

RCW 29A.40.070 Date ballots mailed—Replacement ballots. (1)

Except where a recount or litigation is pending, the county auditor must mail ballots to each voter at least eighteen days before each primary or election, and as soon as possible for all subsequent registration changes.

(2) Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election, and at least forty-five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(3) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

(4) Each county auditor shall certify to the office of the secretary of state the dates the ballots were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely.

(5) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election. [2013 c 11 s 48. Prior: 2011 c 349 s 16; 2011 c 10 s 38; 2006 c 344 s 13; 2004 c 266 s 13; prior: 2003 c 162 s 2; 2003 c 111 s 1007; prior: 1987 c 54 s 1; 1977 ex.s. c 361 s 56; 1965 ex.s. c 103 s 5; 1965 c 9 s 29.30.075; prior: 1949 c 161 s 10, part; 1947 c 234 s 2, part; 1935 c 26 s 1, part; 1921 c 178 s 4, part; 1907 c 209 s 8, part; Rem. Supp. 1949 s 5185, part. Formerly RCW 29.36.270, 29.30.075.]

Effective date—2011 c 349: See note following RCW 29A.04.255.

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Effective date—2006 c 344 ss 1-16 and 18-40: See note following RCW 29A.04.311.

Effective date—2004 c 266: See note following RCW 29A.04.575.

Policy—2003 c 162: "It is the policy of the state of Washington that individuals voting absentee and mail ballots receive their ballots in a timely and consistent manner before each election. Since many voters in Washington state have come to rely upon absentee and mail voting, mailing the ballots in a timely manner is critical in order to maximize participation by every eligible voter." [2003 c 162 s 1.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.