, and signature on the return envelope that contains
2 the security envelope and absentee ballot. They shall verify that the
3 voter's signature on the return envelope is the same as the signature
4 of that voter in the registration files of the county. (~~For~~
5 ~~registered voters casting absentee ballots, the date on the return~~
6 ~~envelope to which the voter has attested determines the validity, as to~~
7 ~~the time of voting for that absentee ballot if the postmark is missing~~
8 ~~or is illegible. For out of state voters, overseas voters, and service~~
9 ~~voters, the date on the return envelope to which the voter has attested~~
10 ~~determines the validity as to the time of voting for that absentee~~
11 ~~ballot.)) For any absentee ballot, a variation between the signature
12 of the voter on the return envelope and the signature of that voter in
13 the registration files due to the substitution of initials or the use
14 of common nicknames is permitted so long as the surname and handwriting
15 are clearly the same.~~

16 **Sec. 3.** RCW 29.38.050 and 2001 c 241 s 19 are each amended to read
17 as follows:

18 The voter shall return the ballot to the county auditor in the
19 return identification envelope. If mailed, a ballot must be
20 (~~postmarked~~) delivered to the office of the county auditor not later
21 than the date of the primary or election. Otherwise, the ballot must
22 be deposited at the office of the county auditor or the designated
23 place of deposit not later than 8:00 p.m. on the date of the primary or
24 election.

25 **Sec. 4.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to read
26 as follows:

27 (1) At least every third day after a special election, primary, or
28 general election and before certification of the election results,
29 except Sundays and legal holidays, the county auditor shall convene the
30 county canvassing board or their designees to process absentee ballots
31 and canvass the votes cast at that special election, primary, or
32 general election, if the county auditor is in possession of more than
33 twenty-five ballots that have yet to be canvassed. The county auditor
34 may use his or her discretion in determining when to convene the
35 canvassing board or their designees during the final four days before

1 the certification of election results in order to protect the secrecy
2 of any ballot.

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

14 (2) On the tenth day after a special election or a primary and on
15 the fifteenth day after a general election, the canvassing board shall
16 complete the canvass and certify the results. Each absentee ballot
17 that was returned before the closing of the polls on the date of the
18 primary or election for which it was issued, and each absentee ballot
19 (~~with a date of mailing~~) that was mailed and delivered to the county
20 auditor on or before the date of the primary or election for which it
21 was issued (~~and received on or before the date on which the primary or~~
22 ~~election is certified~~), shall be included in the canvass report.

23 (3) At the request of any caucus of the state legislature, the
24 county auditor shall transmit copies of all unofficial returns of state
25 and legislative primaries or elections prepared by or for the county
26 canvassing board to either the secretary of the senate or the chief
27 clerk of the house.

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