
HOUSE BILL 1094

State of Washington

58th Legislature

2003 Regular Session

By Representatives Hatfield and Morris

Read first time 01/15/2003. Referred to Committee on State Government.

1 AN ACT Relating to elections by mail; amending RCW 29.38.010,
2 29.38.020, and 29.38.030; and adding a new section to chapter 29.38
3 RCW.

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

5 **Sec. 1.** RCW 29.38.010 and 2001 c 241 s 15 are each amended to read
6 as follows:

7 The county auditor may designate any precinct (~~having fewer than~~
8 ~~two hundred active registered voters at the time of closing of voter~~
9 ~~registration as provided in RCW 29.07.160)) as a mail ballot precinct.
10 The county auditor shall notify each registered voter by mail that for
11 all future primaries and elections the voting in his or her precinct
12 will be by mail ballot only. (~~In determining the number of registered~~
13 ~~voters in a precinct for the purposes of this section, persons who are~~
14 ~~ongoing absentee voters under RCW 29.36.240 shall not be counted.))
15 Nothing in this section may be construed as altering the vote tallying
16 requirements of RCW 29.62.090.~~~~

17 (~~As soon as ballots are available, the county auditor shall mail~~
18 ~~or deliver a ballot and an envelope, preaddressed to the issuing~~
19 ~~officer, to each active registered voter. The auditor shall send each~~

1 ~~inactive voter either a ballot or an application to receive a ballot.~~
2 ~~The auditor shall determine which of the two is to be sent. If the~~
3 ~~inactive voter returns a voted ballot, the ballot shall be counted and~~
4 ~~the voter's status restored to active. If the inactive voter completes~~
5 ~~and returns an application, a ballot shall be sent and the voter's~~
6 ~~status restored to active.))~~

7 If ((~~the precinct exceeds two hundred registered voters, or~~)) the
8 auditor determines to return to a polling place election environment,
9 at least sixty days before the next election the auditor shall notify
10 each registered voter, by mail, of this and shall provide the address
11 of the polling place to be used.

12 **Sec. 2.** RCW 29.38.020 and 2001 c 241 s 16 are each amended to read
13 as follows:

14 At any nonpartisan special election not being held in conjunction
15 with a state primary or general election, the county, city, town, or
16 district requesting the election pursuant to RCW 29.13.010 or 29.13.020
17 may also request that the special election be conducted by mail ballot.
18 The county auditor may honor the request or may determine that the
19 election is not to be conducted by mail ballot. The decision of the
20 county auditor in this regard is final.

21 ~~((For all special elections not being held in conjunction with a~~
22 ~~state primary or state general election where voting is conducted by~~
23 ~~mail ballot, the county auditor shall, not less than twenty days before~~
24 ~~the date of such election, make available to each registered voter a~~
25 ~~mail ballot.))~~ The auditor shall handle inactive voters in the
26 ~~((same))~~ manner ~~((as inactive voters in mail ballot precincts))~~
27 provided in section 4 of this act.

28 **Sec. 3.** RCW 29.38.030 and 2001 c 241 s 17 are each amended to read
29 as follows:

30 ~~((In an odd numbered year,))~~ The county auditor may conduct a
31 primary or a special election by mail ballot ~~((concurrently with the~~
32 ~~primary;~~

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

35 ~~(2) For an office or ballot measure of a special purpose district~~

1 ~~that lies in the county and one or more other counties if the auditor~~
2 ~~first secures the concurrence of the county auditors of those other~~
3 ~~counties to conduct the primary in this manner district wide; and~~

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

7 The county auditor shall notify ((an)) each election jurisdiction
8 for which a primary or a special election is to be held that the
9 primary or special election will be conducted by mail ballot.

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

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

17 NEW SECTION. Sec. 4. A new section is added to chapter 29.38 RCW
18 to read as follows:

19 Except as otherwise provided by law, mail ballots must be processed
20 in the same manner as absentee ballots. Except where a recount or
21 litigation under RCW 29.04.030 is pending, the county auditor shall
22 have sufficient mail ballots ready to mail to voters of that county at
23 least twenty days before a primary, general election, or special
24 election.

25 As soon as ballots are available, the county auditor shall mail or
26 deliver a ballot and an envelope, preaddressed to the issuing officer,
27 to each active registered voter. The auditor shall send each inactive
28 voter either a ballot or an application to receive a ballot. The
29 auditor shall determine which of the two is to be sent. If the
30 inactive voter returns a voted ballot, the ballot must be counted and
31 the voter's status restored to active. If the inactive voter completes
32 and returns an application, a ballot must be sent and the voter's
33 status restored to active.

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