

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5819**

53rd Legislature  
1994 Regular Session

Passed by the Senate February 8, 1994  
YEAS 34 NAYS 13

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**President of the Senate**

Passed by the House March 2, 1994  
YEAS 93 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5819** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5819**

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Passed Legislature - 1994 Regular Session

**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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