
SENATE BILL 6639

State of Washington 58th Legislature 2004 Regular Session

By Senators Roach, Benton, Schmidt, Esser, Mulliken, Stevens,
McCaslin, Haugen and Kline

Read first time 01/27/2004. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to the time for signing and receipt of absentee and
2 mail ballots; and amending RCW 29.36.290, 29.36.310, and 29.38.050.

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 to the appropriate
8 county auditor (~~no later than the day of the election or primary for
9 which the ballot was issued~~) in accordance with the time requirements
10 of RCW 29.36.310.

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

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

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

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

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

1 absentee ballot may be counted only if the return identification
2 envelope was signed by the date of the primary or election for which it
3 was issued and is in the office of the county auditor before the close
4 of the polls on the day of the primary or election for which it was
5 issued. However, an absentee ballot from an out-of-state, overseas, or
6 service voter may be counted if it was mailed no later than the day of
7 the primary or election for which it was issued. The canvassing board
8 or its representative shall verify that the voter's signature on the
9 return envelope is the same as the signature of that voter in the
10 registration files of the county. For registered voters casting
11 absentee ballots, the date on the return identification envelope to
12 which the voter has attested determines the validity, as to the ((~~time~~
13 ~~of voting~~)) date of mailing for that absentee ballot if the postmark is
14 missing or is illegible. For out-of-state voters, overseas voters, and
15 service voters, the date on the return identification envelope to which
16 the voter has attested determines the validity as to the ((~~time~~
17 ~~of voting~~)) date of mailing for that absentee ballot. For any absentee
18 ballot, a variation between the signature of the voter on the return
19 envelope and the signature of that voter in the registration files due
20 to the substitution of initials or the use of common nicknames is
21 permitted so long as the surname and handwriting are clearly the same.

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

24 The voter shall return the ballot to the county auditor in the
25 return identification envelope. ((~~If~~)) Whether mailed or returned
26 otherwise, a ballot must be ((~~postmarked not later than the date of the~~
27 ~~primary or election. Otherwise, the ballot must be deposited at the~~
28 ~~office of the county auditor or the designated place of deposit not~~
29 ~~later than 8:00 p.m. on the date of the primary or election~~)) returned
30 in accordance with the time requirements as provided for an absentee
31 ballot under RCW 29.36.310.

--- END ---