
SENATE BILL 5443

State of Washington

58th Legislature

2003 Regular Session

By Senators Roach, Kastama and Schmidt

Read first time 01/24/2003. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to absentee ballots; and amending RCW 29.36.220,
2 29.36.290, 29.36.310, and 29.36.350.

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

4 **Sec. 1.** RCW 29.36.220 and 2001 c 241 s 2 are each amended to read
5 as follows:

6 (1) Except as otherwise provided by law, a registered voter or out-
7 of-state voter, overseas voter, or service voter desiring to cast an
8 absentee ballot at a single election or primary must request the
9 absentee ballot from his or her county auditor no earlier than ninety
10 days nor later than the day before the election or primary at which the
11 person seeks to vote. Except as otherwise provided by law, the request
12 may be made orally in person, by telephone, electronically, or in
13 writing. An application or request for an absentee ballot made under
14 the authority of a federal statute or regulation will be considered and
15 given the same effect as a request for an absentee ballot under this
16 chapter.

17 (2) A voter requesting an absentee ballot for a primary may also
18 request an absentee ballot for the following general election. A

1 request by an out-of-state voter, overseas voter, or service voter for
2 an absentee ballot for a primary election will be considered as a
3 request for an absentee ballot for the following general election.

4 (3) In requesting an absentee ballot, the voter shall state the
5 address to which the absentee ballot should be sent. A request for an
6 absentee ballot from an out-of-state voter, overseas voter, or service
7 voter must include the address of the last residence in the state of
8 Washington and either a written application or the oath on the
9 ((~~return~~)) security envelope must include a declaration of the other
10 qualifications of the applicant as an elector of this state. A request
11 for an absentee ballot from any other voter must state the address at
12 which that voter is currently registered to vote in the state of
13 Washington or the county auditor shall verify that information from the
14 voter registration records of the county.

15 (4) A request for an absentee ballot from a registered voter who is
16 within this state must be made directly to the auditor of the county in
17 which the voter is registered. An absentee ballot request from a
18 registered voter who is temporarily outside this state or from an out-
19 of-state voter, overseas voter, or service voter may be made either to
20 the appropriate county auditor or to the secretary of state, who shall
21 promptly forward the request to the appropriate county auditor. No
22 person, organization, or association may distribute absentee ballot
23 applications within this state that contain a return address other than
24 that of the appropriate county auditor.

25 **Sec. 2.** RCW 29.36.290 and 2001 c 241 s 8 are each amended to read
26 as follows:

27 The county auditor shall send each absentee voter a ballot, a
28 security envelope in which to seal the ballot after voting, a larger
29 envelope in which to return the security envelope, and instructions on
30 how to mark the ballot and how to return it to the county auditor. The
31 ((~~larger return~~)) security envelope must contain a declaration by the
32 absentee voter reciting his or her qualifications and stating that he
33 or she has not voted in any other jurisdiction at this election,
34 together with a summary of the penalties for any violation of any of
35 the provisions of this chapter. The ((~~return~~)) security envelope must
36 provide space for the voter to indicate the date on which the ballot
37 was voted and for the voter to sign the oath. A summary of the

1 applicable penalty provisions of this chapter must be printed on the
2 ((~~return~~)) security envelope immediately adjacent to the space for the
3 voter's signature. The signature of the voter on the ((~~return~~))
4 security envelope must affirm and attest to the statements regarding
5 the qualifications of that voter and to the validity of the ballot.
6 For out-of-state voters, overseas voters, and service voters, the
7 signed declaration on the ((~~return~~)) security envelope constitutes the
8 equivalent of a voter registration for the election or primary for
9 which the ballot has been issued. The voter must be instructed to
10 either return the ballot to the county auditor by whom it was issued or
11 attach sufficient first class postage, if applicable, and mail the
12 ballot to the appropriate county auditor no later than the day of the
13 election or primary for which the ballot was issued.

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

23 **Sec. 3.** RCW 29.36.310 and 2001 c 241 s 10 are each amended to read
24 as follows:

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

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

35 (3) Before opening a returned absentee ballot, the canvassing
36 board, or its designated representatives, shall examine the postmark,
37 statement, and signature on the return envelope ((~~that contains~~)) and

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

16 **Sec. 4.** RCW 29.36.350 and 2001 c 241 s 13 are each amended to read
17 as follows:

18 The qualifications of any absentee voter may be challenged at the
19 time the signature on the (~~(return)~~) security envelope is verified and
20 the ballot is processed by the canvassing board. The board has the
21 authority to determine the legality of any absentee ballot challenged
22 under this section. Challenged ballots must be handled in accordance
23 with chapter 29.10 RCW.

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