
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4012.1/92

ATTY/TYPIST:

BRIEF TITLE:

1 1501-S AMH SG H4012.1

2 SHB 1501 - H COMM AMD
3 By Committee on State Government

4

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

7 "Sec. 1. RCW 29.36.120 and 1983 1st ex.s. c 71 s 1 are each
8 amended to read as follows:

9 At any primary or election, general or special, the county auditor
10 may, in any precinct having fewer than (~~one~~) two hundred registered
11 voters at the time of closing of voter registration as provided in RCW
12 29.07.160, conduct the voting in that precinct by mail ballot. For any
13 precinct having fewer than (~~one~~) two hundred registered voters where
14 voting at a primary or a general election is conducted by mail ballot,
15 the county auditor shall, not less than fifteen days prior to the date
16 of that primary or general election, mail or deliver to each registered
17 voter within that precinct a notice that the voting in that precinct
18 will be by mail ballot, an application form for a mail ballot, and a
19 postage prepaid envelope, preaddressed to the issuing officer. A mail
20 ballot shall be issued to each voter who returns a properly executed
21 application to the county auditor no later than the day of that primary
22 or general election. Such application is valid for all subsequent mail
23 ballot elections in that precinct so long as the voter remains
24 qualified to vote.

25 At any nonpartisan special election not being held in conjunction
26 with a state primary or general election, the county, city, town, or
27 district requesting the election pursuant to RCW 29.13.010 or 29.13.020
28 may also request that the election be conducted by mail ballot. The

1 county auditor may honor the request or may determine that the election
2 is not to be conducted by mail ballot. The decision of the county
3 auditor in this regard is final.

4 In no instance shall any special election be conducted by mail
5 ballot in any precinct with (~~more than one~~) two hundred or more
6 registered voters if candidates for partisan office are to be voted
7 upon.

8 For all special elections not being held in conjunction with a
9 state primary or state general election where voting is conducted by
10 mail ballot, the county auditor shall, not less than fifteen days prior
11 to the date of such election, mail or deliver to each registered voter
12 a mail ballot and an envelope, preaddressed to the issuing officer."

13 "NEW SECTION. Sec. 2. A new section is added to chapter 29.36 RCW
14 to read as follows:

15 (1) At any nonpartisan special election not being held in
16 conjunction with a state primary or general election, the county, city,
17 town, or district requesting the election pursuant to RCW 29.13.010 or
18 29.13.020 may also request that the election be conducted by mail
19 ballot. The county auditor may honor the request or may determine that
20 the election is not to be conducted by mail ballot. The decision of
21 the county auditor in this regard is final.

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

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

26 (b) For any office or ballot measure of a special purpose district
27 which lies in the county and one or more other counties if the auditor
28 first secures the concurrence of the county auditors of those other
29 counties to conduct the primary in this manner district-wide; and

1 (c) For any ballot measure or nonpartisan office of a county, city,
2 or town if the auditor first secures the concurrence of the legislative
3 authority of the county, city, or town involved.

4 A primary in an odd-numbered year may not be conducted by mail
5 ballot in any precinct with two hundred or more registered voters if a
6 partisan office or state office or state ballot measure is to be voted
7 upon at that primary in the precinct.

8 (3) For all special elections not being held in conjunction with a
9 state primary or state general election where voting is conducted by
10 mail ballot, the county auditor shall, not less than fifteen days
11 before the date of such election, mail or deliver to each registered
12 voter a mail ballot and an envelope, preaddressed to the issuing
13 officer. The county auditor shall notify an election jurisdiction for
14 which a primary is to be held that the primary will be conducted by
15 mail ballot.

16 (4) Wherever the county auditor deems it feasible, the laws
17 governing the conduct of mail ballot special elections also apply to
18 nonpartisan primaries conducted by mail ballot."

19 **"Sec. 3.** RCW 29.36.122 and 1983 1st ex.s. c 71 s 2 are each
20 amended to read as follows:

21 For any special election conducted by mail, the county auditor
22 shall send a mail ballot with a return identification envelope to each
23 registered voter of the district in which the special election is being
24 conducted not sooner than the twenty-fifth day before the date of the
25 election and not later than the fifteenth day before the date of the
26 election. The envelope in which the ballot is mailed (~~shall be~~
27 ~~clearly marked "Do Not Forward — Return to Sender — Return Postage~~
28 ~~Guaranteed."~~) must clearly indicate that the ballot is not to be

1 forwarded and is to be returned to the sender with return postage
2 guaranteed."

3 "Sec. 4. RCW 29.36.126 and 1983 1st ex.s. c 71 s 4 are each
4 amended to read as follows:

5 Upon receipt of the mail ballot, the voter shall mark it, sign the
6 return identification envelope supplied with the ballot, and comply
7 with the instructions provided with the ballot. The voter may return
8 the marked ballot to the county auditor (~~by United States mail or to~~
9 ~~any other place of deposit designated by the county auditor~~). The
10 ballot must be returned in the return identification envelope. If
11 mailed, a ballot must be postmarked not later than the date of the
12 election. Otherwise, the ballot must be deposited at the office of the
13 county auditor or the designated place of deposit not later than 8:00
14 p.m. on the date of the election."

15 "Sec. 5. RCW 29.36.130 and 1983 1st ex.s. c 71 s 5 are each
16 amended to read as follows:

17 All mail ballots authorized by RCW 29.36.120 or section 2 of this
18 act shall contain the same offices, names of candidates, and
19 propositions to be voted upon, including precinct offices, as if the
20 ballot had been voted in person at the polling place. Except as
21 otherwise provided in (~~RCW 29.36.120 and 29.36.122 through 29.36.126~~
22 ~~and 29.36.139, such~~) this chapter, mail ballots shall be issued and
23 canvassed in the same manner as absentee ballots issued pursuant to the
24 request of the voter. The county canvassing board, at the request of
25 the county auditor, may direct that mail ballots be counted on the day
26 of the election. If such count is made, it must be done in secrecy in
27 the presence of (~~at least three election officials~~) the canvassing
28 board or their authorized representatives and the results not revealed

1 to any unauthorized person until (~~the polls have closed~~) 8:00 p.m. or
2 later if the auditor so directs. If electronic vote tallying devices
3 are used, political party observers shall be afforded the opportunity
4 to be present, and a test of the equipment must be performed as
5 required by RCW 29.34.163 prior to the count of ballots. Political
6 party observers (~~shall be allowed to count by hand ballots from up to~~
7 ~~ten precincts selected by the observers~~) may select at random ballots
8 to be counted by hand as provided by RCW 29.34.163. Any violation of
9 the secrecy of such count shall be subject to the same penalties as
10 provided for in RCW 29.54.035."

11 "Sec. 6. RCW 29.36.130 and 1990 c 59 s 76 are each amended to read
12 as follows:

13 All mail ballots authorized by RCW 29.36.120 or section 2 of this
14 act shall contain the same offices, names of candidates, and
15 propositions to be voted upon, including precinct offices, as if the
16 ballot had been voted in person at the polling place. Except as
17 otherwise provided in (~~RCW 29.36.120 and 29.36.122 through 29.36.126~~
18 ~~and 29.36.139, such~~) this chapter, mail ballots shall be issued and
19 canvassed in the same manner as absentee ballots issued pursuant to the
20 request of the voter. The county canvassing board, at the request of
21 the county auditor, may direct that mail ballots be counted on the day
22 of the election. If such count is made, it must be done in secrecy in
23 the presence of (~~at least three election officials~~) the canvassing
24 board or their authorized representatives and the results not revealed
25 to any unauthorized person until (~~the polls have closed~~) 8:00 p.m. or
26 later if the auditor so directs. If electronic vote tallying devices
27 are used, political party observers shall be afforded the opportunity
28 to be present, and a test of the equipment must be performed as
29 required by RCW 29.33.350 prior to the count of ballots. Political

1 party observers (~~((shall be allowed to count by hand ballots from up to~~
2 ~~ten precincts selected by the observers))~~ may select at random ballots
3 to be counted by hand as provided by RCW 29.34.163. Any violation of
4 the secrecy of such count shall be subject to the same penalties as
5 provided for in RCW 29.85.225."

6 "Sec. 7. RCW 29.36.139 and 1983 1st ex.s. c 71 s 6 are each
7 amended to read as follows:

8 (1) A mail ballot shall be counted only if it is returned in the
9 return identification envelope, if the envelope is signed by the
10 registered voter to whom the ballot is issued, and if the signature is
11 verified as provided in this subsection. The county auditor shall
12 verify the signature of each voter on the return identification
13 envelope with the signature on the voter's registration record. (~~If~~
14 ~~the county auditor determines that a registered voter to whom a~~
15 ~~replacement ballot has been issued has voted more than once, the county~~
16 ~~auditor shall not count any ballot cast by that voter. The county~~
17 ~~auditor must notify both the county prosecuting attorney and the state~~
18 ~~attorney general of every instance in which a voter has voted more than~~
19 ~~once.)) A person who votes or attempts to vote more than once in a
20 mail ballot election is subject to the penalties provided in chapter
21 29.85 RCW.~~

22 (2) Any mail ballot may be challenged in the same manner as an
23 absentee ballot."

24 "Sec. 8. RCW 29.36.150 and 1987 c 346 s 19 are each amended to
25 read as follows:

26 The secretary of state shall adopt rules (~~((not inconsistent with~~
27 ~~the provisions of this chapter))~~) to:

1 (1) Establish standards and procedures to prevent fraud and to
2 facilitate the accurate processing and canvassing of absentee ballots
3 and mail ballots;

4 (2) Establish standards and procedures to guarantee the secrecy of
5 absentee ballots and mail ballots;

6 (3) Provide uniformity among the counties of the state in the
7 conduct of absentee voting and mail ballot elections; and

8 (4) Facilitate the operation of the provisions of this chapter
9 regarding out-of-state voters, overseas voters, and service voters.

10 The secretary of state shall produce and furnish envelopes and
11 instructions for out-of-state voters, overseas voters, and service
12 voters to the county auditors."

13 **"Sec. 9.** RCW 29.10.180 and 1991 c 363 s 31 are each amended to
14 read as follows:

15 (1) The county auditor may enter one or more contracts with the
16 United States postal service, or its licensee, which permit the auditor
17 to use postal service change-of-address information. If the auditor
18 finds that information received under such a contract gives the
19 appearance that a voter has changed his or her residence address, the
20 auditor shall notify the voter concerning the requirements of state and
21 federal laws governing voter registration and residence.

22 (2) Whenever any vote-by-mail ballot, notification to voters
23 following reprecincting of the county, notification to voters of
24 selection to serve on jury duty, notification under subsection (1) of
25 this section, or initial voter identification card is returned by the
26 postal service as undeliverable, the county auditor shall, in every
27 instance, inquire into the validity of the registration of that voter.

28 (3) The county auditor shall initiate his or her inquiry by
29 sending, by first-class mail, a written notice to the challenged voter

1 at the address indicated on the voter's permanent registration record
2 and to any other address at which the county auditor could reasonably
3 expect mail to be received by the voter. The county auditor shall not
4 request any restriction on the forwarding of such notice by the postal
5 service. The notice shall contain the nature of the inquiry and
6 provide a suitable form for reply. The notice shall also contain a
7 warning that the county auditor must receive a response within ninety
8 days from the date of mailing the notice of inquiry in a case resulting
9 from a returned vote-by-mail ballot or forty-five days from the date of
10 mailing in all other cases or the individual's voter registration will
11 be canceled.

12 (4) The voter, in person or in writing, may state that the
13 information on the permanent voter registration record is correct or
14 may request a change in the address information on the permanent
15 registration record no later than the ninetieth day or forty-fifth day,
16 as appropriate, after the date of mailing the inquiry.

17 (5) Upon the timely receipt of a response signed by the voter, the
18 county auditor shall consider the inquiry satisfied and will make any
19 address corrections requested by the voter on the permanent
20 registration record. The county auditor shall cancel the registration
21 of a voter who fails to respond to the notice of inquiry within ninety
22 days after the date of mailing the notice in a case resulting from a
23 returned vote-by-mail ballot, or, in all other cases, within forty-five
24 days after the date of mailing.

25 (6) The county auditor shall notify any voter whose registration
26 has been canceled by sending, by first class mail, a written notice to
27 the address indicated on the voter's permanent registration record and
28 to any other address to which the original inquiry was sent. Upon
29 receipt of a satisfactory voter response, the auditor shall reinstate
30 the voter.

1 (7) A voter whose registration has been canceled under this section
2 and who offers to vote at the next ensuing election shall be issued a
3 questioned ballot. Upon receipt of such a questioned ballot the
4 auditor shall investigate the circumstances surrounding the original
5 cancellation. If he or she determines that the cancellation was in
6 error, the voter's registration shall be immediately reinstated, and
7 the voter's questioned ballot shall be counted. If the original
8 cancellation was not in error, the voter shall be afforded the
9 opportunity to reregister at his or her correct address, and the
10 voter's questioned ballot shall not be counted."

11 "NEW SECTION. Sec. 10. Section 5 of this act shall expire July
12 1, 1992."

13 "NEW SECTION. Sec. 11. Section 6 of this act shall take effect
14 July 1, 1992."

15 **SHB 1501** - H COMM AMD
16 By Committee on State Government

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18 On page 1, line 1 of the title, after "mail;" strike the remainder
19 of the title and insert "amending RCW 29.36.120, 29.36.122, 29.36.126,
20 29.36.130, 29.36.130, 29.36.139, 29.36.150, and 29.10.180; adding a new
21 section to chapter 29.36 RCW; providing an effective date; and
22 providing an expiration date."