

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1754

Chapter 241, Laws of 2005

59th Legislature
2005 Regular Session

ELECTIONS--VOTE BY MAIL

EFFECTIVE DATE: 7/24/05

Passed by the House April 20, 2005
Yeas 83 Nays 13

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 28 Nays 20

BRAD OWEN

President of the Senate

Approved May 3, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1754** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 3, 2005 - 3:44 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1754

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on State Government Operations & Accountability
(originally sponsored by Representatives Hunt, Nixon, McDermott,
Haigh, Upthegrove, Moeller, Kenney, Chase, Simpson, Miloscia, Sells
and Linville; by request of Secretary of State)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to mail ballot elections; amending RCW 29A.48.010;
2 and creating a new section.

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

4 **Sec. 1.** RCW 29A.48.010 and 2004 c 266 s 14 are each amended to
5 read as follows:

6 (1) With express authorization from the county legislative
7 authority, the county auditor may conduct all primary, special, and
8 general elections entirely by mail ballot. The county legislative
9 authority must give the county auditor at least ninety days' notice
10 before the first election to be conducted entirely by mail ballot. If
11 the county legislative authority and the county auditor decide to
12 return to a polling place election environment, the county legislative
13 authority must give the county auditor at least one hundred eighty
14 days' notice before the first election to be conducted using polling
15 places. Authorization under this subsection must apply to all primary,
16 special, and general elections conducted by the county auditor.

17 (2) The county auditor may designate any precinct having fewer than
18 two hundred active registered voters at the time of closing of voter
19 registration as provided in RCW 29A.08.140 as a mail ballot precinct.

1 (~~The county auditor shall notify each registered voter by mail that~~
2 ~~for all future primaries and elections the voting in his or her~~
3 ~~precinct will be by mail ballot only.~~) Authorization from the county
4 legislative authority is not required to designate a precinct as a mail
5 ballot precinct under this subsection. In determining the number of
6 registered voters in a precinct for the purposes of this section,
7 persons who are ongoing absentee voters under RCW 29A.40.040 shall not
8 be counted. Nothing in this section may be construed as altering the
9 vote tallying requirements of RCW 29A.60.230.

10 (3) The county auditor shall notify each registered voter by mail
11 that for all future primaries and elections the voting will be by mail
12 ballot only. The auditor shall mail each active voter a ballot at
13 least eighteen days before a primary, general election, or special
14 election. The auditor shall send each inactive voter either a ballot
15 or an application to receive a ballot at least eighteen days before a
16 primary, general election, or special election. The auditor shall
17 determine which of the two is to be sent. If the inactive voter
18 returns a voted ballot, the ballot shall be counted and the voter's
19 status restored to active. If the inactive voter completes and returns
20 an application, a ballot shall be sent and the voter's status restored
21 to active. The requirements regarding certification, reporting, and
22 the mailing of overseas and military ballots in RCW ~~((29.36.270))~~
23 29A.40.070 apply to elections conducted by mail ballot ~~((precincts))~~.

24 (4) If the ~~((precinct exceeds two hundred registered voters, or~~
25 ~~the))~~ county legislative authority and county auditor determine under
26 subsection (1) of this section, or if the county auditor determines
27 under subsection (2) of this section, to return to a polling place
28 election environment, the auditor shall notify each registered voter,
29 by mail, of this and shall provide the address of the polling place to
30 be used.

31 NEW SECTION. Sec. 2. The secretary of state shall evaluate
32 available technologies to allow voters the ability to conveniently
33 determine if their mail ballots were received and counted by their
34 county auditor. No later than December 31, 2006, the secretary of
35 state shall submit a report to the legislature outlining available mail
36 ballot tracking technology. The report must include the secretary of

1 state's recommendations on whether such technology should be
2 implemented, and if so, how.

Passed by the House April 20, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 3, 2005.

Filed in Office of Secretary of State May 3, 2005.