

CHAPTER 41.

[S. H. B. 27.]

ABSENT VOTERS' ACT.

AN ACT relating to elections and primary elections and absent and disabled voters, and repealing sections 1, 2 and 3 of chapter 189, Laws of 1915 as amended by sections 1, 2 and 3 of chapter 58 of the Laws of 1923 and repealing section 4 of chapter 143, Laws of 1921 as amended by section 4, chapter 58, Laws of 1923, and repealing section 5, chapter 143 Laws of 1921 and repealing section 4, chapter 189 Laws of 1915 as amended by section 6, chapter 143, Laws of 1921.

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

SECTION 1. Any duly registered voter, who expects to be absent from his election precinct, or unable to vote therein by reason of physical disability on the day on which there is to be held any primary or general election, or any special election conducted throughout the county, by the county election board, or any general municipal election (excluding any district election) conducted throughout the city or town, may vote in the manner provided in this act: *Provided, however,* That in case of physical disability it be such that in the judgment of the registration officer the elector is and will be incapacitated from voting in the usual way. The registration officer shall furnish application of absent voter and all applications shall contain a sworn statement that the applicant will be absent or is so incapacitated (setting forth in what manner) that he or she cannot attend at the polls and vote in the usual way.

Authorizing
absent
voting.

SEC. 2. Any elector desiring to vote at any election under the provisions of this act, shall, not more than forty-five days prior to any such general or primary election, make application for and procure a certificate from the registration officer, certifying that said registration officer can officially identify

Certificate of
registration
officer.

the said elector by signature; that said elector is duly registered and qualified to vote in his home precinct, stating the place of residence of said elector; that said elector has in the presence of said registration officer affixed his signature to said certificate on a blank line to be designated "for signature of absent voter," or, if the application is made by mail or messenger, the registration officer shall certify that on comparison of the signature on the application with that on the registration records, he identifies the elector. All certificates shall be executed and signed in duplicate, the registration officer retaining one in his permanent files, which duplicate copy of said certificate upon the issuance thereof shall be securely attached to the permanent registration card of said elector until after such election when the same shall be returned to the files of the registration officer. The elector shall at any time prior to the day of such election, present, in person or through the United States mails said certificate to the county auditor of the county of his residence, or the city or town clerk, depending upon the scope of said election and the election officer issuing the ballots therefor.

Method of
voting.

SEC. 3. The county auditor or city or town clerk, as the case may be, upon the receiving and filing of the elector's certificate of registration and request for absentee ballot, shall compare the same with the duplicate copy of such certificate retained and, upon satisfactory comparison, shall deliver to the elector, or mail to the elector at the post office address to be designated by such elector, the proper blank ballot of such election, or in case of a primary election a blank ballot of the party for the candidate for which the elector desires to vote. Such ballot must be marked in the presence of an officer authorized to administer oaths and no absentee vote shall be valid unless the same is posted or, if delivered by other means, delivered to the election officer designated,

not later than the day of such election. There shall be sent also a small envelope that shall have no mark upon it which may serve to identify it or the ballot within it with the voter; also a larger envelope upon which there shall be printed the name and post office address of the auditor issuing the same, and a blank affidavit in the following form:

Form of application.

STATE OF..... }
COUNTY OF..... } ss.

Affidavit.

I,....., do solemnly swear 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, duly marked as required by law in the presence of....., a.....in and for.....county, state of.....

(Signed).....,

Voter.

Subscribed and sworn to before me this.....day of....., 19.....

.....
(Signature of official)
(Official title)

There shall be included with each ballot sent to an absent voter separate printed instructions as follows:

“Upon receipt of this ballot you will, in the presence of an officer authorized to administer oaths, in such location that no other person can see how you vote, proceed to mark the same in accordance with instructions enclosed. Fold, enclose and seal the ballot in the smaller envelope and then enclose the smaller envelope containing the ballot in the larger envelope. Make out the affidavit printed upon the larger envelope and swear to the same before

Instructions.

such notary public or other officer authorized to administer oaths, place the necessary postage upon the envelope, address the same to the county auditor of the county in which you are registered, at the proper address, if same is not already addressed, and deposit the same in the post office or in some government receptacle provided for the deposit of mail matter. The ballot to be valid must be mailed, or if sent by any other means, delivered to the county auditor aforesaid, not later than the day of election.”

May not
vote in home
precinct.

SEC. 4. No elector to whose permanent registration card there shall be attached a duplicate [duplicate] certificate of registration for any election shall be allowed to vote at such election in the precinct from which he is registered.

Procedure
in counting
ballots of
absent
voters.

SEC. 5. On the sixth day after any general or primary election it shall be the duty of the county auditor in the presence of the chairman of the board of county commissioners and the prosecuting attorney to open each larger outside envelope in such a way as not to injure the seal or in any way open the smaller inside envelope containin[g] the ballot, or deface the affidavit of the larger outside envelope, and to remove said smaller envelope containing the ballot and mark upon the outside of said inside envelope the name or number of the precinct, city and county in which the ballot is to be counted and nothing whereby the identity of the voter can be known. If the voter's affidavit on the larger envelope is in due and regular form the envelope containing the ballot shall be signed by the opening officers above named and approved as a valid vote. The opening officers shall then seal securely in one package the larger outside envelopes, certificates and affidavits of voters filed as herein provided, attached securely together and the same shall be kept

by said auditor for future use in case any question shall arise as to the validity of the vote. The smaller inside envelopes containing the ballots shall be filed by the auditor and kept securely locked until the time for canvassing the votes of such county. Upon the canvassing of the votes by the canvassing board of such county, whenever any precinct is called in which there shall be on file one or more such envelopes, the board shall cause such envelopes to be opened, and shall canvass and count the same for such precinct as nearly as possible in the same manner as such votes would have been counted had they been cast in such precinct, entering the same in the same in the poll-book as absent votes, and shall modify the election returns of such precinct accordingly. Such ballots shall become a part of the returns of such precinct and shall be kept or destroyed accordingly: *Provided, however,* No such absentee ballot shall be canvassed or counted unless the same shall have been directed to and posted, or if delivered by any other means than mail, received by the auditor not later than the day of such election.

SEC. 6. That sections 1, 2 and 3 of chapter 189, Laws of 1915, as amended by sections 1, 2 and 3 of chapter 58, Laws of 1923; and section 4, chapter 143, Laws of 1921, as amended by section 4, chapter 58, Laws of 1923, and section 5, chapter 143, Laws of 1921; and section 4, chapter 189, Laws of 1915, as amended by section 6, chapter 143, Laws of 1921, be and the same are hereby repealed. Repealing
clause.

Passed the House January 10, 1934.

Passed the Senate January 9, 1934.

Approved by the Governor January 16, 1934.