

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1716

67th Legislature
2022 Regular Session

Passed by the House January 28, 2022
Yeas 92 Nays 3

**Speaker of the House of
Representatives**

Passed by the Senate March 2, 2022
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1716** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1716

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Valdez, Dolan, and Pollet)

READ FIRST TIME 01/20/22.

1 AN ACT Relating to locations at which ballots may be cast; and
2 amending RCW 29A.40.160, 29A.08.140, and 29A.84.510.

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

4 **Sec. 1.** RCW 29A.40.160 and 2019 c 6 s 6 are each amended to read
5 as follows:

6 (1) Each county auditor shall open a voting center each primary,
7 special election if the county is conducting an election, and general
8 election. The voting center shall be open during business hours
9 during the voting period, which begins eighteen days before, and ends
10 at 8:00 p.m. on the day of, the primary, special election if the
11 county is conducting an election, or general election.

12 (2) Each county auditor shall (~~register voters in person~~) open
13 a voting center at each of the following locations in the county:

14 (a) At the county auditor's office(~~+~~
15 ~~(b) At~~) or at the division of elections(~~(, if located)~~) that is
16 in a separate (~~(city)~~) location from the county auditor's office; and

17 (~~(e)~~) (b) For each presidential general election, (~~at a voting~~
18 ~~center~~) in each city in the county with a population of one hundred
19 thousand or greater(~~(,)~~) which does not have a voting center as
20 required in (a) (~~(or (b))~~) of this subsection. A voting center opened

1 pursuant to this subsection (2) is not required to be open on the
2 Sunday before the presidential election.

3 (3) Voting centers shall be located in public buildings or
4 buildings that are leased by a public entity including, but not
5 limited to, libraries.

6 (4) Each voting center, and at least one of the other locations
7 designated by the county auditor to allow voters to register in
8 person pursuant to RCW 29A.08.140(1)(b), must provide voter
9 registration materials, ballots, provisional ballots, disability
10 access voting units, sample ballots, instructions on how to properly
11 vote the ballot, a ballot drop box, and voters' pamphlets, if a
12 voters' pamphlet has been published.

13 (5) Each voting center must be accessible to persons with
14 disabilities. Each state agency and entity of local government shall
15 permit the use of any of its accessible facilities as voting centers
16 when requested by a county auditor.

17 (6) Each voting center must provide at least one voting unit
18 certified by the secretary of state that provides access to
19 individuals who are blind or visually impaired, enabling them to vote
20 with privacy and independence.

21 (7) No person may interfere with a voter attempting to vote in a
22 voting center. Interfering with a voter attempting to vote is a
23 violation of RCW 29A.84.510. The county auditor shall designate by
24 administrative rule a specific point or points as the entrance to
25 each voting center, taking into account the unique attributes of the
26 voting center, to assure that voters have the ability to arrive and
27 depart unimpeded.

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

36 (9) The county auditor shall require any person desiring to vote
37 at a voting center to either sign a ballot declaration or provide
38 identification.

39 (a) The signature on the declaration must be compared to the
40 signature on the voter registration record before the ballot may be

1 counted. If the voter registered using a mark, or can no longer sign
2 his or her name, the election officers shall require the voter to be
3 identified by another registered voter.

4 (b) The identification must be valid photo identification, such
5 as a driver's license, state identification card, student
6 identification card, tribal identification card, or employer
7 identification card. A tribal identification card is not required to
8 include a residential address or an expiration date to be considered
9 valid under this section. Any individual who desires to vote in
10 person but cannot provide identification shall be issued a
11 provisional ballot, which shall be accepted if the signature on the
12 declaration matches the signature on the voter's registration record.

13 (10) Provisional ballots must be accompanied by a declaration and
14 security envelope, as required by RCW 29A.40.091, and space for the
15 voter's name, date of birth, current and former registered address,
16 reason for the provisional ballot, and disposition of the provisional
17 ballot. The voter shall vote and return the provisional ballot at the
18 voting center. The voter must be provided information on how to
19 ascertain whether the provisional ballot was counted and, if
20 applicable, the reason why the vote was not counted.

21 (11) Any voter may take printed or written material into the
22 voting device to assist in casting his or her vote. The voter shall
23 not use this material to electioneer and shall remove it when he or
24 she leaves the voting center.

25 (12) If any voter states that he or she is unable to cast his or
26 her votes due to a disability, the voter may designate a person of
27 his or her choice, or two election officers, to enter the voting
28 booth and record the votes as he or she directs.

29 (13) No voter is entitled to vote more than once at a primary,
30 special election, or general election. If a voter incorrectly marks a
31 ballot, he or she may be issued a replacement ballot.

32 (14) A voter who has already returned a ballot but requests to
33 vote at a voting center shall be issued a provisional ballot. The
34 canvassing board shall not count the provisional ballot if it finds
35 that the voter has also voted a regular ballot in that primary,
36 special election, or general election.

37 (15) Any voter who is inside or in line at the voting center at
38 8:00 p.m. on the day of the primary, special election, or general
39 election must be allowed to vote.

1 (16) For each primary, special election, and general election,
2 the county auditor may provide election services at locations in
3 addition to the voting center. The county auditor has discretion to
4 establish which services will be provided at the additional
5 locations, and which days and hours the locations will be open.

6 **Sec. 2.** RCW 29A.08.140 and 2020 c 208 s 22 are each amended to
7 read as follows:

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

10 (a) Submit a registration application that is received by an
11 election official no later than eight days before the day of the
12 primary, special election, or general election. For purposes of this
13 subsection (1)(a), "received" means: (i) Being physically received by
14 an election official by the close of business of the required
15 deadline; or (ii) for applications received online or electronically,
16 by midnight, of the required deadline; or

17 (b) Register in person at a county auditor's office, the division
18 of elections if in a separate ((city)) location from the county
19 auditor's office, a voting center, a student engagement hub, or other
20 location designated by the county auditor no later than 8:00 p.m. on
21 the day of the primary, special election if the county is conducting
22 an election, or general election.

23 (2)(a) In order to change a residence address for voting in any
24 primary, special election, or general election, a person who is
25 already registered to vote in Washington may update his or her
26 registration by:

27 (i) Submitting an address change using a registration application
28 or making notification via any non-in-person method that is received
29 by election officials no later than eight days before the day of the
30 primary, special election, or general election; or

31 (ii) Appearing in person, at a county auditor's office, the
32 division of elections if in a separate ((city)) location from the
33 county auditor's office, a voting center, or other location
34 designated by the county auditor, no later than 8:00 p.m. on the day
35 of the primary, special election if the county is conducting an
36 election, or general election to be in effect for that primary,
37 special election if the county is conducting an election, or general
38 election.

1 (b) A registered voter who fails to update his or her residential
2 address by this deadline may vote according to his or her previous
3 registration address.

4 (3) To register or update a voting address in person at a county
5 auditor's office, a voting center, or other location designated by
6 the county auditor, a person must appear in person at a county
7 auditor's office, a voting center, or other location designated by
8 the county auditor at a time when the facility is open and complete
9 the voter registration application by providing the information
10 required by RCW 29A.08.010.

11 **Sec. 3.** RCW 29A.84.510 and 2013 c 11 s 82 are each amended to
12 read as follows:

13 (1) During the voting period that begins eighteen days before and
14 ends the day of a special election, general election, or primary, no
15 person may:

16 (a) Within a voting center or student engagement hub or in any
17 public street or room in any public manner within 100 feet measured
18 radially from the entrance to a voting center or student engagement
19 hub or 25 feet measured radially from a ballot drop box as described
20 in RCW 29A.40.170:

21 (i) Suggest or persuade or attempt to suggest or persuade any
22 voter to vote for or against any candidate or ballot measure;

23 (ii) Circulate cards or handbills of any kind;

24 (iii) Solicit signatures to any kind of petition; or

25 (iv) Engage in any practice which interferes with the freedom of
26 voters to exercise their franchise or disrupts the administration of
27 the voting center;

28 (b) Engage in any activities restricted under (a) of this
29 subsection through electronic amplification located more than 100
30 feet from an entrance to a voting center or student engagement hub or
31 25 feet from an entrance to a ballot drop box if the person is
32 capable of being understood within 100 feet of the voting center or
33 student engagement hub or 25 feet of the ballot drop box;

34 (c) Obstruct the doors or entries to a building in which a voting
35 center or ballot drop location is located or prevent free access to
36 and from any voting center or ballot drop location.

37 (2) The auditor shall post a sign at the point or points
38 specified at each voting center as required by RCW 29A.40.160 during

1 the voting period providing notice of the prohibition in subsection
2 (1)(a) of this section.

3 (3) Any sheriff, deputy sheriff, or municipal law enforcement
4 officer shall stop the prohibited activity, and may arrest any person
5 engaging in the prohibited activity.

6 ~~((3))~~ (4) Any violation of this section is a gross misdemeanor,
7 punishable to the same extent as a gross misdemeanor that is
8 punishable under RCW 9A.20.021, and the person convicted may be
9 ordered to pay the costs of prosecution.

10 (5) Nothing in this section may be construed to limit or
11 otherwise restrict the access of an authorized political party
12 observer to a voting center, student engagement hub, or ballot drop
13 box for the purpose of observing the election process.

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