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

 3   "**Sec. 1.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to
 4 read as follows:
 5   The secretary of state or a county auditor shall accept and file in
 6 his or her office electronic ((facsimile)) transmissions of the
 7 following documents:
 8   (1) Declarations of candidacy;
 9   (2) County canvass reports;
10   (3) Voters' pamphlet statements;
11   (4) Arguments for and against ballot measures that will appear in
12 a voters' pamphlet;
13   (5) Requests for recounts;
14   (6) Certification of candidates and measures by the secretary of
15 state;
16   (7) Direction by the secretary of state for the conduct of a
17 ((mandatory)) recount;
18   (8) Requests for ((absentee)) ballots;
19   (9) Any other election related document authorized by rule adopted
20 by the secretary of state under RCW ((29A.04.610)) 29A.04.611.
21   The acceptance by the secretary of state or the county auditor is
22 conditional upon the document being filed in a timely manner, being
23 legible, and otherwise satisfying the requirements of state law or
24 rules with respect to form and content.
25   ((If the original copy of a document must be signed and a copy of
26 the document is filed by facsimile transmission under this section, the
27 original copy must be subsequently filed with the official with whom
28 the facsimile was filed. The original copy must be filed by a deadline
29 established by the secretary by rule.)) The secretary may by rule

1   require that the original of any document, a copy of which is filed by

2   ((facsimile)) electronic transmission under this section, also be filed

3   by a deadline established by the secretary by rule.

4   **Sec. 2.**   RCW 29A.40.070 and 2006 c 344 s 13 are each amended to

5   read as follows:

6   (1) Except where a recount or litigation ((under RCW 29A.68.011))

7   is pending, the county auditor ((shall have sufficient absentee ballots

8   available for absentee voters of that county, other than overseas

9   voters and service voters, at least twenty days before any primary,

10 general election, or special election. The county auditor)) must mail

11 ((absentee)) ballots to each voter ((for whom the county auditor has

12 received a request nineteen days before the primary or election)) at

13 least eighteen days before ((the)) each primary or election, and as

14 soon as possible for all subsequent registration changes. ((For a

15 request for an absentee ballot received after the nineteenth day before

16 the primary or election, the county auditor shall make every effort to

17 mail ballots within one business day, and shall mail the ballots within

18 two business days)).

19   (2) ((At least thirty days before any primary, general election, or

20 special election, the county auditor shall mail ballots to all overseas

21 and service voters.)) Except where a recount or litigation is pending,

22 the county auditor must mail ballots to each service and overseas voter

23 at least thirty days before each special election and at least

24 forty-five days before each primary or general election. A request for

25 a ballot made by an overseas or service voter after that day must be

26 processed immediately.

27   (3) A registered voter may obtain a replacement ballot if the

28 ballot is destroyed, spoiled, lost, or not received by the voter. The

29 voter may obtain the ballot by telephone request, by mail,

30 electronically, or in person. The county auditor shall keep a record

31 of each request for a replacement ballot.

32   (4) Each county auditor shall certify to the office of the

33 secretary of state the dates the ballots ((prescribed in subsection (1)

34 of this section were available and)) were mailed, or the reason and

35 date the ballots will be mailed if the ballots were not mailed timely.

36   (((4) If absentee ballots will not be available or mailed as

37 prescribed in subsection (1) of this section, the county auditor shall

1 immediately certify to the office of the secretary of state when
2 absentee ballots will be available and mailed. Copies of this
3 certification must be provided to the county canvassing board, the
4 press, jurisdictions with issues on the ballot in the election, and any
5 candidates.
6   (5) If absentee ballots were not available or mailed as prescribed
7 in subsection (1) of this section, for a reason other than a recount or
8 litigation, the county auditor, in consultation with the certification
9 and training program of the office of the secretary of state, shall
10 submit a report to the office of the secretary of state outlining why
11 the deadline was missed and what corrective actions will be taken in
12 future elections to ensure that absentee ballots are available and
13 mailed as prescribed in subsection (1) of this section.
14   (6))) Failure to ((have absentee ballots available and mailed))
15 mail ballots as prescribed in ((subsection (1) of)) this section does
16 not by itself provide a basis for an election contest or other legal
17 challenge to the results of a primary, general election, or special
18 election.

19   **Sec. 3.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to read
20 as follows:
21   (1) The county auditor shall send each voter a ballot, a security
22 envelope in which to seal the ballot after voting, a larger envelope in
23 which to return the security envelope, a declaration that the voter
24 must sign, and instructions on how to obtain information about the
25 election, how to mark the ballot, and how to return ((it)) the ballot
26 to the county auditor.
27   (2) The ((instructions that accompany a ballot for a partisan
28 primary must include instructions for voting the applicable ballot
29 style, as provided in chapter 29A.36 RCW. The voter's name and address
30 must be printed on the larger return envelope, which must also contain
31 a declaration by the voter reciting his or her qualifications and
32 stating that he or she)) voter must swear under penalty of perjury that
33 he or she meets the qualifications to vote, and has not voted in any
34 other jurisdiction at this election((, together with a summary of the
35 penalties for any violation of any of the provisions of this chapter)).
36 The declaration must clearly inform the voter that it is illegal to
37 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,))
 3 it is illegal to cast a ballot or sign a return envelope on behalf of
 4 another voter. The ((return envelope must provide space for the))
 5 voter ((to)) must indicate the date on which the ballot was voted and
 6 ((for the voter to)) sign the ((oath)) declaration. ((It)) The ballot
 7 materials must also contain a space so that the voter may include a
 8 telephone number. ((A summary of the applicable penalty provisions of
 9 this chapter must be printed on the return envelope immediately
10 adjacent to the space for the voter's signature. The signature of the
11 voter on the return envelope must affirm and attest to the statements
12 regarding the qualifications of that voter and to the validity of the
13 ballot.   The return envelope may provide secrecy for the voter's
14 signature and optional telephone number.))
15   (3) For overseas 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. Return
18 envelopes for overseas and service voters must enable the ballot to be
19 returned postage free if mailed through the United States postal
20 service, United States armed forces postal service, or the postal
21 service of a United States foreign embassy under 39 U.S.C. 3406.
22   (4) The voter must be instructed to either return the ballot to the
23 county auditor ((by whom it was issued)) no later than 8:00 p.m. the
24 day of the election or primary, or ((attach sufficient first-class
25 postage, if applicable, and)) mail the ballot to the ((appropriate))
26 county auditor with a postmark no later than the day of the election or
27 primary ((for which the ballot was issued.
28   If the county auditor chooses to forward ballots, he or she must
29 include with the ballot a clear explanation of the qualifications
30 necessary to vote in that election and must also advise a voter with
31 questions about his or her eligibility to contact the county auditor.
32 This explanation may be provided on the ballot envelope, on an enclosed
33 insert, or printed directly on the ballot itself. If the information
34 is not included, the envelope must clearly indicate that the ballot is
35 not to be forwarded and that return postage is guaranteed)). For
36 overseas and service voters, the declaration must also explain that a
37 voter may fax or e-mail a voted ballot and the signed declaration if
38 the voter agrees to waive secrecy.

1   **Sec. 4.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to
2   read as follows:
3   (1) The opening and subsequent processing of return envelopes for
4   any primary or election may begin upon receipt. The tabulation of
5   absentee ballots must not commence until after 8:00 p.m. on the day of
6   the primary or election.
7   (2) All received ((absentee)) return envelopes must be placed in
8   secure locations from the time of delivery to the county auditor until
9   their subsequent opening. After opening the return envelopes, the
10   county canvassing board shall place all of the ballots in secure
11   storage until ((after 8:00 p.m. of the day of the primary or election))
12   processing. ((Absentee ballots that are to be tabulated on an
13   electronic vote tallying system)) Ballots may be taken from the inner
14   envelopes and all the normal procedural steps may be performed to
15   prepare these ballots for tabulation.
16   (3) ((Before opening a returned absentee ballot,)) The canvassing
17   board, or its designated representatives, shall examine the postmark((,
18   statement,)) on the return envelope and signature on the ((return
19   envelope that contains the security envelope and absentee ballot))
20   declaration before processing the ballot. The ballot must either be
21   received no later than 8:00 p.m. on the day of the primary or election,
22   or must be postmarked no later than the day of the primary or election.
23   All personnel assigned to verify signatures must receive training on
24   statewide standards for signature verification. Personnel shall verify
25   that the voter's signature on the ((return envelope)) ballot
26   declaration is the same as the signature of that voter in the
27   registration files of the county. Verification may be conducted by an
28   automated verification system approved by the secretary of state.
29   ((For any absentee ballot,)) A variation between the signature of the
30   voter on the ((return envelope)) ballot declaration and the signature
31   of that voter in the registration files due to the substitution of
32   initials or the use of common nicknames is permitted so long as the
33   surname and handwriting are clearly the same.
34   (4) ((For registered voters casting absentee ballots)) If the
35   postmark is missing or illegible, the date on the ((return envelope))
36   ballot declaration to which the voter has attested determines the
37   validity, as to the time of voting, for that ((absentee)) ballot ((if
38   the postmark is missing or is illegible)). For overseas voters and

1 service voters, the date on the ((~~return envelope~~)) <u>declaration</u> to

2 which the voter has attested determines the validity<u>,</u> as to the time of

3 voting<u>,</u> for that ((~~absentee~~)) ballot. <u>Any overseas voter or service</u>

4 <u>voter who agrees to waive secrecy may return the signed declaration and</u>

5 <u>voted ballot by fax or e-mail by 8:00 p.m. on the day of the primary or</u>

6 <u>election.</u>"

HB 1000 - S COMM AMD
     By Committee on Government Operations, Tribal Relations & Elections

                                        ADOPTED AS AMENDED 04/12/2011

7   On page 1, line 1 of the title, after "voters;" strike the

8 remainder of the title and insert "and amending RCW 29A.04.255,

9 29A.40.070, 29A.40.091, and 29A.40.110."

     <u>EFFECT:</u>   Replaces provisions of the original bill with the
provisions in 2ESSB 5171 relating to service and overseas voters and
the mailing receipt of ballots and option of returning a ballot by fax
or e-mail.

--- END ---