

**SB 5779** - S AMD **341**  
By Senator Kuderer

**ADOPTED 03/11/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3       **"Sec. 1.** RCW 29A.40.160 and 2018 c 112 s 4 are each amended to  
4 read as follows:

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

10          (2) Each county auditor shall register voters in person at each  
11 of the following locations in the county:

12           (a) At the county auditor's office;

13           (b) At the division of elections, if located in a separate city  
14 from the county auditor's office; and

15           (c) For each presidential general election, at a voting center in  
16 each city in the county with a population of one hundred thousand or  
17 greater, which does not have a voting center as required in (a) or  
18 (b) of this subsection. A voting center opened pursuant to this  
19 subsection (2) is not required to be open on the Sunday before the  
20 presidential election.

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

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

31          (5) Each voting center must be accessible to persons with  
32 disabilities. Each state agency and entity of local government shall

1 permit the use of any of its accessible facilities as voting centers  
2 when requested by a county auditor.

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

7 (7) No person may interfere with a voter attempting to vote in a  
8 voting center. Interfering with a voter attempting to vote is a  
9 violation of RCW 29A.84.510.

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

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

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

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

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

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

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

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

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

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

28       (16) Any voter who is inside or in line at the voting center at  
29 8:00 p.m. on the day of the primary, special election, or general  
30 election must be allowed to vote.

31       (17) For each primary, special election, and general election,  
32 the county auditor may provide election services at locations in  
33 addition to the voting center. The county auditor has discretion to  
34 establish which services will be provided at the additional  
35 locations, and which days and hours the locations will be open,  
36 except that the county auditor must establish a minimum of one ballot  
37 drop box per ((fifteen)) twenty thousand registered voters in the  
38 county ((and a minimum of one ballot drop box in each city, town, and  
39 census-designated place in the county with a post office)).

1       **Sec. 2.**   RCW 29A.40.--- and 2019 c ... (Engrossed Substitute  
2 Senate Bill No. 5079) s 5 are each amended to read as follows:

3           (1) The county auditor must prevent overflow of each ballot drop  
4 box to allow a voter to deposit his or her ballot securely. Ballots  
5 must be removed from a ballot drop box by at least two people, with a  
6 record kept of the date and time ballots were removed, and the names  
7 of people removing them. Ballots from drop boxes must be returned to  
8 the counting center in secured transport containers. A copy of the  
9 record must be placed in the container, and one copy must be  
10 transported with the ballots to the counting center, where the seal  
11 number must be verified by the county auditor or a designated  
12 representative. All ballot drop boxes must be secured at 8:00 p.m. on  
13 the day of the primary, special election, or general election.

14         (2) The county auditor must establish a minimum of one ballot  
15 drop box per ((fifteen)) twenty thousand registered voters in the  
16 county ((and a minimum of one ballot drop box in each city, town, and  
17 census-designated place in the county with a post office)).

18         (3) At the request of a federally recognized Indian tribe with a  
19 reservation in the county, the county auditor must establish at least  
20 one ballot drop box on the Indian reservation on a site selected by  
21 the tribe ((that is accessible to the county auditor by a public  
22 road).

23         (4) A federally recognized Indian tribe may designate at least  
24 one building as a ballot pickup and collection location at no cost to  
25 the tribe. The designated building must be accessible to the county  
26 auditor by a public road. The county auditor of the county in which  
27 the building is located must collect ballots from that location in  
28 compliance with the procedures in subsection (1) of this section)).

29        NEW SECTION.   **Sec. 3.**   (1) Section 1 of this act takes effect  
30 only if Engrossed Substitute Senate Bill No. 5079 is not enacted by  
31 June 30, 2019.

32         (2) Section 2 of this act takes effect only if Engrossed  
33 Substitute Senate Bill No. 5079 is enacted by June 30, 2019."

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1       On page 1, line 1 of the title, after "requirements;" strike the  
2       remainder of the title and insert "amending RCW 29A.40.160 and  
3       29A.40.---; and providing a contingent effective date."

EFFECT: Conforms the bill with changes made in ESSB 5079, the Native American Voting Rights Act, which require placement of drop boxes on Indian reservations if requested by a federally recognized Indian tribe. Removes a provision which would have required ballot pickup and collection locations on Indian reservations upon tribal request.

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