

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1880

Chapter 125, Laws of 2010

(partial veto)

61st Legislature
2010 Regular Session

BALLOT ENVELOPES--SECRECY FLAP

EFFECTIVE DATE: 06/10/10

Passed by the House March 8, 2010
Yeas 94 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 5, 2010
Yeas 45 Nays 3

BRAD OWEN

President of the Senate

Approved March 19, 2010, 1:33 p.m., with
the exception of Section 2 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is **HOUSE
BILL 1880** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 19, 2010

**Secretary of State
State of Washington**

HOUSE BILL 1880

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington **61st Legislature** **2010 Regular Session**

By Representatives Armstrong, Hunt, Appleton, Alexander, and Nelson

Read first time 02/02/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to ballot envelopes; amending RCW 29A.40.091; and
2 declaring an emergency.

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

4 **Sec. 1.** RCW 29A.40.091 and 2009 c 369 s 39 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)) a ballot for a partisan
11 primary must include instructions for voting the applicable ballot
12 style, as provided in chapter 29A.36 RCW. The ((absentee)) voter's
13 name and address must be printed on the larger return envelope, which
14 must also contain a declaration by the ((absentee)) voter reciting his
15 or her qualifications and stating that he or she has not voted in any
16 other jurisdiction at this election, together with a summary of the
17 penalties for any violation of any of the provisions of this chapter.
18 The declaration must clearly inform the voter that it is illegal to
19 vote if he or she is not a United States citizen; it is illegal to vote

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

23 If the county auditor chooses to forward (~~(absentee)~~) ballots, he
24 or 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.

32 ***NEW SECTION. Sec. 2. This act is necessary for the immediate**
33 ***preservation of the public peace, health, or safety, or support of the***
34 ***state government and its existing public institutions, and takes effect***
35 ***immediately.***

**Sec. 2 was vetoed. See message at end of chapter.*

Passed by the House March 8, 2010.

Passed by the Senate March 5, 2010.

Approved by the Governor March 19, 2010, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 19, 2010.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2, House Bill 1880 entitled:

"AN ACT Relating to ballot envelopes."

This bill provides that county auditors may, but are no longer required to, provide return ballot envelopes that have a privacy flap to cover the voter's signature and optional telephone number. There is no emergent need for the bill to become effective immediately, and therefore the emergency clause in Section 2 of this bill is unnecessary.

For this reason, I have vetoed Section 2 of House Bill 1880.

With the exception of Section 2, House Bill 1880 is approved."