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**SUBSTITUTE HOUSE BILL 1039**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House State Government (originally sponsored by Representatives S. Hunt, Johnson, Gregerson, and Jinkins)

READ FIRST TIME 01/27/15.

1 AN ACT Relating to allowing the use of a signature stamp for  
2 voting purposes; amending RCW 29A.08.230 and 29A.40.160; and  
3 reenacting and amending RCW 29A.40.110.

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

5 **Sec. 1.** RCW 29A.08.230 and 2013 c 11 s 14 are each amended to  
6 read as follows:

7 For all voter registrations, the registrant shall sign the  
8 following oath:

9 "I declare that the facts on this voter registration form are  
10 true. I am a citizen of the United States, I will have lived at this  
11 address in Washington for at least thirty days immediately before the  
12 next election at which I vote, I will be at least eighteen years old  
13 when I vote, I am not disqualified from voting due to a court order,  
14 and I am not under department of corrections supervision for a  
15 Washington felony conviction."

16 If the registrant is unable to write or sign his or her name  
17 because of a physical disability, he or she may sign the registration  
18 affidavit either by making his or her mark or by using a signature  
19 stamp. The registrant's signature by mark or stamp must be  
20 accompanied by the signature of two witnesses.

1       **Sec. 2.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and  
2 2011 c 10 s 41 are each reenacted and amended to read as follows:

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

7       (2) All received return envelopes must be placed in secure  
8 locations from the time of delivery to the county auditor until their  
9 subsequent opening. After opening the return envelopes, the county  
10 canvassing board shall place all of the ballots in secure storage  
11 until processing. Ballots may be taken from the inner envelopes and  
12 all the normal procedural steps may be performed to prepare these  
13 ballots for tabulation.

14       (3) The canvassing board, or its designated representatives,  
15 shall examine the postmark on the return envelope and signature on  
16 the declaration before processing the ballot. The ballot must either  
17 be received no later than 8:00 p.m. on the day of the primary or  
18 election, or must be postmarked no later than the day of the primary  
19 or election. All personnel assigned to verify signatures must receive  
20 training on statewide standards for signature verification. Personnel  
21 shall verify that the voter's signature on the ballot declaration is  
22 the same as the signature of that voter in the registration files of  
23 the county. Verification may be conducted by an automated  
24 verification system approved by the secretary of state. A variation  
25 between the signature of the voter on the ballot declaration and the  
26 signature of that voter in the registration files due to the  
27 substitution of initials or the use of common nicknames is permitted  
28 so long as the surname and handwriting are clearly the same. A  
29 signature made using a signature stamp is permitted for a voter  
30 unable to write or sign his or her name because of a physical  
31 disability. A signature by stamp must be accompanied by the signature  
32 of two witnesses. Unless the voter registered to vote using a  
33 signature stamp, pursuant to RCW 29A.08.230, he or she must notify  
34 the applicable county auditor and submit an image of the signature  
35 stamp for signature verification purposes.

36       (4) If the postmark is missing or illegible, the date on the  
37 ballot declaration to which the voter has attested determines the  
38 validity, as to the time of voting, for that ballot. For overseas  
39 voters and service voters, the date on the declaration to which the  
40 voter has attested determines the validity, as to the time of voting,

1 for that ballot. Any overseas voter or service voter may return the  
2 signed declaration and voted ballot by fax or email by 8:00 p.m. on  
3 the day of the primary or election, and the county auditor must use  
4 established procedures to maintain the secrecy of the ballot.

5 **Sec. 3.** RCW 29A.40.160 and 2011 c 10 s 43 are each amended to  
6 read as follows:

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

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

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

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

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

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

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

1 (a) The signature on the declaration must be compared to the  
2 signature on the voter registration record before the ballot may be  
3 counted. If the voter registered using a mark or signature stamp, or  
4 can no longer sign his or her name, the election officers shall  
5 require the voter to be identified by (~~another registered voter~~) two  
6 witnesses.

7 (b) The identification must be valid photo identification, such  
8 as a driver's license, state identification card, student  
9 identification card, tribal identification card, or employer  
10 identification card. Any individual who desires to vote in person but  
11 cannot provide identification shall be issued a provisional ballot,  
12 which shall be accepted if the signature on the declaration matches  
13 the signature on the voter's registration record.

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

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

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

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

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

38 (13) The county auditor must prevent overflow of each ballot drop  
39 box to allow a voter to deposit his or her ballot securely. Ballots  
40 must be removed from a ballot drop box by at least two people, with a

1 record kept of the date and time ballots were removed, and the names  
2 of people removing them. Ballots from drop boxes must be returned to  
3 the counting center in secured transport containers. A copy of the  
4 record must be placed in the container, and one copy must be  
5 transported with the ballots to the counting center, where the seal  
6 number must be verified by the county auditor or a designated  
7 representative. All ballot drop boxes must be secured at 8:00 p.m. on  
8 the day of the primary, special election, or general election.

9 (14) Any voter who is inside or in line at the voting center at  
10 8:00 p.m. on the day of the primary, special election, or general  
11 election must be allowed to vote.

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

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