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**SENATE BILL 6183**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Hunt, Conway, Kuderer, and Wilson, C.

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1 AN ACT Relating to allowing service and overseas voters to use  
2 the common access card as a digital signature for proof of identity  
3 on certain election materials; amending RCW 29A.04.611, 29A.08.123,  
4 and 29A.40.091; and adding a new section to chapter 29A.04 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04  
7 RCW to read as follows:

8 "Digital signature" means the certificate-based digital  
9 identification code issued to qualified personnel by the United  
10 States department of defense as part of the common access card or its  
11 successor.

12 **Sec. 2.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to  
13 read as follows:

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

1 end the secretary shall assist local election officers by devising  
2 uniform forms and procedures.

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

6 (1) The maintenance of voter registration records;

7 (2) The preparation, maintenance, distribution, review, and  
8 filing of precinct maps;

9 (3) Standards for the design, layout, and production of ballots;

10 (4) The examination and testing of voting systems for  
11 certification;

12 (5) The source and scope of independent evaluations of voting  
13 systems that may be relied upon in certifying voting systems for use  
14 in this state;

15 (6) Standards and procedures for the acceptance testing of voting  
16 systems by counties;

17 (7) Standards and procedures for testing the programming of vote  
18 tallying software for specific primaries and elections;

19 (8) Standards and procedures for the preparation and use of each  
20 type of certified voting system including procedures for the  
21 operation of counting centers where vote tallying systems are used;

22 (9) Standards and procedures to ensure the accurate tabulation  
23 and canvassing of ballots;

24 (10) Consistency among the counties of the state in the  
25 preparation of ballots, the operation of vote tallying systems, and  
26 the canvassing of primaries and elections;

27 (11) Procedures to ensure the secrecy of a voter's ballot when a  
28 small number of ballots are counted;

29 (12) The use of substitute devices or means of voting when a  
30 voting device is found to be defective, the counting of votes cast on  
31 the defective device, the counting of votes cast on the substitute  
32 device, and the documentation that must be submitted to the county  
33 auditor regarding such circumstances;

34 (13) Procedures for the transportation of sealed containers of  
35 voted ballots or sealed voting devices;

36 (14) The acceptance and filing of documents via electronic  
37 transmission, including the use of digital signatures by service and  
38 overseas voters for electronic voter registration and ballot  
39 transmission;

40 (15) Voter registration applications and records;

1           (16) The use of voter registration information in the conduct of  
2 elections;

3           (17) The coordination, delivery, and processing of voter  
4 registration records accepted by driver licensing agents or the  
5 department of licensing;

6           (18) The coordination, delivery, and processing of voter  
7 registration records accepted by agencies designated by the governor  
8 to provide voter registration services;

9           (19) Procedures to receive and distribute voter registration  
10 applications by mail;

11           (20) Procedures for a voter to change his or her voter  
12 registration address within a county by telephone;

13           (21) Procedures for a voter to change the name under which he or  
14 she is registered to vote;

15           (22) Procedures for canceling dual voter registration records and  
16 for maintaining records of persons whose voter registrations have  
17 been canceled;

18           (23) Procedures for the electronic transfer of voter registration  
19 records between county auditors and the office of the secretary of  
20 state;

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

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

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

27           (27) Filing for office;

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

29           (29) Sample ballots;

30           (30) Independent evaluations of voting systems;

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

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

33           (33) Standards and procedures to prevent fraud and to facilitate  
34 the accurate processing and canvassing of ballots, including  
35 standards for the approval and implementation of hardware and  
36 software for automated signature verification systems;

37           (34) Standards and procedures to guarantee the secrecy of  
38 ballots;

39           (35) Uniformity among the counties of the state in the conduct of  
40 elections;

1 (36) Standards and procedures to accommodate overseas voters and  
2 service voters;

3 (37) The tabulation of paper ballots;

4 (38) The accessibility of voting centers;

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

8 (40) Procedures for conducting a statutory recount;

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

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

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

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

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

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

25 (47) Procedures for conducting partisan primary elections;

26 (48) Standards and procedures for the proper conduct of voting on  
27 accessible voting devices;

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

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

38 (51) Defining the interaction of electronic voter registration  
39 election management systems employed by each county auditor to

1 maintain a local copy of each county's portion of the official state  
2 list of registered voters;

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

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

8 (54) Standards for the verification of signatures on ballot  
9 declarations.

10 **Sec. 3.** RCW 29A.08.123 and 2019 c 6 s 3 are each amended to read  
11 as follows:

12 (1) A person who has a valid Washington state driver's license,  
13 state identification card, or tribal identification may submit a  
14 voter registration application electronically on the secretary of  
15 state's web site. A person who has a valid tribal identification card  
16 may submit a voter registration electronically on the secretary of  
17 state's web site if the secretary of state is able to obtain a copy  
18 of the applicant's signature from the federal government or the  
19 tribal government. A service or overseas voter may use a digital  
20 signature to submit a voter registration electronically on the  
21 secretary of state's web site.

22 (2) The applicant must attest to the truth of the information  
23 provided on the application by affirmatively accepting the  
24 information as true.

25 (3) The applicant must affirmatively assent to use of his or her  
26 driver's license, state identification card, or tribal identification  
27 card signature or digital signature for voter registration purposes.

28 (4) A voter registration application submitted electronically is  
29 otherwise considered a registration by mail.

30 (5) For each electronic application, the secretary of state must  
31 obtain a digital copy of the applicant's driver's license or state  
32 identification card signature from the department of licensing or  
33 tribal identification issuing authority.

34 (6) The secretary of state may employ additional security  
35 measures to ensure the accuracy and integrity of voter registration  
36 applications submitted electronically.

37 **Sec. 4.** RCW 29A.40.091 and 2019 c 161 s 3 are each amended to  
38 read as follows:

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

7 (2) The voter must swear under penalty of perjury that he or she  
8 meets the qualifications to vote, and has not voted in any other  
9 jurisdiction at this election. The declaration must clearly inform  
10 the voter that it is illegal to vote if he or she is not a United  
11 States citizen; it is illegal to vote if he or she has been convicted  
12 of a felony and has not had his or her voting rights restored; and it  
13 is illegal to cast a ballot or sign a ballot declaration on behalf of  
14 another voter. The ballot materials must provide space for the voter  
15 to sign the declaration, indicate the date on which the ballot was  
16 voted, and include a telephone number.

17 (3) For overseas and service voters, the signed declaration  
18 constitutes the equivalent of a voter registration. Return envelopes  
19 for overseas and service voters must enable the ballot to be returned  
20 postage free if mailed through the United States postal service,  
21 United States armed forces postal service, or the postal service of a  
22 United States foreign embassy under 39 U.S.C. 3406.

23 (4) The voter must be instructed to either return the ballot to  
24 the county auditor no later than 8:00 p.m. the day of the election or  
25 primary, or mail the ballot to the county auditor with a postmark no  
26 later than the day of the election or primary. Return envelopes for  
27 all election ballots must include prepaid postage. Service and  
28 overseas voters must be provided with instructions and a privacy  
29 sheet for returning the ballot and signed declaration by fax or  
30 email. Service and overseas voters may complete the ballot  
31 declaration with a digital signature. A voted ballot and signed  
32 declaration returned by fax or email must be received by 8:00 p.m. on  
33 the day of the election or primary.

34 (5) The county auditor's name may not appear on the security  
35 envelope, the return envelope, or on any voting instructions or  
36 materials included with the ballot if he or she is a candidate for  
37 office during the same year.

1           (6) For purposes of this section, "prepaid postage" means any  
2 method of return postage paid by the county or state.

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