

## CHAPTER 167.

[ S. B. 366. ]

## ELECTIONS—ABSENTEE BALLOTS.

AN ACT relating to absentee ballots; amending sections 1 through 5, chapter 41, Laws of 1933 extraordinary session, as last amended by section 1, chapter 8, Laws of 1950 extraordinary session and RCW 29.36.010 through 29.36.070; declaring an emergency.

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

Amendment.

SECTION 1. Sections 1 through 5, chapter 41, Laws of 1933 extraordinary session, as last amended by section 1, chapter 8, Laws of 1950 extraordinary session, (heretofore divided, combined and codified as RCW 29.36.010 through 29.36.070) are amended to read as set forth in sections 2 through 8 of this act.

Enacted  
without  
amendment.

SEC. 2. (RCW 29.36.010) Any duly registered voter, who expects to be absent from his election precinct, or unable to vote therein by reason of physical disability or the tenets of his religion on the day of any election, may vote as provided in this chapter.

A voter desiring to cast an absentee ballot must apply to his county auditor or city clerk (if he lives in a city or town) within forty-five days prior to any election or primary for an absentee voter's certificate. Application may be made in person or by mail or messenger. If by mail or messenger the registrar must honor a written application in any form if it states that the applicant will be absent on the day of voting or is so physically incapacitated (setting forth in what manner) that he cannot attend the polls and if the applicant's signature is affixed thereto.

Enacted  
without  
amendment.

SEC. 3. (RCW 29.36.020) The certificate to be issued by a county or city registrar to an applicant desiring to vote an absentee ballot shall state that:

(1) The registrar can identify the applicant by his signature;

(2) The applicant is a voter, registered and qualified to vote, giving the county or city or town and precinct in which he is qualified to vote and also his place of residence;

(3) The applicant has affixed his signature to the certificate in the place provided therefor in the presence of the registrar; or the registrar has identified the applicant from the signature on his written application.

The certificate must be in duplicate, the original handed to the applicant or his messenger or sent to the applicant by mail and the duplicate securely attached to the applicant's permanent registration card until after election.

SEC. 4. (RCW 29.36.030) The voter, having received his absentee voter's certificate from his registrar may present it to the election officer issuing ballots for the election together with a request for an absentee ballot, either in person or by mail, at any time prior to the day for voting. Being satisfied upon comparison with the duplicate attached to the voter's registration card that the certificate submitted is the original thereof, a blank ballot prepared for the ensuing election or primary must be delivered to the applicant or mailed to him at the address given in his request together with a small envelope free of marks, capable of containing the ballot when folded and being sealed, also a large envelope capable of containing the smaller envelope containing the ballot and capable of being sealed.

Issuance of ballot.

Upon the face of the larger envelope shall be printed the name of the officer issuing it and his mailing address; also a blank statement in the following form:

Statement.

State of ..... }  
County of ..... } ss.

Form.

I, ....., do solemnly swear under the penalty as set forth in RCW 29.36-

.110, that I am a resident of and qualified voter in ..... precinct of ..... city in ..... county, Washington; that I have the legal right to vote at the election to be held in said precinct on the ..... day of ....., 19....., and that I have herein enclosed my ballot for such election.

(signed) .....

Voter

Instructions.

SEC. 5. (RCW 29.36.040) Enclosed with the ballot, small envelope and large envelope sent to the absent voter shall be separate printed instructions which the absent voter must observe as follows:

“Upon receipt of this ballot you must mark it and transmit it in accordance with these instructions according to law:

(1) Having marked the ballot, fold it and enclose it in the smaller envelope, sealing the envelope.

(2) Fill out and sign the statement on the larger envelope.

(3) Place the small envelope containing the ballot in the larger one, seal that, attach sufficient first class postage and mail it so that it will be post-marked the day of election or sooner or instead of mailing you may send it by any means which will enable it to reach the county auditor or other issuing officer on or before election day.”

Enacted without amendment.

SEC. 6. (RCW 29.36.050) No voter to whose permanent registration card there is attached a duplicate of an absentee voter’s certificate of registration for any election shall be allowed to vote at such election in the precinct from which he is registered.

Handling of incoming ballots.

SEC. 7. (RCW 29.36.060) Commencing on the sixth day after any election or primary in which absentee voters have participated, the canvassing board shall examine the postmarks, receipt marks and statements on the outer envelopes containing

absentee ballots and shall open each outer envelope postmarked or received (if not delivered by mail) not later than the primary or election day and upon which the statement has been executed according to law in such a way as not to mar the statement, the inner envelope or the ballot.

Upon the inner envelopes thus produced must be written the precinct name or number, city and county appearing on the outer envelope which contained it and no other mark except the signatures of the canvassing board.

The inner envelopes thus marked must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

SEC. 8. (RCW 29.36.070) Upon the canvass of the votes for any precinct, if there are on file one or more absentee ballot inner envelopes for that precinct, the county canvassing board shall cause such envelopes to be opened and as nearly as possible count the ballots therein in the manner required for counting votes in the precinct, entering them in the poll book as absent votes, and modify the election returns of the precinct accordingly.

Vetoed.

These ballots shall be made a part of the returns of the precinct and handled accordingly.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health and safety, and support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate February 7, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 15, 1955, with the exception of section 8, which is vetoed.

Note: Excerpt of Governor's veto message reads as follows:

" \* \* \* Section 8 is a reenactment of RCW 29.36.070 which relates to the canvassing of absentee ballots and the modification of election returns upon a precinct basis. This section was reenacted as part of this bill for technical reasons adopted by the codifier. This section, however, was amended by this legislature in section 3 of House Bill No. 341, heretofore signed into law and now known as chapter 50, Laws of 1955. That act amended RCW 29.56.070 by providing for the canvassing of absentee ballots and the modification of election returns on the basis of legislative districts rather than precincts.

"For the reasons stated, section 8 is vetoed and the remainder of the bill is approved."



CHAPTER 168.

[ S. B. 397. ]

ELECTIONS—VOTING MACHINES.

AN ACT relating to elections; amending section 1, chapter 156, Laws of 1895 and section 4, chapter 114, Laws of 1915 and RCW 29.33.210, 29.33.220, 29.45.020 and 29.59.020.

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

Amendment.

SECTION 1. Section 1, chapter 156, Laws of 1895 and section 4, chapter 114, Laws of 1915 (heretofore divided, combined and codified as RCW 29.33.210, 29.33.220, 29.45.020 and 29.59.020) are amended as set forth in sections 2 through 5 of this act.

Enacted without amendment.

SEC. 2. (RCW 29.33.210) If more than one machine is to be used in a precinct, one additional inspector of election shall be appointed for each additional machine. In any voting precinct where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk.

Instruction of inspectors and judges.

SEC. 3. (RCW 29.33.220) Before each election at which voting machines are to be used, the custodian shall instruct all inspectors and judges of election who are to serve thereat in the use of the machine