

2 **SSB 5640** - H COMM AMD **ADOPTED 04/13/99**  
3 By Committee on State Government

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** A task force to study and make  
8 recommendations regarding the date for primary elections as provided in  
9 this act is established.

10 NEW SECTION. **Sec. 2.** The legislature finds that:

11 (1) The current statute relating to the timing of the primary  
12 election may not allow adequate time for absentee voters, especially  
13 military personnel living overseas, to review the candidates and issues  
14 appearing on the general election ballot before casting their votes;

15 (2) The proliferation of permanent absentee voters presents  
16 increasing difficulties for county auditors to canvass ballots in a  
17 timely way, which in turn may adversely affect the general election  
18 campaign of a candidate involved in a close primary race; and

19 (3) A delay in counting votes and processing ballots negatively  
20 impacts the public's right to timely election results and thus harms  
21 our electoral process.

22 Therefore, the mission of the task force includes, but is not  
23 limited to, a review of issues relating to the timing of the primary  
24 election, the canvassing of ballots, and the certification of election  
25 results. The task force shall consider alternates to the current  
26 statutes that relate to these issues, and shall provide recommendations  
27 accordingly.

28 NEW SECTION. **Sec. 3.** The task force membership consists of the  
29 following thirteen members:

30 (1) Three citizen members from across the state, appointed jointly  
31 by the secretary of state, the president of the senate, and the co-  
32 speakers of the house of representatives;

33 (2) Two members of the senate, one from each of the largest two  
34 caucuses, appointed by the president of the senate, and two members of

1 the house of representatives, one from each of the largest two  
2 caucuses, appointed by the co-speakers of the house of representatives;

3 (3) The secretary of state or the secretary's designee;

4 (4) Three county elections officials designated by the Association  
5 of County Officials; and

6 (5) A representative of each major political party in the state,  
7 appointed by the chair of the state central committee for the party.

8 NEW SECTION. **Sec. 4.** The task force shall report its  
9 recommendations to the governor, the secretary of state, and the  
10 appropriate standing committees of the senate and house of  
11 representatives no later than December 1, 1999. The task force  
12 terminates on December 31, 1999.

13 **Sec. 5.** RCW 29.62.020 and 1995 c 139 s 2 are each amended to read  
14 as follows:

15 (1) (~~No later than the tenth day after a special election or~~  
16 ~~primary and no later than the fifteenth day after a general election,~~  
17 ~~the county auditor shall convene the county canvassing board to process~~  
18 ~~the absentee ballots and canvass the votes cast at that primary or~~  
19 ~~election.)) At least every third day after a special election, primary,  
20 or general election and before certification of the election results,  
21 excepting Sundays and legal holidays, the county auditor shall convene  
22 the county canvassing board to process absentee ballots and canvass the  
23 votes cast at that special election, primary, or general election.  
24 Each time the canvassing board is convened before its final canvass of  
25 ballots, the canvassing board shall process all but fifty absentee  
26 ballots in the possession of the county auditor that have not been  
27 processed and were either received by the auditor on or before the day  
28 before the close of the polls on the day of the election or primary for  
29 which they were issued or that bear a date of mailing on or before the  
30 election or primary for which they are issued. The tabulation of votes  
31 that results from that day's canvass must be made available to the  
32 general public immediately upon completion of the canvass.~~

33 (2) On the tenth day after a special election or a primary and on  
34 the fifteenth day after a general election, the canvassing board shall  
35 complete the canvass and certify the results. Each absentee ballot  
36 that was returned before the closing of the polls on the date of the  
37 primary or election for which it was issued, and each absentee ballot

1 with a date of mailing on or before the date of the primary or election  
2 for which it was issued and received on or before the date on which the  
3 primary or election is certified, shall be included in the canvass  
4 report.

5 ~~((2))~~ (3) At the request of any caucus of the state legislature,  
6 the county auditor shall transmit copies of all unofficial returns of  
7 state and legislative primaries or elections prepared by or for the  
8 county canvassing board to either the secretary of the senate or the  
9 chief clerk of the house.

10 **PART I**  
11 **ABSENTEE VOTING**

12 **Sec. 6.** RCW 29.36.010 and 1991 c 81 s 29 are each amended to read  
13 as follows:

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

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

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

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

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

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

29       (6) A person may request an absentee ballot for use by the person  
30 as a registered voter and may request an absentee ballot on behalf of  
31 any member of that person's immediate family who is a registered voter  
32 for use by the family member. As a means of ensuring that a person who  
33 requests an absentee ballot is requesting the ballot for only that  
34 person or a member of the person's immediate family, the secretary of  
35 state shall adopt rules prescribing the circumstances under which an  
36 auditor: May require a person who requests an absentee ballot to  
37 identify the date of birth of the voter for whom the ballot is  
38 requested; and may deny a request which is not accompanied by this  
39 information.))

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 29.36 RCW  
2 to read as follows:

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

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

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

30        (4) A request for an absentee ballot from a registered voter who is  
31 within this state must be made directly to the auditor of the county in  
32 which the voter is registered. An absentee ballot request from a  
33 registered voter who is temporarily outside this state or from an out-  
34 of-state voter, overseas voter, or service voter may be made either to  
35 the appropriate county auditor or to the secretary of state, who shall  
36 promptly forward the request to the appropriate county auditor. No  
37 person, organization, or association may distribute absentee ballot  
38 applications within this state that contain a return address other than  
39 that of the appropriate county auditor.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 29.36 RCW  
2 to read as follows:

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

13        **Sec. 9.**    RCW 29.36.013 and 1993 c 418 s 1 are each amended to read  
14 as follows:

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

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

- 25        (1) The written request of the voter;  
26        (2) The death or disqualification of the voter;  
27        (3) The cancellation of the voter's registration record; ~~((or))~~  
28        (4) The return of an ongoing absentee ballot as undeliverable; or  
29        (5) A voter being placed on inactive status.

30        **Sec. 10.**    RCW 29.36.170 and 1991 c 81 s 35 are each amended to read  
31 as follows:

32        SPECIAL ABSENTEE BALLOT.    (1) As provided in this section, county  
33 auditors shall provide special absentee ballots to be used for state  
34 primary or state general elections.    An auditor shall provide a special  
35 absentee ballot ~~((shall))~~ only ~~((be provided))~~ to a registered voter  
36 who completes an application stating that(÷

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

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

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

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

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

23       (4) A voter who requests a special absentee ballot under this  
24 section may also request an absentee ballot under (~~RCW 29.36.010~~)  
25 section 7(4) of this act. If the regular absentee ballot is properly  
26 voted and returned, the special absentee ballot (~~shall be deemed~~) is  
27 void, and the county auditor shall reject it in whole when special  
28 absentee ballots are canvassed.

29       **Sec. 11.** RCW 29.36.030 and 1991 c 81 s 31 are each amended to read  
30 as follows:

31       ISSUANCE OF ABSENTEE BALLOT. (1) The county auditor shall issue an  
32 absentee ballot for the primary or election for which it was requested,  
33 or for the next occurring primary or election when ongoing absentee  
34 status has been requested if the information contained in a request for  
35 an absentee ballot or ongoing absentee status received by the county  
36 auditor is complete and correct and the applicant is qualified to vote  
37 under federal or state law(~~, the county auditor shall issue an~~  
38 ~~absentee ballot for the primary or election for which the absentee~~

1 ~~ballot was requested~~). Otherwise, the county auditor shall notify the  
2 applicant of the reason or reasons why the request cannot be accepted.  
3 Whenever two or more candidates have filed for the position of precinct  
4 committee officer for the same party in the same precinct at a general  
5 election held in an even-numbered year, the contest for that position  
6 must be presented to absentee voters from that precinct by either  
7 including the contest on the regular absentee ballot or a separate  
8 absentee ballot.

9 ~~((At each general election in an even numbered year, each absentee~~  
10 ~~voter shall also be given a separate ballot containing the names of the~~  
11 ~~candidates that have filed for the office of precinct committee officer~~  
12 ~~unless fewer than two candidates have filed for the same political~~  
13 ~~party in the absentee voter's precinct. The ballot shall provide space~~  
14 ~~for writing in the name of additional candidates.~~

15 ~~When mailing an absentee ballot to a registered voter temporarily~~  
16 ~~outside the state or to an out-of-state voter, overseas voter, or~~  
17 ~~service voter, the county auditor shall send a)) (2) A registered voter~~  
18 may obtain a replacement ballot if the ballot is destroyed, spoiled,  
19 lost, or not received by the voter. The voter may obtain the ballot by  
20 telephone request, by mail, electronically, or in person. The county  
21 auditor shall keep a record of each replacement ballot provided under  
22 this subsection.

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

30 **Sec. 12.** RCW 29.36.035 and 1984 c 27 s 2 are each amended to read  
31 as follows:

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

35 (1) Only the registered voter~~((, himself))~~ personally, or a member  
36 of ~~((his))~~ the registered voter's immediate family may pick up an  
37 absentee ballot for the voter at the office of the issuing officer  
38 unless the voter is ~~((hospitalized))~~ a resident of a health care



1 facility, as defined by RCW 70.37.020(3), on election day and applies  
2 by messenger ((in accordance with RCW 29.36.010)) for an absentee  
3 ballot ((on the day of the primary or election)). In this latter case,  
4 the messenger may pick up the ((hospitalized)) voter's absentee ballot.

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

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

11 **Sec. 13.** RCW 29.36.045 and 1987 c 346 s 12 are each amended to  
12 read as follows:

13 ENVELOPES AND INSTRUCTIONS. The county auditor shall send each  
14 absentee voter a ballot, a security envelope in which to seal the  
15 ballot after voting, a larger envelope in which to return the security  
16 envelope, and instructions on how to mark the ballot and how to return  
17 it to the county auditor. The larger return envelope ~~((shall))~~ must  
18 contain a declaration by the absentee voter reciting his or her  
19 qualifications and stating that he or she has not voted in any other  
20 jurisdiction at this election, together with a summary of the penalties  
21 for any violation of any of the provisions of this chapter. The return  
22 envelope ~~((shall))~~ must provide space for the voter to indicate the  
23 date on which the ballot was voted and for the voter to sign the oath.  
24 A summary of the applicable penalty provisions of this chapter  
25 ~~((shall))~~ must be printed on the return envelope immediately adjacent  
26 to the space for the voter's signature. The signature of the voter on  
27 the return envelope ~~((shall))~~ must affirm and attest to the statements  
28 regarding the qualifications of that voter and to the validity of the  
29 ballot. For out-of-state voters, overseas voters, and service voters,  
30 the signed declaration on the return envelope constitutes the  
31 equivalent of a voter registration for the election or primary for  
32 which the ballot has been issued. The voter ~~((shall))~~ must be  
33 instructed to either return the ballot to the county auditor by whom it  
34 was issued or attach sufficient first class postage, if applicable, and  
35 mail the ballot to the appropriate county auditor no later than the day  
36 of the election or primary for which the ballot was issued.

1        NEW SECTION.    **Sec. 14.**    A new section is added to chapter 29.36 RCW  
2 to read as follows:

3        DEFINITIONS.    For purposes of canvassing and counting absentee  
4 ballots:

5        (1) "Initial processing" means all steps taken to prepare absentee  
6 ballots for tabulation, except for the reading of ballots by an  
7 electronic vote tallying system. Initial processing includes, but is  
8 not limited to, verification of signatures on return envelopes; removal  
9 of security envelopes from the return envelopes; removal of ballots  
10 from the security envelopes; manual inspection for damage, for write-in  
11 votes, and for incorrect or incomplete marks; duplication of damaged  
12 and write-in ballots; and other preparation of ballots for final  
13 processing.

14        (2) "Final processing" means the reading of ballots by an  
15 electronic vote tallying system, but does not include tabulation.

16        (3) "Tabulation" means the production of returns of votes cast  
17 regarding candidates or measures in a form that can be read by a  
18 person, whether as precinct totals, partial cumulative totals, or final  
19 cumulative totals.

20        NEW SECTION.    **Sec. 15.**    A new section is added to chapter 29.36 RCW  
21 to read as follows:

22        OBSERVERS.    (1) Before initial processing of absentee ballots, the  
23 county auditor shall notify the county chair of each major political  
24 party of the time and date on which absentee processing will begin, and  
25 shall request that each major political party appoint official  
26 observers to observe the processing and tabulation of absentee ballots.  
27 If a major political party has appointed observers, the observers may  
28 be present for initial processing, final processing, or tabulation, if  
29 they so choose, but failure to appoint or attend does not preclude the  
30 processing or tabulation of absentee ballots.

31        (2) The auditor shall adopt administrative procedures for the  
32 initial and final processing of absentee ballots. Copies of these  
33 administrative procedures must be made available to the political party  
34 observers, and to the public upon request.

35        **Sec. 16.**    RCW 29.36.060 and 1991 c 81 s 32 are each amended to read  
36 as follows:

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

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

15       (1) Before opening a returned absentee ballot, the canvassing  
16 board, or its designated representatives, shall examine the postmark,  
17 statement, and signature on ((each)) the return envelope ((containing))  
18 that contains the security envelope and absentee ballot. They shall  
19 verify that the voter's signature on the return envelope is the same as  
20 the signature of that voter in the registration files ((for that  
21 voter)) of the county. For ((absentee)) registered voters ((other than  
22 out-of-state voters, overseas voters, and service voters, if the  
23 postmark is illegible)) casting absentee ballots, the date on the  
24 return envelope to which the voter ((attests shall)) has attested  
25 determines the validity, as to the time of voting((, of)) for that  
26 absentee ballot ((under this chapter)) if the postmark is missing or is  
27 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       (2) Absentee ballot return envelopes for a primary or election may  
36 be opened for initial processing on or after the tenth day before that  
37 primary or election.

38       (3) After opening the return envelopes, the county canvassing board  
39 shall either:

1 (a) Place all of the security envelopes containing the absentee  
2 ballots in containers, and secure the containers with numbered seals;  
3 or

4 (b) In the case of absentee ballots that will be tabulated on an  
5 electronic vote tallying system, open the security envelopes, perform  
6 the initial processing, place the absentee ballots in containers, and  
7 keep the containers in secure storage until the ballots are ready for  
8 final processing.

9 (4) The canvassing board, or its designated representatives, shall  
10 establish audit procedures that insure that the absentee ballots are  
11 kept in secure storage during the initial processing period.

12 (5) The absentee ballots must not be removed from secure storage  
13 until final processing begins. Final processing may not begin before  
14 7:00 a.m. on the day of the primary or election. In counties using  
15 electronic vote tallying systems, the absentee ballots must be  
16 tabulated under continuous observation of representatives of the major  
17 political parties, and all other security provisions required by the  
18 secretary of state under RCW 29.04.210 and 29.36.150. No results from  
19 tabulation of absentee ballots may be produced or distributed until  
20 after 8:00 p.m. on the day of the primary or election.

21 **Sec. 17.** RCW 29.36.070 and 1990 c 262 s 2 are each amended to read  
22 as follows:

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

28 These returns ((shall)) must be added to the total of the votes  
29 cast at the polling places.

30 **Sec. 18.** RCW 29.36.075 and 1988 c 181 s 3 are each amended to read  
31 as follows:

32 PROCESSING DETAILS. ((In counties that do not tabulate absentee  
33 ballots on electronic vote tallying systems, canvassing boards may not  
34 tabulate or record votes cast by absentee ballots on any uncontested  
35 office except write in votes for candidates for the office of precinct  
36 committeeperson who have filed valid declarations of candidacy under  
37 RCW 29.04.180. "Uncontested office" means an office where only one

1 candidate has filed a valid declaration of candidacy either during the  
2 regular filing period or as a write-in candidate under RCW 29.04.180.)

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

7 **Sec. 19.** RCW 29.36.097 and 1991 c 81 s 33 are each amended to read  
8 as follows:

9 ABSENTEE BALLOT RECORDS. Each county auditor shall maintain in his  
10 or her office, open for public inspection and copying, a record of the  
11 requests he or she has received for absentee ballots (~~(under this~~  
12 ~~chapter)~~), a listing of all ongoing absentee voters, and a daily  
13 cumulative listing of the names of voters whose absentee ballots have  
14 been returned before each primary and election.

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

19 This information about absentee voters (~~(shall)~~) requesting ballots  
20 will be available according to the date of the requests and by  
21 legislative district. It (~~(shall)~~) must include the name of each  
22 applicant, the address and precinct in which the voter maintains a  
23 voting residence, the date on which an absentee ballot was issued to  
24 this voter, if applicable, the type of absentee ballot, and the address  
25 to which the ballot was or is to be mailed, if applicable, and the  
26 names of the voters whose absentee ballots have been returned.

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

30 **Sec. 20.** RCW 29.36.100 and 1987 c 346 s 18 are each amended to  
31 read as follows:

32 CHALLENGED ABSENTEE BALLOTS. The qualifications of any absentee  
33 voter may be challenged at the time the signature on the return  
34 envelope is verified and the ballot is processed by the canvassing  
35 board. The board has the authority to determine the legality of any  
36 absentee ballot challenged under this section. Challenged ballots must  
37 be handled in accordance with chapter 29.10 RCW.

1       **Sec. 21.** RCW 29.36.150 and 1993 c 417 s 7 are each amended to read  
2 as follows:

3       The secretary of state shall adopt rules implementing this chapter,  
4 including rules to:

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

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

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

12       (4) Facilitate the operation of the provisions of this chapter  
13 regarding out-of-state voters, overseas voters, and service voters;

14       (5) Provide flexible requirements for persons confined in health  
15 care facilities to apply for and receive absentee ballots; and

16       (6) Provide standards for electronic requests for absentee ballots.

17       The secretary of state shall produce and furnish envelopes and  
18 instructions for out-of-state voters, overseas voters, and service  
19 voters to the county auditors.

20       **Sec. 22.** RCW 29.36.160 and 1994 c 269 s 2 are each amended to read  
21 as follows:

22       A person who willfully violates any provision of this chapter  
23 regarding the assertion or declaration of qualifications to receive or  
24 cast an absentee ballot(~~(7)~~) or unlawfully casts a vote by absentee  
25 ballot(~~(7 or willfully violates any provision regarding the conduct of~~  
26 ~~mail ballot primaries or elections under RCW 29.36.120 through~~  
27 ~~29.36.139))~~) is guilty of a class C felony punishable under RCW  
28 9A.20.021. Except as provided in chapter 29.85 RCW a person who  
29 willfully violates any other provision of this chapter is guilty of a  
30 misdemeanor.

31       NEW SECTION. **Sec. 23.** A new section is added to chapter 29.54 RCW  
32 to read as follows:

33       The secretary of state shall adopt rules providing for posters  
34 summarizing election crimes and maximum penalties to be displayed  
35 prominently in all locations where absentee ballots and ballots picked  
36 up from precincts are processed and tabulated.



1       ~~For all special elections not being held in conjunction with a~~  
2 ~~state primary or state general election where voting is conducted by~~  
3 ~~mail ballot, the county auditor shall, not less than fifteen days prior~~  
4 ~~to the date of such election, mail or deliver to each active registered~~  
5 ~~voter a mail ballot and an envelope, preaddressed to the issuing~~  
6 ~~officer.))~~ As soon as ballots are available, the county auditor shall  
7 mail or deliver a ballot and an envelope, preaddressed to the issuing  
8 officer, to each active registered voter. The auditor shall send each  
9 inactive voter either a ballot or an application to receive a ballot.  
10 The auditor shall determine which of the two is to be sent. If the  
11 inactive voter returns a voted ballot, the ballot shall be counted and  
12 the voter's status restored to active. If the inactive voter completes  
13 and returns an application, a ballot shall be sent and the voter's  
14 status restored to active.

15       ~~((2) For a two year period beginning on June 9, 1994, and ending~~  
16 ~~two years after June 9, 1994, the county auditor may conduct the voting~~  
17 ~~in any precinct by mail for any primary or election, partisan or~~  
18 ~~nonpartisan, using the procedures set forth in RCW 29.36.120 through~~  
19 ~~29.36.139.))~~

20       If the precinct exceeds two hundred registered voters, or the  
21 auditor determines to return to a polling place election environment,  
22 the auditor shall notify each registered voter, by mail, of this and  
23 shall provide the address of the polling place to be used.

24       **Sec. 25.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to read  
25 as follows:

26       MAIL BALLOT SPECIAL ELECTIONS. ~~((1))~~ At any nonpartisan special  
27 election not being held in conjunction with a state primary or general  
28 election, the county, city, town, or district requesting the election  
29 pursuant to RCW 29.13.010 or 29.13.020 may also request that the  
30 special election be conducted by mail ballot. The county auditor may  
31 honor the request or may determine that the election is not to be  
32 conducted by mail ballot. The decision of the county auditor in this  
33 regard is final.

34       ~~((2) In an odd numbered year, the county auditor may conduct by~~  
35 ~~mail ballot a primary or a special election concurrently with the~~  
36 ~~primary:~~

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



1       ~~(b) For any office or ballot measure of a special purpose district~~  
2 ~~which 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       ~~(c) For any 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       ~~A primary in an odd numbered year may not be conducted by mail~~  
9 ~~ballot in any precinct with two hundred or more active registered~~  
10 ~~voters if a partisan office or state office or state ballot measure is~~  
11 ~~to be voted upon at that primary in the precinct.~~

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

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

25       For a special election conducted by mail ballot, the county auditor  
26 shall include with the ballot a clear explanation of the qualifications  
27 necessary to vote in that election and shall also advise a voter with  
28 questions about his or her eligibility to contact the county auditor.  
29 This explanation may be provided on the ballot envelope, provided on an  
30 enclosed insert, or printed directly on the ballot itself. If this  
31 information is included, vote by mail special election ballots may be  
32 forwarded to voters in the same manner as absentee ballots. If the  
33 information is not included in the instructions, the envelope must  
34 clearly indicate that the ballot is not to be forwarded and that return  
35 postage is guaranteed.

36       NEW SECTION. Sec. 26. ODD-YEAR PRIMARIES BY MAIL. In an odd-  
37 numbered year, the county auditor may conduct a primary or a special  
38 election by mail ballot concurrently with the primary:

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

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

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

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

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

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

20 **Sec. 27.** RCW 29.36.124 and 1983 1st ex.s. c 71 s 3 are each  
21 amended to read as follows:

22 DEPOSITING BALLOTS FOR MAIL BALLOT ELECTIONS. ~~((+1))~~ If a county  
23 auditor conducts an election by mail, the county auditor shall  
24 designate the county auditor's office ~~((or a central location in the  
25 district in which the election is conducted))~~ as the single place to  
26 obtain a replacement ballot. The county auditor also shall designate  
27 one or more places for the deposit of ballots not returned by mail.  
28 The places designated under this section shall be open on the date of  
29 the election for a period of at least thirteen hours, beginning at 7:00  
30 a.m. and ending at 8:00 p.m., and at any other times designated by the  
31 county auditor.

32 ~~((2)) A registered voter may obtain a replacement ballot as  
33 provided in this subsection if the ballot is destroyed, spoiled, lost,  
34 or not received by the voter. A registered voter seeking a replacement  
35 ballot shall sign a sworn statement that the ballot was destroyed,  
36 spoiled, lost, or not received and shall present the statement to the  
37 county auditor no later than the day of the election. Each spoiled  
38 ballot must be returned to the county auditor before a new one is~~

1 issued. ~~The county auditor shall keep a record of each replacement~~  
2 ~~ballot provided under this subsection.))~~

3 **Sec. 28.** RCW 29.36.126 and 1993 c 417 s 4 are each amended to read  
4 as follows:

5 RETURN OF VOTED BALLOT BY VOTER. ~~((Upon receipt of the mail~~  
6 ~~ballot, the voter shall mark it, sign the return identification~~  
7 ~~envelope supplied with the ballot, and comply with the instructions~~  
8 ~~provided with the ballot. The voter may return the marked ballot to~~  
9 ~~the county auditor. The ballot must be returned)) The voter shall  
10 return the ballot to the county auditor in the return identification  
11 envelope. If mailed, a ballot must be postmarked not later than the  
12 date of the primary or election. Otherwise, the ballot must be  
13 deposited at the office of the county auditor or the designated place  
14 of deposit not later than 8:00 p.m. on the date of the primary or  
15 election.~~

16 **Sec. 29.** RCW 29.36.130 and 1993 c 417 s 5 are each amended to read  
17 as follows:

18 BALLOT CONTENTS--COUNTING. All mail ballots authorized by RCW  
19 29.36.120 or 29.36.121 ~~((shall))~~ (as recodified by this act) or section  
20 26 of this act must contain the same offices, names of nominees or  
21 candidates, and propositions to be voted upon, including precinct  
22 offices, as if the ballot had been voted in person at the polling  
23 place. Except as otherwise provided ~~((in this chapter))~~ by law, mail  
24 ballots ~~((shall))~~ must be ~~((issued and canvassed))~~ treated in the same  
25 manner as absentee ballots issued ~~((pursuant to))~~ at the request of the  
26 voter. ~~((The county canvassing board, at the request of the county~~  
27 ~~auditor, may direct that mail ballots be counted on the day of the~~  
28 ~~election. If such count is made, it must be done in secrecy in the~~  
29 ~~presence of the canvassing board or their authorized representatives~~  
30 ~~and the results not revealed to any unauthorized person until 8:00 p.m.~~  
31 ~~or later if the auditor so directs.))~~ If electronic vote tallying  
32 devices are used, political party observers ~~((shall be afforded))~~ must  
33 be given the opportunity to be present, and a test of the equipment  
34 must be performed as required by RCW 29.33.350 ~~((prior to the count~~  
35 ~~of))~~ before tabulating ballots. Political party observers may select  
36 at random ballots to be counted manually as provided by RCW 29.54.025.

1 Any violation of the secrecy of ~~((such))~~ the count ~~((shall be))~~ is  
2 subject to the same penalties as provided for in RCW 29.85.225.

3 NEW SECTION. **Sec. 30.** RULES. The secretary of state shall adopt  
4 rules to:

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

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

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

11 (4) Provide for requests for a replacement ballot at a mail ballot  
12 election to be made electronically.

13 The secretary of state shall produce and furnish envelopes and  
14 instructions for mail ballot elections for all out-of-state, overseas  
15 voters, and service voters.

16 NEW SECTION. **Sec. 31.** PENALTY. A person who willfully violates  
17 any provision of this chapter regarding the conduct of mail ballot  
18 primaries or elections is guilty of a class C felony punishable under  
19 RCW 9A.20.021.

### 20 **PART III**

#### 21 **POLLING PLACE REGULATIONS**

22 **Sec. 32.** RCW 29.36.050 and 1987 c 346 s 13 are each amended to  
23 read as follows:

24 A registered voter shall not be allowed to vote a regular ballot in  
25 the precinct in which he or she is registered at any election or  
26 primary for which that voter has ~~((cast))~~ requested an absentee ballot  
27 or if the voter is an ongoing absentee voter. A registered voter who  
28 has requested an absentee ballot for a primary or special or general  
29 election or who is an ongoing absentee voter but chooses to vote at the  
30 voter's precinct polling place in that primary or election ~~((shall cast~~  
31 ~~a ballot in the manner prescribed by RCW 29.10.127 for challenged~~  
32 ~~ballots))~~ must be issued and allowed to cast a special ballot. The  
33 canvassing board shall not count the ballot if it finds that the voter  
34 has also voted by absentee ballot in that primary or election.



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. 35.** (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 7, 8, 14, and 15 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 26, 30, and 31 of this  
13 act, 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. 36.** Section captions and part headings used in  
17 this act are not part of the law."

18 Correct the title.

--- END ---