
HOUSE BILL 1962

State of Washington

66th Legislature

2019 Regular Session

By Representatives Van Werven, Walsh, and Chapman

Read first time 02/08/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to modifying the deadline for the return of
2 ballots; amending RCW 29A.40.091 and 29A.60.190; and reenacting and
3 amending RCW 29A.40.110.

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

5 **Sec. 1.** RCW 29A.40.091 and 2016 c 83 s 3 are each amended to
6 read as follows:

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

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

1 to sign the declaration, indicate the date on which the ballot was
2 voted, and include a telephone number.

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

9 (4) The voter must be instructed (~~(to either return the ballot to~~
10 ~~the county auditor no later than 8:00 p.m. the day of the election or~~
11 ~~primary, or mail the ballot to the county auditor with a postmark no~~
12 ~~later than the day of the election or primary)) that the ballot must
13 be received by the county auditor or other designated elections
14 official no later than 8:00 p.m. on the day of the primary or
15 election. Service and overseas voters must be provided with
16 instructions and a privacy sheet for returning the ballot and signed
17 declaration by fax or email. A voted ballot and signed declaration
18 returned by fax or email must be received by 8:00 p.m. on the day of
19 the election or primary.~~

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

24 **Sec. 2.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
25 2011 c 10 s 41 are each reenacted and amended to read as follows:

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

30 (2) All received return envelopes must be placed in secure
31 locations from the time of delivery to the county auditor until their
32 subsequent opening. After opening the return envelopes, the county
33 canvassing board shall place all of the ballots in secure storage
34 until processing. Ballots may be taken from the inner envelopes and
35 all the normal procedural steps may be performed to prepare these
36 ballots for tabulation.

37 (3) The canvassing board, or its designated representatives,
38 shall examine the (~~(postmark on the return envelope))~~ time that the
39 ballot is received and the signature on the declaration before

1 processing the ballot. The ballot must (~~(either)~~) be received no
2 later than 8:00 p.m. on the day of the primary or election(~~(, or must~~
3 ~~be postmarked no later than the day of the primary or election)~~). All
4 personnel assigned to verify signatures must receive training on
5 statewide standards for signature verification. Personnel shall
6 verify that the voter's signature on the ballot declaration is the
7 same as the signature of that voter in the registration files of the
8 county. Verification may be conducted by an automated verification
9 system approved by the secretary of state. A variation between the
10 signature of the voter on the ballot declaration and the signature of
11 that voter in the registration files due to the substitution of
12 initials or the use of common nicknames is permitted so long as the
13 surname and handwriting are clearly the same.

14 (4) (~~(If the postmark is missing or illegible, the date on the~~
15 ~~ballot declaration to which the voter has attested determines the~~
16 ~~validity, as to the time of voting, for that ballot. For overseas~~
17 ~~voters and service voters, the date on the declaration to which the~~
18 ~~voter has attested determines the validity, as to the time of voting,~~
19 ~~for that ballot.)~~) Any overseas voter or service voter may return the
20 signed declaration and voted ballot by fax or email, which must be
21 received by the county auditor or other designated elections official
22 by 8:00 p.m. on the day of the primary or election, and the county
23 auditor must use established procedures to maintain the secrecy of
24 the ballot.

25 **Sec. 3.** RCW 29A.60.190 and 2015 c 146 s 4 are each amended to
26 read as follows:

27 Ten days after a special election held in February or April,
28 fourteen days after a primary, or twenty-one days after a general
29 election, the county canvassing board shall complete the canvass and
30 certify the results. Each ballot that was (~~(returned before)~~)
31 received by 8:00 p.m. on the day of the special election, general
32 election, or primary(~~(, and each ballot bearing a postmark on or~~
33 ~~before the date of the special election, general election, or primary~~
34 ~~and received no later than the day before certification,)~~) must be
35 included in the canvass report.

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