H-0502.1 _____

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HOUSE BILL 1360
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State of Washington   **67th Legislature**   **2021 Regular Session**

By Representative Klippert

1   AN ACT Relating to counting mailed ballots that are missing
2   postmarks; and reenacting and amending RCW 29A.40.110.

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

4   **Sec. 1.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
5   2011 c 10 s 41 are each reenacted and amended to read as follows:
6   (1) The opening and subsequent processing of return envelopes for
7   any primary or election may begin upon receipt. The tabulation of
8   absentee ballots must not commence until after 8:00 p.m. on the day
9   of the primary or election.
10   (2) All received return envelopes must be placed in secure
11 locations from the time of delivery to the county auditor until their
12 subsequent opening. After opening the return envelopes, the county
13 canvassing board shall place all of the ballots in secure storage
14 until processing. Ballots may be taken from the inner envelopes and
15 all the normal procedural steps may be performed to prepare these
16 ballots for tabulation.
17   (3) The canvassing board, or its designated representatives,
18 shall examine the postmark on the return envelope and signature on
19 the declaration before processing the ballot. The ballot must either
20 be received no later than 8:00 p.m. on the day of the primary or
21 election, or must be postmarked no later than the day of the primary

1 or election. All personnel assigned to verify signatures must receive
2 training on statewide standards for signature verification. Personnel
3 shall verify that the voter's signature on the ballot declaration is
4 the same as the signature of that voter in the registration files of
5 the county. Verification may be conducted by an automated
6 verification system approved by the secretary of state. A variation
7 between the signature of the voter on the ballot declaration and the
8 signature of that voter in the registration files due to the
9 substitution of initials or the use of common nicknames is permitted
10 so long as the surname and handwriting are clearly the same.

11   (4) If the postmark is ((missing or)) illegible, the date on the
12 ballot declaration to which the voter has attested determines the
13 validity, as to the time of voting, for that ballot.

14   (5) If the postmark is missing on a ballot that is received by
15 the county auditor after election day, the ballot may be counted only
16 if the voter signs a declaration attesting, under penalty of perjury,
17 that the ballot was mailed on or before election day. The county
18 auditor must notify every such voter by first-class mail. If the
19 voter has not responded at least three business days before the final
20 meeting of the canvassing board, then the auditor must attempt to
21 notify the voter by telephone, using the voter registration record
22 information.

23   (6) For overseas voters and service voters, the date on the
24 declaration to which the voter has attested determines the validity,
25 as to the time of voting, for that ballot. Any overseas voter or
26 service voter may return the signed declaration and voted ballot by
27 fax or email by 8:00 p.m. on the day of the primary or election, and
28 the county auditor must use established procedures to maintain the
29 secrecy of the ballot.

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