

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2695

59th Legislature
2006 Regular Session

Passed by the House March 7, 2006
Yeas 55 Nays 43

Speaker of the House of Representatives

Passed by the Senate March 7, 2006
Yeas 40 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2695** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2695

AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on State Government Operations Accountability
(originally sponsored by Representatives Haigh, Sump and McDermott)

READ FIRST TIME 01/31/06.

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 ballot
15 is received within three business days of the final meeting of the
16 canvassing board, or the voter has been notified by first class mail
17 and has not responded at least three business days before the final
18 meeting of the canvassing board, then the auditor shall attempt to

1 notify the voter by telephone, using the voter registration record
2 information. In order for the ballot to be counted, the voter must
3 either:

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

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

9 (2)(a) If the handwriting of the signature on an absentee or
10 provisional ballot envelope is not the same as the handwriting of the
11 signature on the registration file, the auditor shall notify the voter
12 by ~~((telephone))~~ first class mail, enclosing a copy of the envelope
13 affidavit, and advise the voter of the correct procedures for updating
14 his or her signature on the voter registration file. ~~((If the auditor~~
15 ~~is not able to provide the information personally to the voter by~~
16 ~~telephone, then the voter must be contacted by first class mail and~~
17 ~~advised of the correct procedures for completing the unsigned~~
18 ~~affidavit. Leaving a voice mail message for the voter is not to be~~
19 ~~considered as personally contacting the voter.))~~ If the absentee or
20 provisional ballot is received within three business days of the final
21 meeting of the canvassing board, or the voter has been notified by
22 first class mail and has not responded at least three business days
23 before the final meeting of the canvassing board, then the auditor
24 shall attempt to notify the voter by telephone, using the voter
25 registration record information. In order for the ballot to be
26 counted, the voter must either:

27 (i) Appear in person and sign a new registration form no later than
28 the day before the certification of the primary or election; or

29 (ii) Sign a copy of the affidavit provided by the auditor and
30 return it to the auditor no later than the day before the certification
31 of the primary or election. The voter may enclose with the affidavit
32 a photocopy of a valid government or tribal issued identification
33 document that includes the voter's current signature. If the signature
34 on the copy of the affidavit does not match the signature on file or
35 the signature on the copy of the identification document, the voter
36 must appear in person and sign a new registration form no later than
37 the day before the certification of the primary or election in order
38 for the ballot to be counted.

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

6 (c) If the signature on an absentee or provisional ballot envelope
7 is not the same as the signature on the registration file because the
8 voter used initials or a common nickname, the ballot may be counted as
9 long as the surname and handwriting are clearly the same.

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

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

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