
SENATE BILL 5631

State of Washington

61st Legislature

2009 Regular Session

By Senators Becker and Swecker; by request of Secretary of State

Read first time 01/28/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to absentee ballots; amending RCW 29A.40.091,
2 29A.48.050, 29A.60.190, and 29A.60.190; reenacting and amending RCW
3 29A.40.110; adding a new section to chapter 29A.40 RCW; providing an
4 effective date; and providing an expiration date.

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

6 **Sec. 1.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
7 read as follows:

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

1 must clearly inform the voter that it is illegal to vote if he or she
2 is not a United States citizen; it is illegal to vote if he or she has
3 been convicted of a felony and has not had his or her voting rights
4 restored; and, except as otherwise provided by law, it is illegal to
5 cast a ballot or sign an absentee envelope on behalf of another voter.
6 The return envelope must provide space for the voter to indicate the
7 date on which the ballot was voted and for the voter to sign the oath.
8 It must also contain a space so that the voter may include a telephone
9 number. A summary of the applicable penalty provisions of this chapter
10 must be printed on the return envelope immediately adjacent to the
11 space for the voter's signature. The signature of the voter on the
12 return envelope must affirm and attest to the statements regarding the
13 qualifications of that voter and to the validity of the ballot. The
14 return envelope must also have a secrecy flap that the voter may seal
15 that will cover the voter's signature and optional telephone number.
16 For out-of-state voters, overseas voters, and service voters, the
17 signed declaration on the return envelope constitutes the equivalent of
18 a voter registration for the election or primary for which the ballot
19 has been issued. The voter must be instructed to either return the
20 ballot to the county auditor by whom it was issued or attach sufficient
21 first-class postage, if applicable, and mail the ballot to the
22 appropriate county auditor (~~(no later than the day of the election or~~
23 ~~primary for which the ballot was issued)~~) in accordance with the time
24 requirements of RCW 29A.40.110.

25 If the county auditor chooses to forward absentee ballots, he or
26 she must include with the ballot a clear explanation of the
27 qualifications necessary to vote in that election and must also advise
28 a voter with questions about his or her eligibility to contact the
29 county auditor. This explanation may be provided on the ballot
30 envelope, on an enclosed insert, or printed directly on the ballot
31 itself. If the information is not included, the envelope must clearly
32 indicate that the ballot is not to be forwarded and that return postage
33 is guaranteed.

34 **Sec. 2.** RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
35 each reenacted and amended to read as follows:

36 (1) The opening and subsequent processing of return envelopes for
37 any primary or election may begin upon receipt. The tabulation of

1 absentee ballots (~~((must not))~~) may commence (~~((until after))~~) at 8:00
2 (~~((p.m.))~~) a.m. on the Monday immediately before the day of the primary
3 or election. Tabulation results must be held in secrecy, as provided
4 in RCW 29A.84.730, until after 8:00 p.m. on the day of the primary or
5 election.

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

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

29 (4) For registered voters casting absentee ballots, the (~~((date on~~
30 ~~the return envelope to which the voter has attested determines the~~
31 ~~validity, as to the time of voting for that absentee ballot if the~~
32 ~~postmark is missing or is illegible))~~) absentee ballots must be received
33 by the county auditor by 8:00 p.m. on the day of the primary or
34 election in order to be valid. The county auditor may designate poll
35 sites, deposit sites, or other locations for the receipt of absentee
36 ballots. For out-of-state voters, overseas voters, and service voters
37 (~~((stationed in the United States))~~), the date on the return envelope to

1 which the voter has attested (~~determines the validity as to the time~~
2 ~~of voting for that absentee ballot~~) must be no later than the day of
3 the primary or election in order for the ballot to be valid.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.40 RCW
5 to read as follows:

6 Following certification of each election, the county auditor shall
7 notify each voter whose absentee ballot was not counted because it was
8 not returned within the time requirements provided in RCW 29A.40.110.

9 **Sec. 4.** RCW 29A.48.050 and 2006 c 206 s 8 are each amended to read
10 as follows:

11 The voter shall return the ballot to the county auditor in the
12 return (~~identification~~) envelope in accordance with the time
13 requirements of RCW 29A.40.110. (~~If mailed, a ballot must be~~
14 ~~postmarked not later than the date of the primary or election.~~
15 ~~Otherwise, the ballot must be deposited at the office of the county~~
16 ~~auditor or the designated place of deposit not later than 8:00 p.m. on~~
17 ~~the date of the primary or election.)) All personnel assigned to
18 verify signatures on the return envelope must receive training on
19 statewide standards for signature verification.~~

20 **Sec. 5.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to
21 read as follows:

22 (1) Except as provided by subsection (3) of this section, fifteen
23 days after a primary or special election and twenty-one days after a
24 general election, the county canvassing board shall complete the
25 canvass and certify the results. Each absentee ballot that was
26 returned (~~before the closing of the polls, and each absentee ballot~~
27 ~~bearing a postmark on or before the date of the primary or election and~~
28 ~~received on or before the date on which the primary or election is~~
29 ~~certified,)) in accordance with the time requirements of RCW 29A.40.110
30 must be included in the canvass report.~~

31 (2) At the request of a caucus of the state legislature, the county
32 auditor shall transmit copies of all unofficial returns of state and
33 legislative primaries or elections prepared by or for the county
34 canvassing board to either the secretary of the senate or the chief
35 clerk of the house of representatives.

1 (3) On or before the thirtieth day after an election conducted
2 under the instant runoff voting method for the pilot project authorized
3 by RCW 29A.53.020, the canvassing board shall complete the canvass and
4 certify the results.

5 **Sec. 6.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to
6 read as follows:

7 (1) Fifteen days after a primary or special election and twenty-one
8 days after a general election, the county canvassing board shall
9 complete the canvass and certify the results. Each absentee ballot
10 that was returned (~~((before the closing of the polls, and each absentee~~
11 ~~ballot bearing a postmark on or before the date of the primary or~~
12 ~~election and received on or before the date on which the primary or~~
13 ~~election is certified,))~~ in accordance with the time requirements of
14 RCW 29A.40.110 must be included in the canvass report.

15 (2) At the request of a caucus of the state legislature, the county
16 auditor shall transmit copies of all unofficial returns of state and
17 legislative primaries or elections prepared by or for the county
18 canvassing board to either the secretary of the senate or the chief
19 clerk of the house of representatives.

20 NEW SECTION. **Sec. 7.** Section 5 of this act expires July 1, 2013.

21 NEW SECTION. **Sec. 8.** Section 6 of this act takes effect July 1,
22 2013.

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