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**HOUSE BILL 1210**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives G. Hunt, Taylor, Muri, Zeiger, Griffey, Shea, Scott, Van Werven, Buys, and Haler

AN ACT Relating to elections pertaining to poll-site voting and voting identification requirements; amending RCW 29A.32.241, 29A.40.010, and 29A.40.160; adding a new section to chapter 29A.40 RCW; and adding a new chapter to Title 29A RCW.

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

NEW SECTION. **Sec.**  (1) The intent of this chapter is to set out procedures for poll-site voting in the event an initiative to allow poll-site voting has passed in a county.

(2) Any registered voter of any county may submit an initiative to the people to the county auditor to establish poll-site voting in that county. Such initiatives may only be voted upon at a general election. For the initiative to be included on the ballot, signatures from registered voters in the county must be obtained in an amount equal to eight percent of the voters in the county who voted in the last gubernatorial election and must be submitted to the county auditor no later than four months before the general election. The ballot title of an initiative under this section must be "Shall the county authorize poll voting for elections?"

(3) Each county must establish procedures and timelines for processing initiatives under this section.

NEW SECTION. **Sec.**  If an initiative passes pursuant to section 1 of this act, the county auditor must issue a press release and provide information on the county web site informing voters that poll-site voting will commence at the next election, and how voters may vote at the polls. The county auditor is encouraged to include information on poll-site voting with any election materials sent to voters.

**Sec.**  RCW 29A.32.241 and 2011 c 10 s 29 are each amended to read as follows:

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

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

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

(3) Information on how a person may register to vote and obtain a ballot or, if applicable, vote at the polls;

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

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

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

NEW SECTION. **Sec.**  (1) Poll sites must be accessible to elderly and disabled persons.

(2) At any special election or primary, the county auditor may combine, unite, or divide precincts for purpose of holding an election. At any general election, the county auditor must report all election returns by individual precinct.

(3) Polling sites for the various voting precincts may be located outside the boundaries of the respective precincts when the officers conducting the primary or election deem it feasible. However, such polling sites must be located within a reasonable distance of their respective precincts.

(4) At the request of the county auditor, the legislative authority of the county, a municipality, and a special district must make their facilities available for use as polling sites held within that county. Payment for polling sites and any other conditions or obligations regarding these polling sites shall be provided for by contract between the county auditor and the county, municipality, or district.

NEW SECTION. **Sec.**  A person may not interfere with a voter attempting to vote at a polling site. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510.

NEW SECTION. **Sec.**  Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove the material when he or she leaves the polls or the disability access voting location.

NEW SECTION. **Sec.**  At any election, general or special, or at any primary, any political party or committee may designate a person other than a precinct election officer, for each polling site to check a list of registered voters of the precinct to determine who has and who has not voted. The lists must be furnished to the party or committee concerned. The county political party central committee chair of any political party may appoint an election observer to observe all the elections procedures at the polling site.

NEW SECTION. **Sec.**  Ballots may not be used in any polling site or disability access voting location other than those prepared by the county auditor. A voter is not entitled to vote more than once at a primary or a general or special election, except that if a voter incorrectly marks a ballot, he or she may return it and be issued a new ballot. The election officers shall void the incorrectly marked ballot and return it to the county auditor.

NEW SECTION. **Sec.**  Paper records produced by electronic voting devices are subject to all the requirements of this chapter and chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit to the counting center, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots.

NEW SECTION. **Sec.**  (1) At the direction of the county auditor, a team or teams of election officers must stop at designated polling sites and pick up the sealed containers of voted, untallied ballots for delivery to the counting center. There may be more than one delivery from each polling site. Two precinct election officials must seal the voted ballots in containers furnished by the county auditor and properly identified with his or her address with uniquely prenumbered seals.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered, the county auditor or a designated representative of the county auditor shall receive the sealed ballot containers, record the time, date precinct name or number, and seal number of each ballot container.

NEW SECTION. **Sec.**  The county auditor must provide in each polling site a sufficient number of voting booths or voting devices along with any supplies necessary to enable the voter to mark or register his or her choices on the ballot and within which the voters may cast their votes in secrecy. Nothing in this act authorizes the state of Washington or counties to transition from the use of paper ballots to electronic voting machines where the voters cast a ballot using an electronic device. However, this does not limit or change the use of technology for disability access voting.

NEW SECTION. **Sec.**  (1) At all primaries and elections, general or special, in counties that have adopted poll-site voting, the polls must be kept open continuously from seven o'clock a.m. to eight o'clock p.m.

(2) All qualified electors who are at the polling site at eight o'clock p.m. shall be allowed to cast their votes.

(3) The precinct election officers, immediately before they start to issue ballots or permit a voter to vote, shall announce at the place of voting that the polls for that precinct are open. At eight o'clock p.m., or at the time when all qualified electors at the polling site pursuant to subsection (2) of this section have voted, the precinct election officers shall announce that the polls for that precinct are closed.

NEW SECTION. **Sec.**  A registered voter may not be allowed to vote in the precinct in which he or she is registered at any election or primary for which that voter has cast a mail ballot. A registered voter who has requested a mail ballot for a primary or special or general election, but chooses to vote at the voter's precinct polling site in that primary or election must cast a provisional ballot. The canvassing board must not count the provisional ballot if it finds that the voter has also voted by mail in that primary or election.

NEW SECTION. **Sec.**  No later than the day before a primary or election, the county auditor must provide to the election officials at each polling site the following materials:

(1) Ballots;

(2) Precinct list of registered voters;

(3) Voting and registration instructions, printed in large type, to be conspicuously displayed at each polling site and permanent registration facility;

(4) Accessible voting equipment.

NEW SECTION. **Sec.**  The precinct election officers for each precinct must meet at the designated polling site at the time set by the county auditor.

NEW SECTION. **Sec.**  (1) Before opening the polls for a precinct, the voting equipment must be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the precinct election officers shall verify that no votes have been registered for any issue or office to be voted on at that primary or election. The precinct election officers must periodically examine the voting devices to determine that no one has tampered with the devices.

(2) Any ballot box must be carefully examined by election officers to determine that it is empty. The ballot box must then be sealed or locked. The ballot box must not be opened before the poll site is closed on the day of the primary or election.

NEW SECTION. **Sec.**  (1) A voter must give his or her name, and provide photo identification to the precinct election officer before he or she is allowed to vote.

(2) The identification required in this section can be satisfied by providing current and valid photo identification. The following forms of identification are acceptable if the identification includes a photo:

(a) A state-issued driver's license or photo identification card;

(b) A United States passport;

(c) A United States military photo identification card;

(d) A student identification card issued by an accredited institution of higher education; or

(e) A public assistance identification card issued by a municipal, county, state, or federal government office or agency.

(3) A voter who has a religious objection to being photographed may file with the county auditor an affidavit swearing to such religious beliefs and provide a nonpicture form of identification in lieu of providing photo identification.

(4) The election officer must verify the identification before the voter signs the poll book and is issued a ballot. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot. Any individual who does not provide identification as required in this section must be issued a provisional ballot.

(5) Once a voter is issued a ballot, the voter shall proceed, without leaving the polling site, to one of the voting booths or voting devices to cast his or her vote.

(6) As each voter casts his or her vote, the precinct election officer must insert in the poll books or precinct list of registered voters opposite that voter's name, a notation to credit the voter with having participated in that primary or election. The precinct election officers must record the voter's name so that a separate record is kept.

NEW SECTION. **Sec.**  At all primaries and elections the flag of the United States must be conspicuously displayed in front of each polling site.

NEW SECTION. **Sec.**  Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must include a place for the voter's name; registered address, both present and former if applicable; date of birth; reason for the provisional ballot; the precinct number and the precinct polling site at which the voter has voted; and a space for the county auditor to list the disposition of the provisional ballot. The provisional ballot outer envelope must also contain a declaration as required for mail ballots under RCW 29A.40.091; a place for the voter to sign the oath; and a summary of the applicable penalty provisions of this chapter. The voter must vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope, place the security envelope into the outer envelope, and return it to the precinct election official. The election official shall ensure that the required information is completed on the outer envelope, have the voter sign it in the appropriate space, and place the envelope in a secure container. The official must give the voter written information advising him or her how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.

NEW SECTION. **Sec.**  (1) An individual who votes in an election for federal office as a result of a federal or state court order or any other order extending the time for closing the polls may vote in that election only by casting a provisional ballot. As to court orders extending the time for closing the polls, this section does not apply to any voters who were present in the polling site at the statutory closing time and as a result are permitted to vote under section 10 of this act. This section does not, by itself, authorize any court to order that any individual be permitted to vote or to extend the time for closing the polls, but this section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard to federal elections.

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

NEW SECTION. **Sec.**  (1) At each precinct immediately after the last qualified voter has cast his or her vote, the precinct election officers shall render unusable and secure in a container all unused ballots for that precinct and return them to the county auditor.

(2) Immediately after the unused ballots are secure, the precinct election officers shall count the number of voted ballots and make a record, including any discrepancy, between this number and the number of voters who signed the poll book for that precinct or polling site, complete the certifications in the poll book, prepare the ballots for transfer to the counting center, if necessary, and seal the voting devices.

NEW SECTION. **Sec.**  The precinct list of registered voters for each precinct or group of precincts delivered to the precinct election officers for use on the day of an election held in that precinct shall be returned to the county auditor upon the completion of the count of votes cast in the precinct at that election. While in possession of the county auditor, the precinct lists are open to public inspection under such reasonable rules and regulations as may be prescribed.

NEW SECTION. **Sec.**  In precincts where poll-site counting devices are used, the election officers, before initializing the device for voting, must proceed as follows:

(1) They shall see that the device is placed where it can be conveniently attended by the election officers and operated by voters;

(2) They shall see whether the number or other designating mark on the device's seal agrees with the control number provided by the elections department. If they do not agree they shall at once notify the elections department and delay initializing the device. The polls may be opened pending reexamination of the device;

(3) If the numbers do agree, they shall proceed to initialize the device and see whether the public counter register "000." If the counter is found to register a number other than "000," one of the election officers must at once set the counter at "000" and confirm that the ballot box is empty;

(4) Before processing any ballots through a poll-site ballot counting device, a zero report must be produced. Election officials must verify that no ballots have been run through the counting device and that all vote totals for each office are zero. If the totals are not zero, election officials must either reset the device to zero or contact the elections department to reset the device and allow voting to continue using the auxiliary or emergency device.

NEW SECTION. **Sec.**  Whenever poll-site ballot counting devices are used, the devices may either be delivered with the supplies required in section 13 of this act, or be delivered to the polling site separately. All poll-site ballot counting devices must be sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all seal numbers and device numbers used.

NEW SECTION. **Sec.**  The programmed memory pack for each poll-site ballot counting device must be sealed into the device during final preparation and logic and accuracy testing. Except in the case of a device breakdown, the memory pack must remain sealed in the device until after the polls have closed and all reports and telephonic or electronic transfer of results are completed. After all reporting is complete, the precinct election officers responsible for transferring the sealed voted ballots under RCW 29A.60.110 shall ensure that the memory pack is returned to the elections department. If the entire poll-site ballot counting device is returned, the memory pack must remain sealed in the device. If the poll-site ballot counting device is to remain at the polling site, the precinct election officer shall break the seal on the device and remove the memory pack and seal and return it along with the irregularly voted ballots and special ballots to the elections department on election day.

NEW SECTION. **Sec.**  Each poll-site ballot counting device must be programmed to return all blank ballots and overvoted ballots to the voter for private reexamination. The election officer shall take whatever steps are necessary to ensure that the secrecy of the ballot is maintained. The precinct election officer must provide information and instruction on how to properly mark the ballot. The voter may remark the original ballot, may request a new ballot, or may choose to complete a special ballot envelope and return the ballot as a special ballot.

NEW SECTION. **Sec.**  If a poll-site ballot counting device fails to operate at any time during polling hours voting must continue and the ballots must be deposited for later tabulation in a secure ballot compartment separate from the tabulated ballots.

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

Valid and current photo identification must be provided to participate in any primary, special election, or general election as follows:

(1) Persons voting by mail ballot for the first time, as of the effective date of this section, must provide the required identification before ballots are mailed by the county auditor. The voter may provide the identification at the time of registering to vote or provide the identification to an election official within the county auditor's office at any time prior to the mailing of ballots. If the identification is not provided prior to the time ballots are mailed, the voter must vote in person at a voting center or, if applicable, the polls. A county elections official must make a notation in the voter's file indicating that the required identification was provided and ballots for future elections may be mailed.

(2) Persons wishing to vote in person at a voting center must provide current and valid photo identification to an election official before a ballot may be issued. The following forms of identification are acceptable if the identification includes a photo:

(a) A state-issued driver's license or photo identification card;

(b) A United States passport;

(c) A United States military photo identification card;

(d) A student identification card issued by an accredited institution of higher education;

(e) A public assistance identification card issued by a municipal, county, state, or federal government office or agency.

(3) The following are exempt from the requirements of this section:

(a) An overseas or service voter who registers to vote pursuant to RCW 29A.04.210; and

(b) A voter who has a religious objection to being photographed and has filed an affidavit affirming such religious beliefs with the county auditor and has provided a nonpicture form of identification.

**Sec.**  RCW 29A.40.010 and 2013 c 11 s 47 are each amended to read as follows:

Each active registered voter of the state, overseas voter, and service voter ((~~shall~~))must automatically be issued a mail ballot for each general election, special election, or primary, unless the county in which the voter resides has implemented poll-site voting and the voter has indicated that he or she will vote at the polls. Overseas voters and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter. Each active registered voter shall continue to receive a ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status.

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

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

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

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

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

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

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

(7) The county auditor shall require any person desiring to vote at a voting center to ((~~either~~)) sign a ballot declaration ((~~or~~)) and provide photo identification consistent with the provisions of section 28 of this act.

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

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record and the voter provides to the election official one of the accepted identifications within five days of the election.

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

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  Sections 1, 2, and 4 through 27 of this act constitute a new chapter in Title 29A RCW.

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