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HOUSE BILL 1031

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State of Washington

62nd Legislature

2011 Regular Session

**By** Representatives Armstrong, Orwall, Johnson, Crouse, Appleton, Condotta, Eddy, Clibborn, Haler, Ormsby, Nealey, Klippert, Miloscia, Fagan, Alexander, Taylor, Bailey, Angel, Finn, Warnick, Rodne, Orcutt, Walsh, Pearson, Green, McCoy, McCune, Schmick, Smith, Goodman, Asay, Ross, Blake, Short, Kagi, Hope, Takko, Kristiansen, Reykdal, Frockt, Ladenburg, Rolfes, Shea, Hunt, Hurst, and Moeller

Prefiled 12/14/10. Read first time 01/10/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to ballot envelopes; and amending RCW 29A.40.091.

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

3 **Sec. 1.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to read  
4 as follows:

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

1 restored; and, except as otherwise provided by law, it is illegal to  
2 cast a ballot or sign a return envelope on behalf of another voter.  
3 The return envelope must provide space for the voter to indicate the  
4 date on which the ballot was voted and for the voter to sign the oath.  
5 It must also contain a space so that the voter may include a telephone  
6 number. A summary of the applicable penalty provisions of this chapter  
7 must be printed on the return envelope immediately adjacent to the  
8 space for the voter's signature. The signature of the voter on the  
9 return envelope must affirm and attest to the statements regarding the  
10 qualifications of that voter and to the validity of the ballot. The  
11 return envelope may provide secrecy for the voter's signature and  
12 optional telephone number. For overseas and service voters, the signed  
13 declaration on the return envelope constitutes the equivalent of a  
14 voter registration for the election or primary for which the ballot has  
15 been issued. The voter must be instructed to either return the ballot  
16 to the county auditor by whom it was issued or attach sufficient first-  
17 class postage, if applicable, and mail the ballot to the appropriate  
18 county auditor no later than the day of the election or primary for  
19 which the ballot was issued.

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

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