

SB 5738 - S AMD 124

By Senators Oemig, Roach, Benton, Fairley, Hargrove

ADOPTED 03/12/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
4 each reenacted and amended to read as follows:

5 (1) The opening and subsequent processing of return envelopes for
6 any primary or election may begin upon receipt. The tabulation of
7 absentee ballots must not commence until after 8:00 p.m. on the day of
8 the primary or election.

9 (2) All received absentee return envelopes must be placed in secure
10 locations from the time of delivery to the county auditor until their
11 subsequent opening. After opening the return envelopes, the county
12 canvassing board shall place all of the ballots in secure storage until
13 ((~~after 8:00 p.m. of~~)) the day of the primary or election. Absentee
14 ballots that are to be tabulated on an electronic vote tallying system
15 may be taken from the inner envelopes and all the normal procedural
16 steps may be performed to prepare these ballots for tabulation.

17 (3) Before opening a returned absentee ballot, the canvassing
18 board, or its designated representatives, shall examine the postmark,
19 statement, and signature on the return envelope that contains the
20 security envelope and absentee ballot. All personnel assigned to
21 verify signatures must receive training on statewide standards for
22 signature verification. Personnel shall verify that the voter's
23 signature on the return envelope is the same as the signature of that
24 voter in the registration files of the county. Verification may be
25 conducted by an automated verification system approved by the secretary
26 of state. For any absentee ballot, a variation between the signature
27 of the voter on the return envelope and the signature of that voter in
28 the registration files due to the substitution of initials or the use
29 of common nicknames is permitted so long as the surname and handwriting
30 are clearly the same.

1 (4) For registered voters casting absentee ballots, the date on the
2 return envelope to which the voter has attested determines the
3 validity, as to the time of voting for that absentee ballot if the
4 postmark is missing or is illegible. For out-of-state voters, overseas
5 voters, and service voters stationed in the United States, the date on
6 the return envelope to which the voter has attested determines the
7 validity as to the time of voting for that absentee ballot.

8 **Sec. 2.** RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to
9 read as follows:

10 ~~((A registered voter shall not be allowed to vote in the precinct
11 in which he or she is registered at any election or primary for which
12 that voter has cast an absentee ballot. A registered voter who has
13 requested an absentee ballot for a primary or special or general
14 election but chooses to vote at the voter's precinct polling place in
15 that primary or election shall cast a provisional ballot. The
16 canvassing board shall not count the ballot if it finds that the voter
17 has also voted by absentee ballot in that primary or election.))~~ If a
18 registered voter who was issued an absentee or mail ballot requests to
19 vote at a polling place, the precinct election officer shall attempt to
20 confirm whether the voter has already returned an absentee or mail
21 ballot. Confirmation may be achieved by accessing the county voter
22 registration system by electronic, telephonic, or other means.

23 (1) If the precinct election officer is able to confirm that the
24 voter has not already returned an absentee or mail ballot, the voter
25 may be issued a regular ballot. In order to prevent multiple voting,
26 the voter must be immediately credited or flagged in the voter
27 registration system as having voted. If an absentee or mail ballot is
28 subsequently returned, the canvassing board may not count the absentee
29 or mail ballot.

30 (2) If the precinct election officer is unable to confirm whether
31 the voter has already returned a ballot, the voter must be issued a
32 provisional ballot. If the voter has already returned an absentee or
33 mail ballot, the canvassing board may not count the provisional ballot.
34 If the canvassing board counts the provisional ballot and an absentee
35 or mail ballot is subsequently returned, the canvassing board may not
36 count the absentee or mail ballot.

1 **Sec. 3.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
2 each reenacted and amended to read as follows:

3 (1) If the voter neglects to sign the (~~outside envelope of~~) oath
4 on an absentee or provisional ballot envelope, signs the oath with a
5 mark and fails to have two witnesses attest to the signature, or signs
6 the ballot envelope but the signature on the envelope does not match
7 the signature on the voter registration record, the auditor shall
8 notify the voter by first class mail (~~and advise the voter~~) of the
9 correct procedures for (~~completing the unsigned affidavit~~) curing the
10 signature. If (~~the~~) such an absentee ballot is not received within
11 three business days of the final meeting of the canvassing board, or
12 the voter has been notified by first class mail and has not responded
13 by at least three business days before the final meeting of the
14 canvassing board, (~~then~~) the auditor shall attempt to notify the
15 voter by telephone, using information in the voter registration record
16 (~~information~~).

17 (~~In order for the ballot to be counted~~) (2) If the voter neglects
18 to sign the oath on an absentee or provisional ballot envelope, or
19 signs the oath with a mark and fails to have two witnesses attest to
20 the signature, the voter must either:

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

23 (b) Sign a copy of the envelope provided by the auditor, and return
24 it to the auditor no later than the day before (~~the~~) certification of
25 the primary or election.

26 (~~(2)(a) If the handwriting of the signature on an absentee or~~
27 ~~provisional ballot envelope is not the same as the handwriting of the~~
28 ~~signature on the registration file, the auditor shall notify the voter~~
29 ~~by first class mail, enclosing a copy of the envelope affidavit, and~~
30 ~~advise the voter of the correct procedures for updating his or her~~
31 ~~signature on the voter registration file. If the absentee or~~
32 ~~provisional ballot is received within three business days of the final~~
33 ~~meeting of the canvassing board, or the voter has been notified by~~
34 ~~first class mail and has not responded at least three business days~~
35 ~~before the final meeting of the canvassing board, then the auditor~~
36 ~~shall attempt to notify the voter by telephone, using the voter~~
37 ~~registration record information. In order for the ballot to be~~

1 counted)) (3) If the signature on the oath of an absentee or
2 provisional ballot envelope does not match the signature on the voter
3 registration record, the voter must ~~((either))~~:

4 ~~((i))~~ (a) Appear in person and sign a new registration form no
5 later than the day before ((the)) certification of the primary or
6 election. The updated signature provided on the new registration form
7 becomes the signature on the voter registration record for the current
8 election and future elections; ~~((or~~

9 ~~(ii))~~ (b) Sign a copy of the affidavit provided by the auditor and
10 ~~((return it to the auditor no later than the day before the~~
11 ~~certification of the primary or election. The voter may enclose with~~
12 ~~the affidavit))~~ provide a photocopy of a valid government or tribal
13 issued identification document that includes the voter's current
14 signature. ((If)) The signatures on ((the copy of)) the affidavit
15 ~~((does not match the signature on file or the signature on the copy~~
16 ~~of))~~, the identification ((document, the voter must appear in person
17 and sign a new registration form)), and the ballot envelope must all
18 match. The voter must return the signed affidavit and the
19 identification to the auditor no later than the day before ((the))
20 certification of the primary or election ((in order for the ballot to
21 be counted)). The county auditor may also send the voter a new
22 registration form to update the signature on the voter registration
23 record for future elections; or

24 (c) Sign a copy of the affidavit provided by the auditor in front
25 of two witnesses who are registered voters and who attest to the
26 signature. The signature on the affidavit must match the signature on
27 the ballot envelope. The voter must return the signed affidavit to the
28 auditor no later than the day before certification of the primary or
29 election. The county auditor may also send the voter a new
30 registration form to update the signature on the voter registration
31 record for future elections.

32 ~~((b))~~ (4) If the signature on an absentee or provisional ballot
33 envelope is not the same as the signature on the registration ((file))
34 record because the name is different, the ballot may be counted as long
35 as the handwriting is clearly the same. The auditor shall send the
36 voter a change-of-name form under RCW 29A.08.440 and direct the voter
37 to complete the form. ((e)) If the signature on an absentee or
38 provisional ballot envelope is not the same as the signature on the

1 registration ((file)) record because the voter used initials or a
2 common nickname, the ballot may be counted as long as the surname and
3 handwriting are clearly the same.

4 ((+3)) (5) A voter may not cure a missing or mismatched signature
5 for purposes of counting the ballot in a recount.

6 ((+4)) (6) A record must be kept of all ballots with missing and
7 mismatched signatures. The record must contain the date on which the
8 voter was contacted or the notice was mailed, as well as the date on
9 which the voter signed the envelope, a copy of the envelope, a new
10 registration form, or a change-of-name form. That record is a public
11 record under chapter 42.56 RCW and may be disclosed to interested
12 parties on written request."

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13 On page 1, line 1 of the title, after "mail;" strike the remainder
14 of the title and insert "amending RCW 29A.44.090; and reenacting and
15 amending RCW 29A.40.110 and 29A.60.165."

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