

1 **ESSB 6363** - H AMD TO SG COMM AMD (H5012.1)

2 By Representative McMorris

3 Strike everything after the enacting clause and insert the
4 following:

5 "PART I
6 ABSENTEE VOTING

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

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

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

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

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

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

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

30 (6) A person may request an absentee ballot for use by the person
31 as a registered voter and may request an absentee ballot on behalf of
32 any member of that person's immediate family who is a registered voter
33 for use by the family member. As a means of ensuring that a person who
34 requests an absentee ballot is requesting the ballot for only that
35 person or a member of the person's immediate family, the secretary of
36 state shall adopt rules prescribing the circumstances under which an
37 auditor: May require a person who requests an absentee ballot to
38 identify the date of birth of the voter for whom the ballot is

1 requested; and may deny a request which is not accompanied by this
2 information.))

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

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

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

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

32 (4) A request for an absentee ballot from a registered voter who
33 is within this state must be made directly to the auditor of the county
34 in which the voter is registered. An absentee ballot request from a
35 registered voter who is temporarily outside this state or from an out-
36 of-state voter, overseas voter, or service voter may be made either to
37 the appropriate county auditor or to the secretary of state, who shall

1 promptly forward the request to the appropriate county auditor. No
2 person, organization, or association may distribute absentee ballot
3 applications within this state that contain a return address other than
4 that of the appropriate county auditor.

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

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

17 **Sec. 4.** RCW 29.36.013 and 1999 c 298 s 12 are each amended to
18 read as follows:

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

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

- 29 (1) The written request of the voter;
30 (2) The death or disqualification of the voter;
31 (3) The cancellation of the voter's registration record;
32 (4) The return of an ongoing absentee ballot as undeliverable; or
33 (5) Upon placing a voter on inactive status under RCW 29.10.071.

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

1 SPECIAL ABSENTEE BALLOT. (1) As provided in this section, county
2 auditors shall provide special absentee ballots to be used for state
3 primary or state general elections. An auditor shall provide a special
4 absentee ballot (~~((shall))~~) only (~~((be provided))~~) to a registered voter
5 who completes an application stating that(~~(:~~

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

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

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

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

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

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

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

36 ISSUANCE OF ABSENTEE BALLOT. (1) The county auditor shall issue
37 an absentee ballot for the primary or election for which it was

1 requested, or for the next occurring primary or election when ongoing
2 absentee status has been requested if the information contained in a
3 request for an absentee ballot or ongoing absentee status received by
4 the county auditor is complete and correct and the applicant is
5 qualified to vote under federal or state law((, the county auditor
6 shall issue an absentee ballot for the primary or election for which
7 the absentee ballot was requested)). Otherwise, the county auditor
8 shall notify the applicant of the reason or reasons why the request
9 cannot be accepted. Whenever two or more candidates have filed for the
10 position of precinct committee officer for the same party in the same
11 precinct at a general election held in an even-numbered year, the
12 contest for that position must be presented to absentee voters from
13 that precinct by either including the contest on the regular absentee
14 ballot or a separate absentee ballot. The ballot must provide space
15 designated for writing in the name of additional candidates.

16 ~~((At each general election in an even-numbered year, each absentee~~
17 ~~voter shall also be given a separate ballot containing the names of the~~
18 ~~candidates that have filed for the office of precinct committee officer~~
19 ~~unless fewer than two candidates have filed for the same political~~
20 ~~party in the absentee voter's precinct. The ballot shall provide space~~
21 ~~for writing in the name of additional candidates.~~

22 ~~When mailing an absentee ballot to a registered voter temporarily~~
23 ~~outside the state or to an out-of-state voter, overseas voter, or~~
24 ~~service voter, the county auditor shall send a)) (2) The county auditor~~
25 may issue replacement absentee ballots to a registered voter who both:
26 (a) Requested an absentee ballot before election or primary day or is
27 an ongoing absentee voter; and (b) did not receive the regular absentee
28 ballot or whose regular absentee ballot was damaged, lost, or
29 destroyed. A registered voter may request a replacement absentee
30 ballot in person, by mail, by telephone, or by other electronic
31 transmission for himself or herself and for any member of his or her
32 immediate family. The request must be received by the county auditor
33 before 8:00 p.m. on election or primary day. The county auditor shall
34 maintain a record of each replacement absentee ballot issued, including
35 the date of the request. A replacement absentee ballot may be counted
36 in the final tabulation of ballots only if the original absentee ballot
37 is not received by the county auditor and the replacement absentee

1 ballot meets all requirements for tabulation necessary for the
2 tabulation of regular absentee ballots.

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

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

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

15 (1) Only the registered voter~~((, himself))~~ personally, or a member
16 of ~~((his))~~ the registered voter's immediate family may pick up an
17 absentee ballot for the voter at the office of the issuing officer
18 unless the voter is ~~((hospitalized))~~ a resident of a health care
19 facility, as defined by RCW 70.37.020(3), on election day and applies
20 by messenger ~~((in accordance with RCW 29.36.010))~~ for an absentee
21 ballot ~~((on the day of the primary or election))~~. In this latter case,
22 the messenger may pick up the ~~((hospitalized))~~ voter's absentee ballot.

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

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

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

31 ENVELOPES AND INSTRUCTIONS. The county auditor shall send each
32 absentee voter a ballot, a security envelope in which to seal the
33 ballot after voting, a larger envelope in which to return the security
34 envelope, and instructions on how to mark the ballot and how to return
35 it to the county auditor. The larger return envelope ~~((shall))~~ must
36 contain a declaration by the absentee voter reciting his or her

1 qualifications and stating that he or she has not voted in any other
 2 jurisdiction at this election, together with a summary of the penalties
 3 for any violation of any of the provisions of this chapter. The return
 4 envelope (~~(shall)~~) must provide space for the voter to indicate the
 5 date on which the ballot was voted and for the voter to sign the oath.
 6 A summary of the applicable penalty provisions of this chapter
 7 (~~(shall)~~) must be printed on the return envelope immediately adjacent
 8 to the space for the voter's signature. The signature of the voter on
 9 the return envelope (~~(shall)~~) must affirm and attest to the statements
 10 regarding the qualifications of that voter and to the validity of the
 11 ballot. For out-of-state voters, overseas voters, and service voters,
 12 the signed declaration on the return envelope constitutes the
 13 equivalent of a voter registration for the election or primary for
 14 which the ballot has been issued. The voter (~~(shall)~~) must be
 15 instructed to either return the ballot to the county auditor by whom it
 16 was issued or attach sufficient first class postage, if applicable, and
 17 mail the ballot to the appropriate county auditor no later than the day
 18 of the election or primary for which the ballot was issued.

19 If the county auditor chooses to forward absentee ballots, he or
 20 she must include with the ballot a clear explanation of the
 21 qualifications necessary to vote in that election and must also advise
 22 a voter with questions about his or her eligibility to contact the
 23 county auditor. This explanation may be provided on the ballot
 24 envelope, on an enclosed insert, or printed directly on the ballot
 25 itself. If the information is not included, the envelope must clearly
 26 indicate that the ballot is not to be forwarded and that return postage
 27 is guaranteed.

28 NEW SECTION. Sec. 9. A new section is added to chapter 29.36 RCW
 29 to read as follows:

30 RULES--OBSERVERS. (1) Ballots must be processed in the manner
 31 provided by administrative rule adopted by the secretary of state.

32 (2) County auditors must request that observers be appointed by
 33 the major political parties and be present during the processing of
 34 absentee ballots.

35 Sec. 10. RCW 29.36.060 and 1991 c 81 s 32 are each amended to
 36 read as follows:

1 PROCESSING ABSENTEE BALLOTS. (1) 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)~~) before the primary or
4 election. The opening of the security envelopes and tabulation of
5 absentee ballots (~~(shall)~~) must not commence until after 8:00
6 (~~(o'clock)~~) p.m. on the day of the primary or election.

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

15 (3) Before opening a return envelope that contains the security
16 envelope and absentee ballot, the canvassing board, or its designated
17 representatives, shall examine the postmark, statement, and signature
18 (on each return envelope containing the security envelope and absentee
19 ballot)). They shall verify that the voter's signature on the return
20 envelope is the same as the signature of that voter in the registration
21 files (for that voter) of the county. For (absentee) registered
22 voters (other than out-of-state voters, overseas voters, and service
23 voters, if the postmark is illegible) casting absentee ballots, the
24 date on the return envelope to which the voter (attests shall) has
25 attested determines the validity, as to the time of voting(, of) for
26 that absentee ballot (under this chapter) if the postmark is missing
27 or is 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 **Sec. 11.** RCW 29.36.070 and 1990 c 262 s 2 are each amended to
36 read as follows:

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

6 These returns (~~shall~~) must be added to the total of the votes
7 cast at the polling places.

8 **Sec. 12.** RCW 29.36.075 and 1988 c 181 s 3 are each amended to
9 read as follows:

10 CREDIT FOR VOTING. (~~In counties that do not tabulate absentee~~
11 ~~ballots on electronic vote tallying systems, canvassing boards may not~~
12 ~~tabulate or record votes cast by absentee ballots on any uncontested~~
13 ~~office except write in votes for candidates for the office of precinct~~
14 ~~committeeperson who have filed valid declarations of candidacy under~~
15 ~~RCW 29.04.180. "Uncontested office" means an office where only one~~
16 ~~candidate has filed a valid declaration of candidacy either during the~~
17 ~~regular filing period or as a write in candidate under RCW 29.04.180.)~~)

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

22 **Sec. 13.** RCW 29.36.097 and 1991 c 81 s 33 are each amended to
23 read as follows:

24 ABSENTEE BALLOT RECORDS. Each county auditor shall maintain in
25 his or her office, open for public inspection and copying, a record of
26 the requests he or she has received for absentee ballots (~~under this~~
27 ~~chapter~~) and a listing of all ongoing absentee voters.

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

32 This information about absentee voters (~~shall~~) requesting
33 ballots will be available according to the date of the requests and by
34 legislative district. It (~~shall~~) must include the name of each
35 applicant, the address and precinct in which the voter maintains a
36 voting residence, the date on which an absentee ballot was issued to

1 this voter, if applicable, the type of absentee ballot, and the address
2 to which the ballot was or is to be mailed, if applicable.

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

6 **Sec. 14.** RCW 29.36.100 and 1987 c 346 s 18 are each amended to
7 read as follows:

8 CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee
9 voter may be challenged at the time the signature on the return
10 envelope is verified and the ballot is processed by the canvassing
11 board. The board has the authority to determine the legality of any
12 absentee ballot challenged under this section. Challenged ballots must
13 be handled in accordance with chapter 29.10 RCW.

14 **Sec. 15.** RCW 29.36.150 and 1993 c 417 s 7 are each amended to
15 read as follows:

16 OVERSEAS AND SERVICE VOTERS. (~~The secretary of state shall adopt~~
17 ~~rules to:~~

18 ~~(1) Establish standards and procedures to prevent fraud and to~~
19 ~~facilitate the accurate processing and canvassing of absentee ballots~~
20 ~~and mail ballots;~~

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

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

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

27 The secretary of state shall produce and furnish envelopes and
28 instructions for out-of-state voters, overseas voters, and service
29 voters to the county auditors.

30 **Sec. 16.** RCW 29.36.160 and 1994 c 269 s 2 are each amended to
31 read as follows:

32 PENALTY. A person who willfully violates any provision of this
33 chapter regarding the assertion or declaration of qualifications to
34 receive or cast an absentee ballot(~~(7)~~) or unlawfully casts a vote by
35 absentee ballot(~~(7~~ ~~or willfully violates any provision regarding the~~

1 ~~conduct of mail ballot primaries or elections under RCW 29.36.120~~
2 ~~through 29.36.139))~~ is guilty of a class C felony punishable under RCW
3 9A.20.021. Except as provided in chapter 29.85 RCW a person who
4 willfully violates any other provision of this chapter is guilty of a
5 misdemeanor.

6 **PART II**
7 **MAIL BALLOTS**

8 **Sec. 17.** RCW 29.36.120 and 1994 c 269 s 1 and 1994 c 57 s 48 are
9 each reenacted and amended to read as follows:

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

34 (~~At any nonpartisan special election not being held in~~
35 ~~conjunction with a state primary or general election, the county, city,~~
36 ~~town, or district requesting the election pursuant to RCW 29.13.010 or~~

1 ~~29.13.020 may also request that the election be conducted by mail~~
2 ~~ballot. The county auditor may honor the request or may determine that~~
3 ~~the election is not to be conducted by mail ballot. The decision of~~
4 ~~the county auditor in this regard is final.~~

5 ~~In no instance shall any special election be conducted by mail~~
6 ~~ballot in any precinct with two hundred or more active registered~~
7 ~~voters if candidates for partisan office are to be voted 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 active registered~~
12 ~~voter a mail ballot and an envelope, preaddressed to the issuing~~
13 ~~officer.)) As soon as ballots are available, the county auditor shall~~
14 ~~mail or deliver a ballot and an envelope, preaddressed to the issuing~~
15 ~~officer, to each active registered voter. The auditor shall send each~~
16 ~~inactive voter either a ballot or an application to receive a ballot.~~
17 ~~The auditor shall determine which of the two is to be sent. If the~~
18 ~~inactive voter returns a voted ballot, the ballot shall be counted and~~
19 ~~the voter's status restored to active. If the inactive voter completes~~
20 ~~and returns an application, a ballot shall be sent and the voter's~~
21 ~~status restored to active.~~

22 ~~((2) For a two year period beginning on June 9, 1994, and ending~~
23 ~~two years after June 9, 1994, the county auditor may conduct the voting~~
24 ~~in any precinct by mail for any primary or election, partisan or~~
25 ~~nonpartisan, using the procedures set forth in RCW 29.36.120 through~~
26 ~~29.36.139.))~~

27 ~~If the precinct exceeds two hundred registered voters, or the~~
28 ~~auditor determines to return to a polling place election environment,~~
29 ~~the auditor shall notify each registered voter, by mail, of this and~~
30 ~~shall provide the address of the polling place to be used.~~

31 **Sec. 18.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to
32 read as follows:

33 MAIL BALLOT SPECIAL ELECTIONS. ~~((1))~~ At any nonpartisan special
34 election not being held in conjunction with a state primary or general
35 election, the county, city, town, or district requesting the election
36 pursuant to RCW 29.13.010 or 29.13.020 may also request that the
37 special election be conducted by mail ballot. The county auditor may

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

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

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

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

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

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

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

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

33 NEW SECTION. Sec. 19. ODD-YEAR PRIMARIES BY MAIL. In an odd-
34 numbered year, the county auditor may conduct a primary or a special
35 election by mail ballot concurrently with the primary:

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

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

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

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

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

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

18 **Sec. 20.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to
19 read as follows:

20 RETURN OF VOTED BALLOT BY VOTER. (~~Upon receipt of the mail~~
21 ~~ballot, the voter shall mark it, sign the return identification~~
22 ~~envelope supplied with the ballot, and comply with the instructions~~
23 ~~provided with the ballot. The voter may return the marked ballot to~~
24 ~~the county auditor. The ballot must be returned)) A mail ballot must
25 be returned by mail in the same manner as an absentee ballot or placed
26 in the return identification envelope(~~(. If mailed, a ballot must be~~
27 ~~postmarked not later than the date of the election. Otherwise, the~~
28 ~~ballot must be)) and deposited at the office of the county auditor or
29 the designated place of deposit not later than 8:00 p.m. on the date of
30 the primary or election.~~~~

31 **Sec. 21.** RCW 29.36.130 and 1993 c 417 s 5 are each amended to
32 read as follows:

33 BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW
34 29.36.120 or 29.36.121 (~~shall~~) (as recodified by this act) or section
35 19 of this act must contain the same offices, names of nominees or
36 candidates, and propositions to be voted upon, including precinct

1 offices, as if the ballot had been voted in person at the polling
 2 place. Except as otherwise provided (~~((in this chapter))~~) by law, mail
 3 ballots (~~((shall))~~) must be (~~((issued and canvassed))~~) treated in the same
 4 manner as absentee ballots issued (~~((pursuant to))~~) at the request of the
 5 voter. (~~((The county canvassing board, at the request of the county~~
 6 ~~auditor, may direct that mail ballots be counted on the day of the~~
 7 ~~election. If such count is made, it must be done in secrecy in the~~
 8 ~~presence of the canvassing board or their authorized representatives~~
 9 ~~and the results not revealed to any unauthorized person until 8:00 p.m.~~
 10 ~~or later if the auditor so directs.))~~) If electronic vote tallying
 11 devices are used, political party observers (~~((shall be afforded))~~) must
 12 be given the opportunity to be present, and a test of the equipment
 13 must be performed as required by RCW 29.33.350 (~~((prior to the count~~
 14 ~~of))~~) before tabulating ballots. Political party observers may select
 15 at random ballots to be counted manually as provided by RCW 29.54.025.
 16 Any violation of the secrecy of (~~((such))~~) the count (~~((shall be))~~) is
 17 subject to the same penalties as provided for in RCW 29.85.225.

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

22 **PART III**
 23 **MISCELLANEOUS**

24 **Sec. 23.** RCW 29.04.055 and 1986 c 167 s 3 are each amended to
 25 read as follows:

26 COMBINING OR DIVIDING PRECINCTS, ELECTION BOARDS. At any
 27 (~~((election, general or))~~) special election(~~((,))~~) or (~~((at any))~~) primary,
 28 the county auditor may combine, unite, or divide precincts and may
 29 combine or unite election boards for the purpose of holding such
 30 election. At any general election, the county auditor may combine or
 31 unite election boards for the purpose of holding such election, but
 32 shall report all election returns by individual precinct.

33 **Sec. 24.** RCW 29.62.090 and 1999 c 298 s 21 are each amended to
 34 read as follows:

1 ABSTRACT BY ELECTION OFFICER--TRANSMITTAL TO SECRETARY OF STATE.

2 (1) Immediately after the official results of a state primary or
3 general election in a county are ascertained, the county auditor or
4 other election officer shall make an abstract of the number of
5 registered voters in each precinct and of all the votes cast in the
6 county at such state primary or general election for and against each
7 state measure((s)) and for each candidate or nominee for federal,
8 state, and legislative office ((or)), and for any other office which
9 the secretary of state is required by law to canvass. The abstract
10 shall be entered on blanks furnished by the secretary of state or on
11 compatible computer printouts approved by the secretary of state, and
12 transmitted to the secretary of state no later than the next business
13 day following the certification by the county canvassing board.

14 ~~(2) ((After each general election, the county auditor or other~~
15 ~~election officer shall provide to the secretary of state a report of~~
16 ~~the number of absentee ballots cast in each precinct for and against~~
17 ~~state measures and for each candidate for federal, state, and~~
18 ~~legislative office or for any other office which the secretary of state~~
19 ~~is required by law to canvass. The report may be included in the~~
20 ~~abstract required by this section or may be transmitted to the~~
21 ~~secretary of state separately, but in no event later than March 31 of~~
22 ~~the year following the election.))~~ Absentee ballot results may be
23 incorporated into votes cast at the polls for each precinct or may be
24 reported separately on a precinct-by-precinct basis.

25 ((+3)) If absentee ballot results are not incorporated into votes
26 cast at the polls, the county auditor or other election official may
27 aggregate results from more than one precinct if the auditor, pursuant
28 to rules adopted by the secretary of state, finds that reporting a
29 single precinct's absentee ballot results would jeopardize the secrecy
30 of a person's ballot. To the extent practicable, precincts for which
31 absentee results are aggregated shall be contiguous.

32 **PART IV**
33 **TECHNICAL**

34 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
35 each repealed:

1 (1) RCW 29.36.122 (Special election by mail--Sending ballots to
2 voters) and 1994 c 57 s 50, 1993 c 417 s 3, & 1983 1st ex.s. c 71 s 2;
3 and

4 (2) RCW 29.36.139 (Mail ballots--Counting requirements--Challenge)
5 and 1993 c 417 s 6 & 1983 1st ex.s. c 71 s 6.

6 NEW SECTION. **Sec. 26.** (1) RCW 29.36.010, 29.36.013, 29.36.170,
7 29.36.030, 29.36.035, 29.36.045, 29.36.060, 29.36.070, 29.36.075,
8 29.36.097, 29.36.100, 29.36.150, and 29.36.160 are each recodified
9 within chapter 29.36 RCW, in the order shown in this act, along with
10 sections 2, 3, and 9 of this act.

11 (2) RCW 29.36.120, 29.36.121, 29.36.124, 29.36.126, and 29.36.130
12 are each recodified, and, along with sections 19 and 23 of this act,
13 constitute a new chapter in Title 29 RCW.

14 (3) RCW 29.36.050 is recodified as a new section in chapter 29.51
15 RCW.

16 NEW SECTION. **Sec. 27.** Section captions and part headings used in
17 this act are not part of the law."

18 --- END ---