

2 **HB 1644** - S COMM AMD

3 By Committee on Government Operations

4 ADOPTED W/000832 - 4/15/93

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  
29 county auditor may honor the request or may determine that the election  
30 is not to be conducted by mail ballot. The decision of the county  
31 auditor in this regard is final.~~

32 ~~In no instance shall any special election be conducted by mail  
33 ballot in any precinct with more than one hundred registered voters if  
34 candidates for partisan office are to be voted upon.))~~

35 For all special elections not being held in conjunction with a  
36 state primary or state general election where voting is conducted by

1 mail ballot, the county auditor shall, not less than fifteen days prior  
2 to the date of such election, mail or deliver to each registered voter  
3 a mail ballot and an envelope, preaddressed to the issuing officer.

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

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

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

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

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

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

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

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

31 (3) For all special elections not being held in conjunction with a  
32 state primary or state general election where voting is conducted by  
33 mail ballot, the county auditor shall, not less than fifteen days  
34 before the date of such election, mail or deliver to each registered  
35 voter a mail ballot and an envelope, preaddressed to the issuing  
36 officer. The county auditor shall notify an election jurisdiction for  
37 which a primary is to be held that the primary will be conducted by  
38 mail ballot.

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

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

7 For any special election conducted by mail, the county auditor  
8 shall send a mail ballot with a return identification envelope to each  
9 registered voter of the district in which the special election is being  
10 conducted not sooner than the twenty-fifth day before the date of the  
11 election and not later than the fifteenth day before the date of the  
12 election. The envelope in which the ballot is mailed (~~shall be~~  
13 ~~clearly marked "Do Not Forward — Return to Sender — Return Postage~~  
14 ~~Guaranteed."~~) must clearly indicate that the ballot is not to be  
15 forwarded and is to be returned to the sender with return postage  
16 guaranteed.

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

19 Upon receipt of the mail ballot, the voter shall mark it, sign the  
20 return identification envelope supplied with the ballot, and comply  
21 with the instructions provided with the ballot. The voter may return  
22 the marked ballot to the county auditor (~~by United States mail or to~~  
23 ~~any other place of deposit designated by the county auditor)).~~ The  
24 ballot must be returned in the return identification envelope. If  
25 mailed, a ballot must be postmarked not later than the date of the  
26 election. Otherwise, the ballot must be deposited at the office of the  
27 county auditor or the designated place of deposit not later than 8:00  
28 p.m. on the date of the election.

29 **Sec. 5.** RCW 29.36.130 and 1990 c 59 s 76 are each amended to read  
30 as follows:

31 All mail ballots authorized by RCW 29.36.120 or section 2 of this  
32 act shall contain the same offices, names of candidates, and  
33 propositions to be voted upon, including precinct offices, as if the  
34 ballot had been voted in person at the polling place. Except as  
35 otherwise provided in (~~RCW 29.36.120 and 29.36.122 through 29.36.126~~  
36 ~~and 29.36.139, such)) this chapter, mail ballots shall be issued and~~

1 canvassed in the same manner as absentee ballots issued pursuant to the  
2 request of the voter. The county canvassing board, at the request of  
3 the county auditor, may direct that mail ballots be counted on the day  
4 of the election. If such count is made, it must be done in secrecy in  
5 the presence of ~~((at least three election officials))~~ the canvassing  
6 board or their authorized representatives and the results not revealed  
7 to any unauthorized person until ~~((the polls have closed))~~ 8:00 p.m. or  
8 later if the auditor so directs. If electronic vote tallying devices  
9 are used, political party observers shall be afforded the opportunity  
10 to be present, and a test of the equipment must be performed as  
11 required by RCW 29.33.350 prior to the count of ballots. Political  
12 party observers ~~((shall be allowed to count by hand ballots from up to~~  
13 ~~ten precincts selected by the observers))~~ may select at random ballots  
14 to be counted manually as provided by RCW 29.54.025. Any violation of  
15 the secrecy of such count shall be subject to the same penalties as  
16 provided for in RCW 29.85.225.

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

19 (1) A mail ballot shall be counted only if it is returned in the  
20 return identification envelope, if the envelope is signed by the  
21 registered voter to whom the ballot is issued, and if the signature is  
22 verified as provided in this subsection. The county auditor shall  
23 verify the signature of each voter on the return identification  
24 envelope with the signature on the voter's registration record. ~~((If~~  
25 ~~the county auditor determines that a registered voter to whom a~~  
26 ~~replacement ballot has been issued has voted more than once, the county~~  
27 ~~auditor shall not count any ballot cast by that voter. The county~~  
28 ~~auditor must notify both the county prosecuting attorney and the state~~  
29 ~~attorney general of every instance in which a voter has voted more than~~  
30 ~~once.))~~ A person who votes or attempts to vote more than once in a  
31 mail ballot election is subject to the penalties provided in chapter  
32 29.85 RCW.

33 (2) Any mail ballot may be challenged in the same manner as an  
34 absentee ballot.

35 **Sec. 7.** RCW 29.36.150 and 1987 c 346 s 19 are each amended to read  
36 as follows:

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

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

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

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

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

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

15 **Sec. 8.** RCW 29.10.180 and 1991 c 363 s 31 are each amended to read  
16 as follows:

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

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

30 (3) The county auditor shall initiate his or her inquiry by  
31 sending, by first-class mail, a written notice to the challenged voter  
32 at the address indicated on the voter's permanent registration record  
33 and to any other address at which the county auditor could reasonably  
34 expect mail to be received by the voter. The county auditor shall not  
35 request any restriction on the forwarding of such notice by the postal  
36 service. The notice shall contain the nature of the inquiry and  
37 provide a suitable form for reply. The notice shall also contain a  
38 warning that the county auditor must receive a response within ninety

1 days from the date of mailing the notice of inquiry in a case resulting  
2 from a returned vote-by-mail ballot or forty-five days from the date of  
3 mailing in all other cases or the individual's voter registration will  
4 be canceled.

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

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

18 (6) The county auditor shall notify any voter whose registration  
19 has been canceled by sending, by first class mail, a written notice to  
20 the address indicated on the voter's permanent registration record and  
21 to any other address to which the original inquiry was sent. Upon  
22 receipt of a satisfactory voter response, the auditor shall reinstate  
23 the voter.

24 (7) A voter whose registration has been canceled under this section  
25 and who offers to vote at the next ensuing election shall be issued a  
26 questioned ballot. Upon receipt of such a questioned ballot the  
27 auditor shall investigate the circumstances surrounding the original  
28 cancellation. If he or she determines that the cancellation was in  
29 error, the voter's registration shall be immediately reinstated, and  
30 the voter's questioned ballot shall be counted. If the original  
31 cancellation was not in error, the voter shall be afforded the  
32 opportunity to reregister at his or her correct address, and the  
33 voter's questioned ballot shall not be counted."

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4 On page 1, line 1 of the title, after "mail;" strike the remainder  
5 of the title and insert "amending RCW 29.36.120, 29.36.122, 29.36.126,  
6 29.36.130, 29.36.139, 29.36.150, and 29.10.180; adding a new section to  
7 chapter 29.36 RCW; and prescribing penalties."

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