
HOUSE BILL 2561

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Taylor and Manweller

Read first time 01/21/14. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to tabulation and receipt of ballots; amending RCW
2 29A.40.091; reenacting and amending RCW 29A.40.110 and 29A.60.190;
3 creating new sections; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that receipt of valid
6 ballots after election day results in long wait times for election
7 results. The legislature recognizes that it is not unusual for a
8 county to receive upwards of fifty percent of the ballots after
9 election day. The legislature finds that drawn out and inefficient
10 election processes result in increased labor costs, and reduce the
11 ability to accurately determine an election winner on election day.
12 The legislature intends to bring Washington state into parity with
13 other states by requiring that ballots be received by the county
14 auditor on election day. Such a requirement will increase the
15 efficiency of the voter tabulation process and will save money for the
16 state and individual counties.

17 **Sec. 2.** RCW 29A.40.091 and 2013 c 11 s 49 are each amended to read
18 as follows:

1 (1) The county auditor shall send each voter a ballot, a security
2 envelope in which to conceal the ballot after voting, a larger envelope
3 in which to return the security envelope, a declaration that the voter
4 must sign, and instructions on how to obtain information about the
5 election, how to mark the ballot, and how to return the ballot to the
6 county auditor.

7 (2) The voter must swear under penalty of perjury that he or she
8 meets the qualifications to vote, and has not voted in any other
9 jurisdiction at this election. The declaration must clearly inform the
10 voter that it is illegal to vote if he or she is not a United States
11 citizen; it is illegal to vote if he or she has been convicted of a
12 felony and has not had his or her voting rights restored; and it is
13 illegal to cast a ballot or sign a ballot declaration on behalf of
14 another voter. The ballot materials must provide space for the voter
15 to sign the declaration, indicate the date on which the ballot was
16 voted, and include a telephone number.

17 (3) For overseas and service voters, the signed declaration
18 constitutes the equivalent of a voter registration. Return envelopes
19 for overseas and service voters must enable the ballot to be returned
20 postage free if mailed through the United States postal service, United
21 States armed forces postal service, or the postal service of a United
22 States foreign embassy under 39 U.S.C. 3406.

23 (4) The voter must be instructed to either return the ballot to the
24 county auditor no later than 8:00 p.m. the day of the election or
25 primary, or mail the ballot to the county auditor with a postmark (~~no~~
26 ~~later than the day of the election or primary~~) in accordance with the
27 time requirements of RCW 29A.40.110. Service and overseas voters must
28 be provided with instructions and a privacy sheet for returning the
29 ballot and signed declaration by fax or e-mail. A voted ballot and
30 signed declaration returned by fax or e-mail must be received by 8:00
31 p.m. on the day of the election or primary.

32 **Sec. 3.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
33 2011 c 10 s 41 are each reenacted and amended to read as follows:

34 (1) The opening and subsequent processing of return envelopes for
35 any primary or election may begin upon receipt. The tabulation of
36 (~~absentee~~) ballots (~~must not~~) may commence (~~until after~~) at 8:00
37 (~~p.m. on~~) a.m. three business days before the day of the primary or

1 election. Tabulation results must be held in secrecy, as provided in
2 RCW 29A.84.730, until after 8:00 p.m. on the day of the primary or
3 election.

4 (2) All received return envelopes must be placed in secure
5 locations from the time of delivery to the county auditor until their
6 subsequent opening. After opening the return envelopes, the county
7 canvassing board shall place all of the ballots in secure storage until
8 ~~((processing))~~ tabulation. Ballots may be taken from the inner
9 envelopes and all the normal procedural steps may be performed to
10 prepare these ballots for tabulation.

11 (3) The canvassing board, or its designated representatives, shall
12 examine the ~~((postmark on the return envelope))~~ oath and signature on
13 the declaration before processing the ballot. ~~((The ballot must either~~
14 ~~be received no later than 8:00 p.m. on the day of the primary or~~
15 ~~election, or must be postmarked no later than the day of the primary or~~
16 ~~election.))~~ All personnel assigned to verify signatures must receive
17 training on statewide standards for signature verification. Personnel
18 shall verify that the voter's signature on the ballot declaration is
19 the same as the signature of that voter in the registration files of
20 the county. Verification may be conducted by an automated verification
21 system approved by the secretary of state. A variation between the
22 signature of the voter on the ballot declaration and the signature of
23 that voter in the registration files due to the substitution of
24 initials or the use of common nicknames is permitted so long as the
25 surname and handwriting are clearly the same.

26 (4) ~~((If the postmark is missing or illegible, the date on the~~
27 ~~ballot declaration to which the voter has attested determines the~~
28 ~~validity, as to the time of voting, for that ballot.))~~ (a) Except as
29 provided in (b) of this subsection, ballots must be received by the
30 county auditor by 8:00 p.m. on the day of the primary or election in
31 order to be valid. The county auditor may designate locations for the
32 receipt of ballots.

33 (b) For overseas voters ((and)) or service voters returning ballots
34 by mail, the date on the declaration to which the voter has attested
35 ((determines the validity, as to the time of voting, for that ballot))
36 must not be later than the day of the primary or election in order for
37 the ballot to be valid. Any overseas voter or service voter may return

1 the signed declaration and voted ballot by fax or e-mail by 8:00 p.m.
2 on the day of the primary or election, and the county auditor must use
3 established procedures to maintain the secrecy of the ballot.

4 **Sec. 4.** RCW 29A.60.190 and 2011 c 349 s 21 and 2011 c 10 s 58 are
5 each reenacted and amended to read as follows:

6 Fourteen days after a primary or special election and twenty-one
7 days after a general election, the county canvassing board shall
8 complete the canvass and certify the results. Each ballot that was
9 returned (~~((before 8:00 p.m. on the day of the special election, general
10 election, or primary, and each ballot bearing a postmark on or before
11 the date of the special election, general election, or primary and
12 received no later than the day before certification,))~~) in accordance
13 with the time requirements of RCW 29A.40.110 must be included in the
14 canvass report.

15 NEW SECTION. **Sec. 5.** This act may be known and cited as the mail
16 in ballot deadline act.

17 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2015.

18 NEW SECTION. **Sec. 7.** If any provision of this act or its
19 application to any person or circumstance is held invalid, the
20 remainder of the act or the application of the provision to other
21 persons or circumstances is not affected.

22 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
23 conflict with federal requirements that are a prescribed condition to
24 the allocation of federal funds to the state, the conflicting part of
25 this act is inoperative solely to the extent of the conflict and with
26 respect to the agencies directly affected, and this finding does not
27 affect the operation of the remainder of this act in its application to
28 the agencies concerned. Rules adopted under this act must meet federal
29 requirements that are a necessary condition to the receipt of federal
30 funds by the state.

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