

CHAPTER 4.

[H. B. 1.]

WAR TIME ELECTIONS AND VOTING.

AN ACT relating to elections and voting in time of war, making an appropriation and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Declaration of public policy for wartime elections.

SECTION 1. Thousands of citizens and electors of this state are outside the state and many are in foreign countries, engaged in service essential to the war effort of the United States. Their services are such that they will be away from this state and in foreign countries at the time elections are held in this state. If present in this state, such electors would be entitled to vote at the coming elections. Under the existing election laws of this state it is impossible for many of such electors to cast a ballot and in most instances it will be impossible for them to obtain and return an absent voter's ballot in time for such ballot to be counted. It is essential to the public welfare of the United States and of this state and to the public peace, health and safety that all such electors be given the right to freely express their choice at the polls and to effectively exercise their voting rights.

Expiration date.

SEC. 2. The provisions of this act shall remain in effect until ninety (90) days after the final adjournment of the twenty-ninth regular session of the Legislature or until the first day of January following the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Supersedes conflicting laws.

While this act is in effect it shall supersede any existing provision of law in conflict with it, but such provisions are not repealed and after this act is no longer effective such provisions shall have the same force as though it had not been enacted.

Nothing contained in this act shall affect any municipal, district or local election, it being the intent

that this act shall apply only to the biennial State-wide Primary and General Elections and such State-wide special elections as may be consolidated therewith.

Affects statewide elections only.

SEC. 3. "War voter" means an elector who comes within any of the following categories:

Definitions.

War voter.

(a) Member of the armed forces of the United States or any auxiliary branch thereof.

Armed force members.

(b) Employee of the United States and serving outside the territorial limits of the United States.

Employees of United States.

(c) Employee of the American Red Cross and serving outside the territorial limits of the United States.

(d) Officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States.

Merchant crew members.

(e) Civilian outside the United States attached to and serving with the armed forces.

Civilians.

(f) Any citizen of the State of Washington sojourning outside the territorial limits of the United States.

Citizens.

(g) Every person, eligible to register and qualified to vote, who has been discharged from the armed forces too late to register as a voter at the time when, and at the place where, registration is required.

Discharged persons.

SEC. 4. "Territorial limits of the United States" means the forty-eight states of the United States and the District of Columbia.

Territorial limits.

SEC. 5. Whenever by any statute of the United States, provision is made for absentee voting, an application for an absent voter's ballot made under the provisions of that law may be given the same effect as an application for an absent voter's ballot made under this act.

Absentee voting under other acts.

SEC. 6. It shall be the duty of all public officers having duties to perform under this act to coordinate their efforts with the action of any Federal authority

Duties of public officers.

now or hereafter established by act of Congress for the purpose of facilitating voting by war voters to the end that such voters may cast their ballots with the least possible interference with the performance of their duties in the armed forces.

War voters application deemed absent voters application.

SEC. 7. Whenever an application for an absent voter's ballot is made by a war voter, the application shall be deemed an application for an absent voter's ballot for the primary election and general election, or such of them as would be required to be held subsequent to the date of application. No application for an absent voter's ballot by any war voter shall be denied for the reason that it was made prior to the effective date of this act.

May secure ballot by mail.

SEC. 8. Any war voter may secure absent voters' ballots by mailing a signed request to the registration officer of the county, city or town of the war voter's residence or to the Secretary of State requesting such ballot. If the ballot request is addressed to the Secretary of State such request shall be forwarded by such officer immediately to the appropriate registration officer. The request shall be signed by the applicant and shall state his last home address, the address to which he wishes the absent voter's ballot mailed and the branch of service to which applicant is attached. No request for an absent voter's ballot shall be rejected because of any error or insufficiency therein if the registration official can determine from such request the true name and address of the applicant.

Contents of request.

Rejection limited.

Ballot request by others defined.

In the alternative, a war voter's ballot may be requested on behalf of any war voter who is outside the territorial limits of the United States by the husband, wife, father, mother, sister, brother, son or daughter of such person, other than a minor, who on requesting a ballot for such war voter shall execute a sworn statement that the person for whom the ballot is requested is a legal voter of the State of Washington,

giving such person's name and voting address and the address to which the ballot is to be mailed. Such sworn statement shall be presented to the County Auditor of the voter's residence who shall thereupon act on such request in the same manner as requests received under the provisions of the first paragraph of this section. The County Auditor shall exercise due care and precaution to prevent duplication in the issuance of such ballots.

Sworn statement to auditor.

Duties of auditor.

SEC. 9. Upon receipt of a request made by a war voter for an absent voter's ballot, the registration officer shall immediately check his records and ascertain if such applicant is a registered voter. If such check shows that such applicant is a duly registered voter as provided by chapter 1 of the Laws of 1933 and amendments thereto, he shall make notation on his records that such ballot has been requested in the manner provided by existing law. If the applicant be a resident of an incorporated city or precinct lying partly within and partly without such incorporated city, the registration officer, after completing such check, shall immediately forward the request to the County Auditor noting thereon whether or not the applicant is a registered voter. If it be determined that such applicant is not a registered voter, the County Auditor shall nevertheless send the absent voter's ballot requested, it being the intent of this section that the County Auditor shall upon request send absent voters' ballots to all war voters who make application therefor.

Registration officer shall check records.

Forward request to county auditor.

If applicant not registered ballot shall be sent.

SEC. 10. In mailing absent voters' ballots to war voters, the County Auditor shall send the ballot and a small envelope and letter of instructions together with a larger envelope addressed to the County Auditor and upon the back of which large envelope there shall be plainly printed a form of affidavit in substantially the following language:

Ballot sent in separate envelope.

Form of affidavit on envelope.

"I do hereby solemnly swear (or affirm) that I am a citizen of the United States; that I will be at least twenty-one (21)

years of age on the day of the next election; that I am able to read and speak the English language; that I have been a legal resident of the State of Washington for at least one year, of the county of.....for at least ninety days and of the city or town of.....at.....

(Street number if any) for at least thirty days preceding such election; that I am in the armed services of the United States or otherwise a war voter; that on the basis of these statements I desire to be registered as a voter in the proper precinct of the proper county.

.....
(Signature of Applicant)

"Subscribed and sworn to (or affirmed) before me thisday of....., 19.....

.....
Signature of Officer or Non-commissioned Officer not below the rank of Sergeant or Petty Officer

.....
Branch of Service

.....
Identification Number"

SEC. 11. Upon receiving the absent voter's ballot the war voter shall have the right on or before the day of the election to appear before any commissioned officer, warrant officer, or non-commissioned officer of a grade not lower than sergeant or equivalent rating of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, or other person authorized to administer or attest oaths, identify himself, and execute the affidavit printed upon the back of the larger envelope. A properly executed affidavit is hereby declared to be a full and complete voter's registration. After such affidavit shall be fully executed, the war voter shall then proceed to mark the ballot in the presence of the person administering the oath but in such manner that such person is unable to see how the same is marked, and then fold said ballot and enclose and seal the same in the smaller envelope and then enclose and seal such smaller envelope in the larger envelope, and then mail such larger envelope to the County Auditor whose name and address are printed thereon, by air

Executed affidavit declared complete registration.

mail, postage to be paid by the addressee, unless the laws of the United States shall provide for air mail transmission of such ballot without charge.

SEC. 12. A variation on any absent voter's ballot cast by a war voter between the signature on the large envelope and that on the war voter's request and/or that on the voter's permanent registration card caused by the substitution of initials instead of the first or middle initials or both shall not invalidate the ballot if the surname and handwriting are the same.

Variations of signature shall not invalidate ballot.

SEC. 13. Whenever the County Auditor is requested to mail an absent voter's ballot to any war voter he shall mail the absent voter's ballot to the war voter by air mail and if, by any law of the United States, official election ballots may be mailed without the payment of postage he shall do so.

Auditor shall air mail ballot.

SEC. 14. Notwithstanding any provision of law relating to the form, size, weight and contents of the ballot or the envelopes in which absent voters' ballots are sent for either the primary or general election, the Secretary of State may prescribe, in his discretion, a form of ballot for use by war voters in any of said elections and may reduce the size and weight of the ballot and, in such manner as to facilitate the transmission of the ballot by mail to war voters, rearrange the form of ballot and rearrange, without elimination or addition, the contents thereof. He may also prescribe uniform envelopes for use in absent voters' ballots sent to war voters, and shall reimburse the respective County Auditors for all expenses directly arising from the cost of administering this act. Such expenses may include war voters' envelopes, ballots, cost of mailing and necessary clerical work. Each County Auditor shall, through the respective Board of County Commissioners, present such expenses listed upon state voucher forms in duplicate, listing in detail all said expenses. The

Secretary of State may prescribe forms.

Shall reimburse county auditors.

Payment.

Secretary of State, after approval of said vouchers, shall then present same to the State Auditor for payment. State warrants so issued shall be charged to any moneys appropriated by this act.

Letters of instruction.

SEC. 15. The Secretary of State shall prepare letters of instructions to war voters and shall furnish the same to all County Auditors. The County Auditor shall enclose one copy of such instructions with the ballot sent to all war voters.

Intent of act with relation to existing law.

SEC. 16. All procedure governing the receipt and subsequent handling of absent voters' ballots cast by war voters shall as nearly as possible be governed by existing law but the respective time limits within which some specific act on the part of the County Auditors and canvassing boards is required to be done shall not apply to absent voters' ballots cast by war voters, it being the intent of this section that every facility shall be given to such absent voters' ballots cast by war voters so that such ballots shall be counted if possible.

Primary date.

SEC. 17. The primary election provided for by section 5179 of Remington's Revised Statutes shall be held on the second Tuesday of July of even numbered years.

Declarations when filed.

SEC. 18. Declarations of candidacy shall be filed not less than sixty (60) nor more than ninety (90) days prior to the primary election.

Certified list of candidates.

SEC. 19. At least fifty (50) days before the July primary the Secretary of State shall transmit to each County Auditor a certified list containing the name, post office address and party designation of each person to be voted for at such primary, and the office for which he is a candidate, as appears by the nomination papers filed in this office.

Each County Auditor shall, at least forty-five (45) days before the July primary, publish the no-

notice required by section 5185 of Remington's Revised Statutes. Notice published.

SEC. 20. The opening, counting and canvassing of absent voters' ballots cast by war voters at the primary election shall begin on the day after the primary election and shall proceed until the twenty-fifth day after such election. Only absent voters' ballots cast by war voters which are received on or before the twenty-fifth day after the primary election shall be counted. The County Election Board shall not finally complete the counting and canvassing of votes cast at the primary election until the twenty-seventh day after such election. Ballots counted and canvassed.

When completed.

SEC. 21. Canvass of primary votes by the State Canvassing Board shall be conducted on or before forty-five (45) days after the July primary. Canvass of primary votes.

SEC. 22. Conventions of new political parties or existing political organizations not entitled to participate in primary elections shall be held on the day of the July primary. Conventions of new parties.

SEC. 23. The filing of certificates of nomination and declarations of candidacy of persons nominated at conventions must be complete twenty (20) days after the date of the July primary. When filings completed.

SEC. 24. No vacancy on any party ticket unless caused by death of the candidate shall be filled after fifty-five (55) days prior to the general election. Vacancy.

SEC. 25. Not less than fifty-five (55) days before the general election, the Secretary of State shall certify to the County Auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person declared nominated by the State Canvassing Board. When person declared nominated.

SEC. 26. The opening, counting and canvassing of absent voters' ballots cast by war voters at the general election shall begin on the day after the When general election ballots counted and canvassed.

general election and shall proceed until the eighteenth day after such election. Only absent voters' ballots cast by war voters which are received on or before the eighteenth day after the general election shall be counted. The County Election Board shall not finally complete the counting and canvassing of votes cast at the general election until the twentieth day after such election.

Delays
forbidden.

SEC. 27. The State Canvassing Board, all County Canvassing Boards and all County Auditors and registration officials shall make no undue delay in performing any of the specific actions hereby imposed upon them. All ballots shall be printed as soon as possible after the same can be made up in order that there may be no delay in the forwarding of absent voters' ballots to war voters so as to afford ample time to all war voters for voting as herein provided.

Powers and
duties of
Secretary
of State.

SEC. 28. The Secretary of State shall have the power and it shall be his duty to administer this act; to direct all election officials in respect to their duties under this act; to publicize the provisions hereof and to make such rules and regulations as will facilitate the operation and the accomplishment of the purposes of this act.

Vetocd.

SEC. 29. All provisions of the existing general laws relating to primary and general elections shall remain in full force, virtue and effect except in so far as they may be superseded by some express provision: *Provided, however,* That at all elections held during the effective period of this act the voting polls shall remain open on both Primary and General Election Days for fourteen (14) continuous hours from eight o'clock A. M. until ten o'clock P. M.

Act
liberally
construed.

SEC. 30. This act shall be liberally construed to accomplish its purposes and so that all war voters may be afforded an opportunity to fully exercise their voting rights granted herein.

SEC. 31. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act or the application of such provision to other persons or circumstances, shall not be affected thereby. Partial
invalidity.

SEC. 32. There is hereby appropriated to the Secretary of State from the general fund the sum of one hundred seventy thousand dollars (\$170,000.00) for the purpose of carrying the provisions of this act into effect. Appropriation.

SEC. 33. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately. Effective
immediately.

Passed the House March 2, 1944.

Passed the Senate March 3, 1944.

Approved by the Governor March 16, 1944, with the exception of Sec. 29, which is vetoed.