
SENATE BILL 5080

State of Washington

59th Legislature

2005 Regular Session

By Senators Roach, Mulliken, Swecker, Hewitt, Oke, Parlette, Deccio, Zarelli, Stevens, McCaslin, Pflug, Carrell, Johnson, Honeyford and Benton

Read first time 01/12/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to election ballot requirements; amending RCW
2 29A.08.625, 29A.40.091, and 29A.84.130; and prescribing penalties.

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

4 **Sec. 1.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
5 read as follows:

6 (1) A voter whose registration has been made inactive under this
7 chapter and who offers to vote at an ensuing election before two
8 federal elections have been held must be allowed to vote a regular
9 ballot and the voter's registration restored to active status.

10 (2) A voter whose registration has been properly canceled under
11 this chapter shall vote a provisional ballot. The voter shall mark the
12 provisional ballot in secrecy, the ballot placed in a security
13 envelope, the security envelope placed in a provisional ballot
14 envelope, and the reasons for the use of the provisional ballot noted.
15 The provisional ballot envelope shall have a place for the voter to
16 mark that he or she is a citizen of the United States and the notation,
17 "Check here if you are a citizen of the United States." Failure to
18 place a mark indicating citizenship on the provisional ballot envelope
19 does not affect the validity of the ballot.

1 (3) Upon receipt of such a voted provisional ballot the auditor
2 shall investigate the circumstances surrounding the original
3 cancellation. If he or she determines that the cancellation was in
4 error, the voter's registration must be immediately reinstated, and the
5 voter's provisional ballot must be counted. If the original
6 cancellation was not in error, the voter must be afforded the
7 opportunity to reregister at his or her correct address, and the
8 voter's provisional ballot must not be counted.

9 **Sec. 2.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
10 read as follows:

11 The county auditor shall send each absentee voter a ballot, a
12 security envelope in which to seal the ballot after voting, a larger
13 envelope in which to return the security envelope, and instructions on
14 how to mark the ballot and how to return it to the county auditor. The
15 instructions that accompany an absentee ballot for a partisan primary
16 must include instructions for voting the applicable ballot style, as
17 provided in chapter 29A.36 RCW. The larger return envelope must
18 contain a declaration by the absentee voter reciting his or her
19 qualifications and stating that he or she has not voted in any other
20 jurisdiction at this election, together with a summary of the penalties
21 for any violation of any of the provisions of this chapter. The return
22 envelope must provide space for the voter to indicate the date on which
23 the ballot was voted and for the voter to sign the oath. The return
24 envelope shall have a place for the voter to mark that he or she is a
25 citizen of the United States and the notation, "Check here if you are
26 a citizen of the United States." Failure to place a mark indicating
27 citizenship on the return envelope does not affect the validity of the
28 ballot. A summary of the applicable penalty provisions of this chapter
29 must be printed on the return envelope immediately adjacent to the
30 space for the voter's signature. The signature of the voter on the
31 return envelope must affirm and attest to the statements regarding the
32 qualifications of that voter and to the validity of the ballot. For
33 out-of-state voters, overseas voters, and service voters, the signed
34 declaration on the return envelope constitutes the equivalent of a
35 voter registration for the election or primary for which the ballot has
36 been issued. The voter must be instructed to either return the ballot
37 to the county auditor by whom it was issued or attach sufficient first

1 class postage, if applicable, and mail the ballot to the appropriate
2 county auditor no later than the day of the election or primary for
3 which the ballot was issued.

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

13 **Sec. 3.** RCW 29A.84.130 and 2003 c 111 s 2107 are each amended to
14 read as follows:

15 Any person who:

16 (1) Knowingly provides false information on an application for
17 voter registration under any provision of this title;

18 (2) Knowingly makes or attests to a false declaration as to his or
19 her qualifications as a voter;

20 (3) Knowingly causes or permits himself or herself to be registered
21 using the name of another person;

22 (4) Knowingly causes himself or herself to be registered under two
23 or more different names;

24 (5) Knowingly causes himself or herself to be registered in two or
25 more counties;

26 (6) Offers to pay another person to assist in registering voters,
27 where payment is based on a fixed amount of money per voter
28 registration;

29 (7) Accepts payment for assisting in registering voters, where
30 payment is based on a fixed amount of money per voter registration;
31 (~~or~~)

32 (8) Knowingly causes any person to be registered or causes any
33 registration to be transferred or canceled except as authorized under
34 this title; or

35 (9) Knowingly falsely marks a provisional ballot envelope or
36 absentee ballot return envelope that he or she is a citizen of the

1 United States,

2 is guilty of a class C felony punishable under RCW 9A.20.021.

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