

RCW 29A.40.091 Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots—County auditor's name. (Effective until June 1, 2025.)

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection.

(2) (a) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(b) By June 1, 2025, the declaration in (a) of this subsection must also clearly inform the voter that the signature on the declaration will be compared to the signature in the voter's registration file.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state. [2024 c 269 s 6; 2021 c 10 s 3; 2020 c 12 s 1; 2019 c 161 s 3; 2016 c 83 s 3; 2013 c 11 s 49. Prior: 2011 c 349 s 17; 2011 c 348 s 3; 2011 c 182 s 1; 2011 c 10 s 39; 2010 c 125 s 1; 2009 c 369 s 39; 2005 c 246 s 21; 2004 c 271 s 135.]

Expiration date—2024 c 269 s 6: "Section 6 of this act expires June 1, 2025." [2024 c 269 s 13.]

Effective date—2021 c 10: See note following RCW 29A.08.520.

Findings—2019 c 161: "The legislature finds that voting by mail has many advantages. However, the legislature also finds that while the cost of ballot return postage may only be a small amount, passing the burden along to Washington's citizens, many of whom no longer need stamps in their everyday lives, is an unnecessary barrier to fully participate in the democratic process. The legislature further finds that in order to continue to increase participation in our democracy, we must lower all barriers to participation in the democratic process. The legislature finds that voting should be free for all citizens." [2019 c 161 s 1.]

Effective date—2019 c 161: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019." [2019 c 161 s 4.]

Effective date—2011 c 349: See note following RCW 29A.04.255.

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Effective date—2005 c 246: See note following RCW 10.64.140.

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(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

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(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state. [2024 c 269 s 7; 2021 c 10 s 3; 2020 c 12 s 1; 2019 c 161 s 3; 2016 c 83 s 3; 2013 c 11 s 49. Prior: 2011 c 349 s 17; 2011 c 348 s 3; 2011 c 182 s 1; 2011 c 10 s 39; 2010 c 125 s 1; 2009 c 369 s 39; 2005 c 246 s 21; 2004 c 271 s 135.]

Effective date—2024 c 269 s 7: "Section 7 of this act takes effect June 1, 2025." [2024 c 269 s 14.]

Effective date—2021 c 10: See note following RCW 29A.08.520.

Findings—2019 c 161: "The legislature finds that voting by mail has many advantages. However, the legislature also finds that while the cost of ballot return postage may only be a small amount, passing the burden along to Washington's citizens, many of whom no longer need stamps in their everyday lives, is an unnecessary barrier to fully participate in the democratic process. The legislature further finds that in order to continue to increase participation in our democracy, we must lower all barriers to participation in the democratic process. The legislature finds that voting should be free for all citizens." [2019 c 161 s 1.]

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Effective date—2005 c 246: See note following RCW 10.64.140.