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HOUSE BILL 2118

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State of Washington

54th Legislature

1996 Regular Session

By Representatives D. Schmidt, Scott, Blanton, Quall and Thompson

Read first time 01/08/96. Referred to Committee on Government Operations.

1 AN ACT Relating to election procedures; amending RCW 29.10.011,  
2 29.13.020, 29.15.120, 29.30.101, 29.36.013, and 29.36.122; and  
3 reenacting and amending RCW 29.36.120.

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

5 **Sec. 1.** RCW 29.10.011 and 1994 c 57 s 33 are each amended to read  
6 as follows:

7 The definitions set forth in this section apply throughout this  
8 chapter, unless the context clearly requires otherwise.

9 (1) "Verification notice" means a notice sent by the county auditor  
10 to a voter registration applicant and is used to verify or collect  
11 information about the applicant in order to complete the registration.

12 (2) "Acknowledgement notice" means a notice sent by nonforwardable  
13 mail by the county auditor to a registered voter to acknowledge a voter  
14 registration transaction, which can include initial registration,  
15 transfer, or reactivation of an inactive registration. An  
16 acknowledgement notice may be a voter registration card.

17 (3) "Confirmation notice" means a notice sent to a registered voter  
18 by first class forwardable mail at the address indicated on the voter's  
19 permanent registration record ((and)) or to any other address at which

1 the county auditor could reasonably expect mail to be received by the  
2 voter in order to confirm the voter's residence address. The  
3 confirmation notice must be designed so that the voter may update his  
4 or her current residence address.

5 **Sec. 2.** RCW 29.13.020 and 1994 c 142 s 2 are each amended to read  
6 as follows:

7 (1) All city, town, and district general elections shall be held  
8 throughout the state of Washington on the first Tuesday following the  
9 first Monday in November in the odd-numbered years.

10 This section shall not apply to:

11 (a) Elections for the recall of any elective public officer;

12 (b) Public utility districts or district elections at which the  
13 ownership of property within those districts is a prerequisite to  
14 voting, all of which elections shall be held at the times prescribed in  
15 the laws specifically applicable thereto;

16 (c) Consolidation proposals as provided for in RCW 28A.315.280 and  
17 nonhigh capital fund aid proposals as provided for in chapter 28A.540  
18 RCW.

19 (2) The county auditor, as ex officio supervisor of elections, upon  
20 request in the form of a resolution of the governing body of a city,  
21 town, or district, presented to the auditor at least forty-five days  
22 prior to the proposed election date, (~~may, if the county auditor deems~~  
23 ~~an emergency to exist,~~) shall call a special election in such city,  
24 town, or district, and for the purpose of such special election he or  
25 she may combine, unite, or divide precincts. Except as provided in  
26 subsection (3) of this section, such a special election shall be held  
27 on one of the following dates as decided by the governing body:

28 (a) The first Tuesday after the first Monday in February;

29 (b) The second Tuesday in March;

30 (c) The fourth Tuesday in April;

31 (d) The third Tuesday in May;

32 (e) The day of the primary election as specified by RCW 29.13.070;

33 or

34 (f) The first Tuesday after the first Monday in November.

35 (3) In a presidential election year, if a presidential preference  
36 primary is conducted in February, March, April, or May under chapter  
37 29.19 RCW, the date on which a special election may be called under

1 subsection (2) of this section during the month of that primary is the  
2 date of the presidential primary.

3 (4) In addition to subsection (2) (a) through (f) of this section,  
4 a special election to validate an excess levy or bond issue may be  
5 called at any time to meet the needs resulting from fire, flood,  
6 earthquake, or other act of God, except that no special election may be  
7 held between the first day for candidates to file for public office and  
8 the last day to certify the returns of the general election other than  
9 as provided in subsection (2) (e) and (f) of this section. Such  
10 special election shall be conducted and notice thereof given in the  
11 manner provided by law.

12 (5) This section shall supersede the provisions of any and all  
13 other statutes, whether general or special in nature, having different  
14 dates for such city, town, and district elections, the purpose of this  
15 section being to establish mandatory dates for holding elections.

16 **Sec. 3.** RCW 29.15.120 and 1994 c 223 s 6 are each amended to read  
17 as follows:

18 A candidate may withdraw his or her declaration of candidacy at any  
19 time before the close of business on the Thursday following the last  
20 day for candidates to file under RCW 29.15.020 by filing, with the  
21 officer with whom the declaration of candidacy was filed, a signed  
22 request that his or her name not be printed on the ballot. There shall  
23 be no withdrawal period for declarations of candidacy filed during  
24 special filing periods held under this title. The filing officer may  
25 permit the withdrawal of a filing for the office of precinct committee  
26 officer at the request of the candidate at any time if no absentee  
27 ballots have been issued for that office and the general election  
28 ballots for that precinct have not been printed. The filing officer  
29 may permit the withdrawal of a filing for any elected office of a city,  
30 town, or special district at the request of the candidate at any time  
31 before a primary if the primary ballots for that city, town, or special  
32 district have not been ordered. For city, town, and special district  
33 contests where no primary is required, the filing officer may permit  
34 the withdrawal of a filing at any time before an election if the  
35 election ballots for that city, town, or special district have not been  
36 ordered. No filing fee may be refunded to any candidate who withdraws  
37 under this section. Notice of the deadline for withdrawal of candidacy

1 and that the filing fee is not refundable shall be given to each  
2 candidate at the time he or she files.

3 **Sec. 4.** RCW 29.30.101 and 1990 c 59 s 14 are each amended to read  
4 as follows:

5 The names of the persons certified as nominees by the secretary of  
6 state or the county canvassing board shall be printed on the ballot at  
7 the ensuing election.

8 No name of any candidate whose nomination at a primary is required  
9 by law shall be placed upon the ballot at a general or special election  
10 unless it appears upon the certificate of either (1) the secretary of  
11 state, or (2) the county canvassing board, or (3) a minor party  
12 convention or the state or county central committee of a major  
13 political party to fill a vacancy on its ticket under RCW 29.18.160.

14 Excluding the office of precinct committee officer, or any  
15 temporary elected position such as charter review board or freeholder,  
16 a candidate's name shall not appear more than once upon a ballot for  
17 any position regularly nominated or elected at the same election.

18 **Sec. 5.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read  
19 as follows:

20 Any voter may apply, in writing, for status as an ongoing absentee  
21 voter. Each qualified applicant shall automatically receive an  
22 absentee ballot for each ensuing election for which he or she is  
23 entitled to vote and need not submit a separate request for each  
24 election. Ballots received from ongoing absentee voters shall be  
25 validated, processed, and tabulated in the same manner as other  
26 absentee ballots.

27 Status as an ongoing absentee voter shall be terminated upon any of  
28 the following events:

- 29 (1) The written request of the voter;  
30 (2) The death or disqualification of the voter;  
31 (3) The cancellation of the voter's registration record; ((or))  
32 (4) The return of an ongoing absentee ballot as undeliverable; or  
33 (5) Upon placing a voter on inactive status under RCW 29.10.071.

34 **Sec. 6.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are  
35 each reenacted and amended to read as follows:

1 (1) At any primary or election, general or special, the county  
2 auditor may, in any precinct having fewer than two hundred active  
3 registered voters at the time of closing of voter registration as  
4 provided in RCW 29.07.160, conduct the voting in that precinct by mail  
5 ballot. For any precinct having fewer than two hundred active  
6 registered voters where voting at a primary or a general election is  
7 conducted by mail ballot, the county auditor shall, not less than  
8 fifteen days prior to the date of that primary or general election,  
9 mail or deliver to each active and inactive registered voter within  
10 that precinct a notice that the voting in that precinct will be by mail  
11 ballot, an application form for a mail ballot, and a postage prepaid  
12 envelope, preaddressed to the issuing officer. A mail ballot shall be  
13 issued to each voter who returns a properly executed application to the  
14 county auditor no later than the day of that primary or general  
15 election. For all subsequent mail ballot elections in that precinct  
16 the application is valid so long as the voter remains active and  
17 qualified to vote. In determining the number of registered voters in  
18 a precinct for the purposes of this section, persons who are ongoing  
19 absentee voters under RCW 29.36.013 shall not be counted. Nothing in  
20 this section may be construed as altering the vote tallying  
21 requirements of RCW 29.62.090.

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

29 In no instance shall any special election be conducted by mail  
30 ballot in any precinct with two hundred or more active registered  
31 voters if candidates for partisan office are to be voted upon.

32 For all special elections not being held in conjunction with a  
33 state primary or state general election where voting is conducted by  
34 mail ballot, the county auditor shall, not less than fifteen days prior  
35 to the date of such election, mail or deliver to each active registered  
36 voter a mail ballot and an envelope, preaddressed to the issuing  
37 officer. If a voter who is on inactive status contacts the auditor at  
38 any time between the day ballots are placed in the mail and the date of  
39 the election requesting a mail ballot, the auditor shall restore the

1 voter's status to active and provide the voter with a mail ballot for  
2 the election. If the election being conducted by mail ballot includes  
3 federal issues or contests, the auditor shall send each inactive voter  
4 either a ballot or an application to receive a ballot. The auditor  
5 shall determine which of the two is to be sent. If the inactive voter  
6 returns a voted ballot, the ballot shall be counted and the voter's  
7 status restored to active. If the inactive voter completes and returns  
8 an application, a ballot shall be sent and the voter's status restored  
9 to active.

10 (2) For a two-year period beginning on June 9, 1994, and ending two  
11 years after June 9, 1994, the county auditor may conduct the voting in  
12 any precinct by mail for any primary or election, partisan or  
13 nonpartisan, using the procedures set forth in RCW 29.36.120 through  
14 29.36.139.

15 **Sec. 7.** RCW 29.36.122 and 1994 c 57 s 50 are each amended to read  
16 as follows:

17 For any special election conducted by mail, the county auditor  
18 shall send a mail ballot with a return identification envelope to each  
19 active registered voter of the district in which the special election  
20 is being conducted not sooner than the twenty-fifth day before the date  
21 of the election and not later than the fifteenth day before the date of  
22 the election. The envelope in which the ballot is mailed must clearly  
23 indicate that the ballot is not to be forwarded and is to be returned  
24 to the sender with return postage guaranteed. (~~The auditor shall send~~  
25 ~~an application to receive a ballot to all inactive voters of the~~  
26 ~~district. Upon receipt of a completed~~) If a voter who is on inactive  
27 status contacts the auditor at any time between the day ballots are  
28 placed in the mail and the date of the election requesting a mail  
29 ballot, the auditor shall restore the voter's status to active and  
30 provide the voter with a mail ballot for the election. If the election  
31 being conducted by mail ballot includes federal issues or contests, the  
32 auditor shall send each inactive voter either a ballot or an  
33 application to receive a ballot. The auditor shall determine which of  
34 the two is to be sent. If the inactive voter completes and returns an  
35 application, the auditor shall send a ballot and restore the voter's  
36 status to active.

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