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**HOUSE BILL 1361**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By Representative Klippert**

1 AN ACT Relating to the timely mailing of ballots by county  
2 auditors; and amending RCW 29A.40.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29A.40.070 and 2013 c 11 s 48 are each amended to  
5 read as follows:

6 (1) Except where a recount or litigation is pending, the county  
7 auditor must mail ballots to each voter at least eighteen days before  
8 each primary or election, and as soon as possible for all subsequent  
9 registration changes.

10 (2) Except where a recount or litigation is pending, the county  
11 auditor must mail ballots to each service and overseas voter at least  
12 thirty days before each special election, and at least forty-five  
13 days before each primary or general election, or any special election  
14 that involves federal office. A request for a ballot made by an  
15 overseas or service voter after that day must be processed  
16 immediately.

17 (3) A registered voter may obtain a replacement ballot if the  
18 ballot is destroyed, spoiled, lost, or not received by the voter. The  
19 voter may obtain the ballot by telephone request, by mail,  
20 electronically, or in person. The county auditor shall keep a record  
21 of each request for a replacement ballot.

1           (4) (~~Each~~) Within 24 hours of mailing the ballots, the county  
2 auditor shall certify to the office of the secretary of state the  
3 dates the ballots were mailed(~~(, or)~~). If the ballots are not mailed  
4 at least 18 days before the election, the auditor must notify the  
5 secretary within 24 hours of the reason for the delay and the date  
6 the ballots will be mailed ((if the ballots were not mailed timely)).  
7 If the county auditor has not provided such information to the  
8 secretary by the Monday 15 days before the election, the secretary  
9 must contact the county auditor to inquire about the reason for the  
10 delay and the date that the auditor expects the ballots will be sent.

11           (5) Failure to mail ballots as prescribed in this section does  
12 not by itself provide a basis for an election contest or other legal  
13 challenge to the results of a primary, general election, or special  
14 election.

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