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HOUSE BILL 1481

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State of Washington

66th Legislature

2019 Regular Session

**By** Representatives Dolan, Walsh, Hudgins, Gregerson, Senn, Tarleton, Eslick, Doglio, Reeves, Valdez, Pollet, Ramos, and Jenkins; by request of Secretary of State

Read first time 01/23/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to providing prepaid postage for all election  
2 ballots, state reimbursement of election costs, and state payment and  
3 reimbursement of prepaid postage costs; amending RCW 29A.04.216,  
4 29A.04.410, 29A.04.420, 29A.04.430, 29A.40.091, and 29A.64.081;  
5 providing an effective date; and declaring an emergency.

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

7 **Sec. 1.** RCW 29A.04.216 and 2013 c 11 s 7 are each amended to  
8 read as follows:

9 The county auditor of each county shall be ex officio the  
10 supervisor of all primaries and elections, general or special, and it  
11 shall be the county auditor's duty to provide places for holding such  
12 primaries and elections; to provide the supplies and materials  
13 necessary for the conduct of elections; and to publish and post  
14 notices of calling such primaries and elections in the manner  
15 provided by law. The auditor shall also apportion to the county, each  
16 city, town, or district, and to the state of Washington (~~in the odd-~~  
17 ~~numbered year~~), its share of the expense of such primaries and  
18 elections. This section does not apply to general or special  
19 elections for any city, town, or district that is not subject to RCW  
20 29A.04.321 and 29A.04.330, but all such elections must be held and  
21 conducted at the time, in the manner, and by the officials (with such

1 notice, requirements for filing for office, and certifications by  
2 local officers) as provided and required by the laws governing such  
3 elections. State and federal offices are to be considered separate  
4 entities for purposes of election cost proration and election costs;  
5 both are subject to reimbursement by the state.

6 **Sec. 2.** RCW 29A.04.410 and 2013 c 11 s 10 are each amended to  
7 read as follows:

8 Every county, city, town, and district is liable for its  
9 proportionate share of the costs when such elections are held in  
10 conjunction with other elections held under RCW 29A.04.321 and  
11 29A.04.330. The state is also liable for the proportionate share of  
12 election costs for federal elections held under RCW 29A.04.321 and  
13 29A.04.330.

14 Whenever any county, city, town, (~~or~~) district, or the state  
15 holds any primary or election, general or special, on an isolated  
16 date, all costs of such elections must be borne by the county, city,  
17 town, or district concerned, or the state as appropriate.

18 The purpose of this section is to clearly establish that the  
19 county is not responsible for any costs involved in the holding of  
20 any city, town, (~~or~~) district, state, or federal election.

21 In recovering such election expenses, including a reasonable  
22 proration of administrative costs, the county auditor shall certify  
23 the cost to the county treasurer with a copy to the clerk or auditor  
24 of the city, town, or district concerned, or the secretary of state  
25 as appropriate. Upon receipt of such certification relating to a  
26 city, town, or district, the county treasurer shall make the transfer  
27 from any available and appropriate city, town, or district funds to  
28 the county current expense fund or to the county election reserve  
29 fund if such a fund is established. Each city, town, or district must  
30 be promptly notified by the county treasurer whenever such transfer  
31 has been completed. However, in those districts wherein a treasurer,  
32 other than the county treasurer, has been appointed such transfer  
33 procedure does not apply, but the district shall promptly issue its  
34 warrant for payment of election costs. State and federal offices are  
35 to be considered separate entities for purposes of election cost  
36 proration and election costs, for both are subject to reimbursement  
37 by the state.

1       **Sec. 3.** RCW 29A.04.420 and 2013 c 11 s 11 are each amended to  
2 read as follows:

3       (1) Whenever federal officers, state officers, or state measures  
4 are voted upon at a state primary or general election held (~~in an~~  
5 ~~odd-numbered year~~)) under RCW 29A.04.321, the state of Washington  
6 shall assume a prorated share of the costs of that state primary or  
7 general election for the federal and state offices and measures.

8       (2) The state shall pay for the cost of return postage on all  
9 mail and absentee ballots for all elections or reimburse counties for  
10 the cost of return postage on mail and absentee ballots for all  
11 elections if postage is paid by the county.

12       (3) Whenever a primary or vacancy election is held to fill a  
13 vacancy in the position of United States senator or United States  
14 representative under chapter 29A.28 RCW, the state of Washington  
15 shall assume a prorated share of the costs of that primary or vacancy  
16 election.

17       (~~(3)~~) (4) The county auditor shall apportion the state's share  
18 of these expenses when prorating election costs under RCW 29A.04.410  
19 and in accordance with the state budgeting, accounting, and reporting  
20 system, shall file such expense claims with the secretary of state.

21       (~~(4)~~) (5) The secretary of state shall include in his or her  
22 biennial budget requests sufficient funds to carry out this section.  
23 Reimbursements for election costs shall be from appropriations  
24 specifically provided by law for that purpose.

25       (6) State and federal offices are to be considered separate  
26 entities for purposes of election cost proration and election costs;  
27 both are subject to reimbursement by the state.

28       **Sec. 4.** RCW 29A.04.430 and 2003 c 111 s 148 are each amended to  
29 read as follows:

30       (~~For any reimbursement of election costs under RCW 29A.04.420,~~)  
31 The secretary of state shall pay ((interest at an annual rate equal  
32 to two percentage points in excess of the discount rate on ninety-day  
33 commercial paper in effect at the federal reserve bank in San  
34 Francisco on the fifteenth day of the month immediately preceding the  
35 payment for any period of time in excess of)) reimbursement of  
36 election costs under RCW 29A.04.420 within thirty days after the  
37 receipt of a properly executed and documented voucher for such  
38 expenses and the entry of an allotment from specifically appropriated  
39 funds for this purpose until those funds are exhausted. If funds

1 appropriated for this purpose are not sufficient to pay all claims,  
2 the secretary of state shall include a budget request to the  
3 legislature during the next legislative session for sufficient funds  
4 for reimbursement of all remaining claims and shall pay all properly  
5 executed and documented vouchers to the counties within thirty days  
6 of allotment of specifically appropriated funds for this purpose. The  
7 secretary of state shall promptly notify any county that submits an  
8 incomplete or inaccurate voucher for reimbursement under RCW  
9 29A.04.420.

10 **Sec. 5.** RCW 29A.40.091 and 2016 c 83 s 3 are each amended to  
11 read as follows:

12 (1) The county auditor shall send each voter a ballot, a security  
13 envelope in which to conceal the ballot after voting, a larger  
14 envelope in which to return the security envelope, a declaration that  
15 the voter must sign, and instructions on how to obtain information  
16 about the election, how to mark the ballot, and how to return the  
17 ballot to the county auditor.

18 (2) The voter must swear under penalty of perjury that he or she  
19 meets the qualifications to vote, and has not voted in any other  
20 jurisdiction at this election. The declaration must clearly inform  
21 the voter that it is illegal to vote if he or she is not a United  
22 States citizen; it is illegal to vote if he or she has been convicted  
23 of a felony and has not had his or her voting rights restored; and it  
24 is illegal to cast a ballot or sign a ballot declaration on behalf of  
25 another voter. The ballot materials must provide space for the voter  
26 to sign the declaration, indicate the date on which the ballot was  
27 voted, and include a telephone number.

28 (3) For overseas and service voters, the signed declaration  
29 constitutes the equivalent of a voter registration. Return envelopes  
30 for overseas and service voters must enable the ballot to be returned  
31 postage free if mailed through the United States postal service,  
32 United States armed forces postal service, or the postal service of a  
33 United States foreign embassy under 39 U.S.C. 3406.

34 (4) The voter must be instructed to either return the ballot to  
35 the county auditor no later than 8:00 p.m. the day of the election or  
36 primary, or mail the ballot to the county auditor with a postmark no  
37 later than the day of the election or primary. Return envelopes for  
38 all election ballots must include prepaid postage. Service and  
39 overseas voters must be provided with instructions and a privacy

1 sheet for returning the ballot and signed declaration by fax or  
2 email. A voted ballot and signed declaration returned by fax or email  
3 must be received by 8:00 p.m. on the day of the election or primary.

4 (5) The county auditor's name may not appear on the security  
5 envelope, the return envelope, or on any voting instructions or  
6 materials included with the ballot if he or she is a candidate for  
7 office during the same year.

8 **Sec. 6.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to  
9 read as follows:

10 (1) The canvassing board shall determine the expenses for  
11 conducting a recount of votes.

12 (2)(a) The cost of the recount conducted under RCW 29A.64.011  
13 shall be deducted from the amount deposited by the applicant for the  
14 recount at the time of filing the request for the recount, and the  
15 balance shall be returned to the applicant. If the costs of the  
16 recount exceed the deposit, the applicant shall pay the difference.  
17 No charges may be deducted by the canvassing board from the deposit  
18 for a recount if the recount changes the result of the nomination or  
19 election for which the recount was ordered.

20 (b) For an office where the candidates filed the declarations of  
21 candidacy with the secretary of state, any legislative office, and  
22 any congressional office, the county auditor shall file an expense  
23 claim for costs of a recount conducted under RCW 29A.64.021 with the  
24 secretary of state. The secretary of state shall include a budget  
25 request to the legislature during the next legislative session for  
26 sufficient funds for reimbursement of all costs of the recount and  
27 shall pay all properly executed and documented vouchers to the  
28 counties within thirty days of allotment of specifically appropriated  
29 funds for this purpose. The secretary of state shall promptly notify  
30 any county that submits an incomplete or inaccurate voucher for  
31 reimbursement under this section.

32 (3) State and federal offices are to be considered separate  
33 entities for purposes of election cost proration and election costs;  
34 both are subject to reimbursement by the state.

35 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
36 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect July 1, 2019.

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