SUBSTITUTE HOUSE BILL 2883
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State of Washington   **54th Legislature**   **1996 Regular Session**

By House Committee on Government Operations (originally sponsored by Representatives Cairnes, Campbell, Talcott, D. Schmidt, Carrell, McMahan and Huff)

Read first time 02/02/96.

1   AN ACT Relating to elections by mail in small precincts; and
2 reenacting and amending RCW 29.36.120.

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

4   **Sec. 1.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are
5 each reenacted and amended to read as follows:
6   (1) At any primary or election, general or special, the auditor of
7 a county ((auditor)) with a population of less than five hundred
8 thousand may, in any precinct having fewer than two hundred active
9 registered voters at the time of closing of voter registration as
10 provided in RCW 29.07.160, conduct the voting in that precinct by mail
11 ballot. In a county with a population of five hundred thousand or
12 more, the auditor may, in a precinct having fewer than one hundred
13 active registered voters, conduct the voting by mail ballot. For any
14 precinct ((having fewer than two hundred active registered voters))
15 where voting at a primary or a general election is conducted by mail
16 ballot under this subsection, the county auditor shall, not less than
17 fifteen days prior to the date of that primary or general election,
18 mail or deliver to each active and inactive registered voter within
19 that precinct a notice that the voting in that precinct will be by mail

ballot, an application form for a mail ballot, and a postage prepaid
envelope, readdressed to the issuing officer. A mail ballot shall be
issued to each voter who returns a properly executed application to the
county auditor no later than the day of that primary or general
election. For all subsequent mail ballot elections in that precinct
the application is valid so long as the voter remains active and
qualified to vote. In determining the number of registered voters in
a precinct for the purposes of this section, persons who are ongoing
absentee voters under RCW 29.36.013 shall not be counted. Nothing in
this section may be construed as altering the vote tallying
requirements of RCW 29.62.090.

   A registered voter may file written notice with the county auditor
requesting that he or she vote at a normal polling place, rather than
by mailed ballot under this subsection, and the county auditor shall
assign the voter to vote at a normal polling place in another nearby
precinct at any subsequent election, held sixty or more days after the
notice was filed, if the auditor conducts an election by mailed ballot
under this section in the voter's precinct. The county auditor shall
notify the voter by mail of the location of the nearby precinct where
he or she shall vote at such elections.

   (2) At any nonpartisan special election not being held in
conjunction with a state primary or general election, the county, city,
town, or district requesting the election pursuant to RCW 29.13.010 or
29.13.020 may also request that the election be conducted by mail
ballot. The county auditor may honor the request or may determine that
the election is not to be conducted by mail ballot. The decision of
the county auditor in this regard is final.

   In no instance shall any special election be conducted by mail
ballot in any precinct with two hundred or more active registered
voters, or one hundred or more active registered voters in a county
with a population of five hundred thousand or more, if candidates for
partisan office are to be voted upon.

   For all special elections not being held in conjunction with a
state primary or state general election where voting is conducted by
mail ballot, the county auditor shall, not less than fifteen days prior
to the date of such election, mail or deliver to each active registered
voter a mail ballot and an envelope, readdressed to the issuing
officer. The auditor shall send each inactive voter either a ballot or
an application to receive a ballot. The auditor shall determine which

1 of the two is to be sent. If the inactive voter returns a voted
2 ballot, the ballot shall be counted and the voter's status restored to
3 active. If the inactive voter completes and returns an application, a
4 ballot shall be sent and the voter's status restored to active.
5   ((~~(2)~~)) (3) For a two-year period beginning on June 9, 1994, and
6 ending two years after June 9, 1994, the county auditor may conduct the
7 voting in any precinct by mail for any primary or election, partisan or
8 nonpartisan, using the procedures set forth in RCW 29.36.120 through
9 29.36.139.

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