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HOUSE BILL 2695

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Haigh, Sump and McDermott

Read first time 01/12/2006.                      Referred to Committee on State Government Operations & Accountability.

1            AN ACT Relating to absentee or provisional ballot notice  
2 requirements; and amending RCW 29A.60.165.

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

4            **Sec. 1.** RCW 29A.60.165 and 2005 c 243 s 8 are each amended to read  
5 as follows:

6            (1) If the voter neglects to sign the outside envelope of an  
7 absentee or provisional ballot, the auditor shall notify the voter by  
8 ~~((telephone))~~ first class mail and advise the voter of the correct  
9 procedures for completing the unsigned affidavit. ~~((If the auditor is  
10 not able to provide the information personally to the voter by  
11 telephone, then the voter must be contacted by first class mail and  
12 advised of the correct procedures for completing the unsigned  
13 affidavit. Leaving a voice mail message for the voter is not to be  
14 considered as personally contacting the voter.))~~ If the absentee  
15 ballot is received within forty-eight hours of the final meeting of the  
16 canvassing board, then the auditor shall attempt to notify the voter by  
17 telephone, using the voter registration record information. In order  
18 for the ballot to be counted, the voter must either:

1 (a) Appear in person and sign the envelope no later than the day  
2 before the certification of the primary or election; or

3 (b) Sign a copy of the envelope provided by the auditor, and return  
4 it to the auditor no later than the day before the certification of the  
5 primary or election.

6 (2)(a) If the handwriting of the signature on an absentee or  
7 provisional ballot envelope is not the same as the handwriting of the  
8 signature on the registration file, the auditor shall notify the voter  
9 by ~~((telephone))~~ first class mail, enclosing a voter registration form,  
10 and advise the voter of the correct procedures for updating his or her  
11 signature on the voter registration file. ~~((If the auditor is not able  
12 to provide the information personally to the voter by telephone, then  
13 the voter must be contacted by first class mail and advised of the  
14 correct procedures for completing the unsigned affidavit. Leaving a  
15 voice mail message for the voter is not to be considered as personally  
16 contacting the voter.))~~ If the absentee ballot is received within  
17 forty-eight hours of the final meeting of the canvassing board, then  
18 the auditor shall attempt to notify the voter by telephone, using the  
19 voter registration record information. In order for the ballot to be  
20 counted, the voter must ~~((either:~~

21 ~~(i) Appear in person and sign))~~ provide a new registration form no  
22 later than the day before the certification of the primary or  
23 election~~((; or~~

24 ~~(ii) Sign a copy of the affidavit provided by the auditor and  
25 return it to the auditor no later than the day before the certification  
26 of the primary or election. If the signature on the copy of the  
27 affidavit does not match the signature on file, the voter must appear  
28 in person and sign a new registration form no later than the day before  
29 the certification of the primary or election in order for the ballot to  
30 be counted))~~.

31 (b) If the signature on an absentee or provisional ballot envelope  
32 is not the same as the signature on the registration file because the  
33 name is different, the ballot may be counted as long as the handwriting  
34 is clearly the same. The auditor shall send the voter a change-of-name  
35 form under RCW 29A.08.440 and direct the voter to complete the form.

36 (c) If the signature on an absentee or provisional ballot envelope  
37 is not the same as the signature on the registration file because the

1 voter used initials or a common nickname, the ballot may be counted as  
2 long as the surname and handwriting are clearly the same.

3 (3) A voter may not cure a missing or mismatched signature for  
4 purposes of counting the ballot in a recount.

5 (4) A record must be kept of all ballots with missing and  
6 mismatched signatures. The record must contain the date on which the  
7 voter was contacted or the notice was mailed, as well as the date on  
8 which the voter signed the envelope, a copy of the envelope, a new  
9 registration form, or a change-of-name form. That record is a public  
10 record under chapter 42.17 RCW and may be disclosed to interested  
11 parties on written request.

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