
SENATE BILL 5817

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen and Vognild

Read first time 02/16/93. Referred to Committee on Government Operations.

1 AN ACT Relating to elections; amending RCW 29.07.095, 29.07.160,
2 29.10.020, 29.13.010, 29.13.020, 29.36.120, and 29.36.160; adding a new
3 section to chapter 29.10 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 29.07.095 and 1973 1st ex.s. c 21 s 6 are each amended
6 to read as follows:

7 Any person temporarily residing outside of the county of his or her
8 permanent residence, but within the state of Washington, may register
9 with the registration officer of the place where he or she is
10 temporarily residing in the usual manner as required in this chapter.
11 The registration officer administering the oath and receiving the
12 application and registration forms as provided in RCW 29.07.060 through
13 29.07.090 shall transmit the same to the county auditor of the county
14 where the applicant permanently resides for processing in the same
15 manner as though the applicant had personally applied directly to the
16 registration officer of his or her residence.

17 Notwithstanding the provisions of RCW 29.07.160 the registration
18 application shall be received and acted upon immediately by the
19 registration officer of the place of permanent residence of the

1 applicant if the application was received and oath administered by the
2 registration officer at the place of temporary residence not less than
3 ((~~thirty~~)) twenty days preceding the next election.

4 **Sec. 2.** RCW 29.07.160 and 1980 c 3 s 4 are each amended to read as
5 follows:

6 The registration files of all precincts shall be closed against
7 original registration or transfers for ((~~thirty~~)) twenty days
8 immediately preceding every election and primary to be held in such
9 precincts, respectively.

10 The county auditor shall give notice of the closing of said files
11 for original registration and transfer by one publication in a
12 newspaper of general circulation in the county at least five days
13 before such closing(~~(, except as provided for special elections in~~
14 ~~accordance with section 3 of this 1980 act)~~).

15 **Sec. 3.** RCW 29.10.020 and 1991 c 81 s 23 are each amended to read
16 as follows:

17 A registered voter who changes his or her residence from one
18 address to another within the same county shall, to maintain a valid
19 voter registration, transfer his or her registration to the new address
20 in one of the following ways: (1) Sending to the county auditor a
21 signed request stating the voter's present address and precinct and the
22 address and precinct from which the voter was last registered; (2)
23 appearing in person before the auditor and signing such a request in
24 the manner provided by section 4 of this act; (3) transferring the
25 registration in the manner provided by RCW 29.10.170; or (4)
26 telephoning the county auditor to transfer the registration. The
27 telephone call transferring a registration by telephone must be
28 received by the auditor before the precinct registration files are
29 closed to new registrations for the next primary or special or general
30 election in which the voter participates.

31 The secretary of state shall adopt rules facilitating the transfer
32 of a registration by telephone authorized by this section. The rules
33 shall include, but need not be limited to, those establishing the form
34 which must be signed by a voter subsequent to transferring a
35 registration by telephone.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 29.10 RCW
2 to read as follows:

3 (1) A person who is registered to vote in this state may transfer
4 his or her voter registration on or before the day of a special or
5 general election or primary by completing in person before the county
6 auditor a registration transfer form designed by the secretary of state
7 and supplied by the county auditor.

8 (2) A voter who transfers his or her registration in the manner
9 authorized by this section shall vote in the new precinct in which he
10 or she is now registered.

11 (3) The auditor shall, within ninety days, mail to each voter who
12 has transferred a registration under this section a notice of his or
13 her current precinct and polling place.

14 (4) The secretary of state shall develop a procedure for
15 notification to the new precinct by the county auditor of the transfer
16 of registration.

17 **Sec. 5.** RCW 29.13.010 and 1992 c 37 s 1 are each amended to read
18 as follows:

19 (1) All state, county, city, town, and district general elections
20 for the election of federal, state, legislative, judicial, county,
21 city, town, district, and precinct officers, and for the submission to
22 the voters of the state, county, city, town, or district of any measure
23 for their adoption and approval or rejection, shall be held on the
24 first Tuesday after the first Monday of November, in the year in which
25 they may be called. A state-wide general election shall be held on the
26 first Tuesday after the first Monday of November of each year:
27 PROVIDED, That the state-wide general election held in odd-numbered
28 years shall be limited to (a) city, town, and district general
29 elections as provided for in RCW 29.13.020, or as otherwise provided by
30 law; (b) the election of federal officers for the remainder of any
31 unexpired terms in the membership of either branch of the congress of
32 the United States; (c) the election of state and county officers for
33 the remainder of any unexpired terms of offices created by or whose
34 duties are described in Article II, section 15, Article III, sections
35 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the
36 state Constitution and RCW 2.06.080; (d) the election of county
37 officers in any county governed by a charter containing provisions
38 calling for general county elections at this time; and (e) the approval

1 or rejection of state measures, including proposed constitutional
2 amendments, matters pertaining to any proposed constitutional
3 convention, initiative measures and referendum measures proposed by the
4 electorate, referendum bills, and any other matter provided by the
5 legislature for submission to the electorate.

6 (2) A county legislative authority may, if it deems an emergency to
7 exist, call a special county election by presenting a resolution to the
8 county auditor at least forty-five days prior to the proposed election
9 date. Except as provided in subsection (4) of this section, a special
10 election called by the county legislative authority shall be held on
11 one of the following dates as decided by such governing body:

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

13 ~~(b) The second Tuesday in March;~~

14 ~~(c))~~ The first Tuesday after the first Monday in April;

15 ~~((d) The third Tuesday in May;~~

16 ~~(e))~~ (b) The day of the primary as specified by RCW 29.13.070; or

17 ~~((f))~~ (c) The first Tuesday after the first Monday in November.

18 (3) In addition to the dates set forth in subsection (2) (a)
19 through ~~((f))~~ (c) of this section, a special election to validate an
20 excess levy or bond issue may be called at any time to meet the needs
21 resulting from failure of a county to pass a special levy for the first
22 time or from fire, flood, earthquake, or other act of God. Such county
23 special election shall be noticed and conducted in the manner provided
24 by law.

25 (4) In a presidential election year, if a presidential preference
26 primary is conducted in ~~((February, March,))~~ April~~((, or May))~~ under
27 chapter 29.19 RCW, the date on which a special election may be called
28 by the county legislative authority under subsection (2) of this
29 section during ~~((the month of that primary))~~ April is the date of the
30 presidential primary.

31 (5) This section shall supersede the provisions of any and all
32 other statutes, whether general or special in nature, having different
33 dates for such city, town, and district elections, the purpose of this
34 section being to establish mandatory dates for holding elections except
35 for those elections held pursuant to a home-rule charter adopted under
36 Article XI, section 4 of the state Constitution. This section shall
37 not be construed as fixing the time for holding primary elections, or
38 elections for the recall of any elective public officer.

1 **Sec. 6.** RCW 29.13.020 and 1992 c 37 s 2 are each amended to read
2 as follows:

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

6 This section shall not apply to:

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

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

12 (c) Consolidation proposals as provided for in RCW 28A.315.280 and
13 nonhigh capital fund aid proposals as provided for in chapter 28A.540
14 RCW.

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

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

25 ~~(b) The second Tuesday in March;~~

26 ~~(c))~~ The first Tuesday after the first Monday in April;

27 ~~((d) The third Tuesday in May;~~

28 ~~(e))~~ (b) The day of the primary ~~((election))~~ as specified by RCW
29 29.13.070; or

30 ~~((f))~~ (c) The first Tuesday after the first Monday in November.

31 (3) In a presidential election year, if a presidential preference
32 primary is conducted in ~~((February, March,))~~ April~~((, or May))~~ under
33 chapter 29.19 RCW, the date on which a special election may be called
34 under subsection (2) of this section during ~~((the month of that~~
35 ~~primary))~~ April is the date of the presidential primary.

36 (4) In addition to subsection (2) (a) through ~~((f))~~ (c) of this
37 section, a special election to validate an excess levy or bond issue
38 may be called at any time to meet the needs resulting from failure of
39 a school or junior taxing district to pass a special levy or bond issue

1 for the first time or from fire, flood, earthquake, or other act of
2 God, except that no special election may be held between the first day
3 for candidates to file for public office and the last day to certify
4 the returns of the general election other than as provided in
5 subsection (2) (~~(e)~~) (b) and (~~(f)~~) (c) of this section. Such
6 special election shall be conducted and notice thereof given in the
7 manner provided by law.

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

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

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

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

1 In no instance shall any special election be conducted by mail
2 ballot in any precinct with more than one hundred registered voters if
3 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 registered voter
8 a mail ballot and an envelope, preaddressed to the issuing officer.

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

14 **Sec. 8.** RCW 29.36.160 and 1991 c 81 s 34 are each amended to read
15 as follows:

16 A person who willfully violates any provision of this chapter
17 regarding the assertion or declaration of qualifications to receive or
18 cast an absentee ballot, unlawfully casts a vote by absentee ballot, or
19 willfully violates any provision regarding the conduct of mail ballot
20 (~~special~~) primaries or elections under RCW 29.36.120 through
21 29.36.139 is guilty of a class C felony punishable under RCW 9A.20.021.
22 Except as provided in chapter 29.85 RCW a person who willfully violates
23 any other provision of this chapter is guilty of a misdemeanor.

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