
HOUSE BILL 1109

State of Washington 56th Legislature 1999 Regular Session

By Representatives H. Sommers, D. Schmidt, Ogden, McMorris and Linville

Read first time 01/14/1999. Referred to Committee on State Government.

1 AN ACT Relating to conducting elections with the use of absentee
2 ballots and mail ballots; amending RCW 29.30.075, 29.36.121, 29.36.139,
3 and 29.62.020; adding a new section to chapter 29.36 RCW; and repealing
4 RCW 29.36.126.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 29.30.075 and 1987 c 54 s 1 are each amended to read
7 as follows:

8 Except where a recount or litigation under RCW 29.04.030 is
9 pending, (~~the county auditor shall have sufficient~~) absentee ballots
10 (~~ready to mail to absentee~~) or mail ballots must be mailed or
11 delivered to voters at least twelve days, but no more than fourteen
12 days, before the primary or election for which they are issued, but
13 must be mailed to overseas voters and service voters (of that county)
14 at least twenty days before (~~any~~) the primary(, general) or
15 election(, or special election) for which they are issued.

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

1 The canvassing board, or its designated representatives, shall
2 process and tabulate absentee ballots and mail ballots expeditiously.
3 Efforts must be made to tabulate all ballots on the day of the primary
4 or election that are in the auditor's possession on that day and are
5 capable of being tabulated at that time. Regular efforts must be made
6 to tabulate the remaining ballots in a timely manner at least every
7 second working day after the primary or election. An absentee ballot
8 or mail ballot may only be counted if it was:

9 (1) Both mailed to the county auditor from anywhere in the United
10 States by first class mail and received by the county auditor on or
11 before the close of polling sites on the day of the primary or election
12 for which it was issued; or

13 (2) Deposited at a polling site in the county of the auditor who
14 issued the ballot, during normal voting hours of the primary or
15 election for which it was issued; or

16 (3) Deposited with the county auditor who issued the ballot on or
17 before the close of the polling places on the date of the primary or
18 election for which it was issued; or

19 (4) Both mailed to the county auditor by an overseas voter or
20 service voter with a date of mailing on or before the date of the
21 primary or election for which it was issued and received by the county
22 auditor on or before noon of the day the election results are
23 certified. The date of mailing for an overseas voter or service voter
24 is the date the voter attests to voting, as indicated on the return
25 envelope.

26 **Sec. 3.** RCW 29.36.121 and 1994 c 57 s 49 are each amended to read
27 as follows:

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

35 (2) In an odd-numbered year, the county auditor may conduct by mail
36 ballot a primary or a special election concurrently with the 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
18 for which a primary is to be held that the primary will be conducted by
19 mail ballot.

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

24 **Sec. 4.** RCW 29.36.139 and 1993 c 417 s 6 are each amended to read
25 as follows:

26 (1) A mail ballot shall be counted only as provided under section
27 2 of this act and if it is returned in the return identification
28 envelope, if the envelope is signed by the registered voter to whom the
29 ballot is issued, and if the signature is verified as provided in this
30 subsection. The county auditor shall verify the signature of each
31 voter on the return identification envelope with the signature on the
32 voter's registration record. A person who votes or attempts to vote
33 more than once in a mail ballot election is subject to the penalties
34 provided in chapter 29.85 RCW.

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

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

3 (1) No later than the tenth day after a special election or primary
4 and no later than the fifteenth day after a general election, the
5 county auditor shall convene the county canvassing board to process the
6 absentee ballots and canvass the votes cast at that primary or
7 election. On the tenth day after a special election or a primary and
8 on the fifteenth day after a general election, the canvassing board
9 shall complete the canvass and certify the results. The canvass report
10 must include each absentee ballot that ~~((was returned before the~~
11 ~~closing of the polls on the date of the primary or election for which~~
12 ~~it was issued, and each absentee ballot with a date of mailing on or~~
13 ~~before the date of the primary or election for which it was issued and~~
14 ~~received on or before the date on which the primary or election is~~
15 ~~certified, shall be included in the canvass report))~~ may be tabulated
16 under section 2 of this act.

17 (2) At the request of any caucus of the state legislature, the
18 county auditor shall transmit copies of all unofficial returns of state
19 and legislative primaries or elections prepared by or for the county
20 canvassing board to ~~((either))~~ the secretary of the senate ~~((or))~~ and
21 the chief clerk of the house.

22 NEW SECTION. **Sec. 6.** RCW 29.36.126 and 1993 c 417 s 4 & 1983 1st
23 ex.s. c 71 s 4 are each repealed.

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