
HOUSE BILL 2968

State of Washington

66th Legislature

2020 Regular Session

By Representatives Young, Walsh, McCaslin, Harris, Schmick, MacEwen, Vick, Kretz, maycumber, Chandler, Gildon, Mosbrucker, Orcutt, Van Werven, Eslick, Griffey, Boehnke, Kraft, Corry, Shea, Sutherland, Ybarra, Barkis, Caldier, Irwin, Goehner, Dent, Dufault, Chambers, Graham, Klippert, Hoff, Hudgins, and Gregerson

Prefiled 03/12/20. Read first time 03/12/20. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to ballot envelope secrecy flaps; amending RCW
2 29A.40.091; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the 2020
5 presidential primary has illustrated major flaws with the security
6 and sanctity of the mail-in voting process. Specifically, the
7 unshielded party declaration creates a gross and demonstrated
8 potential to determine the candidate for which a person has voted.
9 Additionally, with advancements in and the prevalence of portable and
10 handheld technology, there is a growing concern of signature, and
11 therefore, identity fraud due to the unshielded display of voter
12 signatures. Therefore, the legislature finds that additional security
13 protocols are needed to faithfully honor and protect the voting
14 rights of Washington voters.

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

17 (1) The county auditor shall send each voter a ballot, a security
18 envelope in which to conceal the ballot after voting, a larger
19 envelope in which to return the security envelope, a declaration that
20 the voter must sign, and instructions on how to obtain information

1 about the election, how to mark the ballot, and how to return the
2 ballot to the county auditor. If the declaration is printed on the
3 return envelope, the envelope must have a secrecy flap that the voter
4 may seal that covers the voter's signature and, in a presidential
5 primary, the party declaration.

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

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

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

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

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

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