
SENATE BILL 5082

State of Washington

59th Legislature

2005 Regular Session

By Senators Roach, Schmidt, Hewitt, Oke, Mulliken, Deccio, Zarelli, Stevens, McCaslin and Benton

Read first time 01/12/2005. 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 29A.40.091, 29A.40.110, 29A.48.050, and
3 29A.60.160.

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

5 **Sec. 1.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
6 read as follows:

7 The county auditor shall send each absentee voter a ballot, a
8 security envelope in which to seal the ballot after voting, a larger
9 envelope in which to return the security envelope, and instructions on
10 how to mark the ballot and how to return it to the county auditor. The
11 instructions that accompany an absentee ballot for a partisan primary
12 must include instructions for voting the applicable ballot style, as
13 provided in chapter 29A.36 RCW. The larger return envelope must
14 contain a declaration by the absentee voter reciting his or her
15 qualifications and stating that he or she has not voted in any other
16 jurisdiction at this election, together with a summary of the penalties
17 for any violation of any of the provisions of this chapter. The return
18 envelope must provide space for the voter to indicate the date on which
19 the ballot was voted and for the voter to sign the oath. A summary of

1 the applicable penalty provisions of this chapter must be printed on
2 the return envelope immediately adjacent to the space for the voter's
3 signature. The signature of the voter on the return envelope must
4 affirm and attest to the statements regarding the qualifications of
5 that voter and to the validity of the ballot. For out-of-state voters,
6 overseas voters, and service voters, the signed declaration on the
7 return envelope constitutes the equivalent of a voter registration for
8 the election or primary for which the ballot has been issued. The
9 voter must be instructed to either return the ballot to the county
10 auditor by whom it was issued or attach sufficient first class postage,
11 if applicable, and mail the ballot to the appropriate county auditor
12 (~~(no later than the day of the election or primary for which the ballot~~
13 ~~was issued)) in accordance with the time requirements of RCW
14 29A.40.110.~~

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

24 **Sec. 2.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
25 read as follows:

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

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

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

26 **Sec. 3.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to
27 read as follows:

28 The voter shall return the ballot to the county auditor in the
29 return identification envelope. ((If)) Whether mailed or returned
30 otherwise, a ballot must be ((postmarked not later than the date of the
31 primary or election. Otherwise, the ballot must be deposited at the
32 office of the county auditor or the designated place of deposit not
33 later than 8:00 p.m. on the date of the primary or election)) returned
34 in accordance with the time requirements as provided for an absentee
35 ballot under RCW 29A.40.110.

1 **Sec. 4.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended to
2 read as follows:

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

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

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