
SUBSTITUTE SENATE BILL 5819

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen, Vognild and Quigley)

Read first time 01/19/94.

1 AN ACT Relating to voting by mail; amending RCW 29.36.120 and
2 29.36.160; and prescribing penalties.

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

4 **Sec. 1.** RCW 29.36.120 and 1993 c 417 s 1 are each amended to read
5 as follows:

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

1 ballot elections in that precinct so long as the voter remains
2 qualified to vote.

3 At any nonpartisan special election not being held in conjunction
4 with a state primary or general election, the county, city, town, or
5 district requesting the election pursuant to RCW 29.13.010 or 29.13.020
6 may also request that the election be conducted by mail ballot. The
7 county auditor may honor the request or may determine that the election
8 is not to be conducted by mail ballot. The decision of the county
9 auditor in this regard is final.

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

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

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

23 **Sec. 2.** RCW 29.36.160 and 1991 c 81 s 34 are each amended to read
24 as follows:

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

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