

SHB 1251 - S AMD TO SGTE COMM AMD (S-6913.1/20) **1257**  
By Senator Zeiger

**NOT ADOPTED 03/04/2020**

1 On page 2, after line 20, insert the following:

2 "Sec. 4. RCW 29A.40.091 and 2019 c 161 s 3 are each amended to  
3 read as follows:

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

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

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

26 (4) The voter must be instructed to either return the ballot to  
27 the county auditor no later than 8:00 p.m. the day of the election or  
28 primary, or mail the ballot to the county auditor with a postmark no  
29 later than the day of the election or primary. Return envelopes for  
30 all election ballots must include prepaid postage. (~~Service and~~  
31 ~~overseas voters must be provided with instructions and a privacy~~  
32 ~~sheet for returning the ballot and signed declaration by fax or~~

1 ~~email. A voted ballot and signed declaration returned by fax or email~~  
2 ~~must be received by 8:00 p.m. on the day of the election or~~  
3 ~~primary.)~~

4 (5) The county auditor's name may not appear on the security  
5 envelope, the return envelope, or on any voting instructions or  
6 materials included with the ballot if he or she is a candidate for  
7 office during the same year.

8 (6) For purposes of this section, "prepaid postage" means any  
9 method of return postage paid by the county or state.

10 **Sec. 5.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and  
11 2011 c 10 s 41 are each reenacted and amended to read as follows:

12 (1) The opening and subsequent processing of return envelopes for  
13 any primary or election may begin upon receipt. The tabulation of  
14 absentee ballots must not commence until after 8:00 p.m. on the day  
15 of the primary or election.

16 (2) All received return envelopes must be placed in secure  
17 locations from the time of delivery to the county auditor until their  
18 subsequent opening. After opening the return envelopes, the county  
19 canvassing board shall place all of the ballots in secure storage  
20 until processing. Ballots may be taken from the inner envelopes and  
21 all the normal procedural steps may be performed to prepare these  
22 ballots for tabulation.

23 (3) The canvassing board, or its designated representatives,  
24 shall examine the postmark on the return envelope and signature on  
25 the declaration before processing the ballot. The ballot must either  
26 be received no later than 8:00 p.m. on the day of the primary or  
27 election, or must be postmarked no later than the day of the primary  
28 or election. All personnel assigned to verify signatures must receive  
29 training on statewide standards for signature verification. Personnel  
30 shall verify that the voter's signature on the ballot declaration is  
31 the same as the signature of that voter in the registration files of  
32 the county. Verification may be conducted by an automated  
33 verification system approved by the secretary of state. A variation  
34 between the signature of the voter on the ballot declaration and the  
35 signature of that voter in the registration files due to the  
36 substitution of initials or the use of common nicknames is permitted  
37 so long as the surname and handwriting are clearly the same.

38 (4) If the postmark is missing or illegible, the date on the  
39 ballot declaration to which the voter has attested determines the

1 validity, as to the time of voting, for that ballot. For overseas  
2 voters and service voters, the date on the declaration to which the  
3 voter has attested determines the validity, as to the time of voting,  
4 for that ballot. (~~Any overseas voter or service voter may return the  
5 signed declaration and voted ballot by fax or email by 8:00 p.m. on  
6 the day of the primary or election, and the county auditor must use  
7 established procedures to maintain the secrecy of the ballot.~~)

8 **Sec. 6.** RCW 29A.60.235 and 2018 c 218 s 9 are each amended to  
9 read as follows:

10 (1) The county auditor shall prepare at the time of certification  
11 an election reconciliation report that discloses the following  
12 information:

- 13 (a) The number of registered voters;
- 14 (b) The number of ballots issued;
- 15 (c) The number of ballots received;
- 16 (d) The number of ballots counted;
- 17 (e) The number of ballots rejected;
- 18 (f) The number of provisional ballots issued;
- 19 (g) The number of provisional ballots received;
- 20 (h) The number of provisional ballots counted;
- 21 (i) The number of provisional ballots rejected;
- 22 (j) The number of federal write-in ballots received;
- 23 (k) The number of federal write-in ballots counted;
- 24 (l) The number of federal write-in ballots rejected;
- 25 (m) The number of overseas and service ballots issued by mail,  
26 email, web site link, or facsimile;
- 27 (n) The number of overseas and service ballots received (~~by  
28 mail, email, or facsimile~~);
- 29 (o) The number of overseas and service ballots counted (~~by mail,  
30 email, or facsimile~~);
- 31 (p) The number of overseas and service ballots rejected (~~by  
32 mail, email, or facsimile~~);
- 33 (q) The number of nonoverseas and nonservice ballots sent by  
34 email, web site link, or facsimile;
- 35 (r) (~~The number of nonoverseas and nonservice ballots received  
36 by email or facsimile;~~  
37 ~~(s)~~) The number of nonoverseas and nonservice ballots that were  
38 rejected for(~~(÷~~

1 ~~(i) Failing to send an original or hard copy of the ballot by the~~  
2 ~~certification deadline; or~~

3 ~~(ii) Any other))~~ any reason, including the reason for rejection;

4 ~~((t))~~ (s) The number of voters credited with voting;

5 ~~((u))~~ (t) The number of replacement ballots requested;

6 ~~((v))~~ (u) The number of replacement ballots issued;

7 ~~((w))~~ (v) The number of replacement ballots received;

8 ~~((x))~~ (w) The number of replacement ballots counted;

9 ~~((y))~~ (x) The number of replacement ballots rejected; and

10 ~~((z))~~ (y) Any other information the auditor or secretary of  
11 state deems necessary to reconcile the number of ballots counted with  
12 the number of voters credited with voting, and to maintain an audit  
13 trail.

14 (2) The county auditor must make the report available to the  
15 public at the auditor's office and must publish the report on the  
16 auditor's web site at the time of certification. The county auditor  
17 must submit the report to the secretary of state at the time of  
18 certification in any form determined by the secretary of state.

19 (3) (a) The secretary of state must collect the reconciliation  
20 reports from each county auditor and prepare a statewide  
21 reconciliation report for each state primary and general election.  
22 The report may be produced in a form determined by the secretary that  
23 includes the information as described in this subsection (3). The  
24 report must be prepared and published on the secretary of state's web  
25 site within two months after the last county's election results have  
26 been certified.

27 (b) The state report must include a comparison among counties on  
28 rates of votes received, counted, and rejected, including  
29 provisional, write-in, and overseas ballots(~~(, and ballots~~  
30 ~~transmitted electronically)~~). The comparison information may be in  
31 the form of rankings, percentages, or other relevant quantifiable  
32 data that can be used to measure performance and trends.

33 (c) The state report must also include an analysis of the data  
34 that can be used to develop a better understanding of election  
35 administration and policy. The analysis must combine data, as  
36 available, over multiple years to provide broader comparisons and  
37 trends regarding voter registration and turnout and ballot counting.  
38 The analysis must incorporate national election statistics to the  
39 extent such information is available."

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1 On page 2, line 22, after "29A.12.070" insert ", 29A.40.091, and  
2 29A.60.235; reenacting and amending RCW 29A.40.110"

EFFECT: Prohibits the return of ballots by uniformed or overseas voters through fax or electronically. Removes requirements for reporting data relating to ballots returned by uniformed or overseas voters through fax or electronically.

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