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**SUBSTITUTE SENATE BILL 5079**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate State Government, Tribal Relations & Elections (originally sponsored by Senators McCoy, Billig, Cleveland, Conway, Frockt, Hunt, Kuderer, Saldaña, and Van De Wege)

READ FIRST TIME 02/01/19.

1 AN ACT Relating to enacting the Native American voting rights act  
2 of Washington; amending RCW 29A.08.010, 29A.08.112, 29A.08.123, and  
3 29A.40.160; adding a new section to chapter 29A.40 RCW; and adding a  
4 new section to chapter 29A.84 RCW.

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

6 **Sec. 1.** RCW 29A.08.010 and 2009 c 369 s 6 are each amended to  
7 read as follows:

8 (1) The minimum information provided on a voter registration  
9 application that is required in order to place a voter registration  
10 applicant on the voter registration rolls includes:

11 (a) Name;

12 (b) Residential address;

13 (c) Date of birth;

14 (d) A signature attesting to the truth of the information  
15 provided on the application; and

16 (e) A check or indication in the box confirming the individual is  
17 a United States citizen.

18 (2) The residential address provided must identify the actual  
19 physical residence of the voter in Washington, as defined in RCW  
20 29A.04.151, with detail sufficient to allow the voter to be assigned  
21 to the proper precinct and to locate the voter to confirm his or her

1 residence for purposes of verifying qualification to vote under  
2 Article VI, section 1 of the state Constitution. A residential  
3 address may be either a traditional address or a nontraditional  
4 address. A traditional address consists of a street number and name,  
5 optional apartment number or unit number, and city or town, as  
6 assigned by a local government, which serves to identify the parcel  
7 or building of residence and the unit if a multiunit residence. A  
8 nontraditional address consists of a narrative description of the  
9 location of the voter's residence, and may be used when a traditional  
10 address has not been assigned or affixed to the voter's residence or  
11 when a voter resides on an Indian reservation or Indian lands,  
12 pursuant to the conditions in RCW 29A.08.112.

13 (3) All other information supplied is ancillary and not to be  
14 used as grounds for not registering an applicant to vote.

15 (4) Modification of the language of the official Washington state  
16 voter registration form by the voter will not be accepted and will  
17 cause the rejection of the registrant's application.

18 **Sec. 2.** RCW 29A.08.112 and 2006 c 320 s 3 are each amended to  
19 read as follows:

20 (1) No person registering to vote, who meets all the  
21 qualifications of a registered voter in the state of Washington,  
22 shall be disqualified because he or she lacks a traditional  
23 residential address. A voter who lacks a traditional residential  
24 address will be registered and assigned to a precinct based on the  
25 location provided.

26 (2) For the purposes of this section, a voter who resides in a  
27 shelter, park, motor home, marina, unmarked home, or other  
28 identifiable location that the voter deems to be his or her residence  
29 lacks a traditional address. A voter who registers under this section  
30 must provide a valid mailing address, and must still meet the  
31 requirement in Article VI, section 1 of the state Constitution that  
32 he or she live in the area for at least thirty days before the  
33 election.

34 (3) A nontraditional residential address may be used when a voter  
35 resides on an Indian reservation or on Indian lands. The address of a  
36 building on the Indian reservation that is designated by the tribe  
37 under section 4(4) of this act as a ballot pickup and collection  
38 location may also be designated by the tribe as a permissible  
39 residential address and mailing address for voters living on the

1 Indian reservation or on Indian lands. A voter who resides on an  
2 Indian reservation or on Indian lands may also use a separate address  
3 as a residential address for precincting purposes.

4 (4) A person who has a traditional residential address and does  
5 not reside on an Indian reservation or on Indian lands must use that  
6 address for voter registration purposes and is not eligible to  
7 register under this section.

8 **Sec. 3.** RCW 29A.08.123 and 2007 c 157 s 1 are each amended to  
9 read as follows:

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

18 (2) The applicant must attest to the truth of the information  
19 provided on the application by affirmatively accepting the  
20 information as true.

21 (3) The applicant must affirmatively assent to use of his or her  
22 driver's license (~~(or)~~), state identification card, or tribal  
23 identification card signature for voter registration purposes.

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

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

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

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.40  
34 RCW to read as follows:

35 (1) The county auditor must prevent overflow of each ballot drop  
36 box to allow a voter to deposit his or her ballot securely. Ballots  
37 must be removed from a ballot drop box by at least two people, with a  
38 record kept of the date and time ballots were removed, and the names

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

8 (2) The county auditor must establish a minimum of one ballot  
9 drop box per fifteen thousand registered voters in the county and a  
10 minimum of one ballot drop box in each city, town, and census-  
11 designated place in the county with a post office.

12 (3) At the request of a federally recognized Indian tribe with a  
13 reservation in the county, the county auditor must establish at least  
14 one ballot drop box on the Indian reservation on a site selected by  
15 the tribe.

16 (4) A federally recognized Indian tribe may designate at least  
17 one building as a ballot pickup and collection location at no cost to  
18 the tribe. The county auditor of the county in which the building is  
19 located must collect ballots from that location in compliance with  
20 the procedures in subsection (1) of this section.

21 **Sec. 5.** RCW 29A.40.160 and 2018 c 112 s 4 are each amended to  
22 read as follows:

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

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

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

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

33 (c) For each presidential general election, at a voting center in  
34 each city in the county with a population of one hundred thousand or  
35 greater, which does not have a voting center as required in (a) or  
36 (b) of this subsection. A voting center opened pursuant to this  
37 subsection (2) is not required to be open on the Sunday before the  
38 presidential election.

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

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

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

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

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

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

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

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

38 (b) The identification must be valid photo identification, such  
39 as a driver's license, state identification card, student  
40 identification card, tribal identification card, or employer

1 identification card. A tribal identification card is not required to  
2 include a residential address or an expiration date to be considered  
3 valid under this section. Any individual who desires to vote in  
4 person but cannot provide identification shall be issued a  
5 provisional ballot, which shall be accepted if the signature on the  
6 declaration matches the signature on the voter's registration record.

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

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

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

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

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

31 ~~(15) ((The county auditor must prevent overflow of each ballot~~  
32 ~~drop box to allow a voter to deposit his or her ballot securely.~~  
33 ~~Ballots must be removed from a ballot drop box by at least two~~  
34 ~~people, with a record kept of the date and time ballots were removed,~~  
35 ~~and the names of people removing them. Ballots from drop boxes must~~  
36 ~~be returned to the counting center in secured transport containers. A~~  
37 ~~copy of the record must be placed in the container, and one copy must~~  
38 ~~be transported with the ballots to the counting center, where the~~  
39 ~~seal number must be verified by the county auditor or a designated~~

1 ~~representative. All ballot drop boxes must be secured at 8:00 p.m. on~~  
2 ~~the day of the primary, special election, or general election.~~

3 ~~(16))~~ Any voter who is inside or in line at the voting center at  
4 8:00 p.m. on the day of the primary, special election, or general  
5 election must be allowed to vote.

6 ~~((17))~~ (16) For each primary, special election, and general  
7 election, the county auditor may provide election services at  
8 locations in addition to the voting center. The county auditor has  
9 discretion to establish which services will be provided at the  
10 additional locations, and which days and hours the locations will be  
11 open(~~(, except that the county auditor must establish a minimum of~~  
12 ~~one ballot drop box per fifteen thousand registered voters in the~~  
13 ~~county and a minimum of one ballot drop box in each city, town, and~~  
14 ~~census-designated place in the county with a post office)).~~

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.84  
16 RCW to read as follows:

17 (1) The attorney general may bring a civil action for such  
18 declaratory or injunctive relief as is necessary to carry out the  
19 provisions of section 4 (3) and (4) of this act in the superior court  
20 of the county in which the violation is alleged to have occurred.

21 (2) A person or federally recognized tribal government may bring  
22 a civil action for declaratory or injunctive relief with respect to  
23 RCW 29A.08.112(3) or section 4 (3) and (4) of this act, in the  
24 superior court of the county in which the violation is alleged to  
25 have occurred if:

26 (a) In the case of a violation that occurs more than one hundred  
27 twenty days before an election, that person or tribal government  
28 provides notice of the violation to the secretary of state, the  
29 violation remains, and ninety days or more have passed since the  
30 secretary of state has received the written notice;

31 (b) In the case of a violation that occurs one hundred twenty  
32 days or fewer before an election, that person or tribal government  
33 provides notice of the violation to the secretary of state, the  
34 violation remains and twenty days or more have passed since the  
35 secretary of state has received the written notice; or

1           (c) In the case of a violation that occurs thirty days or fewer  
2 before an election, without providing notice of the violation to the  
3 secretary of state.

--- **END** ---