
HOUSE BILL 1572

State of Washington 61st Legislature 2009 Regular Session

By Representatives Hunt, Lias, Appleton, Miloscia, and Williams

Read first time 01/23/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to all mail elections; amending RCW 29A.04.008,
2 29A.04.019, 29A.04.128, 29A.04.031, 29A.04.220, 29A.04.255, 29A.04.580,
3 29A.04.470, 29A.08.113, 29A.08.130, 29A.08.140, 29A.08.145, 29A.08.430,
4 29A.08.440, 29A.08.720, 29A.08.775, 29A.08.810, 29A.08.820, 29A.12.085,
5 29A.12.090, 29A.12.110, 29A.12.160, 29A.16.010, 29A.16.040, 29A.16.060,
6 29A.16.120, 29A.16.130, 29A.24.081, 29A.24.131, 29A.28.021, 29A.28.061,
7 29A.32.031, 29A.32.241, 29A.36.115, 29A.36.131, 29A.36.161, 29A.40.061,
8 29A.40.070, 29A.40.080, 29A.40.091, 29A.40.100, 29A.40.120, 29A.44.010,
9 29A.44.030, 29A.44.040, 29A.44.050, 29A.44.060, 29A.44.070, 29A.44.090,
10 29A.44.140, 29A.44.150, 29A.44.160, 29A.44.170, 29A.44.190, 29A.44.205,
11 29A.44.207, 29A.44.210, 29A.44.221, 29A.44.225, 29A.44.231, 29A.44.260,
12 29A.44.265, 29A.44.270, 29A.44.280, 29A.44.410, 29A.44.430, 29A.44.490,
13 29A.44.530, 29A.46.260, 29A.48.010, 29A.48.040, 29A.48.060, 29A.52.141,
14 29A.52.311, 29A.52.351, 29A.53.080, 29A.56.010, 29A.56.490, 29A.60.010,
15 29A.60.030, 29A.60.040, 29A.60.050, 29A.60.110, 29A.60.120, 29A.60.160,
16 29A.60.160, 29A.60.170, 29A.60.180, 29A.60.190, 29A.60.190, 29A.60.230,
17 29A.60.235, 29A.64.041, 29A.80.041, 29A.84.050, 29A.84.510, 29A.84.550,
18 29A.84.730, 36.83.110, 85.38.125, and 90.72.040; reenacting and
19 amending RCW 29A.04.611, 29A.08.620, 29A.40.110, 29A.60.070, and
20 29A.60.165; adding new sections to chapter 29A.04 RCW; adding new
21 sections to chapter 29A.48 RCW; adding a new section to chapter 29A.80

1 RCW; recodifying RCW 29A.40.061, 29A.40.070, 29A.40.080, 29A.40.091,
2 29A.40.100, 29A.40.110, 29A.40.120, 29A.40.150, and 29A.44.430;
3 repealing RCW 29A.16.020, 29A.16.030, 29A.16.110, 29A.16.140,
4 29A.16.150, 29A.16.170, 29A.40.010, 29A.40.020, 29A.40.030, 29A.40.040,
5 29A.40.050, 29A.40.130, 29A.40.140, 29A.44.020, 29A.44.080, 29A.44.110,
6 29A.44.120, 29A.44.130, 29A.44.180, 29A.44.201, 29A.44.250, 29A.44.290,
7 29A.44.310, 29A.44.320, 29A.44.330, 29A.44.340, 29A.44.350, 29A.44.420,
8 29A.44.450, 29A.44.460, 29A.44.470, 29A.44.480, 29A.44.510, 29A.44.520,
9 29A.48.020, 29A.48.030, 29A.60.060, 29A.60.200, 29A.84.540, 29A.84.545,
10 and 29A.84.680; providing effective dates; and providing an expiration
11 date.

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

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

15 As used in this title:

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

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

20 (b) A facsimile of the contents of a particular ballot whether
21 printed on a paper ballot or ballot card or as part of a voting machine
22 or voting device;

23 (c) A physical or electronic record of the choices of an individual
24 voter in a particular primary, general election, or special election;
25 or

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

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

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

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

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

10 (a) The (~~voter's name does not appear in the poll book~~) voter
11 does not appear to be registered to vote in that county;

12 (b) There is (~~an indication in the poll book that the voter has~~
13 ~~requested an absentee ballot, but the voter wishes to vote at the~~
14 ~~polling place~~) a question concerning whether the voter has already
15 returned a voted ballot;

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

18 (d) Any other reason allowed by law;

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

24 (7) "Nonpartisan ballot" means a primary election ballot that lists
25 all nonpartisan races and ballot measures to be voted on at that
26 primary.

27 NEW SECTION. Sec. 2. A new section is added to chapter 29A.04 RCW
28 to read as follows:

29 "Ballot drop-off site" means the site or sites designated by the
30 county auditor in which a voter may deposit his or her ballot in a
31 secure collection device on or before election day.

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

34 "Counting center" means the facility or facilities designated by
35 the county auditor to count and canvass mail ballots(~~, absentee~~

1 ~~ballots, and polling place ballots that are transferred to a central~~
2 ~~site to be counted, rather than being counted by a poll-site ballot~~
3 ~~counting device, on the day of a primary or election)).~~

4 **Sec. 4.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to
5 read as follows:

6 "Primary" or "primary election" means a statutory procedure for
7 nominating candidates to public office (~~(at the polls)~~).

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.04 RCW
9 to read as follows:

10 "Voting center" means the facility or facilities designated by the
11 county auditor that:

- 12 (1) Serves as a disability access voting location;
13 (2) Issues provisional ballots; and
14 (3) Serves as a ballot drop-off site.

15 **Sec. 6.** RCW 29A.04.031 and 2003 c 111 s 106 are each amended to
16 read as follows:

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

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

26 The county auditor shall provide public notice of the availability
27 of registration and voting aids, assistance to the elderly and
28 (~~(disabled persons)~~) people with disabilities, and procedures for
29 voting by (~~(absentee)~~) mail ballot calculated to reach the elderly and
30 (~~(disabled persons)~~) people with disabilities not later than public
31 notice of the closing of registration for a primary or election.

32 **Sec. 8.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read
33 as follows:

1 The secretary of state or a county auditor shall accept and file in
2 his or her office electronic facsimile transmissions of the following
3 documents:

4 (1) Declarations of candidacy;

5 (2) County canvass reports;

6 (3) Voters' pamphlet statements;

7 (4) Arguments for and against ballot measures that will appear in
8 a voters' pamphlet;

9 (5) Requests for recounts;

10 (6) Certification of candidates and measures by the secretary of
11 state;

12 (7) Direction by the secretary of state for the conduct of a
13 mandatory recount;

14 (8) (~~Requests for absentee ballots;~~

15 ~~+9~~) Any other election related document authorized by rule
16 adopted by the secretary of state under RCW (~~(29A.04.610)~~) 29A.04.611.

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

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

29 **Sec. 9.** RCW 29A.04.580 and 2003 c 111 s 156 are each amended to
30 read as follows:

31 The county auditor may designate any person who has been certified
32 under this chapter, other than the auditor, to participate in a review
33 conducted in the county under this chapter. Each county auditor and
34 canvassing board shall cooperate fully during an election review by
35 making available to the reviewing staff any material requested by the
36 staff. The reviewing staff shall have full access to ballot pages,
37 (~~absentee~~) mail voting materials, any other election material

1 normally kept in a secure environment after the election, and other
2 requested material. If ballots are reviewed by the staff, they shall
3 be reviewed in the presence of the canvassing board or its designees.
4 Ballots shall not leave the custody of the canvassing board. During
5 the review and after its completion, the review staff may make
6 appropriate recommendations to the county auditor or canvassing board,
7 or both, to bring the county into compliance with the training required
8 under this chapter, and the laws or rules of the state of Washington,
9 to safeguard election material or to preserve the integrity of the
10 elections process.

11 **Sec. 10.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
12 each reenacted and amended to read as follows:

13 The secretary of state as chief election officer shall make
14 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
15 with the federal and state election laws to effectuate any provision of
16 this title and to facilitate the execution of its provisions in an
17 orderly, timely, and uniform manner relating to any federal, state,
18 county, city, town, and district elections. To that end the secretary
19 shall assist local election officers by devising uniform forms and
20 procedures.

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

- 24 (1) The maintenance of voter registration records;
- 25 (2) The preparation, maintenance, distribution, review, and filing
26 of precinct maps;
- 27 (3) Standards for the design, layout, and production of ballots;
- 28 (4) The examination and testing of voting systems for
29 certification;
- 30 (5) The source and scope of independent evaluations of voting
31 systems that may be relied upon in certifying voting systems for use in
32 this state;
- 33 (6) Standards and procedures for the acceptance testing of voting
34 systems by counties;
- 35 (7) Standards and procedures for testing the programming of vote
36 tallying software for specific primaries and elections;

- 1 (8) Standards and procedures for the preparation and use of each
2 type of certified voting system including procedures for the operation
3 of counting centers where vote tallying systems are used;
- 4 (9) Standards and procedures to ensure the accurate tabulation and
5 canvassing of ballots;
- 6 (10) Consistency among the counties of the state in the preparation
7 of ballots, the operation of vote tallying systems, and the canvassing
8 of primaries and elections;
- 9 (11) Procedures to ensure the secrecy of a voter's ballot (~~when a~~
10 ~~small number of ballots are counted at the polls or at a counting~~
11 ~~center~~));
- 12 (12) The use of substitute devices or means of voting when a voting
13 device at (~~the polling place~~) a voting center is found to be
14 defective, the counting of votes cast on the defective device, the
15 counting of votes cast on the substitute device, and the documentation
16 that must be submitted to the county auditor regarding such
17 circumstances;
- 18 (13) Procedures for the transportation of sealed containers of
19 voted ballots or sealed voting devices;
- 20 (14) The acceptance and filing of documents via electronic
21 facsimile;
- 22 (15) Voter registration applications and records;
- 23 (16) The use of voter registration information in the conduct of
24 elections;
- 25 (17) The coordination, delivery, and processing of voter
26 registration records accepted by driver licensing agents or the
27 department of licensing;
- 28 (18) The coordination, delivery, and processing of voter
29 registration records accepted by agencies designated by the governor to
30 provide voter registration services;
- 31 (19) Procedures to receive and distribute voter registration
32 applications by mail;
- 33 (20) Procedures for a voter to change his or her voter registration
34 address within a county by telephone;
- 35 (21) Procedures for a voter to change the name under which he or
36 she is registered to vote;
- 37 (22) Procedures for canceling dual voter registration records and

1 for maintaining records of persons whose voter registrations have been
2 canceled;

3 (23) Procedures for the electronic transfer of voter registration
4 records between county auditors and the office of the secretary of
5 state;

6 (24) Procedures and forms for declarations of candidacy;

7 (25) Procedures and requirements for the acceptance and filing of
8 declarations of candidacy by electronic means;

9 (26) Procedures for the circumstance in which two or more
10 candidates have a name similar in sound or spelling so as to cause
11 confusion for the voter;

12 (27) Filing for office;

13 (28) The order of positions and offices on a ballot;

14 (29) Sample ballots;

15 (30) Independent evaluations of voting systems;

16 (31) The testing, approval, and certification of voting systems;

17 (32) The testing of vote tallying software programming;

18 (33) Standards and procedures to prevent fraud and to facilitate
19 the accurate processing and canvassing of (~~(absentee ballots and mail)~~)
20 ballots, including standards for the approval and implementation of
21 hardware and software for automated signature verification systems;

22 (34) Standards and procedures to guarantee the secrecy of
23 (~~(absentee ballots and mail)~~) ballots;

24 (35) Uniformity among the counties of the state in the conduct of
25 absentee voting and mail ballot elections;

26 (36) Standards and procedures to accommodate out-of-state voters,
27 overseas voters, and service voters;

28 (37) The tabulation of paper ballots (~~(before the close of the~~
29 ~~polls)~~) prior to 8:00 p.m. on the day of a primary or election;

30 (38) The accessibility of (~~(polling places)~~) voting centers and
31 registration facilities (~~(that are accessible to elderly and disabled~~
32 ~~persons)~~);

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

35 (40) Procedures for conducting a statutory recount;

36 (41) Procedures for filling vacancies in congressional offices if
37 the general statutory time requirements for availability of

1 ((absentee)) mailing ballots, certification, canvassing, and related
2 procedures cannot be met;

3 (42) Procedures for the statistical sampling of signatures for
4 purposes of verifying and canvassing signatures on initiative,
5 referendum, and recall election petitions;

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

8 (44) Deadlines for the filing of ballot titles for referendum bills
9 and constitutional amendments if none have been provided by the
10 legislature;

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

12 (46) Procedures for conducting special elections regarding nuclear
13 waste sites if the general statutory time requirements for availability
14 of ((absentee)) mailing ballots, certification, canvassing, and related
15 procedures cannot be met;

16 (47) Procedures for conducting partisan primary elections;

17 (48) Standards and procedures for the proper conduct of voting
18 during the early voting period to provide accessability for the blind
19 or visually impaired;

20 (49) Standards for voting technology and systems used by the state
21 or any political subdivision to be accessible for individuals with
22 disabilities, including nonvisual accessibility for the blind and
23 visually impaired, in a manner that provides the same opportunity for
24 access and participation, including privacy and independence, as other
25 voters;

26 (50) All data formats for transferring voter registration data on
27 electronic or machine-readable media for the purpose of administering
28 the statewide voter registration list required by the Help America Vote
29 Act (P.L. 107-252);

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

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

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

1 (54) Standards for the verification of signatures on ((absentee,
2 mail, and provisional)) ballot envelopes.

3 **Sec. 11.** RCW 29A.04.470 and 2004 c 267 s 203 are each amended to
4 read as follows:

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

10 (2) The advisory committee shall review grant proposals and
11 establish a prioritized list of projects to be considered for funding
12 by the third Tuesday in May of each year beginning in 2004 and
13 continuing as long as funds in the election account established by
14 ((chapter 48, Laws of 2003 [RCW 29A.04.440])) RCW 29A.04.440 are
15 available. The grant award may have an effective date other than the
16 date the project is placed on the prioritized list, including money
17 spent previously by the county that would qualify for reimbursement
18 under the Help America Vote Act (P.L. 107-252).

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

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

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

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

29 (d) Development and production of ((poll)) election worker
30 recruitment and training materials;

31 (e) Voter education programs;

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

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

35 (h) Training for local election officials.

1 **Sec. 12.** RCW 29A.08.113 and 2005 c 246 s 7 are each amended to
2 read as follows:

3 (1) If a voter who registered by mail indicates on the voter
4 registration form that he or she does not have a Washington state
5 driver's license, Washington state identification card, or Social
6 Security number, he or she must provide one of the following forms of
7 identification the first time he or she votes after registering:

8 (a) Valid photo identification;

9 (b) A valid enrollment card of a federally recognized Indian tribe
10 in Washington state;

11 (c) A copy of a current utility bill;

12 (d) A current bank statement;

13 (e) A copy of a current government check;

14 (f) A copy of a current paycheck; or

15 (g) A government document that shows both the name and address of
16 the voter.

17 (2) If the voter fails to provide one of the above forms of
18 identification prior to or at the time of voting, the ballot must be
19 treated as a provisional ballot (~~((regardless of whether the voter is~~
20 ~~voting at a poll site or by mail))~~). The ballot may only be counted if
21 the voter's signature on the outside envelope matches the signature in
22 the voter registration records.

23 (3) The requirements of this section do not apply to an (~~out-of-~~
24 ~~state,~~) overseas(~~(7)~~) or service voter who registers to vote by
25 signing the return envelope of the (~~absentee~~) ballot.

26 **Sec. 13.** RCW 29A.08.130 and 2003 c 111 s 210 are each amended to
27 read as follows:

28 (1) Except as otherwise specified by this title, registered voters
29 include those assigned to active and inactive status by the county
30 auditor.

31 (2) Election officials shall not include inactive voters in the
32 count of registered voters for the purpose of dividing precincts,
33 (~~creating vote by mail precincts,~~) determining voter turnout, or
34 other purposes in law for which the determining factor is the number of
35 registered voters. (~~Election officials shall not include persons who~~
36 ~~are ongoing absentee voters under RCW 29A.40.040 in determining the~~
37 ~~maximum permissible size of vote by mail precincts or in determining~~

1 ~~the maximum permissible size of precincts.))~~ Nothing in this
2 subsection may be construed as altering the vote tallying requirements
3 of RCW 29A.60.230.

4 **Sec. 14.** RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read
5 as follows:

6 The registration files of all precincts shall be closed against
7 transfers for thirty days immediately preceding every primary, special
8 election, and general election to be held in such precincts.

9 The county auditor shall give notice of the closing of the precinct
10 files for transfer and notice of the special registration and voting
11 procedure provided by RCW 29A.08.145 by one publication in a newspaper
12 of general circulation in the county at least five days before the
13 closing of the precinct files.

14 No person may (~~vote at any primary, special election, or general~~
15 ~~election in a precinct polling place)) receive a ballot unless he or
16 she has registered to vote at least thirty days before that primary or
17 election and appears on the official statewide voter registration list.
18 If a person, otherwise qualified to vote in the state, county, and
19 precinct in which he or she applies for registration, does not register
20 at least thirty days before any primary, special election, or general
21 election, he or she may register (~~and vote by absentee ballot~~) for
22 that primary or election under RCW 29A.08.145.~~

23 **Sec. 15.** RCW 29A.08.145 and 2006 c 97 s 2 are each amended to read
24 as follows:

25 This section establishes a special procedure which an elector not
26 registered in the state may use to register to vote during the period
27 beginning after the closing of registration for voting (~~at the polls~~)
28 under RCW 29A.08.140 and ending on the fifteenth day before a primary,
29 special election, or general election. A qualified elector in the
30 state may register to vote in person in the office of the county
31 auditor of the county in which the applicant resides, or at a voter
32 registration location specifically designated for this purpose by the
33 county auditor (~~or secretary of state~~), and (~~apply for an absentee~~)
34 vote a ballot for that primary or election. The auditor or
35 registration assistant shall register that individual in the manner
36 provided in this chapter. The (~~application for an absentee ballot~~

1 ~~executed))~~ registration and voted provisional ballot completed by the
2 newly registered voter for the primary or election that follows the
3 execution of the registration shall be promptly transmitted to the
4 auditor (~~((with the completed voter registration form))~~).

5 **Sec. 16.** RCW 29A.08.430 and 2004 c 267 s 123 are each amended to
6 read as follows:

7 (1) A person who is registered to vote in this state may transfer
8 his or her voter registration (~~((on the day of a special or general
9 election or primary under the following procedures:~~

10 ~~(a) The voter may complete, at the polling place, a voter
11 registration form designed by the secretary of state and supplied by
12 the county auditor; or~~

13 ~~(b) For a change within the county, the voter may write in his or
14 her new residential address in the precinct list of registered voters.~~

15 ~~The county auditor shall determine which of these two procedures
16 are to be used in the county or may determine that both procedures are
17 to be available to voters for use in the county.~~

18 ~~(2))~~ at a voting center by completing a voter registration form.
19 A voter who transfers his or her registration in the manner authorized
20 by this section shall vote in the precinct in which he or she was
21 previously registered.

22 ~~((3))~~ (2) The auditor shall, within sixty days, mail to each
23 voter who has transferred a registration under this section, an
24 acknowledgement notice detailing his or her current precinct and
25 polling place.

26 **Sec. 17.** RCW 29A.08.440 and 2003 c 111 s 231 are each amended to
27 read as follows:

28 To maintain a valid voter registration, a person who changes his or
29 her name shall notify the county auditor regarding the name change in
30 one of the following ways: (1) By sending the auditor a notice clearly
31 identifying the name under which he or she is registered to vote, the
32 voter's new name, and the voter's residence. Such a notice must be
33 signed by the voter using both this former name and the voter's new
34 name; (2) by appearing in person before the auditor or a registration
35 assistant and signing such a change-of-name notice; (3) by signing such
36 a change-of-name notice at (~~(the voter's precinct polling place on the~~

1 ~~day of a primary or special or general election)) a voting center;~~ (4)
2 by properly executing a name change on a mail-in registration
3 application or a prescribed state agency application.

4 ~~((A properly registered voter who files a change of name notice at
5 the voter's precinct polling place during a primary or election and who
6 desires to vote at that primary or election shall sign the poll book
7 using the voter's former and new names in the same manner as is
8 required for the change of name notice.))~~

9 **Sec. 18.** RCW 29A.08.620 and 2004 c 267 s 130 and 2004 c 266 s 8
10 are each reenacted and amended to read as follows:

11 (1) A county auditor shall assign a registered voter to inactive
12 status and shall send the voter a confirmation notice if any of the
13 following documents are returned by the postal service as
14 undeliverable:

- 15 (a) An acknowledgement of registration;
- 16 (b) An acknowledgement of transfer to a new address;
- 17 (c) A ~~((vote by mail ballot, absentee ballot, or application for~~
18 a)) ballot;
- 19 (d) Notification to a voter after precinct reassignment;
- 20 (e) Notification to serve on jury duty; or
- 21 (f) Any other document other than a confirmation notice, required
22 by statute, to be mailed by the county auditor to the voter.

23 (2) A county auditor shall also assign a registered voter to
24 inactive status and shall send the voter a confirmation notice:

- 25 (a) Whenever change of address information received from the
26 department of licensing under RCW 29A.08.350, or by any other agency
27 designated to provide voter registration services under RCW 29A.08.310,
28 indicates that the voter has moved to an address outside the state; or
- 29 (b) If the auditor receives postal change of address information
30 under RCW 29A.08.605, indicating that the voter has moved out of the
31 state.

32 **Sec. 19.** RCW 29A.08.720 and 2005 c 246 s 18 are each amended to
33 read as follows:

34 (1) In the case of voter registration records received through the
35 department of licensing, the identity of the office at which any
36 particular individual registered to vote is not available for public

1 inspection and shall not be disclosed to the public. In the case of
2 voter registration records received through an agency designated under
3 RCW 29A.08.310, the identity of the agency at which any particular
4 individual registered to vote is not available for public inspection
5 and shall not be disclosed to the public. Any record of a particular
6 individual's choice not to register to vote at an office of the
7 department of licensing or a state agency designated under RCW
8 29A.08.310 is not available for public inspection and any information
9 regarding such a choice by a particular individual shall not be
10 disclosed to the public.

11 (2) Subject to the restrictions of RCW 29A.08.710, (~~poll books,~~)
12 precinct lists(~~(7)~~) and current lists of registered voters are public
13 records and must be made available for public inspection and copying
14 under such reasonable rules and regulations as the county auditor or
15 secretary of state may prescribe. The county auditor or secretary of
16 state shall promptly furnish current lists of registered voters in his
17 or her possession, at actual reproduction cost, to any person
18 requesting such information. The lists shall not be used for the
19 purpose of mailing or delivering any advertisement or offer for any
20 property, establishment, organization, product, or service or for the
21 purpose of mailing or delivering any solicitation for money, services,
22 or anything of value. However, the lists and labels may be used for
23 any political purpose. The county auditor or secretary of state must
24 provide a copy of RCW 29A.08.740 to the person requesting the material
25 that is released under this section.

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

28 Only voters who appear on the official statewide voter registration
29 list are eligible to participate in elections. Each county shall
30 maintain a copy of that county's portion of the state list. The county
31 must ensure that data used for the production of (~~poll lists and~~
32 ~~other~~) lists and mailings done in the administration of each election
33 are the same as the official statewide voter registration list.

34 **Sec. 21.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to
35 read as follows:

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

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

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

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

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

12 (ii) Submit evidence that he or she exercised due diligence to
13 verify that the challenged voter does not reside at the address
14 provided and to attempt to contact the challenged voter to learn the
15 challenged voter's actual residence, including that the challenger
16 personally:

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

20 (B) Visited the residential address provided and contacted persons
21 at the address to determine whether the voter resides at the address
22 and, if not, obtained and submitted with the challenge form a signed
23 affidavit subject to the penalties of perjury from a person who owns or
24 manages property, resides, or is employed at the address provided, that
25 to his or her personal knowledge the challenged voter does not reside
26 at the address as provided on the voter registration;

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

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

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

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

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

37 (2) ~~((A person's right to vote may be challenged: By another~~
38 ~~registered voter or the county prosecuting attorney at any time, or by~~

1 ~~the poll site judge or inspector if the challenge is filed on election~~
2 ~~day regarding a voter who presents himself or herself to vote at the~~
3 ~~poll site.~~

4 (3)) The challenger must file a signed affidavit subject to the
5 penalties of perjury swearing that, to his or her personal knowledge
6 and belief, having exercised due diligence to personally verify the
7 evidence presented, the challenged voter either is not qualified to
8 vote or does not reside at the address given on his or her voter
9 registration record based on one of the reasons allowed in subsection
10 (1) of this section. The challenger must provide the factual basis for
11 the challenge, including any information required by subsection (1)(c)
12 of this section, in the signed affidavit. The challenge may not be
13 based on unsupported allegations or allegations by anonymous third
14 parties. All documents pertaining to the challenge are public records.

15 ((+4)) (3) Challenges based on a felony conviction under RCW
16 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted
17 by the secretary of state.

18 **Sec. 22.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to
19 read as follows:

20 (1) Challenges initiated by a registered voter against a voter who
21 registered to vote less than sixty days before the election, or who
22 changed residence less than sixty days before the election without
23 transferring his or her registration, must be filed not later than ten
24 days before any primary or election, general or special, or within ten
25 days of the voter being added to the voter registration database,
26 whichever is later, at the office of the appropriate county auditor.
27 Challenges initiated by a registered voter against any other voter must
28 be filed not later than forty-five days before the election.
29 Challenges initiated by the office of the county prosecuting attorney
30 must be filed in the same manner as challenges initiated by a
31 registered voter.

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

1 (b) If the challenge is filed before the challenged voter's ballot
2 is received, the ballot must be treated as a challenged ballot. A
3 challenged ballot received at a (~~polling place~~) voting center must be
4 placed in a sealed envelope separate from other voted ballots.

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

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

10 **Sec. 23.** RCW 29A.12.085 and 2005 c 242 s 1 are each amended to
11 read as follows:

12 (~~Beginning on January 1, 2006,~~) All electronic voting devices
13 must produce a paper record of each vote that may be accepted or
14 rejected by the voter before finalizing his or her vote. This record
15 may not be removed from the (~~polling place~~) voting center, and must
16 be human readable without an interface and machine readable for
17 counting purposes. If the device is programmed to display the ballot
18 in multiple languages, the paper record produced must be printed in the
19 language used by the voter. Rejected records must either be destroyed
20 or marked in order to clearly identify the record as rejected.

21 **Sec. 24.** RCW 29A.12.090 and 2003 c 111 s 309 are each amended to
22 read as follows:

23 (~~The ballot on a single voting device shall not contain the names~~
24 ~~of candidates for the offices of United States representative, state~~
25 ~~senator, state representative, county council, or county commissioner~~
26 ~~in more than one district. In all general elections, primaries, and~~
27 ~~special elections, in each polling place the voting devices containing~~
28 ~~ballots for candidates from each congressional, legislative, or county~~
29 ~~council or commissioner district shall be grouped together and~~
30 ~~physically separated from those devices containing ballots for other~~
31 ~~districts. Each voter shall be directed by the precinct election~~
32 ~~officers to the correct group of voting devices.)) A single ballot
33 shall contain the names of candidates for only one district for the
34 offices of United States representative, state senator, state
35 representative, and county council or county commissioner.~~

1 **Sec. 25.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to
2 read as follows:

3 In preparing a voting device for a primary or election, a record
4 shall be made of the ballot format installed in each device and the
5 precinct or portion of a precinct for which that device has been
6 prepared. Except where provided by a rule adopted under RCW
7 (~~29A.04.610~~) 29A.04.611, after being prepared for a primary or
8 election, each device shall be sealed with a uniquely numbered seal and
9 provided to the (~~inspector of~~) election official at the appropriate
10 (~~polling place~~) voting center.

11 **Sec. 26.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to
12 read as follows:

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

16 (2) Compliance with this provision in regard to voting technology
17 and systems purchased prior to July 27, 2003, shall be achieved at the
18 time of procurement of an upgrade of technology compatible with
19 nonvisual voting methods or replacement of existing voting equipment or
20 systems.

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

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

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

26 (b) "Nonvisual" includes synthesized speech, Braille, and other
27 output methods.

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

30 (5) This section does not apply to voting by (~~absentee~~) mail
31 ballot.

32 **Sec. 27.** RCW 29A.16.010 and 2004 c 267 s 315 are each amended to
33 read as follows:

34 The intent of this chapter is to require (~~state and local election~~
35 ~~officials~~) county auditors to designate and use (~~polling places and~~
36 ~~disability access voting locations in all elections and permanent~~

1 ~~registration locations which~~) voting centers that are accessible to
2 the elderly and ~~((disabled persons))~~ people with a disability. County
3 auditors shall:

4 (1) Make modifications such as installation of temporary ramps or
5 relocation of ~~((polling places))~~ voting centers within buildings, where
6 appropriate;

7 (2) Designate new, accessible ~~((polling places))~~ voting centers to
8 replace those that are inaccessible; and

9 (3) Continue to use ~~((polling places and voter registration
10 locations which))~~ voting centers that are accessible to the elderly and
11 ~~((disabled persons))~~ people with a disability.

12 **Sec. 28.** 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 into election precincts and establish the
17 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 may be changed
24 during the period starting on the thirtieth day prior to the first day
25 for candidates to file for the primary election and ending with the day
26 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 for
30 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))~~. By the year
33 2012, the maximum number of active registered voters in each precinct
34 shall not exceed two thousand.

35 (3) ~~((Precincts in which voting machines or electronic voting
36 devices are used may contain as many as nine hundred active registered~~

1 voters. ~~The number of poll site ballot counting devices at each~~
2 ~~polling place is at the discretion of the auditor. The number of~~
3 ~~devices must be adequate to meet the expected voter turnout.~~

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

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

18 ~~((6) In determining the number of active registered voters for the~~
19 ~~purposes of this section, persons who are ongoing absentee voters under~~
20 ~~RCW 29A.40.040 shall not be counted. Nothing in this subsection may be~~
21 ~~construed as altering the vote tallying requirements of RCW~~
22 ~~29A.60.230.))~~

23 **Sec. 29.** RCW 29A.16.060 and 2003 c 111 s 406 are each amended to
24 read as follows:

25 At any special election or primary, the county auditor may combine,
26 unite, or divide precincts ~~((and may combine or unite election boards))~~
27 for the purpose of holding such election. ~~((At any general election,~~
28 ~~the county auditor may combine or unite election boards for the purpose~~
29 ~~of holding such election, but shall report all election returns by~~
30 ~~individual precinct.))~~

31 **Sec. 30.** RCW 29A.16.120 and 2003 c 111 s 408 are each amended to
32 read as follows:

33 The legislative authority of each county, municipality, and special
34 district shall, at the request of the county auditor, make their
35 facilities available for use as ~~((polling places))~~ voting centers for
36 primaries, special elections, and state general elections held within

1 that county. When, in the judgment of the county auditor, a facility
2 of a county, municipality, or special district would provide a location
3 for a (~~(polling place)~~) voting center that would best satisfy the
4 requirements of this chapter, he or she shall notify the legislative
5 authority of that county, municipality, or district of the number of
6 facilities needed for use as (~~(polling places)~~) voting centers.
7 Payment for (~~(polling places)~~) voting centers and any other conditions
8 or obligations regarding these (~~(polling places)~~) voting centers shall
9 be provided for by contract between the county auditor and the county,
10 municipality, or district.

11 **Sec. 31.** RCW 29A.16.130 and 2004 c 267 s 316 are each amended to
12 read as follows:

13 Each state agency and entity of local government shall permit the
14 use of any of its buildings and the most suitable locations therein as
15 (~~(polling places or disability access voting locations)~~) voting centers
16 when required by a county auditor (~~(to provide accessible places in~~
17 ~~each precinct)~~).

18 **Sec. 32.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to
19 read as follows:

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

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

30 (2) Any properly executed declaration of candidacy received by mail
31 on or after the tenth business day immediately preceding the first day
32 for candidates to file for office and before the close of business on
33 the last day of the filing period shall be included with filings made
34 in person during the filing period. In partisan and judicial elections
35 the filing officer shall determine by lot the order in which the names

1 of those candidates shall appear upon sample and ((absentee)) primary
2 ballots.

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

7 **Sec. 33.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to
8 read as follows:

9 A candidate may withdraw his or her declaration of candidacy at any
10 time before the close of business on the Thursday following the last
11 day for candidates to file under RCW 29A.24.050 by filing, with the
12 officer with whom the declaration of candidacy was filed, a signed
13 request that his or her name not be printed on the ballot. There shall
14 be no withdrawal period for declarations of candidacy filed during
15 special filing periods held under this title. The filing officer may
16 permit the withdrawal of a filing for the office of precinct committee
17 officer at the request of the candidate at any time if no ((absentee))
18 ballots have been issued for that office and the ballots for that
19 precinct have not been printed. The filing officer may permit the
20 withdrawal of a filing for any elected office of a city, town, or
21 special district at the request of the candidate at any time before a
22 primary if the primary ballots for that city, town, or special district
23 have not been ordered. No filing fee may be refunded to any candidate
24 who withdraws under this section. Notice of the deadline for
25 withdrawal of candidacy and that the filing fee is not refundable shall
26 be given to each candidate at the time he or she files.

27 **Sec. 34.** RCW 29A.28.021 and 2006 c 344 s 11 are each amended to
28 read as follows:

29 A vacancy caused by the death or disqualification of any candidate
30 or nominee of a major or minor political party may be filled at any
31 time up to and including the day prior to the election for that
32 position. For state partisan offices in any political subdivision
33 voted on solely by electors of a single county, an individual shall be
34 appointed to fill such vacancy by the county central committee in the
35 case of a major political party or by the state central committee or
36 comparable governing body in the case of a minor political party. For

1 other partisan offices, including federal or statewide offices, an
2 individual shall be appointed to fill such vacancy by the state central
3 committee or comparable governing body of the appropriate political
4 party.

5 If the vacancy occurs no later than the eleventh Tuesday prior to
6 the state primary or general election concerned and the ballots have
7 been printed, it shall be mandatory that they be corrected by the
8 appropriate election officers. In making such correction, it shall not
9 be necessary to reprint complete ballots if any other less expensive
10 technique can be used and the resulting correction is reasonably clear.

11 If the vacancy occurs after the eleventh Tuesday prior to the state
12 primary or general election and time does not exist in which to correct
13 ballots (~~((including absentee ballots))~~), either in total or in part,
14 then the votes cast or recorded for the person who has died or become
15 disqualified shall be counted for the person who has been named to fill
16 such vacancy.

17 When the secretary of state is the person with whom the appointment
18 by the major or minor political party is filed, the secretary shall, in
19 certifying candidates or nominations to the various county officers
20 insert the name of the person appointed to fill a vacancy.

21 If the secretary of state has already sent forth the certificate
22 when the appointment to fill a vacancy is filed, the secretary shall
23 forthwith certify to the county auditors of the proper counties the
24 name and place of residence of the person appointed to fill a vacancy,
25 the office for which the person is a candidate or nominee, the party
26 the person represents, and all other pertinent facts pertaining to the
27 vacancy.

28 **Sec. 35.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to
29 read as follows:

30 The general election laws and laws relating to partisan primaries
31 shall apply to the special primaries and vacancy elections provided for
32 in chapter 29A.28 RCW to the extent that they are not inconsistent with
33 the provisions of these sections. Minor political party and
34 independent candidates may appear only on the general election ballot.
35 Statutory time deadlines relating to (~~(availability of absentee))~~
36 mailing ballots, certification, canvassing, and related procedures that
37 cannot be met in a timely fashion may be modified for the purposes of

1 a specific primary or vacancy election under this chapter by the
2 secretary of state through emergency rules adopted under RCW
3 29A.04.611.

4 **Sec. 36.** RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No.
5 960) are each amended to read as follows:

6 The voters' pamphlet must contain:

7 (1) Information about each measure for an advisory vote of the
8 people and each ballot measure initiated by or referred to the voters
9 for their approval or rejection as required by RCW 29A.32.070;

10 (2) In even-numbered years, statements, if submitted, advocating
11 the candidacies of nominees for the office of president and vice
12 president of the United States, United States senator, United States
13 representative, governor, lieutenant governor, secretary of state,
14 state treasurer, state auditor, attorney general, commissioner of
15 public lands, superintendent of public instruction, insurance
16 commissioner, state senator, state representative, justice of the
17 supreme court, judge of the court of appeals, or judge of the superior
18 court. Candidates may also submit a campaign mailing address and
19 telephone number and a photograph not more than five years old and of
20 a size and quality that the secretary of state determines to be
21 suitable for reproduction in the voters' pamphlet;

22 (3) In odd-numbered years, if any office voted upon statewide
23 appears on the ballot due to a vacancy, then statements and photographs
24 for candidates for any vacant office listed in subsection (2) of this
25 section must appear;

26 (4) In even-numbered years, a section explaining how voters may
27 participate in the election campaign process; the address and telephone
28 number of the public disclosure commission established under RCW
29 42.17.350; and a summary of the disclosure requirements that apply when
30 contributions are made to candidates and political committees;

31 (5) In even-numbered years the name, address, and telephone number
32 of each political party with nominees listed in the pamphlet, if filed
33 with the secretary of state by the state committee of a major political
34 party or the presiding officer of the convention of a minor political
35 party;

36 (6) In each odd-numbered year immediately before a year in which a
37 president of the United States is to be nominated and elected,

1 information explaining the precinct caucus and convention process used
2 by each major political party to elect delegates to its national
3 presidential candidate nominating convention. The pamphlet must also
4 provide a description of the statutory procedures by which minor
5 political parties are formed and the statutory methods used by the
6 parties to nominate candidates for president;

7 ~~(7) ((An application form for an absentee ballot;~~
8 ~~(8)))~~ A brief statement explaining the deletion and addition of
9 language for proposed measures under RCW 29A.32.080;

10 ~~((9)))~~ (8) Any additional information pertaining to elections as
11 may be required by law or in the judgment of the secretary of state is
12 deemed informative to the voters.

13 **Sec. 37.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to
14 read as follows:

15 The local voters' pamphlet shall include but not be limited to the
16 following:

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

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

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

24 (4) The text of each measure accompanied by an explanatory
25 statement prepared by the prosecuting attorney for any county measure
26 or by the attorney for the jurisdiction submitting the measure if other
27 than a county measure. All explanatory statements for city, town, or
28 district measures not approved by the attorney for the jurisdiction
29 submitting the measure shall be reviewed and approved by the county
30 prosecuting attorney or city attorney, when applicable, before
31 inclusion in the pamphlet;

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

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

1 **Sec. 38.** RCW 29A.36.115 and 2005 c 243 s 3 are each amended to
2 read as follows:

3 All provisional (~~and absentee~~) ballots must be visually
4 distinguishable from (~~each other~~) mail ballots and must be either:

5 (1) Printed on colored paper; or

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

9 (~~Provisional and absentee ballots must be incapable of being~~
10 ~~tabulated by poll site counting devices.~~)

11 **Sec. 39.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to
12 read as follows:

13 After the close of business on the last day for candidates to file
14 for office, the filing officer shall, from among those filings made in
15 person and by mail, determine by lot the order in which the names of
16 those candidates will appear on all primary(~~(r)~~) and sample(~~(r) and~~
17 ~~absentee~~) ballots. The determination shall be done publicly and may
18 be witnessed by the media and by any candidate. If no primary is
19 required for any nonpartisan office under RCW 29A.52.011 or 29A.52.220,
20 or if any independent or minor party candidate files a declaration of
21 candidacy, the names shall appear on the general election ballot in the
22 order determined by lot.

23 **Sec. 40.** RCW 29A.36.161 and 2004 c 271 s 132 are each amended to
24 read as follows:

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

29 (2) The questions of adopting constitutional amendments or any
30 other state measure authorized by law to be submitted to the voters at
31 that election must appear after the instructions and before any
32 offices.

33 (3) In a year that president and vice president appear on the
34 general election ballot, the names of candidates for president and vice
35 president for each political party must be grouped together with a
36 single response position for a voter to indicate his or her choice.

1 (4) On a general election ballot, the candidate or candidates of
2 the major political party that received the highest number of votes
3 from the electors of this state for the office of president of the
4 United States at the last presidential election must appear first
5 following the appropriate office heading. The candidate or candidates
6 of the other major political parties will follow according to the votes
7 cast for their nominees for president at the last presidential
8 election, and independent candidates and the candidate or candidates of
9 all other parties will follow in the order of their qualification with
10 the secretary of state.

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

14 **Sec. 41.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to
15 read as follows:

16 (1) ~~((The county auditor shall issue an absentee ballot for the
17 primary or election for which it was requested, or for the next
18 occurring primary or election when ongoing absentee status has been
19 requested if the information contained in a request for an absentee
20 ballot or ongoing absentee status received by the county auditor is
21 complete and correct and the applicant is qualified to vote under
22 federal or state law. Otherwise, the county auditor shall notify the
23 applicant of the reason or reasons why the request cannot be accepted.
24 Whenever two or more candidates have filed for the position of precinct
25 committee officer for the same party in the same precinct, the contest
26 for that position must be presented to absentee voters from that
27 precinct by either including the contest on the regular absentee ballot
28 or a separate absentee ballot. The ballot must provide space
29 designated for writing in the name of additional candidates.~~

30 ~~(2))~~ A registered voter may obtain a replacement ballot if the
31 ballot is destroyed, spoiled, lost, or not received by the voter. The
32 voter may obtain the ballot by telephone request, by mail,
33 electronically, or in person. The county auditor shall keep a record
34 of each replacement ballot provided under this subsection.

35 ~~((3))~~ (2) A copy of the state voters' pamphlet must be sent to
36 registered voters temporarily outside the state, ~~((out-of-state
37 voters,))~~ and overseas ~~((voters,))~~ and service voters, along with the

1 ((absentee)) ballot if such a pamphlet has been prepared for the
2 primary or election and is available to the county auditor at the time
3 of mailing. The county auditor shall mail all ((absentee)) ballots and
4 related material to voters outside the territorial limits of the United
5 States and the District of Columbia under 39 U.S.C. 3406.

6 **Sec. 42.** RCW 29A.40.070 and 2006 c 344 s 13 are each amended to
7 read as follows:

8 (1) Except where a recount or litigation under RCW 29A.68.011 is
9 pending, the county auditor shall have sufficient ((absentee)) ballots
10 available for ((absentee)) voters of that county, other than overseas
11 ((voters)) and service voters, at least twenty days before any primary,
12 general election, or special election. The county auditor must mail
13 ((absentee)) ballots to each voter ((for whom the county auditor has
14 received a request nineteen days before the primary or election)) at
15 least eighteen days before the primary or election. ((For a request
16 for an absentee ballot received after the nineteenth day before the
17 primary or election, the county auditor shall make every effort to mail
18 ballots within one business day, and shall mail the ballots within two
19 business days.))

20 (2) At least thirty days before any primary, general election, or
21 special election, the county auditor shall mail ballots to all overseas
22 and service voters. A request for a ballot made by an overseas or
23 service voter after that day must be processed immediately.

24 (3) Each county auditor shall certify to the office of the
25 secretary of state the dates the ballots prescribed in subsection (1)
26 of this section were available and mailed.

27 (4) If ((absentee)) ballots will not be available or mailed as
28 prescribed in subsection (1) of this section, the county auditor shall
29 immediately certify to the office of the secretary of state when
30 ((absentee)) ballots will be available and mailed. Copies of this
31 certification must be provided to the county canvassing board, the
32 press, jurisdictions with issues on the ballot in the election, and any
33 candidates.

34 (5) If ((absentee)) ballots were not available or mailed as
35 prescribed in subsection (1) of this section, for a reason other than
36 a recount or litigation, the county auditor, in consultation with the
37 certification and training program of the office of the secretary of

1 state, shall submit a report to the office of the secretary of state
2 outlining why the deadline was missed and what corrective actions will
3 be taken in future elections to ensure that ((absentee)) ballots are
4 available and mailed as prescribed in subsection (1) of this section.

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

9 **Sec. 43.** RCW 29A.40.080 and 2003 c 111 s 1008 are each amended to
10 read as follows:

11 The delivery of ((an—absentee)) a replacement ballot for any
12 primary or election shall be subject to the following qualifications:

13 (1) Only the registered voter personally, or a member of the
14 registered voter's immediate family may pick up ((an—absentee)) a
15 replacement ballot for the voter at the office of the issuing officer
16 unless the voter is a resident of a health care facility, as defined by
17 RCW 70.37.020(3), ((on—election—day)) and applies by messenger for ((an
18 absentee)) a replacement ballot. In this latter case, the messenger
19 may pick up the voter's ((absentee)) ballot.

20 (2) Except as noted in subsection (1) of this section, the issuing
21 officer shall mail or deliver the ((absentee)) replacement ballot
22 directly to each applicant.

23 **Sec. 44.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to
24 read as follows:

25 The county auditor shall send each ((absentee)) voter a ballot, a
26 security envelope in which to seal the ballot after voting, a larger
27 envelope in which to return the security envelope, and instructions on
28 how to mark the ballot and how to return it to the county auditor. The
29 instructions that accompany ((an—absentee)) a ballot for a partisan
30 primary must include instructions for voting the applicable ballot
31 style, as provided in chapter 29A.36 RCW. The ((absentee)) voter's
32 name and address must be printed on the larger return envelope, which
33 must also contain a declaration by the ((absentee)) voter reciting his
34 or her qualifications and stating that he or she has not voted in any
35 other jurisdiction at this election, together with a summary of the
36 penalties for any violation of any of the provisions of this chapter.

1 The declaration must clearly inform the voter that it is illegal to
2 vote if he or she is not a United States citizen; it is illegal to vote
3 if he or she has been convicted of a felony and has not had his or her
4 voting rights restored; and, except as otherwise provided by law, it is
5 illegal to cast a ballot or sign ((an absentee)) the return envelope on
6 behalf of another voter. The return envelope must provide space for
7 the voter to indicate the date on which the ballot was voted and for
8 the voter to sign the oath. It must also contain a space so that the
9 voter may include a telephone number. A summary of the applicable
10 penalty provisions of this chapter must be printed on the return
11 envelope immediately adjacent to the space for the voter's signature.
12 The signature of the voter on the return envelope must affirm and
13 attest to the statements regarding the qualifications of that voter and
14 to the validity of the ballot. The return envelope must also have a
15 secrecy flap that the voter may seal that will cover the voter's
16 signature and optional telephone number. For ((out-of-state voters,))
17 overseas ((voters,)) and service voters, the signed declaration on the
18 return envelope constitutes the equivalent of a voter registration for
19 the election or primary for which the ballot has been issued. The
20 voter must be instructed to either return the ballot to the county
21 auditor by whom it was issued or attach sufficient first-class postage,
22 if applicable, and mail the ballot to the appropriate county auditor no
23 later than the day of the election or primary for which the ballot was
24 issued.

25 If the county auditor chooses to forward ((absentee)) ballots, he
26 or she must include with the ballot a clear explanation of the
27 qualifications necessary to vote in that election and must also advise
28 a voter with questions about his or her eligibility to contact the
29 county auditor. This explanation may be provided on the ballot
30 envelope, on an enclosed insert, or printed directly on the ballot
31 itself. If the information is not included, the envelope must clearly
32 indicate that the ballot is not to be forwarded and that return postage
33 is guaranteed.

34 **Sec. 45.** RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to
35 read as follows:

36 County auditors must request that observers be appointed by the
37 major political parties to be present during the processing of

1 ((absentee)) ballots. The absence of the observers will not prevent
2 the processing of ((absentee)) ballots if the county auditor has
3 requested their presence.

4 **Sec. 46.** RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
5 each reenacted and amended to read as follows:

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

10 (2) All received ((absentee)) return envelopes must be placed in
11 secure locations from the time of delivery to the county auditor until
12 their subsequent opening. After opening the return envelopes, the
13 county canvassing board shall place all of the ballots in secure
14 storage until after 8:00 p.m. of the day of the primary or election.
15 ((Absentee)) Ballots that are to be tabulated on an electronic vote
16 tallying system may be taken from the inner envelopes and all the
17 normal procedural steps may be performed to prepare these ballots for
18 tabulation.

19 (3) Before opening a returned ((absentee)) ballot envelope, the
20 canvassing board, or its designated representatives, shall examine the
21 postmark, statement, and signature on the return envelope that contains
22 the security envelope and ((absentee)) ballot. All personnel assigned
23 to verify signatures must receive training on statewide standards for
24 signature verification. Personnel shall verify that the voter's
25 signature on the return envelope is the same as the signature of that
26 voter in the registration files of the county. Verification may be
27 conducted by an automated verification system approved by the secretary
28 of state. ((For any absentee ballot,)) A variation between the
29 signature of the voter on the return envelope and the signature of that
30 voter in the registration files due to the substitution of initials or
31 the use of common nicknames is permitted so long as the surname and
32 handwriting are clearly the same.

33 (4) ((For registered voters casting absentee ballots,)) The date on
34 the return envelope to which the voter has attested determines the
35 validity, as to the time of voting ((for that absentee ballot)) if the
36 postmark is missing or is illegible. For ((out of state voters,))
37 overseas ((voters,)) and service voters stationed in the United States,

1 the date on the return envelope to which the voter has attested
2 determines the validity as to the time of voting (~~for that absentee~~
3 ~~ballot~~)).

4 **Sec. 47.** RCW 29A.40.120 and 2003 c 111 s 1012 are each amended to
5 read as follows:

6 (~~The absentee ballots~~) Ballot counts must be reported at a
7 minimum on a congressional and legislative district basis.
8 (~~Absentee~~) Ballots may be counted by congressional or legislative
9 district or by individual precinct, except as required under RCW
10 29A.60.230(2).

11 These returns must be added to the total of the votes cast at the
12 (~~polling places~~) voting centers.

13 **Sec. 48.** RCW 29A.44.010 and 2003 c 111 s 1101 are each amended to
14 read as follows:

15 No person may interfere with a voter in any way within (~~the~~
16 ~~polling place~~) a voting center. This does not prevent the voter from
17 receiving assistance in preparing his or her ballot as provided in RCW
18 29A.44.240.

19 **Sec. 49.** RCW 29A.44.030 and 2004 c 267 s 317 are each amended to
20 read as follows:

21 Any voter may take into the voting booth or voting device any
22 printed or written material to assist in casting his or her vote. The
23 voter shall not use this material to electioneer and shall remove the
24 material when he or she leaves the (~~polls or the disability access~~
25 ~~voting location~~) voting center.

26 **Sec. 50.** RCW 29A.44.040 and 2004 c 267 s 318 are each amended to
27 read as follows:

28 No ballots may be used in any (~~polling place or disability access~~
29 ~~voting location~~) voting center other than those prepared by the county
30 auditor. No voter is entitled to vote more than once at a primary or
31 a general or special election, except that if a voter incorrectly marks
32 a ballot, he or she may return it and be issued a new ballot. The
33 (~~precinct~~) election officer(~~s~~) shall void the incorrectly marked
34 ballot and return it to the county auditor.

1 **Sec. 51.** RCW 29A.44.050 and 2003 c 111 s 1105 are each amended to
2 read as follows:

3 ~~((1) At the direction of the county auditor, a team or teams~~
4 ~~composed of a representative of at least two major political parties~~
5 ~~shall stop at designated polling places and pick up the sealed~~
6 ~~containers of voted, untallied ballots for delivery to the counting~~
7 ~~center. There may be more than one delivery from each polling place.~~
8 ~~Two precinct election officials, representing two major political~~
9 ~~parties, shall seal the voted ballots in containers furnished by the~~
10 ~~county auditor and properly identified with his or her address with~~
11 ~~uniquely prenumbered seals.~~

12 (2)) For voting centers other than the county auditor's office, at
13 least two employees or representatives of different major political
14 parties shall transfer the sealed ballot containers to and from the
15 voting center. At the counting center or the collection stations where
16 the sealed ballot containers are delivered (~~by the designated~~
17 ~~representatives of the major political parties~~), the county auditor or
18 (~~a designated representative of the county auditor~~) his or her
19 designee shall receive the sealed ballot containers, record the time,
20 date, (~~precinct name or number~~) voting center location, and seal
21 number of each ballot container.

22 **Sec. 52.** RCW 29A.44.060 and 2003 c 111 s 1106 are each amended to
23 read as follows:

24 The county auditor shall provide in each (~~polling place~~) voting
25 center a sufficient number of voting booths or voting devices along
26 with any supplies necessary to enable the voter to mark or register his
27 or her choices on the ballot and within which the voters may cast their
28 votes in secrecy.

29 **Sec. 53.** RCW 29A.44.070 and 2003 c 111 s 1107 are each amended to
30 read as follows:

31 ~~((At all primaries and elections, general or special, in all~~
32 ~~counties the polls))~~ Every voting center open on election day must be
33 kept open from seven o'clock a.m. to eight o'clock p.m. All qualified
34 electors who are at the (~~polling place~~) voting center at eight
35 o'clock p.m. (~~7~~) shall be allowed to cast their votes.

1 **Sec. 54.** RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to
2 read as follows:

3 ~~((A registered voter shall not be allowed to vote in the precinct
4 in which he or she is registered at any election or primary for which
5 that voter has cast an absentee ballot. A registered voter who has
6 requested an absentee ballot for a primary or special or general
7 election but chooses to vote at the voter's precinct polling place in
8 that primary or election shall cast a provisional ballot. The
9 canvassing board shall not count the ballot if it finds that the voter
10 has also voted by absentee ballot in that primary or election.))~~ If a
11 voter who was issued a mail ballot requests to vote on a direct
12 recording electronic voting device, the county auditor must first
13 confirm that the voter has not already returned a voted ballot.
14 Confirmation that the voter has not already returned a voted ballot may
15 be achieved by accessing the county voter registration system by
16 electronic, telephonic, or other means. If the election official is
17 unable to confirm that the voter has not already returned a voted
18 ballot, the voter may not vote on a direct recording electronic voting
19 device.

20 In order to prevent multiple voting, any voter who votes on a
21 direct recording electronic voting device must be immediately credited
22 or otherwise flagged as having voted. If a voted mail ballot is
23 returned from a voter after the voter cast a ballot on a direct
24 recording electronic voting device, the mail ballot must not be
25 counted.

26 **Sec. 55.** RCW 29A.44.140 and 2003 c 111 s 1113 are each amended to
27 read as follows:

28 (1) Each ~~((county auditor))~~ secretary of state shall provide voting
29 and registration instructions, printed in large type, to be
30 conspicuously displayed at each ~~((polling place and permanent
31 registration facility))~~ voting center.

32 (2) The ~~((county auditor))~~ secretary of state shall make
33 information available for deaf persons throughout the state by
34 telecommunications.

35 **Sec. 56.** RCW 29A.44.150 and 2003 c 111 s 1114 are each amended to
36 read as follows:

1 The (~~precinct~~) election officers for each (~~precinct~~) voting
2 center shall meet at the designated (~~polling place~~) voting center at
3 the time set by the county auditor.

4 **Sec. 57.** RCW 29A.44.160 and 2003 c 111 s 1115 are each amended to
5 read as follows:

6 Before (~~opening the polls for a precinct, the voting equipment~~
7 ~~shall be inspected to determine if it has been properly prepared for~~
8 ~~voting. If the voting equipment is capable of direct tabulation of~~
9 ~~each voter's choices, the precinct election officers~~) voting begins on
10 any direct recording electronic voting equipment, election officials
11 shall verify that no votes have been registered for any issue or office
12 to be voted on at that primary or election. (~~Any ballot box shall be~~
13 ~~carefully examined by the judges of election to determine that it is~~
14 ~~empty. The ballot box shall then be sealed or locked. The ballot box~~
15 ~~shall not be opened before the certification of the primary or election~~
16 ~~except in the manner and for the purposes provided under this title.~~)

17 **Sec. 58.** RCW 29A.44.170 and 2003 c 111 s 1116 are each amended to
18 read as follows:

19 At all primaries and elections the flag of the United States shall
20 be conspicuously displayed (~~in front of each polling place~~) at each
21 voting center.

22 **Sec. 59.** RCW 29A.44.190 and 2003 c 111 s 1118 are each amended to
23 read as follows:

24 The (~~precinct~~) election officers shall periodically examine the
25 voting devices to determine if they have been tampered with.

26 **Sec. 60.** RCW 29A.44.205 and 2005 c 243 s 7 are each amended to
27 read as follows:

28 Any person desiring to vote at any primary or election is required
29 to provide identification to the election officer (~~before signing the~~
30 ~~poll book~~) at the voting center. The identification required in this
31 section can be satisfied by providing a valid photo identification,
32 such as a driver's license or state identification card, student
33 identification card, or tribal identification card, a voter's voter
34 identification issued by a county elections officer, or a copy of a

1 current utility bill, bank statement, paycheck, or government check or
2 other government document. Any individual who desires to vote in
3 person at a voting center but cannot provide identification as required
4 by this section shall be issued a provisional ballot.

5 The secretary of state may adopt rules to carry out this section.

6 **Sec. 61.** RCW 29A.44.207 and 2005 c 243 s 6 are each amended to
7 read as follows:

8 Provisional ballots must be issued, along with a provisional ballot
9 outer envelope and a security envelope, to voters as appropriate under
10 RCW 29A.04.008. The provisional ballot outer envelope must include a
11 place for the voter's name; registered address, both present and former
12 if applicable; date of birth; reason for the provisional ballot; the
13 precinct number (~~((and the precinct polling))~~); the voting center
14 location at which the voter has voted; and a space for the county
15 auditor to list the disposition of the provisional ballot. The
16 provisional ballot outer envelope must also contain a declaration as
17 required for (~~(absentee)~~) mail ballot outer envelopes under RCW
18 29A.40.091 (as recodified by this act); a place for the voter to sign
19 the oath; and a summary of the applicable penalty provisions of this
20 chapter. The voter shall vote the provisional ballot in secrecy and,
21 when done, place the provisional ballot in the security envelope, then
22 place the security envelope into the outer envelope, and return it to
23 the (~~(precinct)~~) election official. The election official shall ensure
24 that the required information is completed on the outer envelope, have
25 the voter sign it in the appropriate space, and place the envelope in
26 a secure container. The official shall then give the voter written
27 information advising the voter how to ascertain whether the vote was
28 counted and, if applicable, the reason why the vote was not counted.

29 **Sec. 62.** RCW 29A.44.210 and 2003 c 111 s 1120 are each amended to
30 read as follows:

31 Any person desiring to vote at any primary or election at a voting
32 center is required to sign (~~((his or her name on the appropriate~~
33 ~~precinct list of registered voters))~~ the oath affirming that the voter
34 meets the qualifications to vote. If the voter registered using a
35 mark, or can no longer sign his or her name, the election officers
36 shall require the voter to be identified by another registered voter.

1 (~~The precinct election officers shall then record the voter's~~
2 ~~name.~~)

3 **Sec. 63.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to
4 read as follows:

5 On (~~signing the precinct list of registered voters or~~) being
6 issued a ballot, the voter shall, without leaving the (~~polling place~~
7 ~~or disability access location~~) voting center, proceed to one of the
8 voting booths or voting devices to cast his or her vote. (~~When county~~
9 ~~election procedures so provide, the election officers may tear off and~~
10 ~~retain the numbered stub from the ballot before delivering it to the~~
11 ~~voter. If an election officer has not already done so, when the voter~~
12 ~~has finished, he or she shall either (1) remove the numbered stub from~~
13 ~~the ballot, place the ballot in the ballot box, and return the number~~
14 ~~to the election officers, or (2) deliver the entire ballot to the~~
15 ~~election officers, who shall remove the numbered stub from the ballot~~
16 ~~and place the ballot in the ballot box.~~) For a partisan primary in a
17 jurisdiction using the physically separate ballot format, the voter
18 shall (~~also~~) return unvoted party ballots to the (~~precinct~~)
19 election officers, who shall void the unvoted party ballots and return
20 them to the county auditor. (~~If poll-site ballot counting devices are~~
21 ~~used, the voter shall put the ballot in the device.~~)

22 **Sec. 64.** RCW 29A.44.225 and 2005 c 242 s 4 are each amended to
23 read as follows:

24 A voter voting on an electronic voting device may not leave the
25 device during the voting process, except to request assistance from the
26 (~~precinct~~) election officers, until the voting process is completed.

27 **Sec. 65.** RCW 29A.44.231 and 2004 c 271 s 138 are each amended to
28 read as follows:

29 As each voter casts his or her vote, the (~~precinct~~) election
30 officers shall (~~insert in the poll books or precinct list of~~
31 ~~registered voters opposite that voter's name, a notation to~~) credit
32 the voter with having participated in that primary or election. No
33 record may be made of a voter's party affiliation in a partisan
34 primary, except at a presidential election. (~~The precinct election~~

1 ~~officers shall record the voter's name so that a separate record is~~
2 ~~kept.))~~

3 **Sec. 66.** RCW 29A.44.260 and 2003 c 111 s 1125 are each amended to
4 read as follows:

5 If at (~~the time of closing the polls,~~) 8:00 p.m. on election day
6 there are (~~any~~) voters in the (~~polling place~~) voting center who
7 have not voted, they shall be allowed to vote (~~after the polls have~~
8 ~~been closed~~)).

9 **Sec. 67.** RCW 29A.44.265 and 2004 c 267 s 501 are each amended to
10 read as follows:

11 (1) An individual who votes in an election for federal office as a
12 result of a federal or state court order or any other order extending
13 the time for (~~closing the polls~~) voting, may vote in that election
14 only by casting a provisional ballot. As to court orders extending the
15 time for (~~closing the polls~~) voting, this section does not apply to
16 any voters who were present in the (~~polling place~~) voting center at
17 the statutory closing time and as a result are permitted to vote under
18 RCW (~~29A.44.070~~) 29A.44.260. This section does not, by itself,
19 authorize any court to order that any individual be permitted to vote
20 or to extend the time for (~~closing the polls~~) voting, but this
21 section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard
22 to federal elections.

23 (2) Any ballot cast under subsection (1) of this section must be
24 separated and held apart from other provisional ballots cast by those
25 not affected by the order.

26 **Sec. 68.** RCW 29A.44.270 and 2003 c 111 s 1126 are each amended to
27 read as follows:

28 At each (~~precinct~~) voting center immediately after the last
29 qualified voter has cast his or her vote, the (~~precinct~~) election
30 officers shall (~~render unusable and~~) secure in a container all unused
31 ballots (~~for that precinct~~) and return them to the county auditor.

32 **Sec. 69.** RCW 29A.44.280 and 2003 c 111 s 1127 are each amended to
33 read as follows:

34 At the end of voting in a voting center, and immediately after the

1 unused ballots are secure, the (~~precinct~~) election officers shall
2 count the number of (~~voted~~) ballots voted at the voting center and
3 make a record of any discrepancy between this number and the number of
4 voters who signed (~~the poll book for that precinct or polling place~~)
5 in to vote at that voting center, (complete the certifications in the
6 poll book,) prepare the ballots for transfer to the counting center
7 (~~if necessary~~), and seal the voting devices.

8 **Sec. 70.** RCW 29A.44.410 and 2003 c 111 s 1134 are each amended to
9 read as follows:

10 (1) At least (~~ten~~) twenty days prior to any primary or election,
11 general or special, the county auditor shall appoint (~~one inspector~~
12 ~~and two judges of election for each precinct (or each combination of~~
13 ~~precincts temporarily consolidated as a single precinct for that~~
14 ~~primary or election), other than those precincts designated as vote by~~
15 ~~mail precincts pursuant to RCW 29A.48.010)~~ three election officials
16 for each voting center. Two election officials shall be appointed from
17 that political party which polled the highest number of votes in the
18 county for its candidate for president at the last preceding
19 presidential election and one election official from the political
20 party polling the next highest number of votes in the county for its
21 candidate for president at the same election. Except as provided in
22 subsection (3) of this section, the persons appointed shall be among
23 those whose names are contained on the lists furnished under RCW
24 29A.44.430 (~~by the chairpersons of the county central committees of~~
25 ~~the political parties entitled to representation thereon. Such~~
26 ~~precinct election officers, whenever possible, should be residents of~~
27 ~~the precinct in which they serve~~) (as recodified by this act).

28 (2) The county auditor may delete from the lists of names submitted
29 (~~to the auditor by the chairpersons of the county central committees~~)
30 under RCW 29A.44.430 (as recodified by this act): (a) The names of
31 those persons who indicate to the auditor that they cannot or do not
32 wish to serve as (~~precinct~~) election officers for the primary or
33 election (~~or who otherwise cannot so serve~~); and (b) the names of
34 those persons who lack the ability to conduct properly the duties of an
35 (~~inspector or judge of~~) election official after training in that
36 proper conduct has been made available to them by the auditor. The
37 lists (~~which are~~) submitted to the auditor in a timely manner under

1 RCW 29A.44.430 (as recodified by this act), less the deletions
2 authorized by this subsection, constitute the official nomination lists
3 for ~~((inspectors and judges of))~~ election officials.

4 (3) If the number of persons whose names are on the official
5 nomination list for a political party is not sufficient to satisfy the
6 requirements of subsection ~~((4))~~ (1) of this section as it applies to
7 that political party ~~((or is otherwise insufficient to provide the
8 number of precinct election officials required from that political
9 party))~~, the auditor shall notify the chair of the party's county
10 central committee regarding the deficiency. The chair may, within five
11 business days of being notified by the auditor, add to the party's
12 nomination list the names of additional persons belonging to that
13 political party who are qualified to serve ~~((on the election boards))~~
14 as an election official. To the extent that, following this procedure,
15 the number of persons whose names appear on the official nomination
16 lists of the political parties is insufficient to provide the number of
17 election ~~((inspectors and judges))~~ officials required for a primary or
18 election, the auditor may appoint a properly trained person ~~((whose
19 name does not appear on such a list))~~ to serve as an ~~((inspector or
20 judge of))~~ election ~~((for a precinct))~~ official.

21 ~~((4) The county auditor shall designate the inspector and one
22 judge in each precinct from that political party which polled the
23 highest number of votes in the county for its candidate for president
24 at the last preceding presidential election and one judge from that
25 political party polling the next highest number of votes in the county
26 for its candidate for president at the same election. The provisions
27 of this subsection apply only if the number of names on the official
28 nomination list for inspectors and judges of election for a political
29 party is sufficient to satisfy the requirements imposed by this
30 subsection.~~

31 ~~((5) Except as provided in RCW 29A.44.440 for the filling of
32 vacancies, this shall be the exclusive method for the appointment of
33 inspectors and judges to serve as precinct election officers at any
34 primary or election, general or special, and shall supersede the
35 provisions of any and all other statutes, whether general or special in
36 nature, having different requirements.))~~

1 **Sec. 71.** RCW 29A.44.430 and 2003 c 111 s 1136 are each amended to
2 read as follows:

3 The precinct committee officer of each major political party shall
4 ~~((certify))~~ provide to the officer's county chair a list of those
5 persons belonging to the officer's political party qualified to act
6 ~~((upon the election board in the officer's precinct))~~ as election
7 officials.

8 ~~((By the first day of June each year, the chair of the county~~
9 ~~central committee of each major political party shall certify to the~~
10 ~~officer having jurisdiction of the election a list of those persons~~
11 ~~belonging to the county chair's political party in each precinct who~~
12 ~~are qualified to act on the election board therein.))~~

13 The county chair shall compile ~~((this))~~ a list ~~((from the names~~
14 ~~certified))~~ of names provided by the various precinct committee
15 officers ~~((unless no names or not a sufficient))~~ and by the first day
16 of June each year provide the list of names of persons qualified to act
17 as election officials to the officer having jurisdiction of the
18 election. If an insufficient number of names have been ~~((certified))~~
19 provided from a precinct, ~~((in which event))~~ the county chair may
20 include ~~((therein the))~~ names of qualified members of the county
21 chair's party selected by the county chair. The county chair shall
22 ~~((also))~~ have the authority to substitute names of persons recommended
23 by the precinct committee officers if ~~((in the judgment of))~~ the county
24 chair deems such persons are not qualified to serve as ~~((precinct))~~
25 election ~~((officers))~~ officials.

26 **Sec. 72.** RCW 29A.44.490 and 2003 c 111 s 1142 are each amended to
27 read as follows:

28 ~~((The inspector, judges, and clerks of election))~~ Election
29 officials, before entering upon the duties of their offices, shall take
30 and subscribe the prescribed oath or affirmation which shall be
31 administered to them by any person authorized to administer oaths and
32 verified under the hand of the person by whom such oath or affirmation
33 is administered. ~~((If no such person is present, the inspector shall~~
34 ~~administer the same to the judges and clerks, and one of the judges~~
35 ~~shall administer the oath to the inspector.))~~

36 The county auditor shall furnish two copies of the proper form of

1 oath to each (~~precinct election officer~~) election official, one copy
2 thereof, after execution, to be placed and transmitted with the
3 election returns.

4 **Sec. 73.** RCW 29A.44.530 and 2003 c 111 s 1146 are each amended to
5 read as follows:

6 The (~~fees of officers of election~~) compensation of election
7 officials shall be (~~as follows~~+

8 ~~To the judges and clerks of an election not less than the minimum~~
9 ~~hourly wage per hour~~) as provided under RCW 49.46.020, the exact
10 amount to be fixed by the respective boards of county commissioners for
11 each county. (~~To inspectors, the rate paid to judges and clerks plus~~
12 ~~an additional two hours' compensation. The precinct election officer~~
13 ~~picking up the election supplies and returning the election returns to~~
14 ~~the county auditor shall be entitled to additional compensation, the~~
15 ~~exact amount to be determined by the respective boards of county~~
16 ~~commissioners for each county.~~)

17 **Sec. 74.** RCW 29A.46.260 and 2006 c 207 s 7 are each amended to
18 read as follows:

19 (1) The legislature finds that the elimination of polling places
20 resulting from the transition to vote by mail creates barriers that
21 restrict the ability of many voters with disabilities from achieving
22 the independence and privacy in voting provided by the accessible
23 voting devices required under the help America vote act. Counties
24 (~~adopting a vote by mail system~~) must take appropriate steps to
25 mitigate these impacts and to address the obligation to provide voters
26 with disabilities an equal opportunity to vote independently and
27 privately, to the extent that this can be achieved without incurring
28 undue administrative and financial burden.

29 (2) Each county shall establish and maintain an advisory committee
30 that includes persons with diverse disabilities and persons with
31 expertise in providing accommodations for persons with disabilities.
32 The committee shall assist election officials in developing a plan to
33 identify and implement changes to improve the accessibility of
34 elections for voters with disabilities. The plan shall include
35 recommendations for the following:

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

5 (b) The locations of polling places, drop-off facilities, voting
6 centers, and other election-related functions necessary to maximize
7 accessibility to persons with disabilities;

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

10 (d) Transportation of voting devices to locations convenient for
11 voters with disabilities in order to ensure reasonable access for
12 voters with disabilities; and

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

15 Counties must update the plan at least annually. The election
16 review staff of the secretary of state shall review and evaluate the
17 plan in conformance with the review procedure identified in RCW
18 29A.04.570.

19 (3) Counties may form a joint advisory committee to develop the
20 plan identified in subsection (2) of this section if the total
21 population of the joining counties does not exceed thirty thousand, and
22 the counties are geographically adjacent.

23 **Sec. 75.** RCW 29A.48.010 and 2005 c 241 s 1 are each amended to
24 read as follows:

25 (1) (~~With express authorization from the county legislative~~
26 ~~authority, the county auditor may conduct~~) All counties with fewer
27 than five hundred thousand active registered voters as of March 1,
28 2009, shall conduct all primary, special, and general elections
29 entirely by mail ballot. (~~The county legislative authority must give~~
30 ~~the county auditor at least ninety days' notice before the first~~
31 ~~election to be conducted entirely by mail ballot. If the county~~
32 ~~legislative authority and the county auditor decide to return to a~~
33 ~~polling place election environment, the county legislative authority~~
34 ~~must give the county auditor at least one hundred eighty days' notice~~
35 ~~before the first election to be conducted using polling places.~~
36 ~~Authorization under this subsection must apply to all primary, special,~~
37 ~~and general elections conducted by the county auditor.)) Counties with~~

1 more than five hundred thousand active registered voters as of March 1,
2 2009, shall conduct all primary, special, and general elections
3 entirely by mail ballot beginning no later than January 2010. Each
4 county auditor or election official shall identify one or more
5 facilities as a voting center for purposes of offering disability
6 access voting as required by the Help America Vote Act (P.L. 107-252).

7 ~~(2) ((The county auditor may designate any precinct having fewer~~
8 ~~than two hundred active registered voters at the time of closing of~~
9 ~~voter registration as provided in RCW 29A.08.140 as a mail ballot~~
10 ~~precinct. Authorization from the county legislative authority is not~~
11 ~~required to designate a precinct as a mail ballot precinct under this~~
12 ~~subsection. In determining the number of registered voters in a~~
13 ~~precinct for the purposes of this section, persons who are ongoing~~
14 ~~absentee voters under RCW 29A.40.040 shall not be counted. Nothing in~~
15 ~~this section may be construed as altering the vote tallying~~
16 ~~requirements of RCW 29A.60.230.~~

17 ~~(3) The county auditor shall notify each registered voter by mail~~
18 ~~that for all future primaries and elections the voting will be by mail~~
19 ~~ballot only.)) The county auditor shall mail each active voter a~~
20 ~~ballot at least eighteen days before a primary, general election, or~~
21 ~~special election. The auditor shall send each inactive voter either a~~
22 ~~ballot or an application to receive a ballot at least eighteen days~~
23 ~~before a primary, general election, or special election. The auditor~~
24 ~~shall determine which of the two is to be sent. If the inactive voter~~
25 ~~returns a voted ballot, the ballot shall be counted and the voter's~~
26 ~~status restored to active. If the inactive voter completes and returns~~
27 ~~an application, a ballot shall be sent and the voter's status restored~~
28 ~~to active. The requirements regarding certification, reporting, and~~
29 ~~the mailing of overseas and military ballots in RCW 29A.40.070 (as~~
30 ~~recodified by this act) apply to elections conducted by mail ballot.~~

31 ~~((4) If the county legislative authority and county auditor~~
32 ~~determine under subsection (1) of this section, or if the county~~
33 ~~auditor determines under subsection (2) of this section, to return to~~
34 ~~a polling place election environment, the auditor shall notify each~~
35 ~~registered voter, by mail, of this and shall provide the address of the~~
36 ~~polling place to be used.)) (3) The county auditor shall notify by mail~~
37 ~~each registered voter not already notified that all future primaries~~

1 and elections will be conducted by mail. The notice must include
2 information on the availability of voting centers in the event that the
3 voter wishes to continue to vote in person.

4 **Sec. 76.** RCW 29A.48.040 and 2003 c 111 s 1204 are each amended to
5 read as follows:

6 (1) (~~(If a county auditor conducts an election by mail,)~~) The
7 county auditor shall designate one or more places for the deposit of
8 ballots not returned by mail. The places designated under this section
9 shall be open on the date of the election for a period of thirteen
10 hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

11 (2) A registered voter may obtain a replacement ballot as provided
12 in this subsection. A voter may request a replacement mail ballot in
13 person, by mail, by telephone, or by other electronic transmission for
14 himself or herself and for any member of his or her immediate family.
15 The request must be received by the auditor before 8:00 p.m. on
16 election day. The county auditor shall keep a record of each
17 replacement ballot issued, including the date of the request.
18 Replacement mail ballots may be counted in the final tabulation of
19 ballots only if the original ballot is not received by the county
20 auditor and the replacement ballot meets all requirements for
21 tabulation necessary for the tabulation of regular mail ballots.

22 **Sec. 77.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to
23 read as follows:

24 (~~(All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or~~
25 ~~29A.48.030 must contain the same offices, names of nominees or~~
26 ~~candidates, and propositions to be voted upon, including precinct~~
27 ~~offices, as if the ballot had been voted in person at the polling~~
28 ~~place. Except as otherwise provided by law, mail ballots must be~~
29 ~~treated in the same manner as absentee ballots issued at the request of~~
30 ~~the voter.)) If electronic vote tallying devices are used, political
31 party observers must be given the opportunity to be present, and a test
32 of the equipment must be performed as required by RCW 29A.12.130 before
33 tabulating ballots. Political party observers may select at random
34 ballots to be counted manually as provided by RCW 29A.60.170.~~

1 **Sec. 78.** RCW 29A.52.141 and 2004 c 271 s 141 are each amended to
2 read as follows:

3 Instructions for voting a consolidated ballot or a physically
4 separate ballot, whichever is applicable, must appear, at the very
5 least, in:

6 (1) Any primary voters' pamphlet prepared by the secretary of state
7 or a local government if a partisan office will appear on the ballot;

8 (2) Instructions that accompany any partisan primary ballot;

9 (3) Any notice of a partisan primary published in compliance with
10 RCW 29A.52.311;

11 (4) A sample ballot prepared by a county auditor under RCW
12 29A.36.151 for a partisan primary;

13 (5) The web site of the office of the secretary of state and any
14 existing web site of a county auditor's office; and

15 (6) Every (~~(polling place)~~) voting center.

16 **Sec. 79.** RCW 29A.52.311 and 2004 c 271 s 145 are each amended to
17 read as follows:

18 Not more than (~~(ten)~~) forty nor less than (~~(three)~~) twenty days
19 before the primary the county auditor shall publish notice of such
20 primary in one or more newspapers of general circulation within the
21 county. The notice must contain the proper party designations, the
22 names and addresses of all persons who have filed a declaration of
23 candidacy to be voted upon at that primary, instructions for voting the
24 applicable ballot, as provided in chapter 29A.36 RCW, the hours during
25 which the (~~(polls)~~) voting centers will be open, and (~~(the polling~~
26 ~~places for each precinct, giving)~~) the address of each (~~(polling~~
27 ~~place)~~) voting center. The names of all candidates for nonpartisan
28 offices must be published separately with designation of the offices
29 for which they are candidates but without party designation. This is
30 the only notice required for the holding of any primary.

31 **Sec. 80.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to
32 read as follows:

33 Except as provided in RCW 29A.32.260, notice for any state, county,
34 district, or municipal election, whether special or general, must be
35 given by at least one publication not more than (~~(ten)~~) forty nor less
36 than (~~(three)~~) twenty days before the election by the county auditor or

1 the officer conducting the election as the case may be, in one or more
2 newspapers of general circulation within the county. The legal notice
3 must contain the title of each office under the proper party
4 designation, the names and addresses of all officers who have been
5 nominated for an office to be voted upon at that election, together
6 with the ballot titles of all measures, the hours during which the
7 ((polls)) voting centers will be open, and ((the polling places for
8 each precinct, giving)) the address of each ((polling place)) voting
9 center. The names of all candidates for nonpartisan offices must be
10 published separately with designation of the offices for which they are
11 candidates but without party designation. This is the only notice
12 required for a state, county, district, or municipal general or special
13 election and supersedes the provisions of any and all other statutes,
14 whether general or special in nature, having different requirements for
15 the giving of notice of any general or special election((s)).

16 **Sec. 81.** RCW 29A.53.080 and 2005 c 153 s 8 are each amended to
17 read as follows:

18 Ballots for elections conducted under the instant runoff voting
19 method should be clear and easily understood. Sample ballots
20 illustrating voting procedures must be posted in ((or near)) voting
21 ((booths)) centers and included within instruction packets for
22 ((absentee)) mail ballots. Directions provided to voters must conform
23 substantially to the following specifications:

24 "You may choose a maximum of three candidates for each
25 office in order of preference. Indicate your first choice
26 designation by marking the number "1" beside a candidate's name
27 (or by marking in the column labeled "First Choice"). Indicate
28 your second choice designation by marking the number "2" beside
29 a candidate's name (or by marking in the column labeled "Second
30 Choice"). Indicate your third choice designation by marking
31 the number "3" beside a candidate's name (or by marking in the
32 column labeled "Third Choice"). You are not required to choose
33 more than one candidate for each office. Designating two or
34 more candidates in order of preference will not affect your
35 first choice designation. Do not mark the same designation
36 number beside more than one candidate or put more than one mark

1 in each column for the office on which you are voting. Do not
2 skip designation numbers."

3 **Sec. 82.** RCW 29A.56.010 and 2003 c 111 s 1401 are each amended to
4 read as follows:

5 The people of the state of Washington declare that:

6 (1) The current presidential nominating caucus system in Washington
7 state is unnecessarily restrictive of voter participation in that it
8 discriminates against the elderly, the infirm, women, ~~((the disabled))~~
9 people with disabilities, evening workers, and others who are unable to
10 attend caucuses and therefore unable to fully participate in this most
11 important quadrennial event that occurs in our democratic system of
12 government.

13 (2) It is the intent of this chapter to make the presidential
14 selection process more open and representative of the will of the
15 people of our state.

16 (3) A presidential primary will afford the maximum opportunity for
17 voter access by mail ballot and at ~~((regular polling places))~~ voting
18 centers during the daytime and evening hours convenient to the most
19 people.

20 (4) This state's participation in the selection of presidential
21 candidates shall be in accordance with the will of the people as
22 expressed in a presidential preference primary.

23 (5) It is the intent of this chapter, to the maximum extent
24 practicable, to continue to reserve to the political parties the right
25 to conduct their delegate selection as prescribed by party rules
26 insofar as it reflects the will of the people as expressed in a
27 presidential primary election conducted every four years in the manner
28 described by this chapter.

29 **Sec. 83.** RCW 29A.56.490 and 2003 c 111 s 1438 are each amended to
30 read as follows:

31 The election officials shall count and determine the number of
32 votes cast for each individual; and shall also count and determine the
33 aggregate number of votes cast for all candidates whose names appear
34 under each of the respective headings. Where more than the required
35 number have been voted for, the ballot must be rejected. ~~((The figures~~
36 ~~determined by the various counts must be entered in the poll books of~~

1 ~~the respective precincts.))~~ The vote must be canvassed in each county
2 by the county canvassing board, and certificate of results must within
3 fifteen days after the election be transmitted to the secretary of
4 state. Upon receiving the certificate, the secretary of state may
5 require returns (~~or poll books~~) from any county precinct to be
6 forwarded for the secretary's examination.

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

17 **Sec. 84.** RCW 29A.60.010 and 2003 c 111 s 1501 are each amended to
18 read as follows:

19 All elections, whether special or general, held under RCW
20 (~~29A.04.320~~) 29A.04.321 and 29A.04.330 must be conducted by the
21 county auditor as ex officio county supervisor of elections and, except
22 as provided in RCW 29A.60.240, the returns canvassed by the county
23 canvassing board.

24 **Sec. 85.** RCW 29A.60.030 and 2004 c 266 s 16 are each amended to
25 read as follows:

26 Except as provided by rule under RCW (~~29A.04.610~~) 29A.04.611, on
27 the day of the primary or election, the tabulation of ballots (~~at the~~
28 ~~polling place or at the counting center~~) shall proceed without
29 interruption or adjournment until all of the ballots cast (~~at the~~
30 ~~polls at~~) for that primary or election ready for tabulation have been
31 tabulated.

32 **Sec. 86.** RCW 29A.60.040 and 2003 c 111 s 1504 are each amended to
33 read as follows:

34 A ballot is invalid and no votes on that ballot may be counted if

1 it is found folded together with another ballot or it is marked so as
2 to identify the voter.

3 Those parts of a ballot are invalid and no votes may be counted for
4 those issues or offices where more votes are cast for the office or
5 issue than are permitted by law; write-in votes do not contain all of
6 the information required under RCW (~~(29A.60.020)~~) 29A.60.021; or that
7 issue or office is not marked with sufficient definiteness to determine
8 the voter's choice or intention. No write-in vote may be rejected due
9 to a variation in the form of the name if (~~(the election board or)~~) the
10 canvassing board can determine the issue for or against which or the
11 person and the office for which the voter intended to vote.

12 **Sec. 87.** RCW 29A.60.050 and 2005 c 243 s 13 are each amended to
13 read as follows:

14 Whenever the (~~(precinct)~~) election officers or the counting center
15 personnel have a question about the validity of a ballot or the votes
16 for an office or issue that they are unable to resolve, they shall
17 prepare and sign a concise record of the facts in question or dispute.
18 These ballots shall be delivered to the canvassing board for
19 processing. A ballot is not considered rejected until the canvassing
20 board has rejected the ballot individually, or the ballot was included
21 in a batch or on a report of ballots that was rejected in its entirety
22 by the canvassing board. All ballots shall be preserved in the same
23 manner as valid ballots for that primary or election.

24 **Sec. 88.** RCW 29A.60.070 and 2005 c 274 s 249 and 2005 c 243 s 14
25 are each reenacted and amended to read as follows:

26 The county auditor shall produce unofficial cumulative and precinct
27 returns for each primary and election and deliver them to the
28 canvassing board for verification and certification. The precinct and
29 cumulative returns of any primary or election are public records under
30 chapter 42.56 RCW.

31 Cumulative returns for state offices, judicial offices, the United
32 States senate, and congress must be electronically transmitted to the
33 secretary of state immediately.

34 **Sec. 89.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to
35 read as follows:

1 Immediately after their tabulation, all ballots counted at a ballot
2 counting center must be sealed in containers that identify the primary
3 or election and be retained for at least sixty days or according to
4 federal law, whichever is longer. All ballots (~~((tallied by poll site
5 ballot counting devices))~~) collected at voting centers must be returned
6 to the elections department in sealed ballot containers on election
7 day. Counties composed entirely of islands or portions of counties
8 composed of islands shall collect the ballots (~~((within twenty four
9 hours of the close of the polls))~~) no later than the day after election
10 day.

11 (~~Ballots tabulated in poll site ballot counting devices must be
12 sealed by two of the election precinct officers at the polling place,
13 and a log of the seal and the names of the people sealing the container
14 must be completed. One copy of this log must be retained by the
15 inspector, one copy must be placed in the ballot transfer case, and one
16 copy must be transported with the ballots to the elections department,
17 where the seal number must be verified by the county auditor or a
18 designated representative. Ballots may be transported by one election
19 employee if the container is sealed at the poll and then verified when
20 returned to the elections department. Auditors using poll site ballot
21 counting devices may conduct early pickup of counted ballots on
22 election day.~~)

23 In the presence of major party observers who are available, ballots
24 may be removed from the sealed containers at the elections department
25 and consolidated into one sealed container for storage purposes. The
26 containers may only be opened by the canvassing board as part of the
27 canvass, or to conduct recounts, or under RCW 29A.60.170(~~((+3))~~), or by
28 order of the superior court in a contest or election dispute. If the
29 canvassing board opens a ballot container, it shall make a full record
30 of the additional tabulation or examination made of the ballots. This
31 record must be added to any other record of the canvassing process in
32 that county.

33 **Sec. 90.** RCW 29A.60.120 and 2003 c 111 s 1512 are each amended to
34 read as follows:

35 (1) (~~The ballots picked up from the precincts during the polling
36 hours may be counted only at the counting center before the polls have~~)

1 closed. Election returns from the count of these ballots must be held
2 in secrecy until the polls have been closed.

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

12 ~~((+3))~~ (2) The returns produced by the vote tallying system, to
13 which have been added the counts of questioned ballots(~~(7)~~) and write-
14 in votes(~~(, and absentee votes)~~), constitute the official returns of
15 the primary or election in that county.

16 **Sec. 91.** RCW 29A.60.160 and 2007 c 373 s 1 are each amended to
17 read as follows:

18 (1) Except for an election conducted under the instant runoff
19 voting method for the pilot project authorized by RCW 29A.53.020, the
20 county auditor, as delegated by the county canvassing board, shall
21 process (~~(absentee)~~) ballots and canvass the votes cast at that primary
22 or election on a daily basis in counties with a population of seventy-
23 five thousand or more, or at least every third day for counties with a
24 population of less than seventy-five thousand, if the county auditor is
25 in possession of more than five hundred ballots that have yet to be
26 canvassed.

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

29 (3) In order to protect the secrecy of a ballot, the county auditor
30 may use discretion to decide when to process (~~(absentee)~~) ballots and
31 canvass the votes.

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

34 **Sec. 92.** RCW 29A.60.160 and 2007 c 373 s 2 are each amended to
35 read as follows:

36 (1) The county auditor, as delegated by the county canvassing

1 board, shall process ((absentee)) ballots and canvass the votes cast at
2 that primary or election on a daily basis in counties with a population
3 of seventy-five thousand or more, or at least every third day for
4 counties with a population of less than seventy-five thousand, if the
5 county auditor is in possession of more than five hundred ballots that
6 have yet to be 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. 93.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
15 each reenacted and amended to read as follows:

16 (1) If the voter neglects to sign the outside envelope of ((an
17 absentee)) a mail or provisional ballot, the auditor shall notify the
18 voter by first-class mail and advise the voter of the correct
19 procedures for completing the unsigned affidavit. If the ((absentee))
20 ballot is received within three business days of the final meeting of
21 the canvassing board, or the voter has been notified by first-class
22 mail and has not responded at least three business days before the
23 final meeting of the canvassing board, then the auditor shall attempt
24 to notify the voter by telephone, using the voter registration record
25 information. In order for the ballot to be counted, the voter must
26 either:

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

29 (b) Sign a copy of the envelope provided by the auditor, and return
30 it to the auditor no later than the day before the certification of the
31 primary or election.

32 (2)(a) If the handwriting of the signature on ((an-absentee)) a
33 mail or provisional ballot envelope is not the same as the handwriting
34 of the signature on the registration file, the auditor shall notify the
35 voter by first-class mail, enclosing a copy of the envelope affidavit,
36 and advise the voter of the correct procedures for updating his or her
37 signature on the voter registration file. If the ((absentee)) mail or

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

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

10 (ii) Sign a copy of the affidavit provided by the auditor and
11 return it to the auditor no later than the day before the certification
12 of the primary or election. The voter may enclose with the affidavit
13 a photocopy of a valid government or tribal issued identification
14 document that includes the voter's current signature. If the signature
15 on the copy of the affidavit does not match the signature on file or
16 the signature on the copy of the identification document, the voter
17 must appear in person and sign a new registration form no later than
18 the day before the certification of the primary or election in order
19 for the ballot to be counted.

20 (b) If the signature on ((~~an absentee~~)) a mail or provisional
21 ballot envelope is not the same as the signature on the registration
22 file because the name is different, the ballot may be counted as long
23 as the handwriting is clearly the same. The auditor shall send the
24 voter a change-of-name form under RCW 29A.08.440 and direct the voter
25 to complete the form.

26 (c) If the signature on ((~~an absentee~~)) a mail or provisional
27 ballot envelope is not the same as the signature on the registration
28 file because the voter used initials or a common nickname, the ballot
29 may be counted as long as the surname and handwriting are clearly the
30 same.

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

33 (4) A record must be kept of all ballots with missing and
34 mismatched signatures. The record must contain the date on which the
35 voter was contacted or the notice was mailed, as well as the date on
36 which the voter signed the envelope, a copy of the envelope, a new
37 registration form, or a change-of-name form. That record is a public

1 record under chapter 42.56 RCW and may be disclosed to interested
2 parties on written request.

3 **Sec. 94.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to
4 read as follows:

5 (1) The counting center (~~((in a county using voting systems))~~) is
6 under the direction of the county auditor (~~((and))~~). Ballot processing
7 and counting must be observed by one representative from each major
8 political party, if representatives have been appointed by the
9 respective major political parties and these representatives are
10 present while the counting center is operating. The proceedings must
11 be open to the public, but no persons except those employed and
12 authorized by the county auditor may touch any ballot or ballot
13 container or operate a vote tallying system.

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

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

36 (4) ~~In counties voting entirely by mail,))~~ A random check of the
37 ballot counting equipment may be conducted upon mutual agreement of the

1 political party observers or at the discretion of the county auditor.
2 The random check procedures must be adopted by the county canvassing
3 board prior to the processing of ballots. The random check process
4 shall involve a comparison of a manual count to the machine count and
5 may involve up to either three precincts or six batches depending on
6 the ballot counting procedures in place in the county. The random
7 check will be limited to one office or issue on the ballots in the
8 precincts or batches that are selected for the check. The selection of
9 the precincts or batches to be checked must be selected according to
10 procedures established by the county canvassing board and the check
11 must be completed no later than forty-eight hours after election day.

12 **Sec. 95.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to
13 read as follows:

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

18 **Sec. 96.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to
19 read as follows:

20 (1) Before canvassing the returns of a primary or election, the
21 chair of the county legislative authority or the chair's designee shall
22 administer an oath to the county auditor or the auditor's designee
23 attesting to the authenticity of the information presented to the
24 canvassing board. This oath must be signed by the county auditor or
25 designee and filed with the returns of the primary or election.

26 (2) The county auditor shall provide:

27 (a) Precinct and cumulative returns for each race and measure. The
28 county auditor may aggregate results from more than one precinct if,
29 pursuant to rules adopted by the secretary of state, the auditor finds
30 that reporting a single precinct's results would jeopardize the secrecy
31 of a person's ballot;

32 (b) The number of voters eligible to vote and the number of voters
33 credited with voting;

34 (c) A reconciliation report required by RCW 29A.60.235; and

35 (d) A report explaining any unresolved anomalies or issues.

1 (3) Once the results are verified, the county canvassing board
2 shall execute a certification of the primary or election signed by all
3 members of the board or their designees. Failure to certify the
4 returns, if they can be ascertained with reasonable certainty, is a
5 crime under RCW 29A.84.720.

6 (4) Except as provided by subsection ((+3)) (5) of this section,
7 fifteen days after a primary or special election and twenty-one days
8 after a general election, the county canvassing board shall complete
9 the canvass and certify the results. Each ((absentee)) ballot that was
10 returned before ((the closing of the polls)) 8:00 p.m. on the date of
11 the primary or election, and each ((absentee)) ballot bearing a
12 postmark on or before the date of the primary or election and received
13 on or before the date on which the primary or election is certified,
14 must be included in the canvass report.

15 ~~((2) At the request of a caucus of the state legislature, the~~
16 ~~county auditor shall transmit copies of all unofficial returns of state~~
17 ~~and legislative primaries or elections prepared by or for the county~~
18 ~~canvassing board to either the secretary of the senate or the chief~~
19 ~~clerk of the house of representatives.~~

20 ~~(+3)) (5) On or before the thirtieth day after an election~~
21 ~~conducted under the instant runoff voting method for the pilot project~~
22 ~~authorized by RCW 29A.53.020, the canvassing board shall complete the~~
23 ~~canvass and certify the results.~~

24 **Sec. 97.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to
25 read as follows:

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

32 (2) The county auditor shall provide:

33 (a) Precinct and cumulative returns for each race and measure. The
34 county auditor may aggregate results from more than one precinct if,
35 pursuant to rules adopted by the secretary of state, the auditor finds
36 that reporting a single precinct's results would jeopardize the secrecy
37 of a person's ballot;

1 (b) The number of voters eligible to vote and the number of voters
2 credited with voting;

3 (c) A reconciliation report required by RCW 29A.60.235; and

4 (d) A report explaining any unresolved anomalies or issues.

5 (3) Once the results are verified, the county canvassing board
6 shall execute a certification of the primary or election signed by all
7 members of the board or their designees. Failure to certify the
8 returns, if they can be ascertained with reasonable certainty, is a
9 crime under RCW 29A.84.720.

10 (4) Fifteen days after a primary or special election and twenty-one
11 days after a general election, the county canvassing board shall
12 complete the canvass and certify the results. Each ((absentee)) ballot
13 that was returned before ((the closing of the polls)) 8:00 p.m. on the
14 date of the primary or election, and each ((absentee)) ballot bearing
15 a postmark on or before the date of the primary or election and
16 received on or before the date on which the primary or election is
17 certified, must be included in the canvass report.

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

23 **Sec. 98.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to
24 read as follows:

25 (1) Immediately after ~~((the official results of))~~ a state primary
26 or general election ~~((in a county are ascertained))~~ is certified by the
27 county canvassing board, the county auditor ~~((or other election officer~~
28 ~~shall make an abstract of the number of registered voters in each~~
29 ~~precinct and of all the votes cast in the county at such state primary~~
30 ~~or general election for and against state measures and for each~~
31 ~~candidate for federal, state, and legislative office or for any other~~
32 ~~office which the secretary of state is required by law to canvass. The~~
33 ~~cumulative report of the election and a copy of the certificate of the~~
34 ~~election must be transmitted to the secretary of state immediately,~~
35 ~~through electronic means and mailed with the abstract of votes no later~~
36 ~~than the next business day following the certification by the county~~

1 ~~canvassing board)) shall electronically transmit the cumulative returns~~
2 ~~for all state ballot measures, the United States senate, congress,~~
3 ~~statewide offices, legislative districts, and judicial districts.~~

4 (2) ~~((After each general election, the county auditor or other~~
5 ~~election officer shall provide to the secretary of state a report of~~
6 ~~the number of absentee ballots cast in each precinct for and against~~
7 ~~state measures and for each candidate for federal, state, and~~
8 ~~legislative office or for any other office which the secretary of state~~
9 ~~is required by law to canvass. The report may be included in the~~
10 ~~abstract required by this section or may be transmitted to the~~
11 ~~secretary of state separately, but in no event later than March 31st of~~
12 ~~the year following the election. Absentee ballot results may be~~
13 ~~incorporated into votes cast at the polls for each precinct or may be~~
14 ~~reported separately on a precinct by precinct basis.~~

15 (3) ~~If absentee ballot results are not incorporated into votes cast~~
16 ~~at the polls, the county auditor or other election official may~~
17 ~~aggregate results from more than one precinct if the auditor, pursuant~~
18 ~~to rules adopted by the secretary of state, finds that reporting a~~
19 ~~single precinct's absentee ballot results would jeopardize the secrecy~~
20 ~~of a person's ballot. To the extent practicable, precincts for which~~
21 ~~absentee results are aggregated must be contiguous)) No later than the~~
22 ~~next business day following certification by the county canvassing~~
23 ~~board, the county auditor must mail to the secretary of state:~~

24 (a) Precinct and cumulative returns for all state ballot measures,
25 the United States senate, congress, statewide offices, legislative
26 districts, and judicial districts;

27 (b) A copy of the certification of election;

28 (c) A copy of the number of voters eligible to vote and the number
29 of voters credited with voting; and

30 (d) A copy of the reconciliation report required by RCW 29A.60.235.

31 **Sec. 99.** RCW 29A.60.235 and 2005 c 243 s 11 are each amended to
32 read as follows:

33 ~~((1))~~ The county auditor shall prepare, make publicly available
34 at the auditor's office or on the auditor's web site, and submit at the
35 time of certification an election reconciliation report that discloses
36 the following information:

1 ~~((a))~~ (1) The total number of registered voters and the total
2 number of voters credited with voting;
3 ~~((b))~~ (2) The number of ballots counted plus the number of
4 ballots rejected equals the number of ballots received;
5 ~~((c))~~ (3) The number of provisional ballots issued, counted,
6 rejected, and received;
7 ~~((d) The number of provisional ballots counted;~~
8 ~~(e) The number of provisional ballots rejected;~~
9 ~~((f))~~ (4) The number of ((absentee)) mail ballots issued, counted,
10 rejected, and received;
11 ~~((g) The number of absentee ballots counted;~~
12 ~~(h) The number of absentee ballots rejected;~~
13 ~~((i))~~ (5) The number of ballots cast on a direct recording
14 electronic voting device;
15 (6) The number of federal write-in ballots counted, rejected, and
16 received;
17 ~~((j))~~ (7) The number of ((out-of-state,)) overseas((,)) and
18 service ballots issued, counted, rejected, and received;
19 ~~((k) The number of out-of-state, overseas, and service ballots~~
20 ~~counted; and~~
21 ~~(1) The number of out-of-state, overseas, and service ballots~~
22 ~~rejected.~~
23 ~~(2) The county auditor shall prepare and make publicly available at~~
24 ~~the auditor's office or on the auditor's web site within thirty days of~~
25 ~~certification a final election reconciliation report that discloses the~~
26 ~~following information:~~
27 ~~(a) The number of registered voters;~~
28 ~~(b) The total number of voters credited with voting;~~
29 ~~(c) The number of poll voters credited with voting;~~
30 ~~(d) The number of provisional voters credited with voting;~~
31 ~~(e) The number of absentee voters credited with voting;~~
32 ~~(f) The number of federal write-in voters credited with voting;~~
33 ~~(g) The number of out-of-state, overseas, and service voters~~
34 ~~credited with voting;~~
35 ~~(h) The total number of voters credited with voting even though~~
36 ~~their ballots were postmarked after election day and were not counted;~~
37 ~~and~~

1 ~~(i))~~ (8) Any other information the auditor deems necessary to
2 reconcile the number of ballots counted with the number of voters
3 credited with voting.

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

6 **Sec. 100.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to
7 read as follows:

8 (1) At the time and place established for a recount, the canvassing
9 board or its duly authorized representatives, in the presence of all
10 witnesses who may be in attendance, shall open the sealed containers
11 containing the ballots to be recounted, and shall recount the votes for
12 the offices or issues for which the recount has been ordered. Ballots
13 shall be handled only by the members of the canvassing board or their
14 duly authorized representatives.

15 Witnesses shall be permitted to observe the ballots and the process
16 of tabulating the votes, but they shall not be permitted to handle the
17 ballots. The canvassing board shall not permit the tabulation of votes
18 for any nomination, election, or issue other than the ones for which a
19 recount was applied for or required.

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

23 (3) The recount may be observed by persons representing the
24 candidates affected by the recount or the persons representing both
25 sides of an issue that is being recounted. The observers may not make
26 a record of the names, addresses, or other information on the
27 ballots(~~, poll books, or applications for absentee ballots~~) unless
28 authorized by the superior court. The secretary of state or county
29 auditor may limit the number of observers to not less than two on each
30 side if, in his or her opinion, a greater number would cause undue
31 delay or disruption of the recount process.

32 **Sec. 101.** RCW 29A.80.041 and 2004 c 271 s 148 are each amended to
33 read as follows:

34 (1) Any member of a major political party who is a registered voter
35 in the precinct may upon payment of a fee of one dollar file his or her
36 declaration of candidacy as prescribed under RCW 29A.24.031 with the

1 county auditor for the office of precinct committee officer of his or
2 her party in that precinct. When elected at the primary, the precinct
3 committee officer shall serve so long as the committee officer remains
4 an eligible voter in that precinct.

5 (2) In each even-numbered year, the county central committee of a
6 major political party may opt to designate four precinct committee
7 officer positions in any precinct that has at least two thousand active
8 registered voters as of the day of the general election in the previous
9 odd-numbered year. If a county central committee decides to exercise
10 this option, it must notify the county auditor no later than March 31st
11 of the even-numbered year. The county auditor must designate position
12 numbers for the four precinct committee officer positions prior to
13 accepting any declarations of candidacy. Consistent with RCW
14 29A.80.051, the term of office for the four positions is two years,
15 commencing the first day of December following the primary.

16 **Sec. 102.** RCW 29A.84.050 and 2005 c 243 s 23 are each amended to
17 read as follows:

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

25 **Sec. 103.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to
26 read as follows:

27 (1) (~~On the day of any primary or general or special election~~)
28 Whenever any building or facility or part of a building or facility is
29 being operated as a voting center, no person may, within a (~~(polling~~
30 ~~place))~~ voting center, or in any public area within three hundred feet
31 of any entrance to such (~~(polling place))~~ voting center:

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

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

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

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

4 (2) No person may obstruct the doors or entries to a building in
5 which a ((~~polling place~~)) voting center is located or prevent free
6 access to and from any ((~~polling place~~)) voting center. Any sheriff,
7 deputy sheriff, or municipal law enforcement officer shall prevent such
8 obstruction, and may arrest any person creating such obstruction.

9 (3) No person may:

10 (a) ((~~Except as provided in RCW 29A.44.050, remove any ballot from~~
11 ~~the polling place before the closing of the polls~~)) Remove any ballot
12 or paper record from a voting center, ballot drop-off site, or counting
13 center without lawful authority; or

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

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

18 (5)) Any violation of this section is a gross misdemeanor,
19 punishable to the same extent as a gross misdemeanor that is punishable
20 under RCW 9A.20.021, and the person convicted may be ordered to pay the
21 costs of prosecution.

22 **Sec. 104.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to
23 read as follows:

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

29 **Sec. 105.** RCW 29A.84.730 and 2003 c 111 s 2139 are each amended to
30 read as follows:

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

1 (2) A violation of this section is a gross misdemeanor punishable
2 to the same extent as a gross misdemeanor that is punishable under RCW
3 9A.20.021.

4 **Sec. 106.** RCW 36.83.110 and 1996 c 292 s 4 are each amended to
5 read as follows:

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

19 After this notification, the petitioner shall have thirty days in
20 which to secure on petition forms the signatures of not less than
21 twenty-five percent of the registered voters residing within the
22 boundaries of the service district and file the signed petitions with
23 the county auditor. Each petition form shall contain the ballot title.
24 The county auditor shall verify the sufficiency of the signatures on
25 the petitions. If sufficient valid signatures are properly submitted,
26 the county auditor shall submit the referendum measure to the
27 registered voters residing in the service district in a special
28 election no later than one hundred twenty days after the signed
29 petition has been filed with the county auditor. The special election
30 may be conducted by mail ballot as provided for in chapter ((29-36))
31 29A.48 RCW.

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

34 **Sec. 107.** RCW 85.38.125 and 1991 c 349 s 15 are each amended to
35 read as follows:

36 (1) If a special district has less than five hundred qualified

1 voters, then the special district must contract with the county auditor
2 to conduct the special district elections. The county auditor has the
3 discretion as to whether to conduct the election by mail.

4 (2) If a special district has at least five hundred qualified
5 voters, the special district may contract with the county auditor to
6 staff the voting site during the election or contract with the county
7 auditor to conduct the election by mail. A special district with at
8 least five hundred qualified voters may also choose to conduct its own
9 elections. A special district that conducts its own elections must
10 enter into an agreement with the county auditor that specifies the
11 responsibilities of both parties.

12 (3) (~~If the county auditor conducts a special district election by~~
13 ~~mail, then~~) The provisions of chapter (~~(29.36)~~) 29A.48 RCW, which
14 govern elections by mail(~~(, except for the requirements of RCW~~
15 ~~29.36.120)~~), shall apply.

16 **Sec. 108.** RCW 90.72.040 and 1997 c 447 s 20 are each amended to
17 read as follows:

18 (1) The county legislative authority may create a shellfish
19 protection district on its own motion or by submitting the question to
20 the voters of the proposed district and obtaining the approval of a
21 majority of those voting. The boundaries of the district shall be
22 determined by the legislative authority. The legislative authority may
23 create more than one district. A district may include any area or
24 areas within the county, whether incorporated or unincorporated.
25 Counties shall coordinate and cooperate with cities, towns, and water-
26 related special districts within their boundaries in establishing
27 shellfish protection districts and carrying out shellfish protection
28 programs. Where a portion of the proposed district lies within an
29 incorporated area, the county shall develop procedures for the
30 participation of the city or town in the determination of the
31 boundaries of the district and the administration of the district,
32 including funding of the district's programs. The legislative
33 authority of more than one county may by agreement provide for the
34 creation of a district including areas within each of those counties.
35 County legislative authorities are encouraged to coordinate their plans
36 and programs to protect shellfish growing areas, especially where
37 shellfish growing areas are located within the boundaries of more than

1 one county. The legislative authority or authorities creating a
2 district may abolish a shellfish protection district on its or their
3 own motion or by submitting the question to the voters of the district
4 and obtaining the approval of a majority of those voting.

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

22 After this notification, the petitioner shall have thirty days in
23 which to secure on petition forms the signatures of not less than
24 twenty-five percent of the registered voters residing within the
25 boundaries of the shellfish protection district and file the signed
26 petitions with the county auditor. Each petition form shall contain
27 the ballot title and full text of the measure to be referred. The
28 county auditor shall verify the sufficiency of the signatures on the
29 petitions. If sufficient valid signatures are properly submitted, the
30 county auditor shall submit the referendum measure to the registered
31 voters residing in the shellfish protection district in a special
32 election no later than one hundred twenty days after the signed
33 petition has been filed with the county auditor. The special election
34 (~~may~~) shall be conducted by mail ballot as provided for in chapter
35 (~~29.36~~) 29A.48 RCW.

36 (3) The county legislative authority shall not impose fees, rates,
37 or charges for shellfish protection district programs upon properties

1 on which fees, rates, or charges are imposed under chapter 36.89 or
2 36.94 RCW for substantially the same programs and services.

3 NEW SECTION. **Sec. 109.** RCW 29A.40.061, 29A.40.070, 29A.40.080,
4 29A.40.091, 29A.40.100, 29A.40.110, 29A.40.120, and 29A.40.150 are each
5 recodified as sections in chapter 29A.48 RCW.

6 NEW SECTION. **Sec. 110.** RCW 29A.44.430 is recodified as a section
7 in chapter 29A.80 RCW.

8 NEW SECTION. **Sec. 111.** The following acts or parts of acts are
9 each repealed:

- 10 (1) RCW 29A.16.020 (Alternative polling places or procedures) and
11 2003 c 111 s 402, 1999 c 298 s 15, & 1985 c 205 s 5;
- 12 (2) RCW 29A.16.030 (Costs for modifications--Alternatives--Election
13 costs) and 2003 c 111 s 403, 1999 c 298 s 20, & 1985 c 205 s 12;
- 14 (3) RCW 29A.16.110 (Polling place--May be located outside precinct)
15 and 2003 c 111 s 407 & 1965 c 9 s 29.48.005;
- 16 (4) RCW 29A.16.140 (Inaccessible polling places--Auditors' list)
17 and 2003 c 111 s 410;
- 18 (5) RCW 29A.16.150 (Polling places--Accessibility required,
19 exceptions) and 2003 c 111 s 411;
- 20 (6) RCW 29A.16.170 (County auditors--Notice of accessibility) and
21 2003 c 111 s 413;
- 22 (7) RCW 29A.40.010 (When permitted) and 2003 c 111 s 1001;
- 23 (8) RCW 29A.40.020 (Request for single ballot) and 2003 c 111 s
24 1002 & 2001 c 241 s 2;
- 25 (9) RCW 29A.40.030 (Request on behalf of family member) and 2003 c
26 111 s 1003;
- 27 (10) RCW 29A.40.040 (Ongoing status--Request--Termination) and 2003
28 c 111 s 1004;
- 29 (11) RCW 29A.40.050 (Special ballots) and 2003 c 111 s 1005, 2001
30 c 241 s 5, 1991 c 81 s 35, & 1987 c 346 s 21;
- 31 (12) RCW 29A.40.130 (Record of requests--Public access) and 2003 c
32 111 s 1013;
- 33 (13) RCW 29A.40.140 (Challenges) and 2006 c 320 s 8 & 2003 c 111 s
34 1014;

1 (14) RCW 29A.44.020 (List of who has and who has not voted) and
2 2003 c 111 s 1102, 1977 ex.s. c 361 s 83, & 1965 c 9 s 29.51.125;
3 (15) RCW 29A.44.080 (Polls open continuously--Announcement of
4 closing) and 2003 c 111 s 1108;
5 (16) RCW 29A.44.110 (Delivery of supplies) and 2003 c 111 s 1110;
6 (17) RCW 29A.44.120 (Delivery of precinct lists to polls) and 2003
7 c 111 s 1111;
8 (18) RCW 29A.44.130 (Additional supplies for paper ballots) and
9 2003 c 111 s 1112 & 1977 ex.s. c 361 s 82;
10 (19) RCW 29A.44.180 (Opening the polls) and 2003 c 111 s 1117;
11 (20) RCW 29A.44.201 (Issuing ballot to voter--Challenge) and 2004
12 c 271 s 136;
13 (21) RCW 29A.44.250 (Tabulation of paper ballots before close of
14 polls) and 2003 c 111 s 1124 & 1990 c 59 s 54;
15 (22) RCW 29A.44.290 (Return of precinct lists after election--
16 Public records) and 2003 c 111 s 1128;
17 (23) RCW 29A.44.310 (Initialization) and 2003 c 111 s 1129;
18 (24) RCW 29A.44.320 (Delivery and sealing) and 2003 c 111 s 1130;
19 (25) RCW 29A.44.330 (Memory packs) and 2003 c 111 s 1131;
20 (26) RCW 29A.44.340 (Incorrectly marked ballots) and 2003 c 111 s
21 1132;
22 (27) RCW 29A.44.350 (Failure of device) and 2004 c 267 s 320 & 2003
23 c 111 s 1133;
24 (28) RCW 29A.44.420 (Appointment of clerks--Party representation--
25 Hour to report) and 2003 c 111 s 1135, 1965 ex.s. c 101 s 2, & 1965 c
26 9 s 29.45.020;
27 (29) RCW 29A.44.450 (One set of precinct election officers,
28 exceptions--Counting board--Receiving board) and 2003 c 111 s 1138,
29 1994 c 223 s 91, 1973 c 102 s 2, 1965 ex.s. c 101 s 4, & 1965 c 9 s
30 29.45.050;
31 (30) RCW 29A.44.460 (Duties--Generally) and 2003 c 111 s 1139;
32 (31) RCW 29A.44.470 (Application to other primaries or elections)
33 and 2003 c 111 s 1140;
34 (32) RCW 29A.44.480 (Inspector as chair--Authority) and 2003 c 111
35 s 1141 & 1965 c 9 s 29.45.070;
36 (33) RCW 29A.44.510 (Oath of judges, form) and 2003 c 111 s 1144;
37 (34) RCW 29A.44.520 (Oath of clerks, form) and 2003 c 111 s 1145;
38 (35) RCW 29A.48.020 (Special elections) and 2004 c 266 s 15;

1 (36) RCW 29A.48.030 (Odd-year primaries) and 2003 c 111 s 1203;
2 (37) RCW 29A.60.060 (Poll-site ballot counting devices--Results)
3 and 2003 c 111 s 1506;
4 (38) RCW 29A.60.200 (Canvassing board--Canvassing procedure--
5 Penalty) and 2003 c 111 s 1520, 1990 c 59 s 63, & 1965 c 9 s 29.62.040;
6 (39) RCW 29A.84.540 (Ballots--Removing from polling place) and 2003
7 c 111 s 2124;
8 (40) RCW 29A.84.545 (Paper record from electronic voting device--
9 Removing from polling place) and 2005 c 242 s 6; and
10 (41) RCW 29A.84.680 (Absentee ballots) and 2003 c 111 s 2136, 2003
11 c 53 s 179, 2001 c 241 s 14, 1994 c 269 s 2, 1991 c 81 s 34, 1987 c 346
12 s 20, & 1983 1st ex.s. c 71 s 9.

13 NEW SECTION. **Sec. 112.** Sections 1 through 74, 76 through 91, 93
14 through 96, and 98 through 111 of this act take effect July 1, 2010.

15 NEW SECTION. **Sec. 113.** Sections 92 and 97 of this act take effect
16 July 1, 2013.

17 NEW SECTION. **Sec. 114.** Sections 91 and 96 of this act expire July
18 1, 2013.

--- END ---