Chapter 434-235 WAC
SERVICE AND OVERSEAS VOTERS

WAC
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER
434-235-010 Repealed by WSR 11-05-008, § 434-235-010, filed 10/1/07, effective 11/1/07.

WAC 434-235-010 Scope. (1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff, the Military and Overseas Voter Empowerment Act, 42 U.S.C. Sec. 1973ff, and the provisions for service and overseas voters in Title 29 A RCW.

(2) Uniformed service voter is defined in RCW 29A.04.163 as any member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:

(a) Is a member of the armed forces under 42 U.S.C. Sec. 1973ff-6 while in active service;

(b) Is a member of a reserve component of the armed forces;

(c) Is a student or member of the faculty at a United States military academy;

(d) Is a member of the merchant marine of the United States; or

(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) References in Title 434 WAC to "service voter" include voters who meet either the federal definition for "uniformed service voter" or the state definition for "service voter."

(5) Overseas voter is defined in 42 U.S.C. Sec. 1973ff-6(5) as:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A overseas voter who is not already registered in Washington may request a ballot. Consequently, a service or overseas voter who is not already registered in Washington may request a ballot and register after the registration deadlines of RCW 29A.08.140 have passed. A service or overseas voter who is not already registered in Washington may not transfer or update a registration after the deadlines in RCW 29A.08.140 have passed.

(6) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States.

WAC 434-235-020 Voter registration. (1) A service or overseas voter may register to vote by providing:

(a) A voter registration application issued by the state of Washington;

(b) A federal post card application issued by the federal voting assistance program;

(c) A federal write-in absentee ballot issued by the federal voting assistance program;

(d) A national mail voter registration form issued by the election assistance commission; or

(e) A ballot with a valid signature on the ballot declaration.

(2) Pursuant to RCW 29A.40.010 and 29A.40.091, a service or overseas voter does not have to be registered in order to request a ballot. Consequently, a service or overseas voter who is not already registered in Washington may request a ballot and register after the registration deadlines of RCW 29A.08.140 have passed. A service or overseas voter who is not already registered in Washington may not transfer or update a registration after the deadlines in RCW 29A.08.140 have passed.

(a) If the voter is not currently registered, the county auditor must register the voter immediately. The voter must be flagged in the voter registration system as a service or overseas voter.

(b) A service or overseas voter must use his or her most recent residential address in Washington, or the most recent residential address in Washington of a family member.

(c) If the county auditor is unable to precint the voter due to a missing or incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application.

(i) If, in the judgment of the county auditor, there is insufficient time to correct the application before the next election or primary, the county auditor must issue the ballot as if the voter had listed the county auditor's office as his or her residence. A special precinct for this purpose may be created. The only offices and issues that may be tabulated are
those common to the entire county and congressional races based on the precinct encompassing the auditor's office.

(ii) After the election or primary, the county auditor must place the voter on inactive status and send the voter a confirmation notice to obtain the voter's correct residential address.

(d) A service or overseas voter is not required to provide a driver's license number, Social Security number or other form of identification as required by RCW 29A.08.107.

(3) The county auditor must offer a service or overseas voter the option of receiving blank ballots by email or postal mail. This requirement is satisfied if the service or overseas voter registers on an application that offers electronic ballot delivery as an option, or if the voter expresses a preference when registering, updating a registration, or requesting a ballot. The county auditor must attempt to contact the voter by phone, email, postal mail, or other means. If the voter does not indicate a preference or does not respond, the county auditor must send ballots by postal mail.

(4) The county auditor shall keep the voter on service or overseas status until the county auditor receives verification the voter no longer qualifies as a service or overseas voter under WAC 434-235-010.

(5) Status as a service or overseas voter is voter registration information and may only be disclosed if listed as public information in RCW 29A.08.710.


WAC 434-235-040 Processing ballots. (1) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a federal write-in absentee ballot or a special absentee ballot if the intention of the voter can be ascertained.

(2) For service and overseas voters, the date on the ballot declaration associated with the voter's signature determines the validity of the ballot. The signature on the ballot declaration must be dated no later than election day.

(3) Voted ballots returned by fax or email must be received no later than 8:00 p.m. on election day.

(4) The county auditor must provide statistics on voting by service and overseas voters in the certification report required by RCW 29A.60.235 and in response to requests by the federal election assistance commission.


(4) If the county auditor is unable to issue a ballot due to insufficient information, the county auditor must attempt to contact the voter, consistent with WAC 434-235-020, to clarify the request. If the county auditor is unable to obtain sufficient information, other than residential address, to issue the ballot, the county auditor must attempt to notify the voter of the reason that the ballot was not issued.

(5) Pursuant to RCW 29A.40.091, return envelopes must be printed to indicate that they may be returned postage-free.