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HOUSE BILL 1772

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hasegawa and Reykdal

Read first time 02/01/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to prepaid postage for primary and general election  
2 ballots; amending RCW 29A.04.420, 29A.40.091, and 29A.48.050; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that voting by mail  
6 has many advantages. However, the legislature also finds that the  
7 postage, while only a small amount, amounts to the poll tax for many of  
8 our citizens. The legislature finds that many citizens lack the  
9 necessary funds to purchase the necessary postage to return his or her  
10 ballot. The legislature further finds that in order to increase  
11 participation in our democracy, we must lower all barriers to  
12 participation in the democratic process. The legislature finds that  
13 voting should be free for all citizens.

14 **Sec. 2.** RCW 29A.04.420 and 2003 c 111 s 147 are each amended to  
15 read as follows:

16 (1) Whenever state officers or measures are voted upon at a state  
17 primary or general election held in an odd-numbered year under RCW

1 ((29A.04.320)) 29A.04.321, the state of Washington shall assume a  
2 prorated share of the costs of that state primary or general election.

3 (2) The state shall reimburse counties for the cost of return  
4 postage on mail and absentee ballots for primary and general elections.

5 (3) Whenever a primary or vacancy election is held to fill a  
6 vacancy in the position of United States senator or United States  
7 representative under chapter 29A.28 RCW, the state of Washington shall  
8 assume a prorated share of the costs of that primary or vacancy  
9 election.

10 ((+3)) (4) The county auditor shall apportion the state's share of  
11 these expenses when prorating election costs under RCW 29A.04.410 and  
12 shall file such expense claims with the secretary of state.

13 ((+4)) (5) The secretary of state shall include in his or her  
14 biennial budget requests sufficient funds to carry out this section.  
15 Reimbursements for election costs shall be from appropriations  
16 specifically provided by law for that purpose.

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

19 The county auditor shall send each voter a ballot, a security  
20 envelope in which to seal the ballot after voting, a larger envelope in  
21 which to return the security envelope, and instructions on how to mark  
22 the ballot and how to return it to the county auditor. The  
23 instructions that accompany a ballot for a partisan primary must  
24 include instructions for voting the applicable ballot style, as  
25 provided in chapter 29A.36 RCW. The voter's name and address must be  
26 printed on the larger return envelope, which must also contain a  
27 declaration by the voter reciting his or her qualifications and stating  
28 that he or she has not voted in any other jurisdiction at this  
29 election, together with a summary of the penalties for any violation of  
30 any of the provisions of this chapter. The declaration must clearly  
31 inform the voter that it is illegal to vote if he or she is not a  
32 United States citizen; it is illegal to vote if he or she has been  
33 convicted of a felony and has not had his or her voting rights  
34 restored; and, except as otherwise provided by law, it is illegal to  
35 cast a ballot or sign a return envelope on behalf of another voter.  
36 The return envelope must provide space for the voter to indicate the  
37 date on which the ballot was voted and for the voter to sign the oath.

1 It must also contain a space so that the voter may include a telephone  
2 number. A summary of the applicable penalty provisions of this chapter  
3 must be printed on the return envelope immediately adjacent to the  
4 space for the voter's signature. The signature of the voter on the  
5 return envelope must affirm and attest to the statements regarding the  
6 qualifications of that voter and to the validity of the ballot. The  
7 return envelope may provide secrecy for the voter's signature and  
8 optional telephone number. For overseas and service voters, the signed  
9 declaration on the return envelope constitutes the equivalent of a  
10 voter registration for the election or primary for which the ballot has  
11 been issued. The voter must be instructed to either return the ballot  
12 to the county auditor by whom it was issued or attach sufficient first-  
13 class postage, if applicable, and mail the ballot to the appropriate  
14 county auditor no later than the day of the election or primary for  
15 which the ballot was issued. Return envelopes for primary and general  
16 election ballots shall include prepaid postage.

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

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

27 The voter shall return the ballot to the county auditor in the  
28 return identification envelope. If mailed, a ballot must be postmarked  
29 not later than the date of the primary or election. Return envelopes  
30 for primary and general election ballots shall include prepaid postage.  
31 Otherwise, the ballot must be deposited at the office of the county  
32 auditor or the designated place of deposit not later than 8:00 p.m. on  
33 the date of the primary or election. All personnel assigned to verify  
34 signatures on the return envelope must receive training on statewide  
35 standards for signature verification.

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