



Washington Secretary of State

CLEARINGHOUSE

ELECTIONS NOTICE

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Military and Overseas Voters

The 2011 Legislative Session changed how military and overseas voters will receive and return ballots. All of the changes enacted by HB 1000 are effective immediately; most of the changes enacted by ESSB 5171 must wait until after December 31, 2011. This clearinghouse replaces information issued in Clearinghouse 0806.

Summary of Changes

Effective 2011 (HB 1000)

Ballot declarations are no longer restricted to the return envelope, but must still be included with all ballots issued.

- Declaration requirements have been modified (RCW 29A.40.091); however, the verbiage prescribed in WAC 434-250-050 has yet to be revised.
- The declaration included with service and overseas ballots is the same as that used for all other Washington State voters. If a ballot is returned with the universal declaration prescribed by FVAP it will be accepted.

All ballots sent to military and overseas voters, either mailed or electronically transmitted, must include these additional items (RCW 29A.40.091):

- Instructions for returning the ballot by mail and electronically;
- A secrecy cover sheet for returning a voted ballot electronically; and
- A space designated for the voter to provide a telephone number.

Voters returning a ballot electronically are no longer required to follow up by mailing the original ballot and affidavit.

Ballots returned by fax or email must be received no later than 8:00 PM (Pacific Time Zone) on the day of the primary or election. (RCW 29A.40.091)

County procedures for protecting the secrecy of a voted ballot are mandatory. These procedures must include a process for securing the secrecy of all ballots, including those returned by electronic means. (RCW 29A.40.110)

Effective 2012 (ESSB 5171)

Ballots returned by mail must be received the day prior to certification.

Ballots to UOCAVA voters must be sent (RCW 29A.40.070):

- 45 days prior to each primary and general election
- 30 days prior to special elections

Rules for Processing UOCAVA Voters

Applications and Voter Registration (WAC 434-235-010, 434-235-020)

UOCAVA (Uniformed and Overseas Citizens Absentee Voting Act) voters are exempt from all voter registration deadlines and ID requirements. This includes the spouse or dependent who, because of a family member's active duty, is absent from the place of residence where he or she would otherwise vote. (RCW 29A.40.010, 42 U.S.C. Sec. 1973ff-6)

Federal Post Card Applications (FPCA) may be used to both register and request a ballot. FPCAs are accepted by mail, fax, and email.

UOCAVA voters may also be registered from a voted ballot, provided a signed declaration accompanies the ballot.

If the voter is already registered

If you receive notice that the voter is in the service or overseas:

- Flag the voter record as UOCAVA in the VRDB; and
- Send the voter a ballot packet using the delivery method requested by the voter.

If the voter is not already registered and submits a voter registration form

Register the voter immediately, regardless of the time of receipt:

- Flag the voter record as UOCAVA in the VRDB; and
- Mail the voter a ballot packet using the service voter ballot packet.

If the voter is not registered and does not submit a voter registration form

Register the voter temporarily.

- The request may be for both the primary and general.
- Temporary registrations for UOCAVA voters are only valid for the elections for which ballots are requested.
- After the elections are certified, be sure to cancel the temporary registration of these voters.

A UOCAVA voter must use his or her most recent residential address to register in Washington State, or, the most recent residence in Washington of a family member.

When a Washington residential address is missing or incomplete on the application, the County Auditor must attempt to contact the voter for clarification. If time is short, mark the ballot for special processing upon return. Without a residence provided, the County Auditor issues the ballot as if the voter has listed the auditor's office as his or her residence, and only countywide offices and issues may be counted.

Some citizens living overseas may have never lived in the United States. In that case, the voter may use the most recent residential address in Washington of a family member.

A UOCAVA voter may request that ballots be mailed, faxed or emailed. If a preference is not indicated on the application, then the County Auditor must try to contact the voter by phone, e-mail, postal mail, or other means. If the voter does not reply with a preference, the ballot will be mailed. The County Auditor is not required to contact the voter to update an existing request.

Issuing Ballots to UOCAVA Voters (RCW 29A.40.091)

All ballot packets, whether mailed, faxed or emailed, must include:

- Instructions for returning the ballot by mail, fax or email. Instructions must include the deadlines for returning a ballot;
- A secrecy cover sheet for use by the voter when returning a voted ballot electronically;
- The voter declaration with spaces for signature, date of signing, and telephone number;
- The County Auditor's office contact information;
- Instructions on obtaining election information;
- Instructions on how to confirm that the voted ballot has been received by the elections office; and,
- Any special instructions or notices required to accompany the ballot.

Ballot packets sent by mail must also include:

- A security envelope or sleeve; and,

- A self-addressed return envelope permitting postage-free mailing through a U.S. mail service.

The County Auditor must use the method of ballot delivery requested by the voter. If a ballot is issued by fax or email, there is no requirement to send an additional ballot by postal mail.

If a ballot sent electronically returns as undeliverable, with no alternate delivery address, a ballot must be sent by postal mail.

Note: As of January 1, 2012, ballots sent to UOCAVA voters for all primary and general elections, must be sent 45 days before the day of the primary or general election. The deadline for special elections remains at 30 days. Requests for ballots received after these deadlines must be sent within one day. (RCW 29A.40.070)

Special Absentee Ballots

Within 90 days of a state primary or general election, a voter may request a special absentee ballot by completing an application stating that he or she will be unable to vote and return a regular ballot by normal mail delivery in time to be counted as valid.

The County Auditor must send a special absentee ballot as soon as possible upon receiving the request. If a regular ballot is not available, a list of all known offices, candidates and measures scheduled for the ballot, and, a ballot with space to write in the voter's choices is sent to the voter. The voter should be instructed to vote by writing in the name of any eligible candidate, or selecting from the list provided.

A voter may request a regular ballot in addition to the special absentee ballot.

Ballot Processing (RCW 29A.40.091)

UOCAVA voters are not subject to the Election Day postmark requirement. The date of signature is considered the date of mailing.

Electronically returned ballots, including special absentee ballots, accompanied by signed declarations, must be received no later than 8:00 PM (Pacific Time Zone) on the day of the primary or election. UOCAVA voters are not required to follow up with the original ballot. (RCW 29A.40.110)

RCW 29A.40.110 now requires counties to establish procedures to maintain the secrecy of the ballot, including ballots received by fax or email. For example, a separate email address could be established exclusively for voted ballots, and securing the printout of the ballot immediately by inserting it into a security sleeve.

Federal Write-In Absentee Ballots (FWAB)

Federal Write-In Absentee Ballots are available to service voters when an official ballot is not available. It is a generic ballot issued by FVAP permitting the voter to write in his or her choices.

Processing a FWAB ballot:

- Verify the voter has not already returned another ballot.
- It is not required that the voter has previously requested an official ballot.
- Credit the voter with voting.
- If possible, flag the record as returning a FWAB.
- Process the ballot.

A voted *special absentee* ballot from a UOCAVA voter is processed under the same rules as a regular ballot. If the voter also returns a regular ballot that is valid, the regular ballot supersedes the special absentee ballot. The regular ballot will be counted, and the special absentee will be voided and rejected.

If you have questions regarding UOCAVA voters, please contact The Certification & Training Program at (360) 902-4165 or miriam.campbell@sos.wa.gov.

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