

---

**SUBSTITUTE SENATE BILL 5124**

---

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Government Operations, Tribal Relations & Elections  
(originally sponsored by Senators White, Pridemore, Fraser, and Shin;  
by request of Secretary of State)

READ FIRST TIME 02/01/11.

1 AN ACT Relating to elections by mail; amending RCW 29A.04.008,  
2 29A.04.013, 29A.04.019, 29A.04.031, 29A.04.037, 29A.04.216, 29A.04.220,  
3 29A.04.235, 29A.04.255, 29A.04.470, 29A.04.540, 29A.04.580, 29A.04.611,  
4 29A.08.130, 29A.08.140, 29A.08.440, 29A.08.620, 29A.08.720, 29A.08.775,  
5 29A.08.810, 29A.08.820, 29A.12.085, 29A.12.110, 29A.12.120, 29A.12.160,  
6 29A.16.040, 29A.24.081, 29A.28.061, 29A.32.241, 29A.32.260, 29A.36.115,  
7 29A.36.131, 29A.36.161, 29A.36.220, 29A.40.010, 29A.40.020, 29A.40.050,  
8 29A.40.070, 29A.40.091, 29A.40.100, 29A.40.110, 29A.40.130, 29A.46.260,  
9 29A.56.490, 29A.60.040, 29A.60.050, 29A.60.060, 29A.60.110, 29A.60.120,  
10 29A.60.160, 29A.60.160, 29A.60.170, 29A.60.180, 29A.60.190, 29A.60.190,  
11 29A.60.195, 29A.60.200, 29A.60.230, 29A.60.235, 29A.64.041, 29A.68.020,  
12 29A.68.070, 29A.68.080, 29A.84.020, 29A.84.050, 29A.84.510, 29A.84.520,  
13 29A.84.530, 29A.84.540, 29A.84.545, 29A.84.550, 29A.84.655, 29A.84.730,  
14 27.12.370, 36.83.110, 36.93.030, 40.24.060, 52.04.071, 85.38.125, and  
15 90.72.040; reenacting and amending RCW 29A.60.165 and 29A.84.680;  
16 adding a new section to chapter 29A.44 RCW; adding a new section to  
17 chapter 29A.52 RCW; adding a new section to chapter 29A.04 RCW;  
18 creating a new section; recodifying RCW 29A.46.260; repealing RCW  
19 29A.04.049, 29A.04.115, 29A.04.128, 29A.08.430, 29A.12.090, 29A.16.010,  
20 29A.16.020, 29A.16.030, 29A.16.060, 29A.16.110, 29A.16.120, 29A.16.130,  
21 29A.16.140, 29A.16.150, 29A.16.160, 29A.16.170, 29A.24.151, 29A.24.161,

1 29A.40.030, 29A.40.040, 29A.40.061, 29A.40.061, 29A.40.080, 29A.40.120,  
2 29A.40.140, 29A.44.010, 29A.44.020, 29A.44.030, 29A.44.040, 29A.44.045,  
3 29A.44.050, 29A.44.060, 29A.44.070, 29A.44.080, 29A.44.090, 29A.44.110,  
4 29A.44.120, 29A.44.130, 29A.44.140, 29A.44.150, 29A.44.160, 29A.44.170,  
5 29A.44.180, 29A.44.190, 29A.44.201, 29A.44.205, 29A.44.207, 29A.44.210,  
6 29A.44.221, 29A.44.225, 29A.44.231, 29A.44.240, 29A.44.250, 29A.44.260,  
7 29A.44.265, 29A.44.270, 29A.44.280, 29A.44.290, 29A.44.310, 29A.44.320,  
8 29A.44.330, 29A.44.340, 29A.44.350, 29A.44.410, 29A.44.420, 29A.44.430,  
9 29A.44.440, 29A.44.450, 29A.44.460, 29A.44.470, 29A.44.480, 29A.44.490,  
10 29A.44.500, 29A.44.510, 29A.44.520, 29A.44.530, 29A.46.010, 29A.46.020,  
11 29A.46.030, 29A.46.110, 29A.46.120, 29A.46.130, 29A.48.010, 29A.48.020,  
12 29A.48.030, 29A.48.040, 29A.48.050, 29A.48.060, 29A.52.311, 29A.52.351,  
13 29A.60.030, 29A.60.080, 29A.84.525, 29A.84.670, 29A.84.670, and  
14 29A.84.740; prescribing penalties; providing an effective date; and  
15 providing an expiration date.

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

17 **Sec. 1.** RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read  
18 as follows:

19 As used in this title:

20 (1) "Ballot" means, as the context implies, either:

21 (a) The issues and offices to be voted upon in a jurisdiction or  
22 portion of a jurisdiction at a particular primary, general election, or  
23 special election;

24 (b) A facsimile of the contents of a particular ballot whether  
25 printed on a paper ballot or ballot card or as part of a voting machine  
26 or voting device;

27 (c) A physical or electronic record of the choices of an individual  
28 voter in a particular primary, general election, or special election;  
29 or

30 (d) The physical document on which the voter's choices are to be  
31 recorded;

32 (2) "Paper ballot" means a piece of paper on which the ballot for  
33 a particular election or primary has been printed, on which a voter may  
34 record his or her choices for any candidate or for or against any  
35 measure, and that is to be tabulated manually;

1 (3) "Ballot card" means any type of card or piece of paper of any  
2 size on which a voter may record his or her choices for any candidate  
3 and for or against any measure and that is to be tabulated on a vote  
4 tallying system;

5 (4) "Sample ballot" means a printed facsimile of all the issues and  
6 offices on the ballot in a jurisdiction and is intended to give voters  
7 notice of the issues, offices, and candidates that are to be voted on  
8 at a particular primary, general election, or special election;

9 (5) "Provisional ballot" means a ballot issued (~~at the polling~~  
10 ~~place on election day by the precinct election board~~) to a voter who  
11 would otherwise be denied an opportunity to vote a regular ballot, for  
12 any reason authorized by the Help America Vote Act, including but not  
13 limited to the following:

14 (a) The voter's name does not appear in the (~~poll book~~) list of  
15 registered voters for the county;

16 (b) There is an indication in the (~~poll book that the voter has~~  
17 ~~requested an absentee ballot, but the voter wishes to vote at the~~  
18 ~~polling place~~) voter registration system that the voter has already  
19 voted in that primary, special election, or general election, but the  
20 voter wishes to vote again;

21 (c) There is a question on the part of the voter concerning the  
22 issues or candidates on which the voter is qualified to vote;

23 (d) Any other reason allowed by law;

24 (6) "Party ballot" means a primary election ballot specific to a  
25 particular major political party that lists all candidates for partisan  
26 office who affiliate with that same major political party, as well as  
27 the nonpartisan races and ballot measures to be voted on at that  
28 primary;

29 (7) "Nonpartisan ballot" means a primary election ballot that lists  
30 all nonpartisan races and ballot measures to be voted on at that  
31 primary.

32 **Sec. 2.** RCW 29A.04.013 and 2003 c 111 s 103 are each amended to  
33 read as follows:

34 "Canvassing" means the process of examining ballots or groups of  
35 ballots, subtotals, and cumulative totals in order to determine the  
36 official returns of a primary or general election and includes the

1 tabulation of any votes that were not previously tabulated (~~at the~~  
2 ~~precinct or in a counting center on the day of the primary or~~  
3 ~~election~~)).

4 **Sec. 3.** RCW 29A.04.019 and 2003 c 111 s 104 are each amended to  
5 read as follows:

6 "Counting center" means the facility or facilities designated by  
7 the county auditor to count and canvass (~~(mail)~~) ballots(~~(, absentee~~  
8 ~~ballots, and polling place ballots that are transferred to a central~~  
9 ~~site to be counted, rather than being counted by a poll site ballot~~  
10 ~~counting device, on the day of a primary or election~~)).

11 **Sec. 4.** RCW 29A.04.031 and 2003 c 111 s 106 are each amended to  
12 read as follows:

13 For registered voters voting by (~~(absentee or)~~) mail (~~(ballot)~~),  
14 "date of mailing" means the date of the postal cancellation on the  
15 envelope in which the ballot is returned to the election official by  
16 whom it was issued. For all (~~(nonregistered absentee)~~) service and  
17 overseas voters, "date of mailing" means the date stated by the voter  
18 on the (~~(envelope in which the ballot is returned to the election~~  
19 ~~official by whom it was issued)~~) declaration.

20 **Sec. 5.** RCW 29A.04.037 and 2010 c 161 s 1103 are each amended to  
21 read as follows:

22 "Disabled voter" means any registered voter who qualifies for  
23 special parking privileges under RCW 46.19.010, or who is defined as  
24 blind under RCW 74.18.020, or who qualifies to require assistance with  
25 voting under (~~(RCW 29A.44.240)~~) section 43 of this act.

26 **Sec. 6.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
27 read as follows:

28 The county auditor of each county shall be ex officio the  
29 supervisor of all primaries and elections, general or special, and it  
30 shall be the county auditor's duty to provide places for holding such  
31 primaries and elections; (~~(to appoint the precinct election officers~~  
32 ~~and to provide for their compensation)~~) to provide the supplies and  
33 materials necessary for the conduct of elections (~~(to the precinct~~  
34 ~~election officers)~~); and to publish and post notices of calling such

1 primaries and elections in the manner provided by law. The notice of  
2 a primary held in an even-numbered year must indicate that the office  
3 of precinct committee officer will be on the ballot. The auditor shall  
4 also apportion to each city, town, or district, and to the state of  
5 Washington in the odd-numbered year, its share of the expense of such  
6 primaries and elections. This section does not apply to general or  
7 special elections for any city, town, or district that is not subject  
8 to RCW 29A.04.321 and 29A.04.330, but all such elections must be held  
9 and conducted at the time, in the manner, and by the officials (with  
10 such notice, requirements for filing for office, and certifications by  
11 local officers) as provided and required by the laws governing such  
12 elections.

13 **Sec. 7.** RCW 29A.04.220 and 2003 c 111 s 135 are each amended to  
14 read as follows:

15 The county auditor shall provide public notice of the availability  
16 of registration and voting aids, assistance to elderly and disabled  
17 persons, and procedures for voting (~~((by absentee ballot))~~) calculated to  
18 reach elderly and disabled persons not later than public notice of the  
19 closing of registration for a primary or election.

20 **Sec. 8.** RCW 29A.04.235 and 2003 c 111 s 138 are each amended to  
21 read as follows:

22 The secretary of state shall ensure that each county auditor is  
23 provided with the most recent version of the election laws of the  
24 state, as contained in this title. Where amendments have been enacted  
25 after the last compilation of the election laws, he or she shall ensure  
26 that each county auditor receives a copy of those amendments before the  
27 next primary or election. (~~((The county auditor shall ensure that any  
28 statutory information necessary for the precinct election officers to  
29 perform their duties is supplied to them in a timely manner.))~~)

30 **Sec. 9.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read  
31 as follows:

32 The secretary of state or a county auditor shall accept and file in  
33 his or her office electronic facsimile transmissions of the following  
34 documents:

35 (1) Declarations of candidacy;

- 1 (2) County canvass reports;
- 2 (3) Voters' pamphlet statements;
- 3 (4) Arguments for and against ballot measures that will appear in
- 4 a voters' pamphlet;
- 5 (5) Requests for recounts;
- 6 (6) Certification of candidates and measures by the secretary of
- 7 state;
- 8 (7) Direction by the secretary of state for the conduct of a
- 9 mandatory recount;
- 10 (8) Requests for absentee ballots;
- 11 (9) Any other election related document authorized by rule adopted
- 12 by the secretary of state under RCW (~~(29A.04.610)~~) 29A.04.611.

13 The acceptance by the secretary of state or the county auditor is  
14 conditional upon the document being filed in a timely manner, being  
15 legible, and otherwise satisfying the requirements of state law or  
16 rules with respect to form and content.

17 If the original copy of a document must be signed and a copy of the  
18 document is filed by facsimile transmission under this section, the  
19 original copy must be subsequently filed with the official with whom  
20 the facsimile was filed. The original copy must be filed by a deadline  
21 established by the secretary by rule. The secretary may by rule  
22 require that the original of any document, a copy of which is filed by  
23 facsimile transmission under this section, also be filed by a deadline  
24 established by the secretary by rule.

25 **Sec. 10.** RCW 29A.04.470 and 2004 c 267 s 203 are each amended to  
26 read as follows:

27 (1) The secretary of state shall create an advisory committee and  
28 adopt rules governing project eligibility, evaluation, awarding of  
29 grants, and other criteria for administering the local government grant  
30 program, which may include a preference for grants that include a match  
31 of local funds.

32 (2) The advisory committee shall review grant proposals and  
33 establish a prioritized list of projects to be considered for funding  
34 by the third Tuesday in May of each year beginning in 2004 and  
35 continuing as long as funds in the election account established by  
36 (~~(chapter 48, Laws of 2003 [RCW 29A.04.440])~~) RCW 29A.04.440 are  
37 available. The grant award may have an effective date other than the

1 date the project is placed on the prioritized list, including money  
2 spent previously by the county that would qualify for reimbursement  
3 under the Help America Vote Act (P.L. 107-252).

4 (3) Examples of projects that would be eligible for local  
5 government grant funding include, but are not limited to the following:

6 (a) Replacement or upgrade of voting equipment, including the  
7 replacement of punch card voting systems;

8 (b) Purchase of additional voting equipment, including the purchase  
9 of equipment to meet the disability requirements of the Help America  
10 Vote Act (P.L. 107-252);

11 (c) Purchase of new election management system hardware and  
12 software capable of integrating with the statewide voter registration  
13 system required by the Help America Vote Act (P.L. 107-252);

14 (d) Development and production of (~~poll~~) election worker  
15 (~~recruitment and~~) training materials;

16 (e) Voter education programs;

17 (f) Publication of a local voters' pamphlet;

18 (g) Toll-free access system to provide notice of the outcome of  
19 provisional ballots; and

20 (h) Training for local election officials.

21 **Sec. 11.** RCW 29A.04.540 and 2009 c 415 s 9 are each amended to  
22 read as follows:

23 A person having responsibility for the administration or conduct of  
24 elections(~~(, other than precinct election officers,)~~) shall, within  
25 eighteen months of undertaking those responsibilities, receive general  
26 training regarding the conduct of elections and specific training  
27 regarding their responsibilities and duties as prescribed by this title  
28 or by rules adopted by the secretary of state under this title.  
29 Included among those persons for whom such training is mandatory are  
30 the following:

31 (1) Secretary of state elections division personnel;

32 (2) County elections administrators under RCW 36.22.220; and

33 (3) Any other person or group charged with election administration  
34 responsibilities if the person or group is designated by rule adopted  
35 by the secretary of state as requiring the training.

36 Neither this section nor RCW 29A.04.530 may be construed as

1 requiring an elected official to receive training or a certificate of  
2 training as a condition for seeking or holding elective office or as a  
3 condition for carrying out constitutional duties.

4 **Sec. 12.** RCW 29A.04.580 and 2003 c 111 s 156 are each amended to  
5 read as follows:

6 The county auditor may designate any person who has been certified  
7 under this chapter, other than the auditor, to participate in a review  
8 conducted in the county under this chapter. Each county auditor and  
9 canvassing board shall cooperate fully during an election review by  
10 making available to the reviewing staff any material requested by the  
11 staff. The reviewing staff shall have full access to (~~ballot pages,~~  
12 ~~absentee voting materials, any other election material normally kept in~~  
13 ~~a secure environment after the election, and other requested~~) the  
14 county's election material. If ballots are reviewed by the staff, they  
15 shall be reviewed in the presence of the canvassing board or its  
16 designees. Ballots shall not leave the custody of the canvassing  
17 board. During the review and after its completion, the review staff  
18 may make appropriate recommendations to the county auditor or  
19 canvassing board, or both, to bring the county into compliance with the  
20 training required under this chapter, and the laws or rules of the  
21 state of Washington, to safeguard election material or to preserve the  
22 integrity of the elections process.

23 **Sec. 13.** RCW 29A.04.611 and 2009 c 369 s 5 are each amended to  
24 read as follows:

25 The secretary of state as chief election officer shall make  
26 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
27 with the federal and state election laws to effectuate any provision of  
28 this title and to facilitate the execution of its provisions in an  
29 orderly, timely, and uniform manner relating to any federal, state,  
30 county, city, town, and district elections. To that end the secretary  
31 shall assist local election officers by devising uniform forms and  
32 procedures.

33 In addition to the rule-making authority granted otherwise by this  
34 section, the secretary of state shall make rules governing the  
35 following provisions:

36 (1) The maintenance of voter registration records;



- 1           (2) The preparation, maintenance, distribution, review, and filing  
2 of precinct maps;
- 3           (3) Standards for the design, layout, and production of ballots;
- 4           (4) The examination and testing of voting systems for  
5 certification;
- 6           (5) The source and scope of independent evaluations of voting  
7 systems that may be relied upon in certifying voting systems for use in  
8 this state;
- 9           (6) Standards and procedures for the acceptance testing of voting  
10 systems by counties;
- 11          (7) Standards and procedures for testing the programming of vote  
12 tallying software for specific primaries and elections;
- 13          (8) Standards and procedures for the preparation and use of each  
14 type of certified voting system including procedures for the operation  
15 of counting centers where vote tallying systems are used;
- 16          (9) Standards and procedures to ensure the accurate tabulation and  
17 canvassing of ballots;
- 18          (10) Consistency among the counties of the state in the preparation  
19 of ballots, the operation of vote tallying systems, and the canvassing  
20 of primaries and elections;
- 21          (11) Procedures to ensure the secrecy of a voter's ballot when a  
22 small number of ballots are counted (~~(at the polls or at a counting~~  
23 ~~center))~~);
- 24          (12) The use of substitute devices or means of voting when a voting  
25 device (~~(at the polling place)~~) is found to be defective, the counting  
26 of votes cast on the defective device, the counting of votes cast on  
27 the substitute device, and the documentation that must be submitted to  
28 the county auditor regarding such circumstances;
- 29          (13) Procedures for the transportation of sealed containers of  
30 voted ballots or sealed voting devices;
- 31          (14) The acceptance and filing of documents via electronic  
32 (~~(facsimile)~~) transmission;
- 33          (15) Voter registration applications and records;
- 34          (16) The use of voter registration information in the conduct of  
35 elections;
- 36          (17) The coordination, delivery, and processing of voter  
37 registration records accepted by driver licensing agents or the  
38 department of licensing;

- 1 (18) The coordination, delivery, and processing of voter  
2 registration records accepted by agencies designated by the governor to  
3 provide voter registration services;
- 4 (19) Procedures to receive and distribute voter registration  
5 applications by mail;
- 6 (20) Procedures for a voter to change his or her voter registration  
7 address within a county by telephone;
- 8 (21) Procedures for a voter to change the name under which he or  
9 she is registered to vote;
- 10 (22) Procedures for canceling dual voter registration records and  
11 for maintaining records of persons whose voter registrations have been  
12 canceled;
- 13 (23) Procedures for the electronic transfer of voter registration  
14 records between county auditors and the office of the secretary of  
15 state;
- 16 (24) Procedures and forms for declarations of candidacy;
- 17 (25) Procedures and requirements for the acceptance and filing of  
18 declarations of candidacy by electronic means;
- 19 (26) Procedures for the circumstance in which two or more  
20 candidates have a name similar in sound or spelling so as to cause  
21 confusion for the voter;
- 22 (27) Filing for office;
- 23 (28) The order of positions and offices on a ballot;
- 24 (29) Sample ballots;
- 25 (30) Independent evaluations of voting systems;
- 26 (31) The testing, approval, and certification of voting systems;
- 27 (32) The testing of vote tallying software programming;
- 28 (33) Standards and procedures to prevent fraud and to facilitate  
29 the accurate processing and canvassing of ((~~absentee ballots and mail~~))  
30 ballots, including standards for the approval and implementation of  
31 hardware and software for automated signature verification systems;
- 32 (34) Standards and procedures to guarantee the secrecy of  
33 ((~~absentee ballots and mail~~)) ballots;
- 34 (35) Uniformity among the counties of the state in the conduct of  
35 ((~~absentee voting and mail ballot~~)) elections;
- 36 (36) Standards and procedures to accommodate overseas voters and  
37 service voters;

1           (37) The tabulation of paper ballots (~~((before the close of the~~  
2 ~~polls))~~);

3           (38) The accessibility of (~~(polling places and registration~~  
4 ~~facilities that are accessible to elderly and disabled persons)) voting  
5 centers;~~

6           (39) The aggregation of precinct results if reporting the results  
7 of a single precinct could jeopardize the secrecy of a person's ballot;

8           (40) Procedures for conducting a statutory recount;

9           (41) Procedures for filling vacancies in congressional offices if  
10 the general statutory time requirements for availability of  
11 (~~(absentee))~~) ballots, certification, canvassing, and related procedures  
12 cannot be met;

13           (42) Procedures for the statistical sampling of signatures for  
14 purposes of verifying and canvassing signatures on initiative,  
15 referendum, and recall election petitions;

16           (43) Standards and deadlines for submitting material to the office  
17 of the secretary of state for the voters' pamphlet;

18           (44) Deadlines for the filing of ballot titles for referendum bills  
19 and constitutional amendments if none have been provided by the  
20 legislature;

21           (45) Procedures for the publication of a state voters' pamphlet;

22           (46) Procedures for conducting special elections regarding nuclear  
23 waste sites if the general statutory time requirements for availability  
24 of (~~(absentee))~~) ballots, certification, canvassing, and related  
25 procedures cannot be met;

26           (47) Procedures for conducting partisan primary elections;

27           (48) Standards and procedures for the proper conduct of voting  
28 (~~((during the early voting period to provide accessibility for the blind~~  
29 ~~or visually impaired))~~) on accessible voting devices;

30           (49) Standards for voting technology and systems used by the state  
31 or any political subdivision to be accessible for individuals with  
32 disabilities, including nonvisual accessibility for the blind and  
33 visually impaired, in a manner that provides the same opportunity for  
34 access and participation, including privacy and independence, as other  
35 voters;

36           (50) All data formats for transferring voter registration data on  
37 electronic or machine-readable media for the purpose of administering

1 the statewide voter registration list required by the Help America Vote  
2 Act (P.L. 107-252);

3 (51) Defining the interaction of electronic voter registration  
4 election management systems employed by each county auditor to maintain  
5 a local copy of each county's portion of the official state list of  
6 registered voters;

7 (52) Provisions and procedures to implement the state-based  
8 administrative complaint procedure as required by the Help America Vote  
9 Act (P.L. 107-252);

10 (53) Facilitating the payment of local government grants to local  
11 government election officers or vendors; and

12 (54) Standards for the verification of signatures on (~~absentee,~~  
13 ~~mail, and provisional~~) ballot (~~envelopes~~) declarations.

14 **Sec. 14.** RCW 29A.08.130 and 2009 c 369 s 13 are each amended to  
15 read as follows:

16 Election officials shall not include inactive voters in the count  
17 of registered voters for the purpose of dividing precincts, (~~creating~~  
18 ~~vote by mail precincts,~~) determining voter turnout, or other purposes  
19 in law for which the determining factor is the number of registered  
20 voters. (~~Election officials shall not include persons who are ongoing~~  
21 ~~absentee voters under RCW 29A.40.040 in determining the maximum~~  
22 ~~permissible size of vote by mail precincts or in determining the~~  
23 ~~maximum permissible size of precincts. Nothing in this section may be~~  
24 ~~construed as altering the vote tallying requirements of RCW~~  
25 ~~29A.60.230.~~)

26 **Sec. 15.** RCW 29A.08.140 and 2009 c 369 s 15 are each amended to  
27 read as follows:

28 (1) In order to vote in any primary, special election, or general  
29 election, a person who is not registered to vote in Washington must:

30 (a) Submit a registration application no later than twenty-nine  
31 days before the day of the primary, special election, or general  
32 election; or

33 (b) Register in person at the county auditor's office in his or her  
34 county of residence no later than eight days before the day of the  
35 primary, special election, or general election. (~~A person registering~~  
36 ~~under this subsection will be issued an absentee ballot.~~)

1 (2) A person who is already registered to vote in Washington may  
2 update his or her registration no later than twenty-nine days before  
3 the day of the primary, special election, or general election to be in  
4 effect for that primary, special election, or general election. A  
5 registered voter who fails to transfer his or her residential address  
6 by this deadline may vote according to his or her previous registration  
7 address.

8 ~~((3) Prior to each primary and general election, the county  
9 auditor shall give notice of the registration deadlines by one  
10 publication in a newspaper of general circulation in the county at  
11 least thirty five days before the primary or general election.))~~

12 **Sec. 16.** RCW 29A.08.440 and 2009 c 369 s 25 are each amended to  
13 read as follows:

14 A registered voter who changes his or her name shall notify the  
15 county auditor regarding the name change by submitting a notice clearly  
16 identifying the name under which he or she is registered to vote, the  
17 voter's new name, and the voter's residence, and providing a signature  
18 of the new name, or by submitting a voter registration application.

19 ~~((A properly registered voter who files a change of name notice at  
20 the voter's precinct polling place during a primary or election and who  
21 desires to vote at that primary or election shall sign the poll book  
22 using the voter's former and new names.))~~

23 **Sec. 17.** RCW 29A.08.620 and 2009 c 369 s 29 are each amended to  
24 read as follows:

25 (1) Each county auditor must request change of address information  
26 from the postal service for all ~~((absentee and))~~ mail ballots. ~~((A  
27 voter who votes at the polls must be mailed an election related  
28 document, with change of address information requested, at least once  
29 every two years and at least ninety days prior to the date of a primary  
30 or general election for federal office.))~~

31 (2) The county auditor shall transfer the registration of a voter  
32 and send an acknowledgement notice to the new address informing the  
33 voter of the transfer if change of address information received by the  
34 county auditor from the postal service, the department of licensing, or  
35 another agency designated to provide voter registration services  
36 indicates that the voter has moved within the county.

1 (3) The county auditor shall place a voter on inactive status and  
2 send to all known addresses a confirmation notice and a voter  
3 registration application if change of address information received by  
4 the county auditor from the postal service, the department of  
5 licensing, or another agency designated to provide voter registration  
6 services indicates that the voter has moved from one county to another.

7 (4) The county auditor shall place a voter on inactive status and  
8 send to all known addresses a confirmation notice if any of the  
9 following occur:

10 (a) Any document mailed by the county auditor to a voter is  
11 returned by the postal service as undeliverable without address  
12 correction information; or

13 (b) Change of address information received from the postal service,  
14 the department of licensing, or another state agency designated to  
15 provide voter registration services indicates that the voter has moved  
16 out of the state.

17 **Sec. 18.** RCW 29A.08.720 and 2009 c 369 s 34 are each amended to  
18 read as follows:

19 (1) In the case of voter registration records received through the  
20 department of licensing or an agency designated under RCW 29A.08.310,  
21 the identity of the office or agency at which any particular individual  
22 registered to vote is not available for public inspection and shall not  
23 be disclosed to the public. Any record of a particular individual's  
24 choice not to register to vote at an office of the department of  
25 licensing or a state agency designated under RCW 29A.08.310 is not  
26 available for public inspection and any information regarding such a  
27 choice by a particular individual shall not be disclosed to the public.

28 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,  
29 (~~poll books~~) precinct lists(~~(7)~~) and current lists of registered  
30 voters are public records and must be made available for public  
31 inspection and copying under such reasonable rules and regulations as  
32 the county auditor or secretary of state may prescribe. The county  
33 auditor or secretary of state shall promptly furnish current lists of  
34 registered voters in his or her possession, at actual reproduction  
35 cost, to any person requesting such information. The lists shall not  
36 be used for the purpose of mailing or delivering any advertisement or  
37 offer for any property, establishment, organization, product, or

1 service or for the purpose of mailing or delivering any solicitation  
2 for money, services, or anything of value. However, the lists and  
3 labels may be used for any political purpose. The county auditor or  
4 secretary of state must provide a copy of RCW 29A.08.740 to the person  
5 requesting the material that is released under this section.

6 (3) For the purposes of this section, "political purpose" means a  
7 purpose concerned with the support of or opposition to any candidate  
8 for any partisan or nonpartisan office or concerned with the support of  
9 or opposition to any ballot proposition or issue. "Political purpose"  
10 includes, but is not limited to, such activities as the advertising for  
11 or against any candidate or ballot measure or the solicitation of  
12 financial support.

13 **Sec. 19.** RCW 29A.08.775 and 2005 c 246 s 20 are each amended to  
14 read as follows:

15 Only voters who appear on the official statewide voter registration  
16 list are eligible to participate in elections. Each county shall  
17 maintain a copy of that county's portion of the state list. The county  
18 must ensure that voter registration data used for the production,  
19 issuance, and processing of (~~poll lists and other lists and mailings~~  
20 ~~done~~) ballots in the administration of each election are the same as  
21 the official statewide voter registration list.

22 **Sec. 20.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to  
23 read as follows:

24 (1) Registration of a person as a voter is presumptive evidence of  
25 his or her right to vote. A challenge to the person's right to vote  
26 must be based on personal knowledge of one of the following:

27 (a) The challenged voter has been convicted of a felony and the  
28 voter's civil rights have not been restored;

29 (b) The challenged voter has been judicially declared ineligible to  
30 vote due to mental incompetency;

31 (c) The challenged voter does not live at the residential address  
32 provided, in which case the challenger must either:

33 (i) Provide the challenged voter's actual residence on the  
34 challenge form; or

35 (ii) Submit evidence that he or she exercised due diligence to  
36 verify that the challenged voter does not reside at the address

1 provided and to attempt to contact the challenged voter to learn the  
2 challenged voter's actual residence, including that the challenger  
3 personally:

4 (A) Sent a letter with return service requested to the challenged  
5 voter's residential address provided, and to the challenged voter's  
6 mailing address, if provided;

7 (B) Visited the residential address provided and contacted persons  
8 at the address to determine whether the voter resides at the address  
9 and, if not, obtained and submitted with the challenge form a signed  
10 affidavit subject to the penalties of perjury from a person who owns or  
11 manages property, resides, or is employed at the address provided, that  
12 to his or her personal knowledge the challenged voter does not reside  
13 at the address as provided on the voter registration;

14 (C) Searched local telephone directories, including online  
15 directories, to determine whether the voter maintains a telephone  
16 listing at any address in the county;

17 (D) Searched county auditor property records to determine whether  
18 the challenged voter owns any property in the county; and

19 (E) Searched the statewide voter registration database to determine  
20 if the voter is registered at any other address in the state;

21 (d) The challenged voter will not be eighteen years of age by the  
22 next election; or

23 (e) The challenged voter is not a citizen of the United States.

24 (2) A person's right to vote may be challenged((+)) by another  
25 registered voter or the county prosecuting attorney ((~~at any time, or~~  
26 ~~by the poll site judge or inspector if the challenge is filed on~~  
27 ~~election day regarding a voter who presents himself or herself to vote~~  
28 ~~at the poll site~~)).

29 (3) The challenger must file a signed affidavit subject to the  
30 penalties of perjury swearing that, to his or her personal knowledge  
31 and belief, having exercised due diligence to personally verify the  
32 evidence presented, the challenged voter either is not qualified to  
33 vote or does not reside at the address given on his or her voter  
34 registration record based on one of the reasons allowed in subsection  
35 (1) of this section. The challenger must provide the factual basis for  
36 the challenge, including any information required by subsection (1)(c)  
37 of this section, in the signed affidavit. The challenge may not be



1 based on unsupported allegations or allegations by anonymous third  
2 parties. All documents pertaining to the challenge are public records.

3 (4) Challenges based on a felony conviction under RCW 29A.08.520  
4 must be heard according to RCW 29A.08.520 and rules adopted by the  
5 secretary of state.

6 **Sec. 21.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to  
7 read as follows:

8 (1) Challenges initiated by a registered voter against a voter who  
9 registered to vote less than sixty days before the election, or who  
10 changed residence less than sixty days before the election without  
11 transferring his or her registration, must be filed not later than ten  
12 days before any primary or election, general or special, or within ten  
13 days of the voter being added to the voter registration database,  
14 whichever is later, at the office of the appropriate county auditor.  
15 Challenges initiated by a registered voter (~~against any other voter~~)  
16 or county prosecuting attorney must be filed not later than forty-five  
17 days before the election. (~~Challenges initiated by the office of the~~  
18 ~~county prosecuting attorney must be filed in the same manner as~~  
19 ~~challenges initiated by a registered voter.~~)

20 (2)(a) If the challenge is filed within forty-five days before an  
21 election at which the challenged voter is eligible to vote, a notation  
22 of the challenge must be made immediately in the (~~poll book or~~) voter  
23 registration system, and the county canvassing board presides over the  
24 hearing.

25 (b) If the challenge is filed before the challenged voter's ballot  
26 is received, the ballot must be treated as a challenged ballot. (~~A~~  
27 ~~challenged ballot received at a polling place must be placed in a~~  
28 ~~sealed envelope separate from other voted ballots.~~)

29 (c) If the challenge is filed after the challenged voter's ballot  
30 is received, the challenge cannot affect the current election.

31 (3) If the challenge is filed at least forty-five days before an  
32 election at which the challenged voter is eligible to vote, the county  
33 auditor presides over the hearing.

34 **Sec. 22.** RCW 29A.12.085 and 2005 c 242 s 1 are each amended to  
35 read as follows:

36 Beginning on January 1, 2006, all direct recording electronic

1 voting devices must produce a paper record of each vote that may be  
2 accepted or rejected by the voter before finalizing his or her vote.  
3 This record may not be removed from the (~~polling place~~) voting  
4 center, and must be human readable without an interface and machine  
5 readable for counting purposes. If the device is programmed to display  
6 the ballot in multiple languages, the paper record produced must be  
7 printed in the language used by the voter. Rejected records must  
8 either be destroyed or marked in order to clearly identify the record  
9 as rejected. Paper records produced by direct recording electronic  
10 voting devices are subject to all the requirements of chapter 29A.60  
11 RCW for ballot handling, preservation, reconciliation, transit, and  
12 storage. The paper records must be preserved in the same manner and  
13 for the same period of time as ballots.

14 **Sec. 23.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to  
15 read as follows:

16 In preparing a voting device for a primary or election, a record  
17 shall be made of the (~~ballot format~~) programming installed in each  
18 device (~~and the precinct or portion of a precinct for which that~~  
19 ~~device has been prepared~~). Except where provided by a rule adopted  
20 under RCW (~~29A.04.610~~) 29A.04.611, after being prepared for a primary  
21 or election, each device shall be sealed with a uniquely numbered seal  
22 (~~and provided to the inspector of the appropriate polling place~~).  
23 The programmed memory pack for each voting device must be sealed into  
24 the device during final preparation and logic and accuracy testing.  
25 Except in the case of a device breakdown or error in programming, the  
26 memory pack must remain sealed in the device until after 8:00 p.m. on  
27 the day of the primary, special election, or general election.

28 **Sec. 24.** RCW 29A.12.120 and 2003 c 111 s 312 are each amended to  
29 read as follows:

30 (1) Before each state primary or general election at which voting  
31 systems are to be used, the county auditor shall instruct all  
32 (~~precinct election officers appointed under RCW 29A.44.410,~~) counting  
33 center personnel(~~, and political party observers designated under RCW~~  
34 ~~29A.60.170~~) who will operate a voting system in the proper conduct of  
35 their voting system duties.

1 (2) The county auditor may waive instructional requirements for  
2 (~~precinct election officers,~~) counting center personnel(~~,~~ and  
3 ~~political party observers~~) who have previously received instruction  
4 and who have served for a sufficient length of time to be fully  
5 qualified to perform their duties. The county auditor shall keep a  
6 record of each person who has received instruction and is qualified to  
7 serve at the subsequent primary or election.

8 (~~As compensation for the time spent in receiving instruction,~~  
9 ~~each precinct election officer who qualifies and serves at the~~  
10 ~~subsequent primary or election shall receive an additional two hours~~  
11 ~~compensation, to be paid at the same time and in the same manner as~~  
12 ~~compensation is paid for services on the day of the primary or~~  
13 ~~election.~~

14 (~~Except for the appointment of a precinct election officer to~~  
15 ~~fill a vacancy under RCW 29A.44.440, no inspector or judge may serve at~~  
16 ~~any primary or election at which voting systems are used unless he or~~  
17 ~~she has received the required instruction and is qualified to perform~~  
18 ~~his or her duties in connection with the voting devices.)) No person  
19 may work in a counting center at a primary or election at which a vote  
20 tallying system is used unless that person has received the required  
21 instruction and is qualified to perform his or her duties in connection  
22 with the handling and tallying of ballots for that primary or election.  
23 (~~No person may serve as a political party observer unless that person~~  
24 ~~has received the required instruction and is familiar with the~~  
25 ~~operation of the counting center and the vote tallying system and the~~  
26 ~~procedures to be employed to verify the accuracy of the programming for~~  
27 ~~that vote tallying system.))~~~~

28 **Sec. 25.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to  
29 read as follows:

30 (1) At each (~~polling location~~) voting center, at least one voting  
31 unit certified by the secretary of state shall provide access to  
32 individuals who are blind or visually impaired.

33 (2) (~~Compliance with this provision in regard to voting technology~~  
34 ~~and systems purchased prior to July 27, 2003, shall be achieved at the~~  
35 ~~time of procurement of an upgrade of technology compatible with~~  
36 ~~nonvisual voting methods or replacement of existing voting equipment or~~  
37 ~~systems.~~

1 ~~(3) Compliance with subsection (2) of this section is contingent on~~  
2 ~~available funds to implement this provision.~~

3 ~~(4))~~ For purposes of this section, the following definitions  
4 apply:

5 (a) "Accessible" includes receiving, using, selecting, and  
6 manipulating voter data and controls.

7 (b) "Nonvisual" includes synthesized speech, Braille, and other  
8 output methods.

9 (c) "Blind and visually impaired" excludes persons who are both  
10 deaf and blind.

11 ~~((5) This section does not apply to voting by absentee ballot.))~~

12 **Sec. 26.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to  
13 read as follows:

14 The county legislative authority of each county in the state  
15 ~~((hereafter formed)) shall((, at their first session,))~~ divide ~~((their~~  
16 ~~respective counties))~~ the county into election precincts and establish  
17 the boundaries of the precincts. ~~((The county auditor shall thereupon~~  
18 ~~designate the voting place for each such precinct or whether the~~  
19 ~~precinct is a vote by mail precinct.))~~

20 (1) Precinct boundaries may be altered at any time as long as  
21 sufficient time exists prior to a given election for the necessary  
22 procedural steps to be honored. Except as permitted under subsection  
23 ~~((5))~~ (3) of this section, no precinct ~~((boundaries))~~ changes may be  
24 ~~((changed))~~ made during the period starting ~~((on the thirtieth))~~  
25 fourteen days prior to the first day for candidates to file for the  
26 primary election and ending with the day of the general election.

27 (2) The county legislative authority may establish by ordinance a  
28 limitation on the maximum number of active registered voters in each  
29 precinct within its jurisdiction. The ~~((limitation may be different~~  
30 ~~for precincts based upon the method of voting used for such precincts~~  
31 ~~and the))~~ number may be less than the number established by law, but in  
32 no case may the number exceed ~~((that authorized by law))~~ two thousand  
33 active registered voters.

34 ~~((Precincts in which voting machines or electronic voting~~  
35 ~~devices are used may contain as many as nine hundred active registered~~  
36 ~~voters. The number of poll site ballot counting devices at each~~

1 ~~polling place is at the discretion of the auditor. The number of~~  
2 ~~devices must be adequate to meet the expected voter turnout.~~

3 ~~(4) On petition of twenty five or more voters resident more than~~  
4 ~~ten miles from any polling site, the county legislative authority shall~~  
5 ~~establish a separate voting precinct therefor.~~

6 (5)) The county auditor shall temporarily adjust precinct  
7 boundaries when a city or town annexes unincorporated territory to the  
8 city or town, or whenever unincorporated territory is incorporated as  
9 a city or town. The adjustment must be made as soon as possible after  
10 the approval of the annexation or incorporation. The temporary  
11 adjustment must be limited to the minimum changes necessary to  
12 accommodate the addition of the territory to the city or town, or to  
13 establish the eligible voters within the boundaries of the new city or  
14 town, and remains in effect only until precinct boundary modifications  
15 reflecting the annexation or incorporation are adopted by the county  
16 legislative authority.

17 ((~~(6) In determining the number of active registered voters for the~~  
18 ~~purposes of this section, persons who are ongoing absentee voters under~~  
19 ~~RCW 29A.40.040 shall not be counted. Nothing in this subsection may be~~  
20 ~~construed as altering the vote tallying requirements of RCW~~  
21 ~~29A.60.230.))~~

22 **Sec. 27.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
23 read as follows:

24 Any candidate may mail his or her declaration of candidacy for an  
25 office to the filing officer. Such declarations of candidacy shall be  
26 processed by the filing officer in the following manner:

27 (1) Any declaration received by the filing officer by mail before  
28 the tenth business day immediately preceding the first day for  
29 candidates to file for office shall be returned to the candidate  
30 submitting it, together with a notification that the declaration of  
31 candidacy was received too early to be processed. The candidate shall  
32 then be permitted to resubmit his or her declaration of candidacy  
33 during the filing period.

34 (2) Any properly executed declaration of candidacy received by mail  
35 on or after the tenth business day immediately preceding the first day  
36 for candidates to file for office and before the close of business on  
37 the last day of the filing period shall be included with filings made

1 in person during the filing period. (~~In partisan and judicial~~  
2 ~~elections the filing officer shall determine by lot the order in which~~  
3 ~~the names of those candidates shall appear upon sample and absentee~~  
4 ~~primary ballots.~~)

5 (3) Any declaration of candidacy received by the filing officer  
6 after the close of business on the last day for candidates to file for  
7 office shall be rejected and returned to the candidate attempting to  
8 file it.

9 **Sec. 28.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
10 read as follows:

11 The general election laws and laws relating to partisan primaries  
12 shall apply to the special primaries and vacancy elections provided for  
13 in chapter 29A.28 RCW to the extent that they are not inconsistent with  
14 the provisions of these sections. Minor political party and  
15 independent candidates may appear only on the general election ballot.  
16 Statutory time deadlines relating to availability of (~~absentee~~)  
17 ballots, certification, canvassing, and related procedures that cannot  
18 be met in a timely fashion may be modified for the purposes of a  
19 specific primary or vacancy election under this chapter by the  
20 secretary of state through emergency rules adopted under RCW  
21 29A.04.611.

22 **Sec. 29.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
23 read as follows:

24 The local voters' pamphlet shall include but not be limited to the  
25 following:

26 (1) Appearing on the cover, the words "official local voters'  
27 pamphlet," the name of the jurisdiction producing the pamphlet, and the  
28 date of the election or primary;

29 (2) A list of jurisdictions that have measures or candidates in the  
30 pamphlet;

31 (3) Information on how a person may register to vote and obtain  
32 (~~an absentee~~) a ballot;

33 (4) The text of each measure accompanied by an explanatory  
34 statement prepared by the prosecuting attorney for any county measure  
35 or by the attorney for the jurisdiction submitting the measure if other  
36 than a county measure. All explanatory statements for city, town, or

1 district measures not approved by the attorney for the jurisdiction  
2 submitting the measure shall be reviewed and approved by the county  
3 prosecuting attorney or city attorney, when applicable, before  
4 inclusion in the pamphlet;

5 (5) The arguments for and against each measure submitted by  
6 committees selected pursuant to RCW 29A.32.280; and

7 (6) For partisan primary elections, information on how to vote the  
8 applicable ballot format and an explanation that minor political party  
9 candidates and independent candidates will appear only on the general  
10 election ballot.

11 **Sec. 30.** RCW 29A.32.260 and 2003 c 111 s 818 are each amended to  
12 read as follows:

13 As soon as practicable before the primary, special election, or  
14 general election, the county auditor, or if applicable, the city clerk  
15 of a first-class or code city, as appropriate, shall mail the local  
16 voters' pamphlet to every residence in each jurisdiction that has  
17 included information in the pamphlet. The county auditor or city  
18 clerk, as appropriate, may choose to mail the pamphlet to each  
19 registered voter in each jurisdiction that has included information in  
20 the pamphlet, if in his or her judgment, a more economical and  
21 effective distribution of the pamphlet would result. ~~((If the county  
22 or city chooses to mail the pamphlet to each residence, no notice of  
23 election otherwise required by RCW 29A.52.350 need be published.))~~

24 **Sec. 31.** RCW 29A.36.115 and 2005 c 243 s 3 are each amended to  
25 read as follows:

26 All provisional ~~((and absentee))~~ ballots must be visually  
27 distinguishable from ~~((each))~~ other ballots and ~~((must be either:~~

28 ~~(1) Printed on colored paper; or~~

29 ~~(2) Imprinted with a bar code for the purpose of identifying the  
30 ballot as a provisional or absentee ballot. The bar code must not  
31 identify the voter.~~

32 ~~Provisional and absentee ballots must be))~~ incapable of being  
33 tabulated by ~~((poll site counting devices))~~ a voting system.

34 **Sec. 32.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
35 read as follows:

1           After the close of business on the last day for candidates to file  
2 for office, the filing officer shall, from among those filings made in  
3 person and by mail, determine by lot the order in which the names of  
4 those candidates will appear on all ((~~primary, sample, and absentee~~))  
5 ballots. The determination shall be done publicly and may be witnessed  
6 by the media and by any candidate. If no primary is required for any  
7 nonpartisan office under RCW 29A.52.011 or 29A.52.220, or if any  
8 independent or minor party candidate files a declaration of candidacy,  
9 the names shall appear on the general election ballot in the order  
10 determined by lot.

11           **Sec. 33.** RCW 29A.36.161 and 2010 c 32 s 1 are each amended to read  
12 as follows:

13           (1) On the top of each ballot must be printed clear and concise  
14 instructions directing the voter how to mark the ballot, including  
15 write-in votes. On the top of each primary ballot must be printed the  
16 instructions required by this chapter.

17           (2) The ballot must have a clear delineation between the ballot  
18 instructions and the first ballot measure or office through the use of  
19 white space, illustration, shading, color, symbol, font size, or bold  
20 type. The secretary of state shall establish standards for ballot  
21 design and layout consistent with this section and RCW 29A.04.611.

22           (3) The questions of adopting constitutional amendments or any  
23 other state measure authorized by law to be submitted to the voters at  
24 that election must appear after the instructions and before any  
25 offices.

26           (4) In a year that president and vice president appear on the  
27 general election ballot, the names of candidates for president and vice  
28 president for each political party must be grouped together with a  
29 single response position for a voter to indicate his or her choice.

30           (5) On a general election ballot, the candidate or candidates of  
31 the major political party that received the highest number of votes  
32 from the electors of this state for the office of president of the  
33 United States at the last presidential election must appear first  
34 following the appropriate office heading. The candidate or candidates  
35 of the other major political parties will follow according to the votes  
36 cast for their nominees for president at the last presidential



1 election, and independent candidates and the candidate or candidates of  
2 all other parties will follow in the order of their qualification with  
3 the secretary of state.

4 ~~((6) All paper ballots and ballot cards used at a polling place  
5 must be sequentially numbered in such a way to permit removal of such  
6 numbers without leaving any identifying marks on the ballot.))~~

7 **Sec. 34.** RCW 29A.36.220 and 2003 c 111 s 922 are each amended to  
8 read as follows:

9 The cost of printing and mailing ballots, ~~((ballot cards))~~  
10 envelopes, and instructions ~~((and the delivery of this material to the  
11 precinct election officers))~~ shall be an election cost that shall be  
12 borne as determined under RCW 29A.04.410 and 29A.04.420, as  
13 appropriate.

14 **Sec. 35.** RCW 29A.40.010 and 2009 c 369 s 36 are each amended to  
15 read as follows:

16 ~~((Any))~~ Each registered voter of the state ~~((or any))~~, overseas  
17 voter ~~((or))~~, and service voter ~~((may vote by absentee))~~ shall  
18 automatically be issued a mail ballot ~~((in any))~~ for each general  
19 election, special election, or primary ~~((in the manner provided in this  
20 chapter))~~. Overseas voters and service voters are authorized to cast  
21 the same ballots, including those for special elections, as a  
22 registered voter of the state would receive under this chapter. Each  
23 registered voter shall continue to receive a ballot by mail until the  
24 death or disqualification of the voter, cancellation of the voter's  
25 registration, or placing the voter on inactive status.

26 **Sec. 36.** RCW 29A.40.020 and 2009 c 369 s 37 are each amended to  
27 read as follows:

28 (1) ~~((Except as otherwise provided by law, a registered voter,  
29 overseas voter, or service voter desiring to cast an absentee ballot at  
30 a single election or primary must request the absentee ballot from his  
31 or her county auditor no earlier than ninety days nor later than the  
32 day before the election or primary at which the person seeks to vote.  
33 Except as otherwise provided by law, the request may be made orally in  
34 person, by telephone, electronically, or in writing. An application or~~

1 ~~request for an absentee ballot made under the authority of a federal~~  
2 ~~statute or regulation will be considered and given the same effect as~~  
3 ~~a request for an absentee ballot under this chapter.~~

4 ~~(2) A voter requesting an absentee ballot for a primary may also~~  
5 ~~request an absentee ballot for the following general election.—A~~  
6 ~~request by an overseas voter or service voter for an absentee ballot~~  
7 ~~for a primary election will be considered as a request for an absentee~~  
8 ~~ballot for the following general election.~~

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

20 ~~(4) A request for an absentee ballot from a registered voter who is~~  
21 ~~within this state must be made directly to the auditor of the county in~~  
22 ~~which the voter is registered.—An absentee ballot request from a~~  
23 ~~registered voter who is temporarily outside this state or from an~~  
24 ~~overseas voter or service voter may be made either to the appropriate~~  
25 ~~county auditor or to the secretary of state, who shall promptly forward~~  
26 ~~the request to the appropriate county auditor)).~~

27 ~~((+5)) (2) No person, organization, or association may distribute~~  
28 ~~((absentee ballot applications within this state)) any ballot materials~~  
29 ~~that contain a return address other than that of the appropriate county~~  
30 ~~auditor.~~

31 **Sec. 37.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to  
32 read as follows:

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

1 will be unable to vote and return a regular (~~(absentee)~~) ballot by  
2 normal mail delivery within the period provided for regular  
3 (~~(absentee)~~) ballots.

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

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

16 (3) Write-in votes on special absentee ballots must be counted in  
17 the same manner provided by law for the counting of other write-in  
18 votes. The county auditor shall process and canvass the special  
19 absentee ballots provided under this section in the same manner as  
20 other (~~(absentee)~~) ballots under this chapter and chapter 29A.60 RCW.

21 (4) A voter who requests a special absentee ballot under this  
22 section may also request (~~(an absentee)~~) a regular ballot (~~(under RCW~~  
23 ~~29A.40.020(4))~~). If the regular absentee ballot is properly voted and  
24 returned, the special absentee ballot is void, and the county auditor  
25 shall reject it in whole when special absentee ballots are canvassed.

26 **Sec. 38.** RCW 29A.40.070 and 2006 c 344 s 13 are each amended to  
27 read as follows:

28 (1) Except where a recount or litigation (~~(under RCW 29A.68.011)~~)  
29 is pending, the county auditor (~~(shall have sufficient absentee ballots~~  
30 ~~available for absentee voters of that county, other than overseas~~  
31 ~~voters and service voters, at least twenty days before any primary,~~  
32 ~~general election, or special election. The county auditor)~~) must mail  
33 (~~(absentee)~~) ballots to each voter (~~(for whom the county auditor has~~  
34 ~~received a request nineteen days before the primary or election)~~) at  
35 least eighteen days before (~~(the)~~) each primary or election, and as  
36 soon as possible for all subsequent registration changes. (~~(For a~~  
37 ~~request for an absentee ballot received after the nineteenth day before~~

1 ~~the primary or election, the county auditor shall make every effort to~~  
2 ~~mail ballots within one business day, and shall mail the ballots within~~  
3 ~~two business days.))~~

4 (2) ~~((At least thirty days before any primary, general election, or~~  
5 ~~special election, the county auditor shall mail ballots to all overseas~~  
6 ~~and service voters.))~~ Except where a recount or litigation is pending,  
7 the county auditor must mail ballots to each service and overseas voter  
8 at least thirty days before each primary or election. A request for a  
9 ballot made by an overseas or service voter after that day must be  
10 processed immediately.

11 (3) A registered voter may obtain a replacement ballot if the  
12 ballot is destroyed, spoiled, lost, or not received by the voter. The  
13 voter may obtain the ballot by telephone request, by mail,  
14 electronically, or in person. The county auditor shall keep a record  
15 of each request for a replacement ballot.

16 (4) Each county auditor shall certify to the office of the  
17 secretary of state the dates the ballots prescribed in subsection (1)  
18 of this section were available and mailed.

19 ~~((4) If absentee ballots will not be available or mailed as~~  
20 ~~prescribed in subsection (1) of this section, the county auditor shall~~  
21 ~~immediately certify to the office of the secretary of state when~~  
22 ~~absentee ballots will be available and mailed. Copies of this~~  
23 ~~certification must be provided to the county canvassing board, the~~  
24 ~~press, jurisdictions with issues on the ballot in the election, and any~~  
25 ~~candidates.~~

26 (5) If absentee ballots were not available or mailed as prescribed  
27 in subsection (1) of this section, for a reason other than a recount or  
28 litigation, the county auditor, in consultation with the certification  
29 and training program of the office of the secretary of state, shall  
30 submit a report to the office of the secretary of state outlining why  
31 the deadline was missed and what corrective actions will be taken in  
32 future elections to ensure that absentee ballots are available and  
33 mailed as prescribed in subsection (1) of this section.

34 ~~(6))~~ (5) Failure to ((have absentee ballots available and mailed))  
35 mail ballots as prescribed in ~~((subsection (1) of))~~ this section does  
36 not by itself provide a basis for an election contest or other legal  
37 challenge to the results of a primary, general election, or special  
38 election.

1       **Sec. 39.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to  
2 read as follows:

3       (1) The county auditor shall send each voter a ballot, a security  
4 envelope in which to seal the ballot after voting, a larger envelope in  
5 which to return the security envelope, a declaration that the voter  
6 must sign, and instructions on how to obtain information about the  
7 election, how to mark the ballot, and how to return ~~((it))~~ the ballot  
8 to the county auditor.

9       (2) ~~The ((instructions that accompany a ballot for a partisan~~  
10 ~~primary must include instructions for voting the applicable ballot~~  
11 ~~style, as provided in chapter 29A.36 RCW. The voter's name and address~~  
12 ~~must be printed on the larger return envelope, which must also contain~~  
13 ~~a declaration by the voter reciting his or her qualifications and~~  
14 ~~stating that he or she)) voter must swear under penalty of perjury that~~  
15 ~~he or she meets the qualifications to vote, and has not voted in any~~  
16 ~~other jurisdiction at this election((, together with a summary of the~~  
17 ~~penalties for any violation of any of the provisions of this chapter)).~~  
18 The declaration must clearly inform the voter that it is illegal to  
19 vote if he or she is not a United States citizen; it is illegal to vote  
20 if he or she has been convicted of a felony and has not had his or her  
21 voting rights restored; and~~((, except as otherwise provided by law,))~~  
22 it is illegal to cast a ballot or sign a return envelope on behalf of  
23 another voter. ~~The ((return envelope))~~ ballot materials must provide  
24 space for the voter to indicate the date on which the ballot was voted  
25 ~~((and for the voter)),~~ to sign the ~~((oath. It must also contain a~~  
26 ~~space so that the voter may include))~~ declaration, and to provide a  
27 telephone number. ~~((A summary of the applicable penalty provisions of~~  
28 ~~this chapter must be printed on the return envelope immediately~~  
29 ~~adjacent to the space for the voter's signature. The signature of the~~  
30 ~~voter on the return envelope must affirm and attest to the statements~~  
31 ~~regarding the qualifications of that voter and to the validity of the~~  
32 ~~ballot. The return envelope may provide secrecy for the voter's~~  
33 ~~signature and optional telephone number.))~~

34       (3) For overseas and service voters, the signed declaration on the  
35 return envelope constitutes the equivalent of a voter registration for  
36 the election or primary for which the ballot has been issued. Return  
37 envelopes for overseas and service voters must enable the ballot to be

1 returned postage free if mailed through the United States postal  
2 service, United States armed forces postal service, or the postal  
3 service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

4 (4) The voter must be instructed to either return the ballot to the  
5 county auditor (~~by whom it was issued or attach sufficient first-class~~  
6 ~~postage, if applicable, and~~) no later than 8:00 p.m. the day of the  
7 election or primary, or mail the ballot to the (~~appropriate~~) county  
8 auditor with a postmark no later than the day of the election or  
9 primary (~~for which the ballot was issued~~).

10 (~~If the county auditor chooses to forward ballots, he or she must~~  
11 ~~include with the ballot a clear explanation of the qualifications~~  
12 ~~necessary to vote in that election and must also advise a voter with~~  
13 ~~questions about his or her eligibility to contact the county auditor.~~  
14 ~~This explanation may be provided on the ballot envelope, on an enclosed~~  
15 ~~insert, or printed directly on the ballot itself. If the information~~  
16 ~~is not included, the envelope must clearly indicate that the ballot is~~  
17 ~~not to be forwarded and that return postage is guaranteed.~~)

18 **Sec. 40.** RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to  
19 read as follows:

20 County auditors must request that observers be appointed by the  
21 major political parties to be present during the processing of  
22 (~~absentee~~) ballots at the counting center. County auditors have  
23 discretion to also request that observers be appointed by any campaigns  
24 or organizations. The absence of the observers will not prevent the  
25 processing of (~~absentee~~) ballots if the county auditor has requested  
26 their presence.

27 **Sec. 41.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to  
28 read as follows:

29 (1) The opening and subsequent processing of return envelopes for  
30 any primary or election may begin upon receipt. The tabulation of  
31 absentee ballots must not commence until after 8:00 p.m. on the day of  
32 the primary or election.

33 (2) All received (~~absentee~~) return envelopes must be placed in  
34 secure locations from the time of delivery to the county auditor until  
35 their subsequent opening. After opening the return envelopes, the  
36 county canvassing board shall place all of the ballots in secure

1 storage until ~~((after 8:00 p.m. of the day of the primary or election))~~  
2 processing. ~~((Absentee ballots that are to be tabulated on an~~  
3 ~~electronic vote tallying system))~~ Ballots may be taken from the inner  
4 envelopes and all the normal procedural steps may be performed to  
5 prepare these ballots for tabulation.

6 (3) ~~((Before opening a returned absentee ballot,))~~ The canvassing  
7 board, or its designated representatives, shall examine the postmark~~((,~~  
8 ~~statement,))~~ on the return envelope and signature on the ~~((return~~  
9 ~~envelope that contains the security envelope and absentee ballot))~~  
10 declaration before processing the ballot. The ballot must either be  
11 received no later than 8:00 p.m. on the day of the primary or election,  
12 or must be postmarked no later than the day of the primary or election.  
13 All personnel assigned to verify signatures must receive training on  
14 statewide standards for signature verification. Personnel shall verify  
15 that the voter's signature on the ~~((return envelope))~~ ballot  
16 declaration is the same as the signature of that voter in the  
17 registration files of the county. Verification may be conducted by an  
18 automated verification system approved by the secretary of state. For  
19 any absentee ballot, a variation between the signature of the voter on  
20 the ~~((return envelope))~~ ballot declaration and the signature of that  
21 voter in the registration files due to the substitution of initials or  
22 the use of common nicknames is permitted so long as the surname and  
23 handwriting are clearly the same.

24 (4) ~~((For registered voters casting absentee ballots))~~ If the  
25 postmark is missing or illegible, the date on the ~~((return envelope))~~  
26 ballot declaration to which the voter has attested determines the  
27 validity, as to the time of voting, for that ~~((absentee))~~ ballot ~~((if~~  
28 ~~the postmark is missing or is illegible)).~~ For overseas voters and  
29 service voters, the date on the ~~((return envelope))~~ declaration  
30 to which the voter has attested determines the validity, as to the time of  
31 voting, for that ~~((absentee))~~ ballot.

32 **Sec. 42.** RCW 29A.40.130 and 2003 c 111 s 1013 are each amended to  
33 read as follows:

34 Each county auditor shall maintain in his or her office, open for  
35 public inspection, a record of ~~((the requests he or she has received~~  
36 ~~for absentee ballots under this chapter.~~

1       ~~The information from the requests shall be recorded and lists of~~  
2 ~~this information shall be available no later than twenty-four hours~~  
3 ~~after their receipt.~~

4       ~~This information about absentee voters shall be available according~~  
5 ~~to the date of the requests and by legislative district. It shall~~  
6 ~~include the name of each applicant, the address and precinct in which~~  
7 ~~the voter maintains a voting residence, the date on which an absentee~~  
8 ~~ballot was issued to this voter, if applicable, the type of absentee~~  
9 ~~ballot, and the address to which the ballot was or is to be mailed, if~~  
10 ~~applicable.~~

11       ~~The auditor shall make copies of these records available to the~~  
12 ~~public for the actual cost of production or copying)) all voters issued~~  
13 ~~a ballot and all voters who returned a ballot. For each primary,~~  
14 ~~special election, or general election, any political party, committee,~~  
15 ~~or person may request a list of all registered voters who have or have~~  
16 ~~not voted. Such requests shall be handled as public records requests~~  
17 ~~pursuant to chapter 42.56 RCW.~~

18       NEW SECTION. Sec. 43. A new section is added to chapter 29A.44  
19 RCW to read as follows:

20       (1) Each county auditor shall open a voting center each primary,  
21 special election, and general election. The voting center shall be  
22 open during business hours during the voting period, which begins  
23 eighteen days before, and ends at 8:00 p.m. on the day of, the primary,  
24 special election, or general election.

25       (2) The voting center must provide voter registration materials,  
26 ballots, provisional ballots, disability access voting units, sample  
27 ballots, instructions on how to properly vote the ballot, a ballot drop  
28 box, and voters' pamphlets, if a voters' pamphlet has been published.

29       (3) The voting center must be accessible to persons with  
30 disabilities. Each state agency and entity of local government shall  
31 permit the use of any of its accessible facilities as voting centers  
32 when requested by a county auditor.

33       (4) The voting center must provide at least one voting unit  
34 certified by the secretary of state that provides access to individuals  
35 who are blind or visually impaired, enabling them to vote with privacy  
36 and independence.



1 (5) No person may interfere with a voter attempting to vote in a  
2 voting center. Interfering with a voter attempting to vote is a  
3 violation of RCW 29A.84.510.

4 (6) Before opening the voting center, the voting equipment shall be  
5 inspected to determine if it has been properly prepared for voting. If  
6 the voting equipment is capable of direct tabulation of each voter's  
7 choices, the county auditor shall verify that no votes have been  
8 registered for any issue or office, and that the device has been sealed  
9 with a unique numbered seal at the time of final preparation and logic  
10 and accuracy testing. A log must be made of all device numbers and  
11 seal numbers.

12 (7) The county auditor shall require any person desiring to vote at  
13 a voting center to either sign a ballot declaration or provide  
14 identification.

15 (a) The signature on the declaration must be compared to the  
16 signature on the voter registration record before the ballot may be  
17 counted. If the voter registered using a mark, or can no longer sign  
18 his or her name, the election officers shall require the voter to be  
19 identified by another registered voter.

20 (b) The identification must be valid photo identification, such as  
21 a driver's license, state identification card, student identification  
22 card, tribal identification card, or employer identification card. Any  
23 individual who desires to vote in person but cannot provide  
24 identification shall be issued a provisional ballot, which shall be  
25 accepted if the signature on the declaration matches the signature on  
26 the voter's registration record.

27 (8) Provisional ballots must be accompanied by a declaration and  
28 security envelope, as required by RCW 29A.40.091, and space for the  
29 voter's name, date of birth, current and former registered address,  
30 reason for the provisional ballot, and disposition of the provisional  
31 ballot. The voter shall vote and return the provisional ballot at the  
32 voting center. The voter must be provided information on how to  
33 ascertain whether the provisional ballot was counted and, if  
34 applicable, the reason why the vote was not counted.

35 (9) Any voter may take printed or written material into the voting  
36 device to assist in casting his or her vote. The voter shall not use  
37 this material to electioneer and shall remove it when he or she leaves  
38 the voting center.

1 (10) If any voter states that he or she is unable to cast his or  
2 her votes due to a disability, the voter may designate a person of his  
3 or her choice, or two election officers, to enter the voting booth and  
4 record the votes as he or she directs.

5 (11) No voter is entitled to vote more than once at a primary,  
6 special election, or general election. If a voter incorrectly marks a  
7 ballot, he or she may be issued a replacement ballot.

8 (12) A voter who has already returned a ballot but requests to vote  
9 at a voting center shall be issued a provisional ballot. The  
10 canvassing board shall not count the provisional ballot if it finds  
11 that the voter has also voted a regular ballot in that primary, special  
12 election, or general election.

13 (13) The county auditor must prevent overflow of each ballot drop  
14 box to allow a voter to deposit his or her ballot securely. Ballots  
15 must be removed from a ballot drop box by at least two people, with a  
16 record kept of the date and time ballots were removed, and the names of  
17 people removing them. Ballots from drop boxes must be returned to the  
18 counting center in secured transport containers. A copy of the record  
19 must be placed in the container, and one copy must be transported with  
20 the ballots to the counting center, where the seal number must be  
21 verified by the county auditor or a designated representative. All  
22 ballot drop boxes must be secured at 8:00 p.m. on the day of the  
23 primary, special election, or general election.

24 (14) Any voter who is inside or in line at the voting center at  
25 8:00 p.m. on the day of the primary, special election, or general  
26 election must be allowed to vote.

27 (15) For each primary, special election, and general election, the  
28 county auditor may provide election services at locations in addition  
29 to the voting center. The county auditor has discretion to establish  
30 which services will be provided at the additional locations, and which  
31 days and hours the locations will be open.

32 **Sec. 44.** RCW 29A.46.260 and 2010 c 215 s 5 are each amended to  
33 read as follows:

34 (1) The legislature finds that the elimination of polling places  
35 resulting from the transition to vote by mail creates barriers that  
36 restrict the ability of many voters with disabilities from achieving  
37 the independence and privacy in voting provided by the accessible

1 voting devices required under the help America vote act. Counties  
2 (~~adopting a vote by mail system~~) must take appropriate steps to  
3 mitigate these impacts and to address the obligation to provide voters  
4 with disabilities an equal opportunity to vote independently and  
5 privately, to the extent that this can be achieved without incurring  
6 undue administrative and financial burden.

7 (2) Each county shall establish and maintain an advisory committee  
8 that includes persons with diverse disabilities and persons with  
9 expertise in providing accommodations for persons with disabilities.  
10 The committee shall assist election officials in developing a plan to  
11 identify and implement changes to improve the accessibility of  
12 elections for voters with disabilities. The plan shall include  
13 recommendations for the following:

14 (a) The number of (~~polling places~~) voting centers that will be  
15 maintained in order to ensure that people with disabilities have  
16 reasonable access to accessible voting devices, and a written  
17 explanation for how the determination was made;

18 (b) The locations of (~~polling places,~~) ballot drop-off  
19 facilities, voting centers, and other election-related functions  
20 necessary to maximize accessibility to persons with disabilities;

21 (c) Outreach to voters with disabilities on the availability of  
22 disability accommodation, including in-person disability access voting;

23 (d) Transportation of voting devices to locations convenient for  
24 voters with disabilities in order to ensure reasonable access for  
25 voters with disabilities; and

26 (e) Implementation of the provisions of the help America vote act  
27 related to persons with disabilities.

28 Counties must update the plan at least annually. The election  
29 review staff of the secretary of state shall review and evaluate the  
30 plan in conformance with the review procedure identified in RCW  
31 29A.04.570.

32 (3) Counties may form a joint advisory committee to develop the  
33 plan identified in subsection (2) of this section if no more than one  
34 of the participating counties has a population greater than seventy  
35 thousand.

36 NEW SECTION. **Sec. 45.** A new section is added to chapter 29A.52  
37 RCW to read as follows:

1 Notice for any state, county, district, or municipal primary or  
2 election, whether special or general, must be given by the county  
3 auditor between five and fifteen days prior to the deadline for mail-in  
4 registrations. The notice must be published in one or more newspapers  
5 of general circulation and must contain, at a minimum, the last date to  
6 register online or through the mail, the last date to transfer or  
7 update an existing registration, the last date to register in person  
8 for first-time voters, information on where a person can register, the  
9 type of election, the date of the election, how a voter can obtain a  
10 ballot, a list of all jurisdictions involved in the election, including  
11 positions and short titles for ballot measures appearing on the ballot,  
12 and the times and dates of any public meetings associated with the  
13 election. The notice shall also include where additional information  
14 regarding the election may be obtained. This is the only notice  
15 required for a state, county, district, or municipal primary or special  
16 or general election. If the county or city chooses to mail a local  
17 voters' pamphlet as described in RCW 29A.32.210 to each residence, the  
18 notice required in this section need only include the last date to  
19 register online or through the mail, the last date to transfer or  
20 update an existing registration, the last date to register in person  
21 for first-time voters, information on where a person can register, and  
22 the times and dates of any public meetings associated with the  
23 election.

24 **Sec. 46.** RCW 29A.56.490 and 2003 c 111 s 1438 are each amended to  
25 read as follows:

26 The election officials shall count and determine the number of  
27 votes cast for each individual; and shall also count and determine the  
28 aggregate number of votes cast for all candidates whose names appear  
29 under each of the respective headings. Where more than the required  
30 number have been voted for, the ballot must be rejected. ~~((The figures  
31 determined by the various counts must be entered in the poll books of  
32 the respective precincts.))~~ The vote must be canvassed in each county  
33 by the county canvassing board, and certificate of results must within  
34 fifteen days after the election be transmitted to the secretary of  
35 state. Upon receiving the certificate, the secretary of state may  
36 require precinct returns ~~((or poll books))~~ from any county ~~((precinct))~~  
37 to be forwarded for the secretary's examination.

1           Where a district embraces precincts of more than one county, the  
2 secretary of state shall combine the votes from all the precincts  
3 included in each district. The delegates elected in each district will  
4 be the number of candidates corresponding to the number of state  
5 representatives from the district, who receive the highest number of  
6 votes in the group (either "for" or "against") that received an  
7 aggregate number of votes for all candidates in the group greater than  
8 the aggregate number of votes for all the candidates in the other  
9 group. The secretary of state shall issue certificates of election to  
10 the delegates so elected.

11           **Sec. 47.** RCW 29A.60.040 and 2009 c 414 s 2 are each amended to  
12 read as follows:

13           A ballot is invalid and no votes on that ballot may be counted if  
14 it is found folded together with another ballot.

15           Those parts of a ballot are invalid and no votes may be counted for  
16 those issues or offices where more votes are cast for the office or  
17 issue than are permitted by law; write-in votes do not contain all of  
18 the information required under RCW 29A.60.021; or that issue or office  
19 is not marked with sufficient definiteness to determine the voter's  
20 choice or intention. No write-in vote may be rejected due to a  
21 variation in the form of the name if the (~~(election board or the)~~)  
22 canvassing board can determine the issue for or against which or the  
23 person and the office for which the voter intended to vote.

24           **Sec. 48.** RCW 29A.60.050 and 2005 c 243 s 13 are each amended to  
25 read as follows:

26           Whenever the (~~(precinct election officers or the)~~) counting center  
27 personnel have a question about the validity of a ballot or the votes  
28 for an office or issue that they are unable to resolve, they shall  
29 prepare and sign a concise record of the facts in question or dispute.  
30 These ballots shall be delivered to the canvassing board for  
31 processing. A ballot is not considered rejected until the canvassing  
32 board has rejected the ballot individually, or the ballot was included  
33 in a batch or on a report of ballots that was rejected in its entirety  
34 by the canvassing board. All ballots shall be preserved in the same  
35 manner as valid ballots for that primary or election.

1           **Sec. 49.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to  
2 read as follows:

3           After the close of the (~~polls, counties employing poll-site ballot~~  
4 ~~counting devices may telephonically or electronically transmit the~~  
5 ~~accumulated tally for each device to a central reporting location.~~  
6 ~~Before making a telephonic or electronic transmission the precinct~~  
7 ~~election officer must create a printed record of the results of the~~  
8 ~~election for that poll site. During the canvassing period the results~~  
9 ~~transmitted telephonically or electronically must be considered~~  
10 ~~unofficial until a complete reconciliation of the results has been~~  
11 ~~performed. This reconciliation may be accomplished by a direct loading~~  
12 ~~of)) voting center at 8:00 p.m., the county auditor must directly load~~  
13 ~~the results from ((the)) any direct recording electronic memory pack~~  
14 ~~into the central accumulator(, or a comparison of the report produced~~  
15 ~~at the poll site on election night with the results received by the~~  
16 ~~central accumulating device)).~~

17           **Sec. 50.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to  
18 read as follows:

19           Immediately after their tabulation, all ballots counted at a ballot  
20 counting center must be sealed in containers that identify the primary  
21 or election and be retained for at least sixty days or according to  
22 federal law, whichever is longer. (~~All ballots tallied by poll-site~~  
23 ~~ballot counting devices must be returned to the elections department in~~  
24 ~~sealed ballot containers on election day. Counties composed entirely~~  
25 ~~of islands or portions of counties composed of islands shall collect~~  
26 ~~the ballots within twenty-four hours of the close of the polls.~~

27           ~~Ballots tabulated in poll-site ballot counting devices must be~~  
28 ~~sealed by two of the election precinct officers at the polling place,~~  
29 ~~and a log of the seal and the names of the people sealing the container~~  
30 ~~must be completed. One copy of this log must be retained by the~~  
31 ~~inspector, one copy must be placed in the ballot transfer case, and one~~  
32 ~~copy must be transported with the ballots to the elections department,~~  
33 ~~where the seal number must be verified by the county auditor or a~~  
34 ~~designated representative. Ballots may be transported by one election~~  
35 ~~employee if the container is sealed at the poll and then verified when~~  
36 ~~returned to the elections department. Auditors using poll-site ballot~~

1 ~~counting devices may conduct early pickup of counted ballots on~~  
2 ~~election day.)~~)

3 In the presence of major party observers who are available, ballots  
4 may be removed from the sealed containers at the elections department  
5 and consolidated into one sealed container for storage purposes. The  
6 containers may only be opened by the canvassing board as part of the  
7 canvass, or to conduct recounts, or under RCW 29A.60.170(3), or by  
8 order of the superior court in a contest or election dispute. If the  
9 canvassing board opens a ballot container, it shall make a full record  
10 of the additional tabulation or examination made of the ballots. This  
11 record must be added to any other record of the canvassing process in  
12 that county.

13 **Sec. 51.** RCW 29A.60.120 and 2003 c 111 s 1512 are each amended to  
14 read as follows:

15 (1) ~~((The ballots picked up from the precincts during the polling~~  
16 ~~hours may be counted only at the counting center before the polls have~~  
17 ~~closed. Election returns from the count of these ballots must be held~~  
18 ~~in secrecy until the polls have been closed.~~

19 ~~(2) Upon breaking the seals and opening the ballot containers from~~  
20 ~~the precincts,)) All voted ballots must be manually inspected for~~  
21 ~~damage, write-in votes, and incorrect or incomplete marks. If it is~~  
22 ~~found that any ballot is damaged so that it cannot properly be counted~~  
23 ~~by the vote tallying system, a true duplicate copy must be made of the~~  
24 ~~damaged ballot in the presence of witnesses and substituted for the~~  
25 ~~damaged ballot. All damaged ballots must be kept by the county auditor~~  
26 ~~until sixty days after the primary or election or according to federal~~  
27 ~~law, whichever is longer.~~

28 ~~((+3))~~ (2) The returns produced by the vote tallying system, to  
29 which have been added the counts of questioned ballots, and write-in  
30 votes, ~~((and absentee votes,))~~ constitute the official returns of the  
31 primary or election in that county.

32 **Sec. 52.** RCW 29A.60.160 and 2007 c 373 s 1 are each amended to  
33 read as follows:

34 (1) Except for an election conducted under the instant runoff  
35 voting method for the pilot project authorized by RCW 29A.53.020, the  
36 county auditor, as delegated by the county canvassing board, shall

1 process (~~absentee~~) ballots and canvass the votes cast at that primary  
2 or election on a daily basis in counties with a population of seventy-  
3 five thousand or more, or at least every third day for counties with a  
4 population of less than seventy-five thousand, if the county auditor is  
5 in possession of more than five hundred ballots that have yet to be  
6 canvassed.

7 (2) Saturdays, Sundays, and legal holidays are not counted for  
8 purposes of this section.

9 (3) In order to protect the secrecy of a ballot, the county auditor  
10 may use discretion to decide when to process absentee ballots and  
11 canvass the votes.

12 (4) Tabulation results must be made available to the public  
13 immediately upon completion of the canvass.

14 **Sec. 53.** RCW 29A.60.160 and 2007 c 373 s 2 are each amended to  
15 read as follows:

16 (1) The county auditor, as delegated by the county canvassing  
17 board, shall process (~~absentee~~) ballots and canvass the votes cast at  
18 that primary or election on a daily basis in counties with a population  
19 of seventy-five thousand or more, or at least every third day for  
20 counties with a population of less than seventy-five thousand, if the  
21 county auditor is in possession of more than five hundred ballots that  
22 have yet to be canvassed.

23 (2) Saturdays, Sundays, and legal holidays are not counted for  
24 purposes of this section.

25 (3) In order to protect the secrecy of a ballot, the county auditor  
26 may use discretion to decide when to process absentee ballots and  
27 canvass the votes.

28 (4) Tabulation results must be made available to the public  
29 immediately upon completion of the canvass.

30 **Sec. 54.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are  
31 each reenacted and amended to read as follows:

32 (1) If the voter neglects to sign the (~~outside envelope of an~~  
33 ~~absentee or provisional~~) ballot declaration, the auditor shall notify  
34 the voter by first-class mail and advise the voter of the correct  
35 procedures for completing the unsigned (~~affidavit~~) declaration. If  
36 the (~~absentee~~) ballot is received within three business days of the



1 final meeting of the canvassing board, or the voter has been notified  
2 by first-class mail and has not responded at least three business days  
3 before the final meeting of the canvassing board, then the auditor  
4 shall attempt to notify the voter by telephone, using the voter  
5 registration record information. ~~((In order for the ballot to be  
6 counted, the voter must either:~~

7 ~~(a) Appear in person and sign the envelope no later than the day  
8 before the certification of the primary or election; or~~

9 ~~(b) Sign a copy of the envelope provided by the auditor, and return  
10 it to the auditor no later than the day before the certification of the  
11 primary or election.))~~

12 (2)(a) If the handwriting of the signature on ~~((an absentee or  
13 provisional ballot envelope))~~ a ballot declaration is not the same as  
14 the handwriting of the signature on the registration file, the auditor  
15 shall notify the voter by first-class mail, enclosing a copy of the  
16 ~~((envelope affidavit))~~ declaration, and advise the voter of the correct  
17 procedures for updating his or her signature on the voter registration  
18 file. If the ~~((absentee or provisional))~~ ballot is received within  
19 three business days of the final meeting of the canvassing board, or  
20 the voter has been notified by first-class mail and has not responded  
21 at least three business days before the final meeting of the canvassing  
22 board, then the auditor shall attempt to notify the voter by telephone,  
23 using the voter registration record information. ~~((In order for the  
24 ballot to be counted, the voter must either:~~

25 ~~(i) Appear in person and sign a new registration form no later than  
26 the day before the certification of the primary or election; or~~

27 ~~(ii) Sign a copy of the affidavit provided by the auditor and  
28 return it to the auditor no later than the day before the certification  
29 of the primary or election. The voter may enclose with the affidavit  
30 a photocopy of a valid government or tribal issued identification  
31 document that includes the voter's current signature. If the signature  
32 on the copy of the affidavit does not match the signature on file or  
33 the signature on the copy of the identification document, the voter  
34 must appear in person and sign a new registration form no later than  
35 the day before the certification of the primary or election in order  
36 for the ballot to be counted.))~~

37 (b) If the signature on ~~((an absentee or provisional ballot  
38 envelope))~~ a ballot declaration is not the same as the signature on the

1 registration file because the name is different, the ballot may be  
2 counted as long as the handwriting is clearly the same. The auditor  
3 shall send the voter a change-of-name form under RCW 29A.08.440 and  
4 direct the voter to complete the form.

5 (c) If the signature on (~~an absentee or provisional ballot~~  
6 ~~envelope~~) a ballot declaration is not the same as the signature on the  
7 registration file because the voter used initials or a common nickname,  
8 the ballot may be counted as long as the surname and handwriting are  
9 clearly the same.

10 (3) A voter may not cure a missing or mismatched signature for  
11 purposes of counting the ballot in a recount.

12 (4) A record must be kept of all ballots with missing and  
13 mismatched signatures. The record must contain the date on which the  
14 voter was contacted or the notice was mailed, as well as the date on  
15 which the voter signed the envelope, a copy of the envelope, a new  
16 registration form, or a change-of-name form. That record is a public  
17 record under chapter 42.56 RCW and may be disclosed to interested  
18 parties on written request.

19 **Sec. 55.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to  
20 read as follows:

21 (1) At least twenty-eight days prior to any special election,  
22 general election, or primary, the county auditor shall request from the  
23 chair of the county central committee of each major political party a  
24 list of individuals who are willing to serve as observers. The county  
25 auditor has discretion to also request observers from any campaign or  
26 organization. The county auditor may delete from the lists names of  
27 those persons who indicate to the county auditor that they cannot or do  
28 not wish to serve as observers, and names of those persons who, in the  
29 judgment of the county auditor, lack the ability to properly serve as  
30 observers after training has been made available to them by the  
31 auditor.

32 (2) The counting center (~~in a county using voting systems~~) is  
33 under the direction of the county auditor and must be (~~observed~~) open  
34 to observation by one representative from each major political party,  
35 if representatives have been appointed by the respective major  
36 political parties and these representatives are present while the  
37 counting center is operating. The proceedings must be open to the

1 public, but no persons except those employed and authorized by the  
2 county auditor may touch any ballot or ballot container or operate a  
3 vote tallying system.

4 ~~((2) In counties in which ballots are not counted at the polling  
5 place, the official political party observers, upon mutual agreement,  
6 may request that a precinct be selected at random on receipt of the  
7 ballots from the polling place and that a manual count be made of the  
8 number of ballots and of the votes cast on any office or issue. The  
9 ballots for that precinct must then be counted by the vote tallying  
10 system, and this result will be compared to the results of the manual  
11 count. This may be done as many as three times during the tabulation  
12 of ballots on the day of the primary or election.~~

13 ~~(3) In counties using poll-site ballot counting devices, the  
14 political party observers, upon mutual agreement, may choose as many as  
15 three precincts and request that a manual count be made of the number  
16 of ballots and the votes cast on any office or issue. The results of  
17 this count will be compared to the count of the precinct made by the  
18 poll-site ballot counting device. These selections must be made no  
19 later than thirty minutes after the close of the polls. The manual  
20 count must be completed within forty-eight hours after the close of the  
21 polls. The process must take place at a location designated by the  
22 county auditor for that purpose. The political party observers must  
23 receive timely notice of the time and location, and have the right to  
24 be present. However, the process must proceed as scheduled if the  
25 observers are unable to attend.~~

26 ~~(4) In counties voting entirely by mail,))~~ (3) A random check of  
27 the ballot counting equipment may be conducted upon mutual agreement of  
28 the political party observers or at the discretion of the county  
29 auditor. The random check procedures must be adopted by the county  
30 canvassing board prior to the processing of ballots. The random check  
31 process shall involve a comparison of a manual count to the machine  
32 count and may involve up to either three precincts or six batches  
33 depending on the ballot counting procedures in place in the county.  
34 The random check will be limited to one office or issue on the ballots  
35 in the precincts or batches that are selected for the check. The  
36 selection of the precincts or batches to be checked must be selected  
37 according to procedures established by the county canvassing board and

1 the check must be completed no later than forty-eight hours after  
2 election day.

3 **Sec. 56.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to  
4 read as follows:

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

9 **Sec. 57.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to  
10 read as follows:

11 (1) Except as provided by subsection (3) of this section, fifteen  
12 days after a primary or special election and twenty-one days after a  
13 general election, the county canvassing board shall complete the  
14 canvass and certify the results. Each (~~((absentee))~~) ballot that was  
15 returned before (~~((the closing of the polls))~~) 8:00 p.m. on the day of  
16 the special election, generation election, or primary, and each  
17 (~~((absentee))~~) ballot bearing a postmark on or before the date of the  
18 (~~((primary or))~~) special election, general election, or primary and  
19 received on or before the date on which the primary or election is  
20 certified, must be included in the canvass report.

21 (2) At the request of a caucus of the state legislature, the county  
22 auditor shall transmit copies of all unofficial returns of state and  
23 legislative primaries or elections prepared by or for the county  
24 canvassing board to either the secretary of the senate or the chief  
25 clerk of the house of representatives.

26 (3) On or before the thirtieth day after an election conducted  
27 under the instant runoff voting method for the pilot project authorized  
28 by RCW 29A.53.020, the canvassing board shall complete the canvass and  
29 certify the results.

30 **Sec. 58.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to  
31 read as follows:

32 (1) Fifteen days after a primary or special election and twenty-one  
33 days after a general election, the county canvassing board shall  
34 complete the canvass and certify the results. Each (~~((absentee))~~) ballot  
35 that was returned before (~~((the closing of the polls))~~) 8:00 p.m. on the

1 day of the special election, general election, or primary, and each  
2 ((~~absentee~~)) ballot bearing a postmark on or before the date of the  
3 ((~~primary or~~)) special election, general election, or primary and  
4 received on or before the date on which the primary or election is  
5 certified, must be included in the canvass report.

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

11 **Sec. 59.** RCW 29A.60.195 and 2005 c 243 s 9 are each amended to  
12 read as follows:

13 Before certification of the primary or election, the county auditor  
14 must examine and investigate all received provisional ballots to  
15 determine whether the ballot can be counted. The auditor shall provide  
16 the disposition of the provisional ballot and, if the ballot was not  
17 counted, the reason why it was not counted, on a free access system  
18 such as a toll-free telephone number, web site, mail, or other means.  
19 The auditor must notify the voter in accordance with RCW 29A.60.165  
20 when the ((~~envelope~~)) declaration is unsigned or when the signatures do  
21 not match.

22 **Sec. 60.** RCW 29A.60.200 and 2003 c 111 s 1520 are each amended to  
23 read as follows:

24 Before canvassing the returns of a primary or election, the chair  
25 of the county legislative authority or the chair's designee shall  
26 administer an oath to the county auditor or the auditor's designee  
27 attesting to the authenticity of the information presented to the  
28 canvassing board. This oath must be signed by the county auditor or  
29 designee and filed with the returns of the primary or election.

30 The county canvassing board shall proceed to verify the results  
31 from the ((~~precincts and the absentee~~)) ballots received. The board  
32 shall execute a certificate of the results of the primary or election  
33 signed by all members of the board or their designees. Failure to  
34 certify the returns, if they can be ascertained with reasonable  
35 certainty, is a crime under RCW 29A.84.720.

1           **Sec. 61.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to  
2 read as follows:

3           ~~((1))~~ Immediately after the official results of a state primary  
4 or general election in a county are ascertained, the county auditor or  
5 other election officer shall make an abstract of the number of  
6 registered voters in each precinct and of all the votes cast in the  
7 county at such state primary or general election for and against state  
8 measures and for each candidate for federal, state, and legislative  
9 office or for any other office which the secretary of state is required  
10 by law to canvass. The cumulative report of the election and a copy of  
11 the certificate of the election must be transmitted to the secretary of  
12 state immediately ~~(, through electronic means and mailed with the~~  
13 ~~abstract of votes no later than the next business day following the~~  
14 ~~certification by the county canvassing board.~~

15           ~~(2) After each general election, the county auditor or other~~  
16 ~~election officer shall provide to the secretary of state a report of~~  
17 ~~the number of absentee ballots cast in each precinct for and against~~  
18 ~~state measures and for each candidate for federal, state, and~~  
19 ~~legislative office or for any other office which the secretary of state~~  
20 ~~is required by law to canvass. The report may be included in the~~  
21 ~~abstract required by this section or may be transmitted to the~~  
22 ~~secretary of state separately, but in no event later than March 31st of~~  
23 ~~the year following the election. Absentee ballot results may be~~  
24 ~~incorporated into votes cast at the polls for each precinct or may be~~  
25 ~~reported separately on a precinct by precinct basis.~~

26           ~~(3) If absentee ballot results are not incorporated into votes cast~~  
27 ~~at the polls,~~) The county auditor or other election official may  
28 aggregate results from more than one precinct if the auditor, pursuant  
29 to rules adopted by the secretary of state, finds that reporting a  
30 single precinct's ~~(absentee)~~ ballot results would jeopardize the  
31 secrecy of a person's ballot. To the extent practicable, precincts for  
32 which ~~(absentee)~~ results are aggregated must be contiguous.

33           **Sec. 62.** RCW 29A.60.235 and 2009 c 369 s 41 are each amended to  
34 read as follows:

35           ~~((1))~~ The county auditor shall prepare, make publicly available  
36 at the auditor's office or on the auditor's web site, and submit at the

1 time of certification an election reconciliation report that discloses  
2 the following information:

- 3 ~~((a) The number of registered voters;~~
- 4 ~~(b) The number of ballots counted;~~
- 5 ~~(c) The number of provisional ballots issued;~~
- 6 ~~(d) The number of provisional ballots counted;~~
- 7 ~~(e) The number of provisional ballots rejected;~~
- 8 ~~(f) The number of absentee ballots issued;~~
- 9 ~~(g) The number of absentee ballots counted;~~
- 10 ~~(h) The number of absentee ballots rejected;~~
- 11 ~~(i) The number of federal write-in ballots counted;~~
- 12 ~~(j) The number of overseas and service ballots issued;~~
- 13 ~~(k) The number of overseas and service ballots counted; and~~
- 14 ~~(l) The number of overseas and service ballots rejected.~~

15 ~~(2) The county auditor shall prepare and make publicly available at~~  
16 ~~the auditor's office or on the auditor's web site within thirty days of~~  
17 ~~certification a final election reconciliation report that discloses the~~  
18 ~~following information:~~

- 19 ~~(a) The number of registered voters;~~
- 20 ~~(b) The total number of voters credited with voting;~~
- 21 ~~(c) The number of poll voters credited with voting;~~
- 22 ~~(d) The number of provisional voters credited with voting;~~
- 23 ~~(e) The number of absentee voters credited with voting;~~
- 24 ~~(f) The number of federal write-in voters credited with voting;~~
- 25 ~~(g) The number of overseas and service voters credited with voting;~~
- 26 ~~(h) The total number of voters credited with voting even though~~

27 ~~their ballots were postmarked after election day and were not counted;~~  
28 ~~and~~

- 29 ~~(i))~~ (1) The number of registered voters;
- 30 (2) The number of ballots issued;
- 31 (3) The number of ballots received;
- 32 (4) The number of ballots counted;
- 33 (5) The number of ballots rejected;
- 34 (6) The number of provisional ballots issued;
- 35 (7) The number of provisional ballots received;
- 36 (8) The number of provisional ballots counted;
- 37 (9) The number of provisional ballots rejected;
- 38 (10) The number of federal write-in ballots received;

- 1       (11) The number of federal write-in ballots counted;  
2       (12) The number of federal write-in ballots rejected;  
3       (13) The number of overseas and service ballots issued;  
4       (14) The number of overseas and service ballots received;  
5       (15) The number of overseas and service ballots counted;  
6       (16) The number of overseas and service ballots rejected;  
7       (17) The number of voters credited with voting; and  
8       (18) Any other information the auditor or secretary of state deems  
9 necessary to reconcile the number of ballots counted with the number of  
10 voters credited with voting.

11       ~~((3) The county auditor may also prepare such reports for~~  
12 ~~jurisdictions located, in whole or in part, in the county.))~~

13       **Sec. 63.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to  
14 read as follows:

15       (1) At the time and place established for a recount, the canvassing  
16 board or its duly authorized representatives, in the presence of all  
17 witnesses who may be in attendance, shall open the sealed containers  
18 containing the ballots to be recounted, and shall recount the votes for  
19 the offices or issues for which the recount has been ordered. Ballots  
20 shall be handled only by the members of the canvassing board or their  
21 duly authorized representatives.

22       ~~((Witnesses shall be permitted to observe the ballots and the~~  
23 ~~process of tabulating the votes, but they shall not be permitted to~~  
24 ~~handle the ballots.))~~ The canvassing board shall not permit the  
25 tabulation of votes for any nomination, election, or issue other than  
26 the ones for which a recount was applied for or required.

27       (2) At any time before the ballots from all of the precincts listed  
28 in the application for the recount have been recounted, the applicant  
29 may file with the board a written request to stop the recount.

30       (3) The recount may be observed by persons representing the  
31 candidates affected by the recount or the persons representing both  
32 sides of an issue that is being recounted. Witnesses shall be  
33 permitted to observe the ballots and the process of tabulating the  
34 votes, but they shall not be permitted to handle the ballots. The  
35 observers may not make a record of the names, addresses, or other  
36 information on the ballots, ~~((poll books, or applications for absentee~~  
37 ~~ballots))~~ declarations, or lists of voters unless authorized by the



1 superior court. The secretary of state or county auditor may limit the  
2 number of observers to not less than two on each side if, in his or her  
3 opinion, a greater number would cause undue delay or disruption of the  
4 recount process.

5 **Sec. 64.** RCW 29A.68.020 and 2007 c 374 s 4 are each amended to  
6 read as follows:

7 Any of the following causes may be asserted by a registered voter  
8 to challenge the right to assume office of a candidate declared elected  
9 to that office:

10 (1) For misconduct on the part of any member of any precinct  
11 election board involved therein;

12 (2) Because the person whose right is being contested was not at  
13 the time the person was declared elected eligible to that office;

14 (3) Because the person whose right is being contested was previous  
15 to the election convicted of a felony by a court of competent  
16 jurisdiction, the conviction not having been reversed nor the person's  
17 civil rights restored after the conviction;

18 (4) Because the person whose right is being contested gave a bribe  
19 or reward to a voter or to an (~~inspector or judge of~~) election  
20 officer for the purpose of procuring the election, or offered to do so;

21 (5) On account of illegal votes.

22 (a) Illegal votes include but are not limited to the following:

23 (i) More than one vote cast by a single voter;

24 (ii) A vote cast by a person disqualified under Article VI, section  
25 3 of the state Constitution.

26 (b) Illegal votes do not include votes cast by improperly  
27 registered voters who were not properly challenged under RCW 29A.08.810  
28 and 29A.08.820.

29 All election contests must proceed under RCW 29A.68.011.

30 **Sec. 65.** RCW 29A.68.070 and 2003 c 111 s 1707 are each amended to  
31 read as follows:

32 No irregularity or improper conduct in the proceedings of any  
33 (~~election~~) county canvassing board or any member of the board amounts  
34 to such malconduct as to annul or set aside any election unless the  
35 irregularity or improper conduct was such as to procure the person

1 whose right to the office may be contested, to be declared duly elected  
2 although the person did not receive the highest number of legal votes.

3 **Sec. 66.** RCW 29A.68.080 and 2003 c 111 s 1708 are each amended to  
4 read as follows:

5 When any election for an office exercised in and for a county is  
6 contested on account of any malconduct on the part of (~~(any election)~~)  
7 a county canvassing board, or any member thereof, the election shall  
8 not be annulled and set aside upon any proof thereof, unless the  
9 rejection of the vote of such precinct or precincts will change the  
10 result as to such office in the remaining vote of the county.

11 **Sec. 67.** RCW 29A.84.020 and 2003 c 111 s 2102 are each amended to  
12 read as follows:

13 Every officer who willfully violates RCW 29A.56.110 through  
14 29A.56.270, for the violation of which no penalty is prescribed in this  
15 title or who willfully fails to comply with the provisions of (~~(this~~  
16 ~~chapter)~~) RCW 29A.56.110 through 29A.56.270 is guilty of a gross  
17 misdemeanor.

18 **Sec. 68.** RCW 29A.84.050 and 2005 c 243 s 23 are each amended to  
19 read as follows:

20 (1) A person who knowingly destroys, alters, defaces, conceals, or  
21 discards a completed voter registration form or signed (~~(absentee or~~  
22 ~~provisional ballot signature affidavit)~~ ballot declaration is guilty  
23 of a gross misdemeanor. This section does not apply to (~~(+1)~~) (a) the  
24 voter who completed the (~~(voter registration)~~) form or declaration, or  
25 (~~(+2)~~) (b) a county auditor (~~(or registration assistant)~~) who acts as  
26 authorized by (~~(voter registration)~~) law.

27 (2) Any person who intentionally fails to return another person's  
28 completed voter registration form or signed ballot declaration to the  
29 proper state or county elections office by the applicable deadline is  
30 guilty of a gross misdemeanor.

31 **Sec. 69.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to  
32 read as follows:

33 (1) (~~(On the day of any primary or general or special election)~~)  
34 During the voting period that begins eighteen days before and ends the

1 day of a special election, general election, or primary, no person may,  
2 within a (~~polling place, or in any public area within three hundred~~  
3 ~~feet of any entrance to such polling place~~) voting center:

4 (a) Suggest or persuade or attempt to suggest or persuade any voter  
5 to vote for or against any candidate or ballot measure;

6 (b) Circulate cards or handbills of any kind;

7 (c) Solicit signatures to any kind of petition; or

8 (d) Engage in any practice which interferes with the freedom of  
9 voters to exercise their franchise or disrupts the administration of  
10 the (~~polling place~~) voting center.

11 (2) No person may obstruct the doors or entries to a building in  
12 which a (~~polling place~~) voting center or ballot drop location is  
13 located or prevent free access to and from any (~~polling place~~) voting  
14 center or ballot drop location. Any sheriff, deputy sheriff, or  
15 municipal law enforcement officer shall prevent such obstruction, and  
16 may arrest any person creating such obstruction.

17 (3) (~~No person may:~~

18 ~~(a) Except as provided in RCW 29A.44.050, remove any ballot from~~  
19 ~~the polling place before the closing of the polls; or~~

20 ~~(b) Solicit any voter to show his or her ballot.~~

21 ~~(4) No person other than an inspector or judge of election may~~  
22 ~~receive from any voter a voted ballot or deliver a blank ballot to such~~  
23 ~~elector.~~

24 ~~(5))~~ Any violation of this section is a gross misdemeanor,  
25 punishable to the same extent as a gross misdemeanor that is punishable  
26 under RCW 9A.20.021, and the person convicted may be ordered to pay the  
27 costs of prosecution.

28 **Sec. 70.** RCW 29A.84.520 and 2003 c 111 s 2122 are each amended to  
29 read as follows:

30 Any election officer who does any electioneering (~~on primary or~~  
31 ~~election day~~) during the voting period that begins eighteen days  
32 before and ends the day of a special election, general election, or  
33 primary, is guilty of a misdemeanor, and upon conviction must be fined  
34 in any sum not exceeding one hundred dollars and pay the costs of  
35 prosecution.

1       **Sec. 71.** RCW 29A.84.530 and 2003 c 111 s 2123 are each amended to  
2 read as follows:

3       Deliberately impeding other voters from casting their votes by  
4 refusing to leave a voting booth or voting device is a misdemeanor and  
5 is subject to the penalties provided in chapter 9A.20 RCW. ((The  
6 precinct)) Election officers may provide assistance in the manner  
7 provided by ((RCW 29A.44.240)) section 43 of this act to any voter who  
8 requests it.

9       **Sec. 72.** RCW 29A.84.540 and 2003 c 111 s 2124 are each amended to  
10 read as follows:

11       Any person who, without lawful authority, removes a ballot from a  
12 ((polling place)) voting center or ballot drop location is guilty of a  
13 gross misdemeanor punishable to the same extent as a gross misdemeanor  
14 that is punishable under RCW 9A.20.021.

15       **Sec. 73.** RCW 29A.84.545 and 2005 c 242 s 6 are each amended to  
16 read as follows:

17       Anyone who, without authorization, removes from a ((polling place))  
18 voting center a paper record produced by ((an)) a direct recording  
19 electronic voting device is guilty of a class C felony punishable under  
20 RCW 9A.20.021.

21       **Sec. 74.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to  
22 read as follows:

23       Any person who willfully defaces, removes, or destroys any of the  
24 supplies or materials that the person knows are intended both for use  
25 in a ((polling place)) voting center and for enabling a voter to  
26 prepare his or her ballot is guilty of a class C felony punishable  
27 under RCW 9A.20.021.

28       **Sec. 75.** RCW 29A.84.655 and 2003 c 111 s 2132 are each amended to  
29 read as follows:

30       Any ((precinct)) election officer who ((knowingly permits any voter  
31 to cast a second vote at any primary or general or special election, or  
32 knowingly permits any person not a qualified voter to vote at any  
33 primary or general or special election)) intentionally tabulates or

1 causes to be tabulated, through any act or omission, an invalid ballot  
2 when the person has actual knowledge that the ballot is invalid, is  
3 guilty of a class C felony punishable under RCW 9A.20.021.

4 **Sec. 76.** RCW 29A.84.680 and 2003 c 111 s 2136 and 2003 c 53 s 179  
5 are each reenacted and amended to read as follows:

6 (1) A person who willfully violates any provision of chapter 29A.40  
7 RCW regarding the assertion or declaration of qualifications to receive  
8 or cast ~~((an absentee))~~ a ballot or unlawfully casts a ~~((vote by~~  
9 ~~absentee))~~ ballot is guilty of a class C felony punishable under RCW  
10 9A.20.021.

11 (2) Except as provided in this chapter, a person who willfully  
12 violates any other provision of chapter 29A.40 RCW is guilty of a  
13 misdemeanor.

14 **Sec. 77.** RCW 29A.84.730 and 2003 c 111 s 2139 are each amended to  
15 read as follows:

16 (1) In any location in which ballots are counted, no person  
17 authorized by law to be present while votes are being counted may  
18 divulge any results of the count of the ballots at any time prior to  
19 ~~((the closing of the polls for that))~~ 8:00 p.m. on the day of the  
20 primary or special or general election.

21 (2) A violation of this section is a gross misdemeanor punishable  
22 to the same extent as a gross misdemeanor that is punishable under RCW  
23 9A.20.021.

24 **Sec. 78.** RCW 27.12.370 and 2006 c 344 s 19 are each amended to  
25 read as follows:

26 The county legislative authority or authorities shall by resolution  
27 call a special election to be held in such city or town at the next  
28 special election date according to RCW 29A.04.321, and shall cause  
29 notice of such election to be given as provided for in ~~((RCW~~  
30 ~~29A.52.351))~~ section 45 of this act.

31 The election on the annexation of the city or town into the library  
32 district shall be conducted by the auditor of the county or counties in  
33 which the city or town is located in accordance with the general  
34 election laws of the state and the results thereof shall be canvassed  
35 by the canvassing board of the county or counties. No person shall be

1 entitled to vote at such election unless he or she is registered to  
2 vote in said city or town for at least thirty days preceding the date  
3 of the election. The ballot proposition shall be in substantially the  
4 following form:

5 "Shall the city or town of ..... be annexed to and be  
6 a part of ..... library district?  
7 YES .....   
8 NO .....

9 If a majority of the persons voting on the proposition shall vote  
10 in favor thereof, the city or town shall thereupon be annexed and shall  
11 be a part of such library district.

12 **Sec. 79.** RCW 36.83.110 and 1996 c 292 s 4 are each amended to read  
13 as follows:

14 Any registered voter residing within the boundaries of the road and  
15 bridge service district may file a referendum petition to call an  
16 election to retain any or all commissioners. Any referendum petition  
17 to call such election shall be filed with the county auditor no later  
18 than one year before the end of a commissioner's term. Within ten days  
19 of the filing of a petition, the county auditor shall confer with the  
20 petitioner concerning form and style of the petition, issue an  
21 identification number for the petition, and write a ballot title for  
22 the measure. The ballot title shall be posed as a question: "Shall  
23 (name of commissioner) be retained as a road and bridge service  
24 district commissioner?" and the question shall be posed separately for  
25 each commissioner. The petitioner shall be notified of the  
26 identification number and ballot title within this ten-day period.

27 After this notification, the petitioner shall have thirty days in  
28 which to secure on petition forms the signatures of not less than  
29 twenty-five percent of the registered voters residing within the  
30 boundaries of the service district and file the signed petitions with  
31 the county auditor. Each petition form shall contain the ballot title.  
32 The county auditor shall verify the sufficiency of the signatures on  
33 the petitions. If sufficient valid signatures are properly submitted,  
34 the county auditor shall submit the referendum measure to the  
35 registered voters residing in the service district in a special

1 election no later than one hundred twenty days after the signed  
2 petition has been filed with the county auditor. ((The special  
3 election may be conducted by mail ballot as provided for in chapter  
4 29.36 RCW.))

5 The office of any commissioner for whom there is not a majority  
6 vote to retain shall be declared vacant.

7 **Sec. 80.** RCW 36.93.030 and 2006 c 344 s 28 are each amended to  
8 read as follows:

9 (1) There is hereby created and established in each county with a  
10 population of two hundred ten thousand or more a board to be known and  
11 designated as a "boundary review board".

12 (2) A boundary review board may be created and established in any  
13 other county in the following manner:

14 (a) The county legislative authority may, by majority vote, adopt  
15 a resolution establishing a boundary review board; or

16 (b) A petition seeking establishment of a boundary review board  
17 signed by qualified electors residing in the county equal in number to  
18 at least five percent of the votes cast in the county at the last  
19 county general election may be filed with the county auditor.

20 Upon the filing of such a petition, the county auditor shall  
21 examine the same and certify to the sufficiency of the signatures  
22 thereon. No person may withdraw his or her name from a petition after  
23 it has been filed with the auditor. Within thirty days after the  
24 filing of such petition, the county auditor shall transmit the same to  
25 the county legislative authority, together with his or her certificate  
26 of sufficiency.

27 After receipt of a valid petition for the establishment of a  
28 boundary review board, the county legislative authority shall submit  
29 the question of whether a boundary review board should be established  
30 to the electorate at the next primary or general election according to  
31 RCW 29A.04.321. Notice of the election shall be given as provided in  
32 ((RCW 29A.52.351)) section 45 of this act and shall include a clear  
33 statement of the proposal to be submitted.

34 If a majority of the persons voting on the proposition shall vote  
35 in favor of the establishment of the boundary review board, such board  
36 shall thereupon be deemed established.

1           **Sec. 81.** RCW 40.24.060 and 2008 c 18 s 4 are each amended to read  
2 as follows:

3           (~~A program participant who is otherwise qualified to vote may~~  
4 ~~register as an ongoing absentee voter under RCW 29A.40.040.~~) The  
5 county auditor shall (~~transmit the absentee~~) mail a ballot to (~~the~~)  
6 a program participant qualified and registered at the mailing address  
7 provided. Neither the name nor the address of a program participant  
8 shall be included in any list of registered voters available to the  
9 public.

10           **Sec. 82.** RCW 52.04.071 and 2009 c 115 s 2 are each amended to read  
11 as follows:

12           The county legislative authority or authorities shall by resolution  
13 call a special election to be held in the city, partial city as set  
14 forth in RCW 52.04.061(2), or town and in the fire protection district  
15 at the next date according to RCW 29A.04.321, and shall cause notice of  
16 the election to be given as provided for in (~~RCW 29A.52.351~~) section  
17 45 of this act.

18           The election on the annexation of the city, partial city as set  
19 forth in RCW 52.04.061(2), or town into the fire protection district  
20 shall be conducted by the auditor of the county or counties in which  
21 the city, partial city as set forth in RCW 52.04.061(2), or town and  
22 the fire protection district are located in accordance with the general  
23 election laws of the state. The results thereof shall be canvassed by  
24 the canvassing board of the county or counties. No person is entitled  
25 to vote at the election unless he or she is a qualified elector in the  
26 city, partial city as set forth in RCW 52.04.061(2), or town or unless  
27 he or she is a qualified elector within the boundaries of the fire  
28 protection district. The ballot proposition shall be in substantially  
29 the following form:

30           "Shall the city, partial city as set forth in RCW 52.04.061(2), or  
31 town of . . . . . be annexed to and be a part of . . . . . fire  
32 protection district?

33           YES . . . . .  
34           NO . . . . . "

35           If a majority of the persons voting on the proposition in the city,  
36 partial city as set forth in RCW 52.04.061(2), or town and a majority



1 of the persons voting on the proposition in the fire protection  
2 district vote in favor thereof, the city, partial city as set forth in  
3 RCW 52.04.061(2), or town shall be annexed and shall be a part of the  
4 fire protection district.

5 **Sec. 83.** RCW 85.38.125 and 1991 c 349 s 15 are each amended to  
6 read as follows:

7 (1) If a special district has less than five hundred qualified  
8 voters, then the special district must contract with the county auditor  
9 to conduct the special district elections. (~~The county auditor has~~  
10 ~~the discretion as to whether to conduct the election by mail.~~)

11 (2) If a special district has at least five hundred qualified  
12 voters, the special district may (~~contract with the county auditor to~~  
13 ~~staff the voting site during the election or~~) contract with the county  
14 auditor to conduct the election (~~by mail~~). A special district with  
15 at least five hundred qualified voters may also choose to conduct its  
16 own elections. A special district that conducts its own elections must  
17 enter into an agreement with the county auditor that specifies the  
18 responsibilities of both parties.

19 (~~(3) If the county auditor conducts a special district election by~~  
20 ~~mail, then the provisions of chapter 29.36 RCW which govern elections~~  
21 ~~by mail, except for the requirements of RCW 29.36.120, shall apply.~~)

22 **Sec. 84.** RCW 90.72.040 and 1997 c 447 s 20 are each amended to  
23 read as follows:

24 (1) The county legislative authority may create a shellfish  
25 protection district on its own motion or by submitting the question to  
26 the voters of the proposed district and obtaining the approval of a  
27 majority of those voting. The boundaries of the district shall be  
28 determined by the legislative authority. The legislative authority may  
29 create more than one district. A district may include any area or  
30 areas within the county, whether incorporated or unincorporated.  
31 Counties shall coordinate and cooperate with cities, towns, and water-  
32 related special districts within their boundaries in establishing  
33 shellfish protection districts and carrying out shellfish protection  
34 programs. Where a portion of the proposed district lies within an  
35 incorporated area, the county shall develop procedures for the  
36 participation of the city or town in the determination of the

1 boundaries of the district and the administration of the district,  
2 including funding of the district's programs. The legislative  
3 authority of more than one county may by agreement provide for the  
4 creation of a district including areas within each of those counties.  
5 County legislative authorities are encouraged to coordinate their plans  
6 and programs to protect shellfish growing areas, especially where  
7 shellfish growing areas are located within the boundaries of more than  
8 one county. The legislative authority or authorities creating a  
9 district may abolish a shellfish protection district on its or their  
10 own motion or by submitting the question to the voters of the district  
11 and obtaining the approval of a majority of those voting.

12 (2) If the county legislative authority creates a shellfish  
13 protection district by its own motion, any registered voter residing  
14 within the boundaries of the shellfish protection district may file a  
15 referendum petition to repeal the ordinance that created the district.  
16 Any referendum petition to repeal the ordinance creating the shellfish  
17 protection district shall be filed with the county auditor within seven  
18 days of passage of the ordinance. Within ten days of the filing of a  
19 petition, the county auditor shall confer with the petitioner  
20 concerning form and style of the petition, issue an identification  
21 number for the petition, and write a ballot title for the measure. The  
22 ballot title shall be posed as a question so that an affirmative answer  
23 to the question and an affirmative vote on the measure results in  
24 creation of the shellfish protection district and a negative answer to  
25 the question and a negative vote on the measure results in the  
26 shellfish protection district not being created. The petitioner shall  
27 be notified of the identification number and ballot title within this  
28 ten-day period.

29 After this notification, the petitioner shall have thirty days in  
30 which to secure on petition forms the signatures of not less than  
31 twenty-five percent of the registered voters residing within the  
32 boundaries of the shellfish protection district and file the signed  
33 petitions with the county auditor. Each petition form shall contain  
34 the ballot title and full text of the measure to be referred. The  
35 county auditor shall verify the sufficiency of the signatures on the  
36 petitions. If sufficient valid signatures are properly submitted, the  
37 county auditor shall submit the referendum measure to the registered  
38 voters residing in the shellfish protection district in a special

1 election no later than one hundred twenty days after the signed  
2 petition has been filed with the county auditor. ((The special  
3 election may be conducted by mail ballot as provided for in chapter  
4 29.36 RCW.))

5 (3) The county legislative authority shall not impose fees, rates,  
6 or charges for shellfish protection district programs upon properties  
7 on which fees, rates, or charges are imposed under chapter 36.89 or  
8 36.94 RCW for substantially the same programs and services.

9 NEW SECTION. **Sec. 85.** The county auditor of any county that  
10 maintained poll sites as of the effective date of this section shall  
11 notify by mail each registered poll voter that all future primaries,  
12 special elections, and general elections will be conducted by mail.

13 NEW SECTION. **Sec. 86.** The following acts or parts of acts are  
14 each repealed:

15 (1) RCW 29A.04.049 (Election board) and 2003 c 111 s 109 & 1986 c  
16 167 s 1;

17 (2) RCW 29A.04.115 (Poll-site ballot counting devices) and 2003 c  
18 111 s 120;

19 (3) RCW 29A.04.128 (Primary) and 2004 c 271 s 152;

20 (4) RCW 29A.08.430 (Transfer on day of primary, special election,  
21 or general election) and 2009 c 369 s 24, 2004 c 267 s 123, & 2003 c  
22 111 s 230;

23 (5) RCW 29A.12.090 (Single district and precinct) and 2003 c 111 s  
24 309;

25 (6) RCW 29A.16.010 (Intent--Duties of county auditors) and 2004 c  
26 267 s 315, 2003 c 111 s 401, 1999 c 298 s 13, 1985 c 205 s 1, & 1979  
27 ex.s. c 64 s 1;

28 (7) RCW 29A.16.020 (Alternative polling places or procedures) and  
29 2003 c 111 s 402, 1999 c 298 s 15, & 1985 c 205 s 5;

30 (8) RCW 29A.16.030 (Costs for modifications--Alternatives--Election  
31 costs) and 2003 c 111 s 403, 1999 c 298 s 20, & 1985 c 205 s 12;

32 (9) RCW 29A.16.060 (Combining or dividing precincts, election  
33 boards) and 2003 c 111 s 406;

34 (10) RCW 29A.16.110 (Polling place--May be located outside  
35 precinct) and 2003 c 111 s 407 & 1965 c 9 s 29.48.005;

1 (11) RCW 29A.16.120 (Polling place--Use of county, municipality, or  
2 special district facilities) and 2003 c 111 s 408;

3 (12) RCW 29A.16.130 (Public buildings as polling places) and 2004  
4 c 267 s 316 & 2003 c 111 s 409;

5 (13) RCW 29A.16.140 (Inaccessible polling places--Auditors' list)  
6 and 2003 c 111 s 410;

7 (14) RCW 29A.16.150 (Polling places--Accessibility required,  
8 exceptions) and 2003 c 111 s 411;

9 (15) RCW 29A.16.160 (Review by and recommendations of disabled  
10 voters) and 2003 c 111 s 412;

11 (16) RCW 29A.16.170 (County auditors--Notice of accessibility) and  
12 2003 c 111 s 413;

13 (17) RCW 29A.24.151 (Notice of void in candidacy) and 2004 c 271 s  
14 163;

15 (18) RCW 29A.24.161 (Filings to fill void in candidacy--How made)  
16 and 2004 c 271 s 164;

17 (19) RCW 29A.40.030 (Request on behalf of family member) and 2003  
18 c 111 s 1003;

19 (20) RCW 29A.40.040 (Ongoing status--Request--Termination) and 2003  
20 c 111 s 1004;

21 (21) RCW 29A.40.061 (Issuance of ballot and other materials) and  
22 2009 c 369 s 38 & 2004 c 271 s 134;

23 (22) RCW 29A.40.061 (Issuance of ballot and other materials) and  
24 2009 c 415 s 6 & 2004 c 271 s 134;

25 (23) RCW 29A.40.080 (Delivery of ballot, qualifications for) and  
26 2003 c 111 s 1008;

27 (24) RCW 29A.40.120 (Report of count) and 2003 c 111 s 1012;

28 (25) RCW 29A.40.140 (Challenges) and 2006 c 320 s 8 & 2003 c 111 s  
29 1014;

30 (26) RCW 29A.44.010 (Interference with voter prohibited) and 2003  
31 c 111 s 1101;

32 (27) RCW 29A.44.020 (List of who has and who has not voted) and  
33 2003 c 111 s 1102, 1977 ex.s. c 361 s 83, & 1965 c 9 s 29.51.125;

34 (28) RCW 29A.44.030 (Taking papers into voting booth) and 2004 c  
35 267 s 317 & 2003 c 111 s 1103;

36 (29) RCW 29A.44.040 (Official ballots--Vote only once--Incorrectly  
37 marked ballots) and 2004 c 267 s 318 & 2003 c 111 s 1104;

1 (30) RCW 29A.44.045 (Electronic voting devices--Paper records) and  
2 2005 c 242 s 2;  
3 (31) RCW 29A.44.050 (Ballot pick up, delivery, and transportation)  
4 and 2003 c 111 s 1105;  
5 (32) RCW 29A.44.060 (Voting booths) and 2003 c 111 s 1106;  
6 (33) RCW 29A.44.070 (Opening and closing polls) and 2003 c 111 s  
7 1107;  
8 (34) RCW 29A.44.080 (Polls open continuously--Announcement of  
9 closing) and 2003 c 111 s 1108;  
10 (35) RCW 29A.44.090 (Double voting prohibited) and 2003 c 111 s  
11 1109, 1987 c 346 s 13, & 1965 c 9 s 29.36.050;  
12 (36) RCW 29A.44.110 (Delivery of supplies) and 2003 c 111 s 1110;  
13 (37) RCW 29A.44.120 (Delivery of precinct lists to polls) and 2003  
14 c 111 s 1111;  
15 (38) RCW 29A.44.130 (Additional supplies for paper ballots) and  
16 2003 c 111 s 1112 & 1977 ex.s. c 361 s 82;  
17 (39) RCW 29A.44.140 (Voting and registration instructions and  
18 information) and 2003 c 111 s 1113;  
19 (40) RCW 29A.44.150 (Time for arrival of officers) and 2003 c 111  
20 s 1114;  
21 (41) RCW 29A.44.160 (Inspection of voting equipment) and 2003 c 111  
22 s 1115;  
23 (42) RCW 29A.44.170 (Flag) and 2003 c 111 s 1116;  
24 (43) RCW 29A.44.180 (Opening the polls) and 2003 c 111 s 1117;  
25 (44) RCW 29A.44.190 (Voting devices--Periodic examination) and 2003  
26 c 111 s 1118;  
27 (45) RCW 29A.44.201 (Issuing ballot to voter--Challenge) and 2004  
28 c 271 s 136;  
29 (46) RCW 29A.44.205 (Identification required) and 2005 c 243 s 7;  
30 (47) RCW 29A.44.207 (Provisional ballots) and 2005 c 243 s 6;  
31 (48) RCW 29A.44.210 (Signature required--Procedure if voter unable  
32 to sign name) and 2003 c 111 s 1120, 1990 c 59 s 41, 1971 ex.s. c 202  
33 s 41, 1967 ex.s. c 109 s 9, 1965 ex.s. c 156 s 5, & 1965 c 9 s  
34 29.51.060;  
35 (49) RCW 29A.44.221 (Casting vote) and 2004 c 271 s 137;  
36 (50) RCW 29A.44.225 (Voter using electronic voting device) and 2005  
37 c 242 s 4;  
38 (51) RCW 29A.44.231 (Record of participation) and 2004 c 271 s 138;

1 (52) RCW 29A.44.240 (Disabled voters) and 2003 c 111 s 1123, 2003  
2 c 53 s 180, 1981 c 34 s 1, 1965 ex.s. c 101 s 17, & 1965 c 9 s  
3 29.51.200;

4 (53) RCW 29A.44.250 (Tabulation of paper ballots before close of  
5 polls) and 2003 c 111 s 1124 & 1990 c 59 s 54;

6 (54) RCW 29A.44.260 (Voters in polling place at closing time) and  
7 2003 c 111 s 1125;

8 (55) RCW 29A.44.265 (Provisional ballot after polls close) and 2004  
9 c 267 s 501;

10 (56) RCW 29A.44.270 (Unused ballots) and 2003 c 111 s 1126, 1990 c  
11 59 s 52, 1977 ex.s. c 361 s 84, 1965 ex.s. c 101 s 6, & 1965 c 9 s  
12 29.54.010;

13 (57) RCW 29A.44.280 (Duties of election officers after unused  
14 ballots secure) and 2003 c 111 s 1127 & 1990 c 59 s 53;

15 (58) RCW 29A.44.290 (Return of precinct lists after election--  
16 Public records) and 2003 c 111 s 1128;

17 (59) RCW 29A.44.310 (Initialization) and 2003 c 111 s 1129;

18 (60) RCW 29A.44.320 (Delivery and sealing) and 2003 c 111 s 1130;

19 (61) RCW 29A.44.330 (Memory packs) and 2003 c 111 s 1131;

20 (62) RCW 29A.44.340 (Incorrectly marked ballots) and 2003 c 111 s  
21 1132;

22 (63) RCW 29A.44.350 (Failure of device) and 2004 c 267 s 320 & 2003  
23 c 111 s 1133;

24 (64) RCW 29A.44.410 (Appointment of judges and inspector) and 2003  
25 c 111 s 1134, 1991 c 106 s 1, 1983 1st ex.s. c 71 s 7, 1965 ex.s. c 101  
26 s 1, & 1965 c 9 s 29.45.010;

27 (65) RCW 29A.44.420 (Appointment of clerks--Party representation--  
28 Hour to report) and 2003 c 111 s 1135, 1965 ex.s. c 101 s 2, & 1965 c  
29 9 s 29.45.020;

30 (66) RCW 29A.44.430 (Nomination) and 2003 c 111 s 1136, 1991 c 106  
31 s 2, 1987 c 295 s 16, 1965 ex.s. c 101 s 3, & 1965 c 9 s 29.45.030;

32 (67) RCW 29A.44.440 (Vacancies--How filled--Inspector's authority)  
33 and 2003 c 111 s 1137;

34 (68) RCW 29A.44.450 (One set of precinct election officers,  
35 exceptions--Counting board--Receiving board) and 2003 c 111 s 1138,  
36 1994 c 223 s 91, 1973 c 102 s 2, 1965 ex.s. c 101 s 4, & 1965 c 9 s  
37 29.45.050;

38 (69) RCW 29A.44.460 (Duties--Generally) and 2003 c 111 s 1139;

1 (70) RCW 29A.44.470 (Application to other primaries or elections)  
2 and 2003 c 111 s 1140;  
3 (71) RCW 29A.44.480 (Inspector as chair--Authority) and 2003 c 111  
4 s 1141 & 1965 c 9 s 29.45.070;  
5 (72) RCW 29A.44.490 (Oaths of officers required) and 2003 c 111 s  
6 1142;  
7 (73) RCW 29A.44.500 (Oath of inspectors, form) and 2003 c 111 s  
8 1143;  
9 (74) RCW 29A.44.510 (Oath of judges, form) and 2003 c 111 s 1144;  
10 (75) RCW 29A.44.520 (Oath of clerks, form) and 2003 c 111 s 1145;  
11 (76) RCW 29A.44.530 (Compensation) and 2003 c 111 s 1146, 1971  
12 ex.s. c 124 s 2, & 1965 c 9 s 29.45.120;  
13 (77) RCW 29A.46.010 ("Disability access voting location.") and 2004  
14 c 267 s 301;  
15 (78) RCW 29A.46.020 ("Disability access voting period.") and 2006  
16 c 207 s 5 & 2004 c 267 s 302;  
17 (79) RCW 29A.46.030 ("In-person disability access voting.") and  
18 2004 c 267 s 303;  
19 (80) RCW 29A.46.110 (When allowed--Multiple voting prevention) and  
20 2006 c 207 s 6 & 2004 c 267 s 304;  
21 (81) RCW 29A.46.120 (Locations and hours) and 2004 c 267 s 305;  
22 (82) RCW 29A.46.130 (Compliance with federal and state  
23 requirements) and 2004 c 267 s 306;  
24 (83) RCW 29A.48.010 (Mail ballot counties and precincts) and 2009  
25 c 103 s 1, 2005 c 241 s 1, & 2004 c 266 s 14;  
26 (84) RCW 29A.48.020 (Special elections) and 2004 c 266 s 15;  
27 (85) RCW 29A.48.030 (Odd-year primaries) and 2003 c 111 s 1203;  
28 (86) RCW 29A.48.040 (Depositing ballots--Replacement ballots) and  
29 2003 c 111 s 1204, 2001 c 241 s 18, & 1983 1st ex.s. c 71 s 3;  
30 (87) RCW 29A.48.050 (Return of voted ballot) and 2006 c 206 s 8 &  
31 2003 c 111 s 1205;  
32 (88) RCW 29A.48.060 (Ballot contents--Counting) and 2003 c 111 s  
33 1206, 2001 c 241 s 20, 1993 c 417 s 5, 1990 c 59 s 76, 1983 1st ex.s.  
34 c 71 s 5, & 1967 ex.s. c 109 s 7;  
35 (89) RCW 29A.52.311 (Notice of primary) and 2004 c 271 s 145;  
36 (90) RCW 29A.52.351 (Notice of election) and 2004 c 271 s 175;  
37 (91) RCW 29A.60.030 (Tabulation continuous) and 2004 c 266 s 16 &  
38 2003 c 111 s 1503;

1 (92) RCW 29A.60.080 (Sealing of voting devices--Exceptions) and  
2 2004 c 266 s 17 & 2003 c 111 s 1508;  
3 (93) RCW 29A.84.525 (Electioneering by disability access voting  
4 election officer) and 2004 c 267 s 309;  
5 (94) RCW 29A.84.670 (Unlawful acts by voters--Penalty) and 2003 c  
6 53 s 181 & 1965 c 9 s 29.51.230;  
7 (95) RCW 29A.84.670 (Unlawful acts by voters) and 2003 c 111 s 2134  
8 & 1965 c 9 s 29.51.230; and  
9 (96) RCW 29A.84.740 (Returns and posted copy of results--Tampering  
10 with) and 2003 c 111 s 2140.

11 NEW SECTION. **Sec. 87.** RCW 29A.46.260 is recodified as a section  
12 in chapter 29A.04 RCW.

13 NEW SECTION. **Sec. 88.** Sections 53 and 58 of this act take effect  
14 July 1, 2013.

15 NEW SECTION. **Sec. 89.** Sections 52 and 57 of this act expire July  
16 1, 2013.

--- END ---