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**State Government & Tribal  
Affairs Committee**

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**HB 2833**

**Brief Description:** Adopting all mail voting.

**Sponsors:** Representatives Hunt, Appleton, Miloscia and Williams.

**Brief Summary of Bill**

- Requires counties with fewer than 500,000 active registered voters to conduct all elections entirely by mail effective immediately.
- Requires counties with more than 500,000 active registered voters to conduct all elections entirely by mail no later than January 1, 2009.
- Changes precinct sizes to not more than 2,000 active registered voters effective 2012.
- Allows the appointment of two precinct committee officers in precincts that have 1,000 or more active registered voters.

**Hearing Date:** 1/23/08

**Staff:** Marsha Reilly (786-7135).

**Background:**

As early as 1915 a voter was allowed to cast an absentee ballot if he or she was not able to be present to vote at the polls on election day. In 1933 voters with disabilities and voters over the age of 65 were authorized to vote an absentee ballot. By 1967 a county auditor could designate a mail ballot precinct if the precinct had less than 100 registered voters. By 1974 the Legislature expanded absentee voting to all voters who made a request, and by 1993 those voters could request to vote absentee on an on-going basis. In 2005 county auditors were allowed to conduct all elections entirely by mail ballot with the approval of the county legislative authority.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Currently 37 counties conduct elections entirely by mail. Pierce and King counties continue to offer poll-site voting.

### **Summary of Bill:**

#### Vote by Mail

All counties with fewer than 500,000 active registered voters must conduct all elections entirely by mail ballot effective immediately. Counties with more than 500,000 active registered voters must conduct all elections by mail ballot no later than January 2009. County auditors must notify each registered voter not receiving an absentee ballot on a regular basis that all future elections will be conducted by mail. The notification must include information on the locations of voting centers.

#### Definitions

"Ballot drop-off site" is defined as a site or sites designated by the county auditor in which a voter may deposit his or her ballot in a secure location device on or before election day. A "voting center" is defined as a facility or facilities designated by the county auditor that serves as a disability access voting location; issues provisional ballots; and serves as a ballot drop-off site.

#### Voting Centers

A registered voter may transfer his or her voter registration, execute a name change, or obtain a replacement ballot at a voting center. County auditors are required to designate at least one location as a voting center for purposes of disability access voting.

Procedural requirements formerly conducted at polling places are required at voting centers, as applicable. Voters must provide identification and sign an oath affirming his or her qualifications to vote. Requirements for handling ballots and provisional ballots is the same as for poll sites.

The county auditor is required to appoint three election officials for each voting center. The appointments must be made at least 20 days prior to a primary or election. The appointments of election officials for each voting center are the same as the requirements for appointing inspectors and judges of elections.

#### Precinct Size

Determinations of precinct size are changed from not more than 900 active registered poll voters to a maximum of 2000 active registered voters. However, this provision does not go into effect until 2012.

#### Publishing Requirements

The requirement for including an application for an absentee ballot in the voters' pamphlet is removed.

The number of days before an election in which the county auditor must publish notice of the election is changed from not more than "10" and not less than "three" to not more than "40" and not less than "20."

#### Precinct Committee Officers

A county central committee of a major political party may opt to designate two precinct committee officer positions in any precinct that has at least 1,000 active registered voters. It must notify the county auditor no later than March 31 of the even-numbered year, and the county

auditor must designate position numbers for the two precinct committee officer positions prior to accepting declarations of candidacy.

### Reconciliation Reports

Reconciliation reports prepared by county auditors no longer must include numbers relating to poll voters. A requirement is added to include in the report the total number of ballots received, in addition to the ballots issued, counted, and rejected.

### General Provisions and Changes

All references to polls, poll site voting, poll books, poll lists, precinct polling place, poll site ballot counting devices, absentee voting, precinct election officer, inspectors and judges of election are removed. Where applicable, references to "polling place" are changed to "voting center"; "absentee" ballot is changed to "mail" ballot; "poll workers" are changed to "election workers"; "precinct election officers" are changed to "election officers"; inspectors and judges of election are changed to "election officials."

### Recodified Statutes

The following statutes are recodified as sections in Chapter 29A.48 RCW, Voting by Mail:

- 29A.40.061, Issuance of ballot and other materials;
- 29A.40.070, Date ballots available, mailed;
- 29A.40.080, Delivery of ballot, qualification for;
- 29A.40.091, Envelopes and instructions;
- 29A.40.100, Observers;
- 29A.40.110, Processing incoming ballots;
- 29A.40.120, Report of count,
- 29A.40.140, Challenges; and
- 29A.40.150, Overseas, service voters.

RCW 29A.44.430, relating to precinct committee officer nomination, is recodified as a section in chapter 29A.80 RCW, Political Parties.

### Repealed Statutes

The following statutes are repealed:

#### *Chapter 29A.16, Precinct and Polling Place Determination and Accessibility*

- RCW 29A.16.020 Alternative polling places or procedures;
- RCW 29A.16.030 Costs for modifications Alternatives Election costs;
- RCW 29A.16.110 Polling place May be located outside precinct;
- RCW 29A.16.140 Inaccessible polling places Auditors' list;
- RCW 29A.16.150 Polling places Accessibility required, exceptions; and
- RCW 29A.16.170 County auditors Notice of accessibility;

#### *Chapter 29A.40, Absentee Voting*

- RCW 29A.40.010 When permitted;
- RCW 29A.40.020 Request for single ballot;
- RCW 29A.40.030 Request on behalf of family member;
- RCW 29A.40.040 Ongoing status Request Termination;
- RCW 29A.40.050 Special ballots; and
- RCW 29A.40.130 Record of requests Public access;

*Chapter 29A.44, Polling Place Elections and Poll Workers*

RCW 29A.44.020 List of who has and who has not voted;  
RCW 29A.44.080 Polls open continuously Announcement of closing;  
RCW 29A.44.110 Delivery of supplies;  
RCW 29A.44.120 Delivery of precinct lists to polls;  
RCW 29A.44.130 Additional supplies for paper ballots;  
RCW 29A.44.180 Opening the polls;  
RCW 29A.44.201 Issuing ballot to voter Challenge;  
RCW 29A.44.250 Tabulation of paper ballots before close of polls;  
RCW 29A.44.290 Return of precinct lists after election Public records;  
RCW 29A.44.310 Initialization;  
RCW 29A.44.320 Delivery and sealing;  
RCW 29A.44.330 Memory packs;  
RCW 29A.44.340 Incorrectly marked ballots;  
RCW 29A.44.350 Failure of device;  
RCW 29A.44.420 Appointment of clerks Party representation Hour to report;  
RCW 29A.44.450 One set of precinct election officers, exceptions Counting board Receiving board;  
RCW 29A.44.460 Duties Generally;  
RCW 29A.44.470 Application to other primaries or elections;  
RCW 29A.44.480 Inspector as chair Authority;  
RCW 29A.44.510 Oath of judges, form; and  
RCW 29A.44.520 Oath of clerks, form;

*Chapter 29A.48, Voting by Mail*

RCW 29A.48.020 Special elections; and  
RCW 29A.48.030 Odd-year primaries;

*Chapter 29A.60, Canvassing*

RCW 29A.60.060 Poll-site ballot counting devices Results; and  
RCW 29A.60.200 Canvassing board Canvassing procedure Penalty;

*Chapter 29A.84, Crimes and Penalties*

RCW 29A.84.540 Ballots Removing from polling place;  
RCW 29A.84.545 Paper record from electronic voting device Removing from polling place;  
and  
RCW 29A.84.680 Absentee ballot.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Section 76 of the Act pertaining to when counties must go vote by mail is effective immediately. Sections 1 through 75, 77 through 92, 94 through 97, and 99 through 112 of the act take effect July 1, 2009. Sections 93 and 98 of the Act take effect July 1, 2013. Sections 92 and 97 of the act expire July 1, 2013.