

2 SHB 2671 - S COMM AMD
3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the
6 following:

7

"PART I

8

ABSENTEE VOTING

9 **Sec. 1.** RCW 29.36.010 and 1991 c 81 s 29 are each amended to read
10 as follows:

11 ABSENTEE BALLOT VOTING. Any registered voter of the state or any
12 out-of-state voter, overseas voter, or service voter may vote by
13 absentee ballot in any general election, special election, or primary
14 in the manner provided in this chapter. Out-of-state voters, overseas
15 voters, and service voters are authorized to cast the same ballots,
16 including those for special elections, as a registered voter of the
17 state would receive under this chapter.

18 ~~((1) Except as provided in subsections (2) and (3) of this~~
19 ~~section, in RCW 29.36.013, and in RCW 29.36.170, a registered voter or~~
20 ~~elector desiring to cast an absentee ballot must request the absentee~~
21 ~~ballot from his or her county auditor no earlier than forty five days~~
22 ~~nor later than the day before any election or primary. Except as~~
23 ~~provided in subsection (3) of this section and in RCW 29.36.170, the~~
24 ~~request may be made orally in person, by telephone, or in writing. An~~
25 ~~application or request for an absentee ballot made under the authority~~
26 ~~of any federal statute or regulation shall be considered and given the~~
27 ~~same effect as a request for an absentee ballot under this chapter.~~

28 ~~(2) For any registered voter, a request for an absentee ballot for~~
29 ~~a primary shall be honored as a request for an absentee ballot for the~~
30 ~~following general election if the voter so indicates in his or her~~
31 ~~request. For any out of state voter, overseas voter, or service voter,~~
32 ~~a request for an absentee ballot for a primary election shall also be~~
33 ~~honored as a request for an absentee ballot for the following general~~
34 ~~election.~~

1 (3) A voter admitted to a hospital no earlier than five days before
2 a primary or election and confined to the hospital on election day may
3 apply by messenger for an absentee ballot on the day of the primary or
4 election if a signed statement from the hospital administrator, or
5 designee, verifying the voter's date of admission and status as a
6 patient in the hospital on the day of the primary or election is
7 attached to the voter's written application for an absentee ballot.

8 (4) In a voter's request for an absentee ballot, the voter shall
9 state the address to which the absentee ballot should be sent. A
10 request for an absentee ballot from an out of state voter, overseas
11 voter, or service voter shall state the address of that elector's last
12 residence for voting purposes in the state of Washington and either a
13 written application or the oath on the return envelope shall include a
14 declaration of the other qualifications of the applicant as an elector
15 of this state. A request for an absentee ballot from any other voter
16 shall state the address at which that voter is currently registered to
17 vote in the state of Washington or the county auditor shall verify such
18 information from the voter registration records of the county.

19 (5) A request for an absentee ballot from a registered voter who is
20 within this state shall be made directly to the auditor of the county
21 in which the voter is registered. An absentee ballot request from a
22 registered voter who is temporarily outside this state or from an out-
23 of state voter, overseas voter, or service voter may be made either to
24 the appropriate county auditor or to the secretary of state, who shall
25 promptly forward the request to the appropriate county auditor. No
26 person, organization, or association may distribute absentee ballot
27 applications within this state that contain any return address other
28 than that of the appropriate county auditor.

29 (6) A person may request an absentee ballot for use by the person
30 as a registered voter and may request an absentee ballot on behalf of
31 any member of that person's immediate family who is a registered voter
32 for use by the family member. As a means of ensuring that a person who
33 requests an absentee ballot is requesting the ballot for only that
34 person or a member of the person's immediate family, the secretary of
35 state shall adopt rules prescribing the circumstances under which an
36 auditor: May require a person who requests an absentee ballot to
37 identify the date of birth of the voter for whom the ballot is
38 requested; and may deny a request which is not accompanied by this
39 information.))

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.36 RCW
2 to read as follows:

3 REQUEST FOR SINGLE ABSENTEE BALLOT. (1) Except as otherwise
4 provided by law, a registered voter or out-of-state voter, overseas
5 voter, or service voter desiring to cast an absentee ballot at a single
6 election or primary must request the absentee ballot from his or her
7 county auditor no earlier than ninety days nor later than the day of
8 the election or primary at which the person seeks to vote. Except as
9 otherwise provided by law, the request may be made orally in person, by
10 telephone, electronically, or in writing. An application or request
11 for an absentee ballot made under the authority of a federal statute or
12 regulation will be considered and given the same effect as a request
13 for an absentee ballot under this chapter.

14 (2) A voter requesting an absentee ballot for a primary may also
15 request an absentee ballot for the following general election. A
16 request by an out-of-state voter, overseas voter, or service voter for
17 an absentee ballot for a primary election will be considered as a
18 request for an absentee ballot for the following general election.

19 (3) In requesting an absentee ballot, the voter shall state the
20 address to which the absentee ballot should be sent. A request for an
21 absentee ballot from an out-of-state voter, overseas voter, or service
22 voter must include the address of the last residence for voting
23 purposes in the state of Washington and either a written application or
24 the oath on the return envelope must include a declaration of the other
25 qualifications of the applicant as an elector of this state. A request
26 for an absentee ballot from any other voter must state the address at
27 which that voter is currently registered to vote in the state of
28 Washington or the county auditor shall verify that information from the
29 voter registration records of the county.

30 (4) A request for an absentee ballot from a registered voter who is
31 within this state must be made directly to the auditor of the county in
32 which the voter is registered. An absentee ballot request from a
33 registered voter who is temporarily outside this state or from an out-
34 of-state voter, overseas voter, or service voter may be made either to
35 the appropriate county auditor or to the secretary of state, who shall
36 promptly forward the request to the appropriate county auditor. No
37 person, organization, or association may distribute absentee ballot
38 applications within this state that contain a return address other than
39 that of the appropriate county auditor.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.36 RCW
2 to read as follows:

3 REQUESTING ABSENTEE BALLOT FOR FAMILY MEMBER. A registered voter
4 may request an absentee ballot on behalf of and for use by a member of
5 his or her immediate family who is also a registered voter. As a means
6 of ensuring that a person who requests an absentee ballot is requesting
7 the ballot for only that person or a member of the person's immediate
8 family, the secretary of state shall adopt rules prescribing the
9 circumstances under which an auditor may require a person who requests
10 an absentee ballot to identify the date of birth of the voter for whom
11 the ballot is requested and under what circumstances the auditor may
12 deny a request that is not accompanied by this information.

13 **Sec. 4.** RCW 29.36.013 and 1993 c 418 s 1 are each amended to read
14 as follows:

15 REQUEST FOR ONGOING ABSENTEE VOTER STATUS. Any registered voter
16 may apply, in writing, for status as an ongoing absentee voter. Each
17 qualified applicant shall automatically receive an absentee ballot for
18 each ensuing election or primary for which ~~((he or she))~~ the voter is
19 entitled to vote and need not submit a separate request for each
20 election. Ballots received from ongoing absentee voters shall be
21 validated, processed, and tabulated in the same manner as other
22 absentee ballots.

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

- 25 (1) The written request of the voter;
26 (2) The death or disqualification of the voter;
27 (3) The cancellation of the voter's registration record; ~~((or))~~
28 (4) The return of an ongoing absentee ballot as undeliverable; or
29 (5) A voter being placed on inactive status.

30 **Sec. 5.** RCW 29.36.170 and 1991 c 81 s 35 are each amended to read
31 as follows:

32 SPECIAL ABSENTEE BALLOT. (1) As provided in this section, county
33 auditors shall provide special absentee ballots to be used for state
34 primary or state general elections. An auditor shall provide a special
35 absentee ballot ~~((shall))~~ only ~~((be provided))~~ to a registered voter
36 who completes an application stating that(÷

1 ~~(a) The voter believes that she or he will be residing or stationed~~
2 ~~or working outside the continental United States; and~~

3 ~~(b) The voter believes that~~) she or he will be unable to vote and
4 return a regular absentee ballot by normal mail delivery within the
5 period provided for regular absentee ballots.

6 The application for a special absentee ballot may not be filed
7 earlier than ninety days before the applicable state primary or general
8 election. The special absentee ballot (~~shall~~) will list the offices
9 and measures, if known, scheduled to appear on the state primary or
10 general election ballot. The voter may use the special absentee ballot
11 to write in the name of any eligible candidate for each office and vote
12 on any measure.

13 (2) With any special absentee ballot issued under this section, the
14 county auditor shall include a listing of any candidates who have filed
15 before the time of the application for offices that will appear on the
16 ballot at that primary or election and a list of any issues that have
17 been referred to the ballot before the time of the application.

18 (3) Write-in votes on special absentee ballots (~~shall~~) must be
19 counted in the same manner provided by law for the counting of other
20 write-in votes. The county auditor shall process and canvass the
21 special absentee ballots provided under this section in the same manner
22 as other absentee ballots under chapters 29.36 and 29.62 RCW.

23 (4) A voter who requests a special absentee ballot under this
24 section may also request an absentee ballot under (~~RCW 29.36.010~~)
25 section 2(4) of this act. If the regular absentee ballot is properly
26 voted and returned, the special absentee ballot (~~shall be deemed~~) is
27 void, and the county auditor shall reject it in whole when special
28 absentee ballots are canvassed.

29 **Sec. 6.** RCW 29.36.030 and 1991 c 81 s 31 are each amended to read
30 as follows:

31 ISSUANCE OF ABSENTEE BALLOT. (1) The county auditor shall issue an
32 absentee ballot for the primary or election for which it was requested,
33 or for the next occurring primary or election when ongoing absentee
34 status has been requested if the information contained in a request for
35 an absentee ballot or ongoing absentee status received by the county
36 auditor is complete and correct and the applicant is qualified to vote
37 under federal or state law(~~, the county auditor shall issue an~~
38 ~~absentee ballot for the primary or election for which the absentee~~

1 ~~ballot was requested~~). Otherwise, the county auditor shall notify the
2 applicant of the reason or reasons why the request cannot be accepted.
3 Whenever two or more candidates have filed for the position of precinct
4 committee officer for the same party in the same precinct at a general
5 election held in an even-numbered year, the contest for that position
6 must be presented to absentee voters from that precinct by either
7 including the contest on the regular absentee ballot or a separate
8 absentee ballot.

9 ~~((At each general election in an even numbered year, each absentee~~
10 ~~voter shall also be given a separate ballot containing the names of the~~
11 ~~candidates that have filed for the office of precinct committee officer~~
12 ~~unless fewer than two candidates have filed for the same political~~
13 ~~party in the absentee voter's precinct. The ballot shall provide space~~
14 ~~for writing in the name of additional candidates.~~

15 ~~When mailing an absentee ballot to a registered voter temporarily~~
16 ~~outside the state or to an out-of-state voter, overseas voter, or~~
17 ~~service voter, the county auditor shall send a)) (2) A registered voter~~
18 may obtain a replacement ballot if the ballot is destroyed, spoiled,
19 lost, or not received by the voter. The voter may obtain the ballot by
20 telephone request, by mail, electronically, or in person. The county
21 auditor shall keep a record of each replacement ballot provided under
22 this subsection.

23 (3) A copy of the state voters' and candidates' pamphlet must be
24 sent to registered voters temporarily outside the state, out-of-state
25 voters, overseas voters, and service voters along with the absentee
26 ballot if such a pamphlet has been prepared for the primary or
27 election. The county auditor shall mail all absentee ballots and
28 related material to voters outside the territorial limits of the United
29 States and the District of Columbia under 39 U.S.C. 3406.

30 **Sec. 7.** RCW 29.36.035 and 1984 c 27 s 2 are each amended to read
31 as follows:

32 DELIVERY OF ABSENTEE BALLOT. The delivery of an absentee ballot
33 for any primary or election shall be subject to the following
34 qualifications:

35 (1) Only the registered voter~~((, himself))~~ personally, or a member
36 of ~~((his))~~ the registered voter's immediate family may pick up an
37 absentee ballot for the voter at the office of the issuing officer
38 unless the voter is ~~((hospitalized))~~ a resident of a health care

1 facility, as defined by RCW 70.37.020(3), on election day and applies
2 by messenger ((in accordance with RCW 29.36.010)) for an absentee
3 ballot ((on the day of the primary or election)). In this latter case,
4 the messenger may pick up the ((hospitalized)) voter's absentee ballot.

5 (2) Except as noted in subsection (1) ((above)) of this section,
6 the issuing officer shall mail or deliver the absentee ballot directly
7 to each applicant.

8 ~~((3) No absentee ballot shall be issued on the day of the primary~~
9 ~~or election concerned, except as provided by RCW 29.36.010, for a voter~~
10 ~~confined to a hospital on the day of a primary or election.))~~

11 **Sec. 8.** RCW 29.36.045 and 1987 c 346 s 12 are each amended to read
12 as follows:

13 ENVELOPES AND INSTRUCTIONS. The county auditor shall send each
14 absentee voter a ballot, a security envelope in which to seal the
15 ballot after voting, a larger envelope in which to return the security
16 envelope, and instructions on how to mark the ballot and how to return
17 it to the county auditor. The larger return envelope ~~((shall))~~ must
18 contain a declaration by the absentee voter reciting his or her
19 qualifications and stating that he or she has not voted in any other
20 jurisdiction at this election, together with a summary of the penalties
21 for any violation of any of the provisions of this chapter. The return
22 envelope ~~((shall))~~ must provide space for the voter to indicate the
23 date on which the ballot was voted and for the voter to sign the oath.
24 A summary of the applicable penalty provisions of this chapter
25 ~~((shall))~~ must be printed on the return envelope immediately adjacent
26 to the space for the voter's signature. The signature of the voter on
27 the return envelope ~~((shall))~~ must affirm and attest to the statements
28 regarding the qualifications of that voter and to the validity of the
29 ballot. For out-of-state voters, overseas voters, and service voters,
30 the signed declaration on the return envelope constitutes the
31 equivalent of a voter registration for the election or primary for
32 which the ballot has been issued. The voter ~~((shall))~~ must be
33 instructed to either return the ballot to the county auditor by whom it
34 was issued or attach sufficient first class postage, if applicable, and
35 mail the ballot to the appropriate county auditor no later than the day
36 of the election or primary for which the ballot was issued.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 29.36 RCW
2 to read as follows:

3 DEFINITIONS. For purposes of canvassing and counting absentee
4 ballots:

5 (1) "Initial processing" means all steps taken to prepare absentee
6 ballots for tabulation, except for the reading of ballots by an
7 electronic vote tallying system. Initial processing includes, but is
8 not limited to, verification of signatures on return envelopes; removal
9 of security envelopes from the return envelopes; removal of ballots
10 from the security envelopes; manual inspection for damage, for write-in
11 votes, and for incorrect or incomplete marks; duplication of damaged
12 and write-in ballots; and other preparation of ballots for final
13 processing.

14 (2) "Final processing" means the reading of ballots by an
15 electronic vote tallying system, but does not include tabulation.

16 (3) "Tabulation" means the production of returns of votes cast
17 regarding candidates or measures in a form that can be read by a
18 person, whether as precinct totals, partial cumulative totals, or final
19 cumulative totals.

20 NEW SECTION. **Sec. 10.** A new section is added to chapter 29.36 RCW
21 to read as follows:

22 OBSERVERS. (1) Before initial processing of absentee ballots, the
23 county auditor shall notify the county chair of each major political
24 party of the time and date on which absentee processing will begin, and
25 shall request that each major political party appoint official
26 observers to observe the processing and tabulation of absentee ballots.
27 If a major political party has appointed observers, the observers may
28 be present for initial processing, final processing, or tabulation, if
29 they so choose, but failure to appoint or attend does not preclude the
30 processing or tabulation of absentee ballots.

31 (2) The auditor shall adopt administrative procedures for the
32 initial and final processing of absentee ballots. Copies of these
33 administrative procedures must be made available to the political party
34 observers, and to the public upon request.

35 **Sec. 11.** RCW 29.36.060 and 1991 c 81 s 32 are each amended to read
36 as follows:

1 PROCESSING ABSENTEE BALLOTS. (~~The opening and subsequent~~
2 ~~processing of return envelopes for any primary or election may begin on~~
3 ~~or after the tenth day prior to such primary or election. The opening~~
4 ~~of the security envelopes and tabulation of absentee ballots shall not~~
5 ~~commence until after 8:00 o'clock p.m. on the day of the primary or~~
6 ~~election.~~

7 ~~After opening the return envelopes, the county canvassing board~~
8 ~~shall place all of the ballot envelopes in containers that can be~~
9 ~~secured with numbered seals. These sealed containers shall be stored~~
10 ~~in a secure location until after 8:00 o'clock p.m. of the day of the~~
11 ~~primary or election. Absentee ballots that are to be tabulated on an~~
12 ~~electronic vote tallying system may be taken from the inner envelopes~~
13 ~~and all the normal procedural steps may be performed to prepare these~~
14 ~~ballots for tabulation before sealing the containers.))~~

15 (1) Before opening a returned absentee ballot, the canvassing
16 board, or its designated representatives, shall examine the postmark,
17 statement, and signature on ((each)) the return envelope ((containing))
18 that contains the security envelope and absentee ballot. They shall
19 verify that the voter's signature on the return envelope is the same as
20 the signature of that voter in the registration files ((for that
21 voter)) of the county. For ((absentee)) registered voters ((other than
22 out-of-state voters, overseas voters, and service voters, if the
23 postmark is illegible)) casting absentee ballots, the date on the
24 return envelope to which the voter ((attests shall)) has attested
25 determines the validity, as to the time of voting((, of)) for that
26 absentee ballot ((under this chapter)) if the postmark is missing or is
27 illegible. For out-of-state voters, overseas voters, and service
28 voters, the date on the return envelope to which the voter has attested
29 determines the validity as to the time of voting for that absentee
30 ballot. For any absentee ((voter)) ballot, a variation between the
31 signature of the voter on the return envelope and the signature of that
32 voter in the registration files due to the substitution of initials or
33 the use of common nicknames is permitted so long as the surname and
34 handwriting are clearly the same.

35 (2) Absentee ballot return envelopes for a primary or election may
36 be opened for initial processing on or after the tenth day before that
37 primary or election.

38 (3) After opening the return envelopes, the county canvassing board
39 shall either:

1 (a) Place all of the security envelopes containing the absentee
2 ballots in containers, and secure the containers with numbered seals;
3 or

4 (b) In the case of absentee ballots that will be tabulated on an
5 electronic vote tallying system, open the security envelopes, perform
6 the initial processing, place the absentee ballots in containers, and
7 keep the containers in secure storage until the ballots are ready for
8 final processing.

9 (4) The canvassing board, or its designated representatives, shall
10 establish audit procedures that insure that the absentee ballots are
11 kept in secure storage during the initial processing period.

12 (5) The absentee ballots must not be removed from secure storage
13 until final processing begins. Final processing may not begin before
14 7:00 a.m. on the day of the primary or election. In counties using
15 electronic vote tallying systems, the absentee ballots must be
16 tabulated under continuous observation of representatives of the major
17 political parties, and all other security provisions required by the
18 secretary of state under RCW 29.04.210 and 29.36.150. No results from
19 tabulation of absentee ballots may be produced or distributed until
20 after 8:00 p.m. on the day of the primary or election.

21 **Sec. 12.** RCW 29.36.070 and 1990 c 262 s 2 are each amended to read
22 as follows:

23 COUNTING ABSENTEE BALLOTS. The absentee ballots ((shall be grouped
24 and counted by)) must be reported at a minimum on a congressional and
25 legislative district ((without regard to)) basis. Absentee ballots may
26 be counted by congressional or legislative basis or by individual
27 precinct, except as required under RCW 29.62.090(2).

28 These returns ((shall)) must be added to the total of the votes
29 cast at the polling places.

30 **Sec. 13.** RCW 29.36.075 and 1988 c 181 s 3 are each amended to read
31 as follows:

32 PROCESSING DETAILS. ((In counties that do not tabulate absentee
33 ballots on electronic vote tallying systems, canvassing boards may not
34 tabulate or record votes cast by absentee ballots on any uncontested
35 office except write in votes for candidates for the office of precinct
36 committeeperson who have filed valid declarations of candidacy under
37 RCW 29.04.180. "Uncontested office" means an office where only one

1 candidate has filed a valid declaration of candidacy either during the
2 regular filing period or as a write-in candidate under RCW 29.04.180.)

3 Each registered voter casting an absentee ballot (~~shall~~) will be
4 credited with voting on his or her voter registration record.
5 Absentee ballots (~~shall~~) must be retained for the same length of time
6 and in the same manner as ballots cast at the precinct polling places.

7 **Sec. 14.** RCW 29.36.097 and 1991 c 81 s 33 are each amended to read
8 as follows:

9 ABSENTEE BALLOT RECORDS. Each county auditor shall maintain in his
10 or her office, open for public inspection and copying, a record of the
11 requests he or she has received for absentee ballots (~~under this~~
12 ~~chapter~~), a list of all ongoing absentee voters, and a list, as of the
13 day of each primary or election, of the names of voters whose absentee
14 ballots have been returned before the primary or election.

15 The information from the requests (~~shall~~) must be recorded and
16 lists of this information (~~shall~~) must be available no later than
17 (~~twenty-four hours~~) the next business day after their receipt. Lists
18 of ongoing absentee voters must be available at all times.

19 This information about absentee voters (~~shall~~) requesting ballots
20 will be available according to the date of the requests and by
21 legislative district. It (~~shall~~) must include the name of each
22 applicant, the address and precinct in which the voter maintains a
23 voting residence, the date on which an absentee ballot was issued to
24 this voter, if applicable, the type of absentee ballot, and the address
25 to which the ballot was or is to be mailed, if applicable, and the
26 names of the voters whose absentee ballots have been returned as of the
27 day of each primary or election.

28 The auditor shall make copies of these records available to the
29 public in either paper or electronic format for the actual cost of
30 production or copying.

31 **Sec. 15.** RCW 29.36.100 and 1987 c 346 s 18 are each amended to
32 read as follows:

33 CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee
34 voter may be challenged at the time the signature on the return
35 envelope is verified and the ballot is processed by the canvassing
36 board. The board has the authority to determine the legality of any

1 absentee ballot challenged under this section. Challenged ballots must
2 be handled in accordance with chapter 29.10 RCW.

3 **Sec. 16.** RCW 29.36.150 and 1993 c 417 s 7 are each amended to read
4 as follows:

5 The secretary of state shall adopt rules implementing this chapter,
6 including rules to:

7 (1) Establish standards and procedures to prevent fraud and to
8 facilitate the accurate processing and canvassing of absentee ballots
9 ~~((and mail ballots))~~;

10 (2) Establish standards and procedures to guarantee the secrecy of
11 absentee ballots ~~((and mail ballots))~~;

12 (3) Provide uniformity among the counties of the state in the
13 conduct of absentee voting ~~((and mail ballot elections))~~; ~~((and))~~

14 (4) Facilitate the operation of the provisions of this chapter
15 regarding out-of-state voters, overseas voters, and service voters;

16 (5) Provide flexible requirements for persons confined in health
17 care facilities to apply for and receive absentee ballots; and

18 (6) Provide standards for electronic requests for absentee ballots.

19 The secretary of state shall produce and furnish envelopes and
20 instructions for out-of-state voters, overseas voters, and service
21 voters to the county auditors.

22 **Sec. 17.** RCW 29.36.160 and 1994 c 269 s 2 are each amended to read
23 as follows:

24 A person who willfully violates any provision of this chapter
25 regarding the assertion or declaration of qualifications to receive or
26 cast an absentee ballot~~((~~7~~))~~ or unlawfully casts a vote by absentee
27 ballot~~((~~7~~ or willfully violates any provision regarding the conduct of~~
28 ~~mail ballot primaries or elections under RCW 29.36.120 through~~
29 ~~29.36.139))~~ is guilty of a class C felony punishable under RCW
30 9A.20.021. Except as provided in chapter 29.85 RCW a person who
31 willfully violates any other provision of this chapter is guilty of a
32 misdemeanor.

33 NEW SECTION. **Sec. 18.** A new section is added to chapter 29.54 RCW
34 to read as follows:

35 The secretary of state shall adopt rules providing for posters
36 summarizing election crimes and maximum penalties to be displayed

1 prominently in all locations where absentee ballots and ballots picked
2 up from precincts are processed and tabulated.

3 **PART II**
4 **MAIL BALLOTS**

5 **Sec. 19.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are
6 each reenacted and amended to read as follows:

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

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

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

4 For all special elections not being held in conjunction with a
5 state primary or state general election where voting is conducted by
6 mail ballot, the county auditor shall, not less than fifteen days prior
7 to the date of such election, mail or deliver to each active registered
8 voter a mail ballot and an envelope, preaddressed to the issuing
9 officer.)) As soon as ballots are available, the county auditor shall
10 mail or deliver a ballot and an envelope, preaddressed to the issuing
11 officer, to each active registered voter. The auditor shall send each
12 inactive voter either a ballot or an application to receive a ballot.
13 The auditor shall determine which of the two is to be sent. If the
14 inactive voter returns a voted ballot, the ballot shall be counted and
15 the voter's status restored to active. If the inactive voter completes
16 and returns an application, a ballot shall be sent and the voter's
17 status restored to active.

18 ((2) For a two year period beginning on June 9, 1994, and ending
19 two years after June 9, 1994, the county auditor may conduct the voting
20 in any precinct by mail for any primary or election, partisan or
21 nonpartisan, using the procedures set forth in RCW 29.36.120 through
22 29.36.139.))

23 If the precinct exceeds two hundred registered voters, or the
24 auditor determines to return to a polling place election environment,
25 the auditor shall notify each registered voter, by mail, of this and
26 shall provide the address of the polling place to be used.

27 **Sec. 20.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to read
28 as follows:

29 MAIL BALLOT SPECIAL ELECTIONS. ((1)) At any nonpartisan special
30 election not being held in conjunction with a state primary or general
31 election, the county, city, town, or district requesting the election
32 pursuant to RCW 29.13.010 or 29.13.020 may also request that the
33 special election be conducted by mail ballot. The county auditor may
34 honor the request or may determine that the election is not to be
35 conducted by mail ballot. The decision of the county auditor in this
36 regard is final.

1 ~~((2) In an odd numbered year, the county auditor may conduct by~~
2 ~~mail ballot a primary or a special election concurrently with the~~
3 ~~primary:~~

4 ~~(a) For any office or ballot measure of a special purpose district~~
5 ~~which is entirely within the county;~~

6 ~~(b) For any office or ballot measure of a special purpose district~~
7 ~~which lies in the county and one or more other counties if the auditor~~
8 ~~first secures the concurrence of the county auditors of those other~~
9 ~~counties to conduct the primary in this manner district wide; and~~

10 ~~(c) For any ballot measure or nonpartisan office of a county, city,~~
11 ~~or town if the auditor first secures the concurrence of the legislative~~
12 ~~authority of the county, city, or town involved.~~

13 ~~A primary in an odd numbered year may not be conducted by mail~~
14 ~~ballot in any precinct with two hundred or more active registered~~
15 ~~voters if a partisan office or state office or state ballot measure is~~
16 ~~to be voted upon at that primary in the precinct.~~

17 ~~(3)) For all special elections not being held in conjunction with~~
18 ~~a state primary or state general election where voting is conducted by~~
19 ~~mail ballot, the county auditor shall, not less than fifteen days~~
20 ~~before the date of such election, mail or deliver to each registered~~
21 ~~voter a mail ballot ((and an envelope, preaddressed to the issuing~~
22 ~~officer. The county auditor shall notify an election jurisdiction for~~
23 ~~which a primary is to be held that the primary will be conducted by~~
24 ~~mail ballot)). The auditor shall handle inactive voters in the same~~
25 ~~manner as inactive voters in mail ballot precincts.~~

26 ~~((4) To the extent they are not inconsistent with subsections (1)~~
27 ~~through (3) of this section, the laws governing the conduct of mail~~
28 ~~ballot special elections apply to nonpartisan primaries conducted by~~
29 ~~mail ballot.))~~

30 For a special election conducted by mail ballot, the county auditor
31 shall include with the ballot a clear explanation of the qualifications
32 necessary to vote in that election and shall also advise a voter with
33 questions about his or her eligibility to contact the county auditor.
34 This explanation may be provided on the ballot envelope, provided on an
35 enclosed insert, or printed directly on the ballot itself. If this
36 information is included, vote by mail special election ballots may be
37 forwarded to voters in the same manner as absentee ballots. If the
38 information is not included in the instructions, the envelope must

1 clearly indicate that the ballot is not to be forwarded and that return
2 postage is guaranteed.

3 NEW SECTION. **Sec. 21.** ODD-YEAR PRIMARIES BY MAIL. In an odd-
4 numbered year, the county auditor may conduct a primary or a special
5 election by mail ballot concurrently with the primary:

6 (1) For an office or ballot measure of a special purpose district
7 that is entirely within the county;

8 (2) For an office or ballot measure of a special purpose district
9 that lies in the county and one or more other counties if the auditor
10 first secures the concurrence of the county auditors of those other
11 counties to conduct the primary in this manner district-wide; and

12 (3) For a ballot measure or nonpartisan office of a county, city,
13 or town if the auditor first secures the concurrence of the legislative
14 authority of the county, city, or town involved.

15 The county auditor shall notify an election jurisdiction for which
16 a primary is to be held that the primary will be conducted by mail
17 ballot.

18 A primary in an odd-numbered year may not be conducted by mail
19 ballot in a precinct with two hundred or more active registered voters
20 if a partisan office or state office or state ballot measure is to be
21 voted upon at that primary in the precinct.

22 To the extent they are not inconsistent with other provisions of
23 law, the laws governing the conduct of mail ballot special elections
24 apply to nonpartisan primaries conducted by mail ballot.

25 **Sec. 22.** RCW 29.36.124 and 1983 1st ex.s. c 71 s 3 are each
26 amended to read as follows:

27 DEPOSITING BALLOTS FOR MAIL BALLOT ELECTIONS. ~~((+1))~~ If a county
28 auditor conducts an election by mail, the county auditor shall
29 designate the county auditor's office ~~((or a central location in the~~
30 ~~district in which the election is conducted))~~ as the single place to
31 obtain a replacement ballot. The county auditor also shall designate
32 one or more places for the deposit of ballots not returned by mail.
33 The places designated under this section shall be open on the date of
34 the election for a period of at least thirteen hours, beginning at 7:00
35 a.m. and ending at 8:00 p.m., and at any other times designated by the
36 county auditor.

1 (~~(2) A registered voter may obtain a replacement ballot as~~
2 ~~provided in this subsection if the ballot is destroyed, spoiled, lost,~~
3 ~~or not received by the voter. A registered voter seeking a replacement~~
4 ~~ballot shall sign a sworn statement that the ballot was destroyed,~~
5 ~~spoiled, lost, or not received and shall present the statement to the~~
6 ~~county auditor no later than the day of the election. Each spoiled~~
7 ~~ballot must be returned to the county auditor before a new one is~~
8 ~~issued. The county auditor shall keep a record of each replacement~~
9 ~~ballot provided under this subsection.))~~

10 **Sec. 23.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to read
11 as follows:

12 RETURN OF VOTED BALLOT BY VOTER. (~~Upon receipt of the mail~~
13 ~~ballot, the voter shall mark it, sign the return identification~~
14 ~~envelope supplied with the ballot, and comply with the instructions~~
15 ~~provided with the ballot. The voter may return the marked ballot to~~
16 ~~the county auditor. The ballot must be returned)) The voter shall
17 return the ballot to the county auditor in the return identification
18 envelope. If mailed, a ballot must be postmarked not later than the
19 date of the primary or election. Otherwise, the ballot must be
20 deposited at the office of the county auditor or the designated place
21 of deposit not later than 8:00 p.m. on the date of the primary or
22 election.~~

23 **Sec. 24.** RCW 29.36.130 and 1993 c 417 s 5 are each amended to read
24 as follows:

25 BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW
26 29.36.120 or 29.36.121 (~~shall~~) (as recodified by this act) or section
27 21 of this act must contain the same offices, names of nominees or
28 candidates, and propositions to be voted upon, including precinct
29 offices, as if the ballot had been voted in person at the polling
30 place. Except as otherwise provided (~~in this chapter~~) by law, mail
31 ballots (~~shall~~) must be (~~issued and canvassed~~) treated in the same
32 manner as absentee ballots issued (~~pursuant to~~) at the request of the
33 voter. (~~The county canvassing board, at the request of the county~~
34 ~~auditor, may direct that mail ballots be counted on the day of the~~
35 ~~election. If such count is made, it must be done in secrecy in the~~
36 ~~presence of the canvassing board or their authorized representatives~~
37 ~~and the results not revealed to any unauthorized person until 8:00 p.m.~~

1 ~~or later if the auditor so directs.))~~ If electronic vote tallying
2 devices are used, political party observers (~~(shall be afforded))~~ must
3 be given the opportunity to be present, and a test of the equipment
4 must be performed as required by RCW 29.33.350 (~~(prior to the count~~
5 ~~of))~~ before tabulating ballots. Political party observers may select
6 at random ballots to be counted manually as provided by RCW 29.54.025.
7 Any violation of the secrecy of (~~(such))~~ the count (~~(shall be))~~ is
8 subject to the same penalties as provided for in RCW 29.85.225.

9 NEW SECTION. Sec. 25. RULES. The secretary of state shall adopt
10 rules to:

11 (1) Establish standards and procedures to prevent fraud and to
12 facilitate the accurate processing and canvassing of mail ballots;

13 (2) Establish standards and procedures to guarantee the secrecy of
14 mail ballots;

15 (3) Provide uniformity among the counties of the state in the
16 conduct of mail ballot elections; and

17 (4) Provide for requests for a replacement ballot at a mail ballot
18 election to be made electronically.

19 The secretary of state shall produce and furnish envelopes and
20 instructions for mail ballot elections for all out-of-state, overseas
21 voters, and service voters.

22 NEW SECTION. Sec. 26. PENALTY. A person who willfully violates
23 any provision of this chapter regarding the conduct of mail ballot
24 primaries or elections is guilty of a class C felony punishable under
25 RCW 9A.20.021.

26 PART III

27 POLLING PLACE REGULATIONS

28 **Sec. 27.** RCW 29.36.050 and 1987 c 346 s 13 are each amended to
29 read as follows:

30 A registered voter shall not be allowed to vote a regular ballot in
31 the precinct in which he or she is registered at any election or
32 primary for which that voter has (~~(cast))~~ requested an absentee ballot
33 or if the voter is an ongoing absentee voter. A registered voter who
34 has requested an absentee ballot for a primary or special or general
35 election or who is an ongoing absentee voter but chooses to vote at the

1 voter's precinct polling place in that primary or election (~~shall cast~~
2 ~~a ballot in the manner prescribed by RCW 29.10.127 for challenged~~
3 ~~ballots~~) must be issued and allowed to cast a special ballot. The
4 canvassing board shall not count the ballot if it finds that the voter
5 has also voted by absentee ballot in that primary or election.

6 **Sec. 28.** RCW 29.54.085 and 1990 c 59 s 33 are each amended to read
7 as follows:

8 (1) The ballots picked up from the precincts during the polling
9 hours may be (~~counted~~) initially and finally processed, but not
10 tabulated, before the polls have closed. (~~Election returns from the~~
11 ~~count of these ballots~~) Results of paper ballots that were tabulated
12 at precinct polling sites before the close of polls under RCW 29.54.018
13 must be held in secrecy until the polls have been closed (~~as provided~~
14 ~~by RCW 29.54.018~~)).

15 (2) Upon breaking the seals and opening the ballot containers from
16 the precincts or opening the inner security envelopes for absentee
17 ballots, all voted ballots shall be manually inspected for damage,
18 write-in votes, and incorrect or incomplete marks. If it is found that
19 any ballot is damaged or has incorrect or incomplete marks so that it
20 cannot properly be counted by the vote tallying system, a true
21 duplicate copy shall be made of the (~~damaged~~) original ballot in the
22 presence of witnesses and substituted for the (~~damaged~~) original
23 ballot. All (~~damaged~~) original ballots for which a true duplicate
24 copy has been made shall be kept by the county auditor until sixty days
25 after the primary or election. Ballots may not be enhanced, except
26 that where a voter makes a write-in vote but fails to otherwise mark a
27 ballot indicating that a write-in vote has been made, the ballot may be
28 enhanced by making the mark indicating that a write-in vote has been
29 made.

30 Notice of the making of true duplicate copies of original ballots
31 or enhancing ballots, as authorized in this subsection, shall be made
32 in the same manner as notice of a special meeting is made under RCW
33 42.30.080 and shall also be made to the chair of the county central
34 committee of each major political party in the county.

35 (3) The returns produced by the vote tallying system, to which have
36 been added the counts of questioned ballots, write-in votes, and
37 absentee votes, constitute the official returns of the primary or
38 election in that county.

1 **PART IV**
2 **TECHNICAL**

3 NEW SECTION. **Sec. 29.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 29.36.122 and 1994 c 57 s 50, 1993 c 417 s 3, & 1983 1st
6 ex.s. c 71 s 2; and
7 (2) RCW 29.36.139 and 1993 c 417 s 6 & 1983 1st ex.s. c 71 s 6.

8 NEW SECTION. **Sec. 30.** (1) RCW 29.36.010, 29.36.013, 29.36.170,
9 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075,
10 29.36.097, 29.36.100, 29.36.150, and 29.36.160 are each recodified
11 within chapter 29.36 RCW, in the order shown in this act, along with
12 sections 2, 3, 9, and 10 of this act.

13 (2) RCW 29.36.120, 29.36.121, 29.36.124, 29.36.126, and 29.36.130
14 are each recodified, and, along with sections 21, 25, and 26 of this
15 act, constitute a new chapter in Title 29 RCW.

16 (3) RCW 29.36.050 is recodified as a new section in chapter 29.51
17 RCW.

18 NEW SECTION. **Sec. 31.** Section captions and part headings used in
19 this act are not part of the law."

20 **SHB 2671** - S COMM AMD
21 By Committee on Government Operations

22
23 In line 1 of the title, after "places;" strike the remainder of the
24 title and insert "amending RCW 29.36.010, 29.36.013, 29.36.170,
25 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075,
26 29.36.097, 29.36.100, 29.36.150, 29.36.160, 29.36.121, 29.36.124,
27 29.36.126, 29.36.130, 29.36.050, and 29.54.085; reenacting and amending
28 RCW 29.36.120; adding new sections to chapter 29.36 RCW; adding a new
29 section to chapter 29.54 RCW; adding a new section to chapter 29.51
30 RCW; adding a new chapter to Title 29 RCW; creating a new section;
31 recodifying RCW 29.36.010, 29.36.013, 29.36.170, 29.36.030, 29.36.035,
32 29.36.045, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100,
33 29.36.150, 29.36.160, 29.36.120, 29.36.121, 29.36.124, 29.36.126,

1 29.36.130, and 29.36.050; repealing RCW 29.36.122 and 29.36.139; and
2 prescribing penalties."

--- END ---