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SENATE BILL 5951

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State of Washington

61st Legislature

2009 Regular Session

By Senators Roach, Hatfield, Pridemore, and McDermott

Read first time 02/09/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to protecting the voter's signature and telephone  
2 number on envelopes provided for return of voted ballots; and amending  
3 RCW 29A.40.091.

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

5 **Sec. 1.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to  
6 read as follows:

7 The county auditor shall send each absentee voter a ballot, a  
8 security envelope in which to seal the ballot after voting, a larger  
9 envelope in which to return the security envelope, and instructions on  
10 how to mark the ballot and how to return it to the county auditor. The  
11 instructions that accompany an absentee ballot for a partisan primary  
12 must include instructions for voting the applicable ballot style, as  
13 provided in chapter 29A.36 RCW. The absentee voter's name and address  
14 must be printed on the larger return envelope, which must also contain  
15 a declaration by the absentee voter reciting his or her qualifications  
16 and stating that he or she has not voted in any other jurisdiction at  
17 this election, together with a summary of the penalties for any  
18 violation of any of the provisions of this chapter. The declaration  
19 must clearly inform the voter that it is illegal to vote if he or she

1 is not a United States citizen; it is illegal to vote if he or she has  
2 been convicted of a felony and has not had his or her voting rights  
3 restored; and, except as otherwise provided by law, it is illegal to  
4 cast a ballot or sign an absentee envelope on behalf of another voter.  
5 The return envelope must provide space for the voter to indicate the  
6 date on which the ballot was voted and for the voter to sign the oath.  
7 It must also contain a space so that the voter may include a telephone  
8 number. A summary of the applicable penalty provisions of this chapter  
9 must be printed on the return envelope immediately adjacent to the  
10 space for the voter's signature. The signature of the voter on the  
11 return envelope must affirm and attest to the statements regarding the  
12 qualifications of that voter and to the validity of the ballot. The  
13 ~~((return))~~ envelopes provided for return of the voted ballot must  
14 ~~((also have a secrecy flap that the voter may seal that will cover))~~  
15 shield the voter's signature and optional telephone number. For out-  
16 of-state voters, overseas voters, and service voters, the signed  
17 declaration on the return envelope constitutes the equivalent of a  
18 voter registration for the election or primary for which the ballot has  
19 been issued. The voter must be instructed to either return the ballot  
20 to the county auditor by whom it was issued or attach sufficient first-  
21 class postage, if applicable, and mail the ballot to the appropriate  
22 county auditor no later than the day of the election or primary for  
23 which the ballot was issued.

24 If the county auditor chooses to forward absentee ballots, he or  
25 she must include with the ballot a clear explanation of the  
26 qualifications necessary to vote in that election and must also advise  
27 a voter with questions about his or her eligibility to contact the  
28 county auditor. This explanation may be provided on the ballot  
29 envelope, on an enclosed insert, or printed directly on the ballot  
30 itself. If the information is not included, the envelope must clearly  
31 indicate that the ballot is not to be forwarded and that return postage  
32 is guaranteed.

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