
SENATE BILL 5972

State of Washington

61st Legislature

2009 Regular Session

By Senators Benton, Pridemore, Shin, and Roach

Read first time 02/11/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to voter information on envelopes provided for
2 return of the voted ballot; and amending RCW 29A.40.091.

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

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

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

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

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

--- END ---