

Development Act of 1966: PROVIDED, That

(1) All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority; and no creditor or other person shall have any recourse to the assets, credit or services of the municipal corporation creating the same on account of any debts, obligations or liabilities of such public corporation, commission or authority;

(2) Such public corporation, commission or authority shall have no power of eminent domain nor any power to levy taxes or special assessments;

(3) The name, the organization, the purposes and scope of activities, the powers and duties of the officers, and the disposition of property upon dissolution of such public corporation, commission or authority shall be set forth in its charter of incorporation or organization, or in a general ordinance of the city or both.

NEW SECTION. Sec. 8. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House May 9, 1971.

Passed the Senate May 8, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 178

[Engrossed Substitute House Bill No. 433]

ELECTIONS--

RESIDENCY--SPECIAL VOTERS

AN ACT Relating to elections; amending section 29.01.140, chapter 9, Laws of 1965 and RCW 29.01.140; amending section 29.39.120, chapter 9, Laws of 1965 and PCW 29.39.120; amending section 1, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.010; amending section 2, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.020; amending section 3, chapter 73, Laws of 1967 ex. sess. and PCW 29.72.030; amending section 4, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.040; amending section 5, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.050; amending section 6, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.060; amending section 7, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.070; amending section 8, chapter 73, Laws

of 1967 ex. sess. and RCW 29.72.080; and adding new sections to chapter 29.72 RCW.

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

Section 1. Section 29.01.140, chapter 9, Laws of 1965 and RCW 29.01.140 are each amended to read as follows:

"Residence" for the purpose of registering and voting means a person's permanent address where he physically resides and maintains his abode: PROVIDED, That no person gains residence by reason of his presence or loses his residence by reason of his ((presence or)) absence:

- (1) While employed in the civil or military service of the state or of the United States;
- (2) While engaged in the navigation of the waters of this state or the United States or the high seas;
- (3) While a student at any ((seminary)) institution of learning;
- (4) ((While kept in any almshouse or asylum; nor
- {5}) While confined in any public prison ((except when serving out a sentence for an infamous crime)).

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

Sec. 2. Section 29.39.120, chapter 9, Laws of 1965 and RCW 29.39.120 are each amended to read as follows:

In mailing absent voter's ballots to service voters, the county auditor or secretary of state shall send the ballot and a small envelope and letter of instructions together with a larger envelope addressed to the county auditor or secretary of state and upon which there shall be plainly printed a form in substantially the following language:

"DECLARATION

"I do hereby declare that I am a citizen of the United States; and have checked the applicable box below:

"That I will be at least eighteen (18) years of age but less than twenty-one (21) years of age or at least twenty-one (21) years of age on the day of the next election; ((that I am able to read and speak the English language;)) that I have been a legal resident of the state of Washington for at least one year, ((of the county of.....for at least ninety days and of the city or town of.....at (street and number if any).....for at least thirty (30) days preceding such election;)) and have established all other residence as required by law; that my last residence in Washington for voting purposes was:

Name of county.....

Name of city or town.....
 Street or number.....; and
 that I am a service voter under the laws of the state of Washington."
 If possible give precinct name or number here..... Dated
 this.....day of....., 19....

 Print name for positive identification Signature of applicant

 Article VI, section 4 of the state Constitution provides: For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

 Any person making a false statement in his declaration is guilty of perjury. ((4)).

Sec. 3. Section 1, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.010 are each amended to read as follows:

As used in this chapter:

(1) "New resident" means a person qualified to vote for presidential and vice-presidential electors as provided by this chapter and ((authorized by Article VI, section 4A of the state Constitution)) the laws of the United States;

(2) "Special voter" means a person qualified to vote for presidential and vice-presidential offices or electors and the office of United States senator and United States representative as provided by this chapter and the laws of the United States.

Sec. 4. Section 2, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.020 are each amended to read as follows:

A new resident who moves into the state of Washington less than one year but more than thirty days from an approaching presidential election and intends to make this state his permanent residence and is eighteen years of age or older, shall be entitled to vote for presidential and vice-presidential electors or for the office of president and vice president of the United States, as the case may be, but no other office, provided he meets the following qualifications:

(1) He possesses the qualifications required of other voters as contained in Article VI, section 1 of the state Constitution except as to residence, the ability to read and speak the English language, and age;

(2) He is not excluded from suffrage under any other provision of law;

~~((3))~~ He is unable to vote for presidential and vice presidential electors in the state of his former residence;)) and

~~((4))~~ (3) He has followed the voting procedure as hereinafter in this chapter provided.

NEW SECTION. Sec. 5. There is added to chapter 29.72 RCW a new section to read as follows:

A special voter, who will be at least eighteen years of age but less than twenty-one years of age on the day of an election at which votes may be cast for presidential or vice-presidential electors or for the office of president or vice president of the United States, whichever the case may be, or the office of United States senator or United States representative, shall be entitled to vote for the electors or offices above described, but no other office, if he meets the following qualifications:

(1) He possesses the qualifications required of other voters as contained in Article VI, section 1, of the state Constitution except as to age, and ability to read and speak the English language;

(2) He is not excluded from suffrage under any other provision of law; and

(3) He has followed the voting procedure as hereinafter in this chapter provided.

Sec. 6. Section 3, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.030 are each amended to read as follows:

All voting as provided by this chapter shall be by mail through the use of a special voter ballot or new resident presidential ballot issued by the secretary of state.

Insofar as applicable, the voting procedure for a new resident to cast a ~~((special))~~ presidential ballot and for special voters to cast a special ballot, shall be substantially the same as for civilian absentee voting as provided in chapter 29.36 RCW but the secretary of state shall make such revisions that are necessary to carry out the purpose of this chapter, including but not limited to, the following:

(1) A new resident must execute an official application form as prescribed by RCW 29.72.040, as now or hereafter amended, as a prerequisite to obtaining a ballot;

(2) A special voter must execute an official application form as prescribed by section 8 of this 1971 amendatory act as a prerequisite to obtaining a ballot;

(3) All such signed application forms must be received by the secretary of state no later than the day prior to the election concerned. In order to be valid, all ballots must be voted and postmarked no later than the day of the election and received by the secretary of state no later than the fifteenth day following the election;

~~((3))~~ (4) The state canvassing board as prescribed in RCW 29.62.100 shall perform the preliminary tasks and be responsible for the count of the ~~((special))~~ new resident presidential ballots and the special voter ballots in the same manner as the county canvassing board performs in the count of absentee ballots as provided in chapter 29.36 RCW. In the event any member of the state canvassing board cannot appear in person, his assistant or deputy may serve in his place;

~~((4))~~ (5) The actual count of the ~~((special))~~ new resident presidential ballots and special voter ballots shall be done by teams, each consisting of four persons, and equally representing each major political party as provided by RCW 29.54.043. The secretary of state shall determine the number of such counting teams to be used and shall employ such persons as needed from lists of names submitted by the state chairman of each major political party. The compensation of such persons shall be the same as those employed by the Thurston county canvassing board to count absentee ballots; PROVIDED, That all votes allowed to be cast by the provisions of this chapter may be cast by "ballot card" and counted by "vote tally system" as those terms are defined in chapter 29.34 RCW, as now or hereafter amended; and

~~((5))~~ (6) The tallying of the ~~((special))~~ new resident presidential ballot and special voter ballot shall be by county and upon the conclusion and certification of such count, the appropriate election figures shall be added to the vote cast on ~~((the))~~ each position ~~((of president))~~ as reported to the secretary of state by each county auditor. Such adjusted totals shall then constitute the official election returns of the respective counties.

Sec. 7. Section 4, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.040 are each amended to read as follows:

The official application form to be used by a new resident desiring to vote shall be issued by the secretary of state. It shall be of a distinctive color and shall be substantially as follows:

APPLICATION FOR A ~~((SPECIAL))~~ NEW RESIDENT'S
PRESIDENTIAL BALLOT

I do solemnly swear (or affirm) under penalty as set forth in RCW 29.36.110 (see below), that I am a citizen of the United States; that I will be at least ~~((twenty-one (21)))~~ eighteen (18) years of age on the day of the approaching presidential election; ~~((that I am able to read and speak the English language;))~~ that I intend to make the state of Washington my permanent residence, that I have resided in this state for less than one year but will have resided here for ~~((at least sixty (60)))~~ more than thirty (30) days immediately preceding the approaching presidential election.

I further swear that I ~~((do not qualify to vote for~~

presidential and vice-presidential electors in the state of my former residence and) will not vote any other ballot of the state of Washington or of any other state at this election; that my last voting address before entering the state of Washington was:

.....

(Street) (City) (County) (State)

I hereby make application for a ((special)) new resident's presidential ballot to vote for presidential and vice-presidential electors only at the approaching presidential election and request that such ballot be sent to the following address:

.....

(Street) (City)

.....

(Print name for positive identification) (Signature)

PENALTY PROVISION

Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

A supply of the above described application forms shall be distributed at least three months prior to the election concerned by the secretary of state to each city and town clerk, county auditor, county chairman of each political party, and to all other persons or organizations requesting the same.

NEW SECTION. Sec. 8. There is added to chapter 29.72 RCW a new section to read as follows:

The official application form to be used by a special voter desiring to vote shall be issued by the secretary of state. It shall be a distinctive color and shall be substantially as follows:

APPLICATION FOR A SPECIAL VOTER'S BALLOT

I do solemnly swear (or affirm) under penalty as set forth in RCW 29.36.110 (see below), that I am a citizen of the United States; that I will be at least eighteen (18) years of age but less than twenty-one (21) years of age on the day of the approaching election; that I have resided in this state for the period required by Article VI, section 1, of the Washington Constitution preceding the approaching election.

I further swear that I will not vote any other ballot of the state of Washington or of any other state at this election.

I hereby make application for a special voter's ballot to vote for United States senator, representative and presidential and vice-presidential electors or offices (whichever offices are

scheduled to be voted upon at the approaching election) and request that such ballot be sent to the following address:

.....

(Street) (City)

.....

(Print name for positive identification) (Signature)

PENALTY PROVISION

Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine or not more than five thousand dollars, or by both such fine and imprisonment.

A supply of the above described application forms shall be distributed at least three months prior to the election concerned by the secretary of state to each city and town clerk, county auditor, county chairman of each political party, and to all other persons or organizations requesting the same.

Sec. 9. Section 5, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.050 are each amended to read as follows:

The wording of the voter's affidavit appearing upon the preaddressed return envelope shall be substantially the same as the wording of the official application as contained in RCW 29.72.040 or section 8 of this 1971 amendatory act.

Such declaration properly executed is hereby declared to be a full and complete (~~temporary~~) registration of the new resident or special voter concerned but only for the purposes of this chapter and the election for which it is submitted; PROVIDED, That a special voter application properly executed and timely received shall be sufficient for both the primary and general election of that year.

Sec. 10. Section 6, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.060 are each amended to read as follows:

The signed applications of the new residents and special voters received by the secretary of state shall be available for public inspection under such reasonable rules and regulations as may be prescribed therefor.

Sec. 11. Section 7, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.070 are each amended to read as follows:

The secretary of state shall be responsible for furnishing all election supplies necessary to carry out the purposes of this chapter, including but not limited to ballots, envelopes, voting instructions and application forms.

((The ballots shall be patterned after the absentee ballots, including arrangement of political party columns, as issued by the

respective county auditors for the same election, except that only the presidential and vice-presidential offices shall appear upon the special presidential ballots.)

The sets of envelopes used for mailing such ballots shall be patterned after the envelopes as provided by RCW 29.36.030 for the voting of absentee ballots.

The secretary of state shall determine the size of envelopes, dimensions of ballots and voting instructions, and may revise the wording of forms and affidavits whenever in his judgment such changes shall best serve the voting procedure for new residents and special voters.

Sec. 12. Section 8, chapter 73, Laws of 1967 ex. sess. and RCW 29.72.080 are each amended to read as follows:

The secretary of state as chief election officer may make such rules and regulations as will facilitate the operation, accomplishment and purpose of RCW 29.72.010 through 29.72.070 and this 1971 amendatory act.

NEW SECTION. Sec. 13. The provisions of this 1971 amendatory act relating to "special voters," as that term is defined in section 3 of this 1971 amendatory act, shall cease to be effective upon the adoption and ratification of an amendment to the Constitution of the United States, establishing the minimum age requirement for voting in state and local elections at eighteen years of age: PROVIDED HOWEVER, That if at the time of such adoption and ratification there is less than fifteen days, Saturdays and Sundays excepted, in which to register for voting prior to either an approaching state primary election, or state general election, as the case may be, the voting procedure for "special voters" insofar as the one primary or election is concerned will remain essentially the same except that all properly executed applications received by the secretary of state shall be forwarded to the appropriate county auditor who, in turn, will honor same as an application for a mailed ballot to be issued, received and counted in the same manner as absentee ballots for that election.

NEW SECTION. Sec. 14. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

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