

SSB 5219 - S AMD TO S AMD (S-2371.1/05) 81
By Senator Schoesler

NOT ADOPTED 03/07/2005

1 On page 8, after line 37 of the amendment, insert the following:

2 "Sec. 11. RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
3 read as follows:

4 The county auditor shall send each absentee voter a ballot, a
5 security envelope in which to seal the ballot after voting, a larger
6 envelope in which to return the security envelope, and instructions on
7 how to mark the ballot and how to return it to the county auditor. The
8 instructions that accompany an absentee ballot for a partisan primary
9 must include instructions for voting the applicable ballot style, as
10 provided in chapter 29A.36 RCW. The larger return envelope must
11 contain a declaration by the absentee voter reciting his or her
12 qualifications and stating that he or she has not voted in any other
13 jurisdiction at this election, together with a summary of the penalties
14 for any violation of any of the provisions of this chapter. The return
15 envelope must provide space for the voter to indicate the date on which
16 the ballot was voted and for the voter to sign the oath. A summary of
17 the applicable penalty provisions of this chapter must be printed on
18 the return envelope immediately adjacent to the space for the voter's
19 signature. The signature of the voter on the return envelope must
20 affirm and attest to the statements regarding the qualifications of
21 that voter and to the validity of the ballot. For out-of-state voters,
22 overseas voters, and service voters, the signed declaration on the
23 return envelope constitutes the equivalent of a voter registration for
24 the election or primary for which the ballot has been issued. The
25 voter must be instructed to either return the ballot to the county
26 auditor by whom it was issued or attach sufficient first class postage,
27 if applicable, and mail the ballot to the appropriate county auditor
28 (~~(no later than the day of the election or primary for which the ballot~~
29 ~~was issued)~~) in accordance with the time requirements of RCW
30 29A.40.110.

1 If the county auditor chooses to forward absentee ballots, he or
2 she must include with the ballot a clear explanation of the
3 qualifications necessary to vote in that election and must also advise
4 a voter with questions about his or her eligibility to contact the
5 county auditor. This explanation may be provided on the ballot
6 envelope, on an enclosed insert, or printed directly on the ballot
7 itself. If the information is not included, the envelope must clearly
8 indicate that the ballot is not to be forwarded and that return postage
9 is guaranteed.

10 **Sec. 12.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
11 read as follows:

12 (1) The opening and subsequent processing of return identification
13 envelopes for any primary or election may begin on or after the tenth
14 day before the primary or election. The tabulation of absentee ballots
15 must not commence until after 8:00 p.m. on the day of the primary or
16 election.

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

24 (3) Before opening a returned absentee ballot, the canvassing
25 board, or its designated representatives, shall examine the postmark,
26 statement, and signature on the return identification envelope that
27 contains the security envelope and absentee ballot. ~~((They))~~ An
28 absentee ballot may be counted only if the return identification
29 envelope was signed by the date of the primary or election for which it
30 was issued and is in the office of the county auditor before the close
31 of the polls on the day of the primary or election for which it was
32 issued. However, an absentee ballot from an out-of-state, overseas, or
33 service voter may be counted if it was mailed no later than the day of
34 the primary or election for which it was issued. The canvassing board
35 or its representative shall verify that the voter's signature on the
36 return envelope is the same as the signature of that voter in the
37 registration files of the county. For registered voters casting

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

12 **Sec. 13.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to
13 read as follows:

14 The voter shall return the ballot to the county auditor in the
15 return identification envelope. (~~If~~) Whether mailed or returned
16 otherwise, a ballot must be (~~postmarked not later than the date of the~~
17 ~~primary or election. Otherwise, the ballot must be deposited at the~~
18 ~~office of the county auditor or the designated place of deposit not~~
19 ~~later than 8:00 p.m. on the date of the primary or election~~) returned
20 in accordance with the time requirements as provided for an absentee
21 ballot under RCW 29A.40.110."

22 Renumber the sections following consecutively and correct internal
23 references accordingly.

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24 On page 9, after line 29 of the amendment, insert the following:

25 "**Sec. 12.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to
26 read as follows:

27 At least every third day after a primary or election and before

1 certification of the election results, except Sundays and legal
2 holidays, the county auditor, as delegated by the county canvassing
3 board, shall process absentee ballots and canvass the votes cast at
4 that primary or election, if the county auditor is in possession of
5 more than twenty-five ballots that have yet to be canvassed. The
6 county auditor, as delegated by the county canvassing board, may use
7 his or her discretion in determining when to process the remaining
8 absentee ballots and canvass the votes during the final four days
9 before the certification of election results in order to protect the
10 secrecy of any ballot. In counties where this process has not been
11 delegated to the county auditor, the county auditor shall convene the
12 county canvassing board to process absentee ballots and canvass the
13 votes cast at the primary or election as set forth in this section.

14 Each absentee ballot previously not canvassed that was received by
15 the county auditor two days or more before processing absentee ballots
16 and canvassing the votes as delegated by or processed by the county
17 canvassing board, that (~~either was received by the county auditor
18 before the closing of the polls on the day of the primary or election
19 for which it was issued, or that bears a postmark on or before the
20 primary or election for which it was issued~~) was returned in
21 accordance with the time requirements as provided for an absentee
22 ballot under RCW 29A.40.110, must be processed at that time. The
23 tabulation of votes that results from that day's canvass must be made
24 available to the general public immediately upon completion of the
25 canvass."

26 Renumber the sections following consecutively and correct internal
27 references accordingly.

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28 On page 31, line 3 of the title amendment, after "29A.40.070,"
29 insert "29A.40.091, 29A.40.110, 29A.48.050," and in line 4 of the title

1 amendment after "29A.56.030," insert "29A.60.160,"

EFFECT: (1) Requires that absentee ballots be due by election day;

(2) Allows military, out-of-state, and overseas voters to return absentee ballots after election day.

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