S-0902.2

SENATE BILL 5823

State of Washington   **66th Legislature**   **2019 Regular Session**

By Senator Ericksen

1   AN ACT Relating to ensuring elections integrity by requiring
2 witnesses to ballot signature marks to identify themselves; and
3 amending RCW 29A.40.091.

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, a declaration that any witnesses must sign, and
11 instructions on how to obtain information about the election, how to
12 mark the ballot, and how to return the ballot to the county auditor.
13   (2)(a) The voter must swear under penalty of perjury that he or
14 she 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   (b) If a voter signs the declaration with a mark, the mark must

4 be accompanied by the signatures of two witnesses attesting to the

5 validity of the signature mark. Each witness must sign a declaration

6 under penalty of perjury demonstrating that they have personally

7 observed the voter making their signature mark on the ballot. Each

8 witness must provide their printed name, and a valid current address

9 and phone number on the ballot envelope.

10   (c) If a voter neglects to sign, or signs with a mark and fails

11 to have two witnesses attest to the signature, the voter must either:

12   (i) Appear in person and sign the declaration no later than the

13 day before certification of the primary or election; or

14   (ii) Sign a copy of the declaration, or mark the declaration in

15 the manner specified in (b) of this subsection, and return it to the

16 county auditor no later than the day before certification of the

17 primary or election.

18   (3) For overseas and service voters, the signed declaration

19 constitutes the equivalent of a voter registration. Return envelopes

20 for overseas and service voters must enable the ballot to be returned

21 postage free if mailed through the United States postal service,

22 United States armed forces postal service, or the postal service of a

23 United States foreign embassy under 39 U.S.C. 3406.

24   (4) The voter must be instructed to either return the ballot to

25 the county auditor no later than 8:00 p.m. the day of the election or

26 primary, or mail the ballot to the county auditor with a postmark no

27 later than the day of the election or primary. Service and overseas

28 voters must be provided with instructions and a privacy sheet for

29 returning the ballot and signed declaration by fax or email. A voted

30 ballot and signed declaration returned by fax or email must be

31 received by 8:00 p.m. on the day of the election or primary.

32   (5) The county auditor's name may not appear on the security

33 envelope, the return envelope, or on any voting instructions or

34 materials included with the ballot if he or she is a candidate for

35 office during the same year.

--- END ---