H-5444.1 _____

HOUSE BILL 2968

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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.

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

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

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

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

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

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

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

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