
SENATE BILL 6139

State of Washington 64th Legislature 2015 2nd Special Session

By Senators Miloscia and Roach

Read first time 06/26/15. Referred to Committee on Government Operations & Security.

1 AN ACT Relating to electronic signatures for initiative and
2 referendum petitions; and amending RCW 29A.04.611 and 29A.72.150.

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

4 **Sec. 1.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
5 read as follows:

6 The secretary of state as chief election officer shall make
7 reasonable rules in accordance with chapter 34.05 RCW not
8 inconsistent with the federal and state election laws to effectuate
9 any provision of this title and to facilitate the execution of its
10 provisions in an orderly, timely, and uniform manner relating to any
11 federal, state, county, city, town, and district elections. To that
12 end the secretary shall assist local election officers by devising
13 uniform forms and procedures.

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

- 17 (1) The maintenance of voter registration records;
18 (2) The preparation, maintenance, distribution, review, and
19 filing of precinct maps;
20 (3) Standards for the design, layout, and production of ballots;

- 1 (4) The examination and testing of voting systems for
2 certification;
- 3 (5) The source and scope of independent evaluations of voting
4 systems that may be relied upon in certifying voting systems for use
5 in this state;
- 6 (6) Standards and procedures for the acceptance testing of voting
7 systems by counties;
- 8 (7) Standards and procedures for testing the programming of vote
9 tallying software for specific primaries and elections;
- 10 (8) Standards and procedures for the preparation and use of each
11 type of certified voting system including procedures for the
12 operation of counting centers where vote tallying systems are used;
- 13 (9) Standards and procedures to ensure the accurate tabulation
14 and canvassing of ballots;
- 15 (10) Consistency among the counties of the state in the
16 preparation of ballots, the operation of vote tallying systems, and
17 the canvassing of primaries and elections;
- 18 (11) Procedures to ensure the secrecy of a voter's ballot when a
19 small number of ballots are counted;
- 20 (12) The use of substitute devices or means of voting when a
21 voting device is found to be defective, the counting of votes cast on
22 the defective device, the counting of votes cast on the substitute
23 device, and the documentation that must be submitted to the county
24 auditor regarding such circumstances;
- 25 (13) Procedures for the transportation of sealed containers of
26 voted ballots or sealed voting devices;
- 27 (14) The acceptance and filing of documents via electronic
28 transmission;
- 29 (15) Voter registration applications and records;
- 30 (16) The use of voter registration information in the conduct of
31 elections;
- 32 (17) The coordination, delivery, and processing of voter
33 registration records accepted by driver licensing agents or the
34 department of licensing;
- 35 (18) The coordination, delivery, and processing of voter
36 registration records accepted by agencies designated by the governor
37 to provide voter registration services;
- 38 (19) Procedures to receive and distribute voter registration
39 applications by mail;

- 1 (20) Procedures for a voter to change his or her voter
2 registration address within a county by telephone;
- 3 (21) Procedures for a voter to change the name under which he or
4 she is registered to vote;
- 5 (22) Procedures for canceling dual voter registration records and
6 for maintaining records of persons whose voter registrations have
7 been canceled;
- 8 (23) Procedures for the electronic transfer of voter registration
9 records between county auditors and the office of the secretary of
10 state;
- 11 (24) Procedures and forms for declarations of candidacy;
- 12 (25) Procedures and requirements for the acceptance and filing of
13 declarations of candidacy by electronic means;
- 14 (26) Procedures for the circumstance in which two or more
15 candidates have a name similar in sound or spelling so as to cause
16 confusion for the voter;
- 17 (27) Filing for office;
- 18 (28) The order of positions and offices on a ballot;
- 19 (29) Sample ballots;
- 20 (30) Independent evaluations of voting systems;
- 21 (31) The testing, approval, and certification of voting systems;
- 22 (32) The testing of vote tallying software programming;
- 23 (33) Standards and procedures to prevent fraud and to facilitate
24 the accurate processing and canvassing of ballots, including
25 standards for the approval and implementation of hardware and
26 software for automated signature verification systems;
- 27 (34) Standards and procedures to guarantee the secrecy of
28 ballots;
- 29 (35) Uniformity among the counties of the state in the conduct of
30 elections;
- 31 (36) Standards and procedures to accommodate overseas voters and
32 service voters;
- 33 (37) The tabulation of paper ballots;
- 34 (38) The accessibility of voting centers;
- 35 (39) The aggregation of precinct results if reporting the results
36 of a single precinct could jeopardize the secrecy of a person's
37 ballot;
- 38 (40) Procedures for conducting a statutory recount;

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

4 (42) Procedures for the statistical sampling of signatures for
5 purposes of verifying and canvassing signatures on initiative,
6 referendum, and recall election petitions;

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

9 (44) Deadlines for the filing of ballot titles for referendum
10 bills and constitutional amendments if none have been provided by the
11 legislature;

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

13 (46) Procedures for conducting special elections regarding
14 nuclear waste sites if the general statutory time requirements for
15 availability of ballots, certification, canvassing, and related
16 procedures cannot be met;

17 (47) Procedures for conducting partisan primary elections;

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

20 (49) Standards for voting technology and systems used by the
21 state or any political subdivision to be accessible for individuals
22 with disabilities, including nonvisual accessibility for the blind
23 and visually impaired, in a manner that provides the same opportunity
24 for access and participation, including privacy and independence, as
25 other voters;

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

30 (51) Defining the interaction of electronic voter registration
31 election management systems employed by each county auditor to
32 maintain a local copy of each county's portion of the official state
33 list of registered voters;

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

37 (53) Facilitating the payment of local government grants to local
38 government election officers or vendors; (~~and~~)

39 (54) Standards for the verification of signatures on ballot
40 declarations; and

1 (55) In consultation with the chief information officer,
2 standards, procedures, and policies that allow for the submission,
3 canvassing, and verification of electronic signatures on an
4 initiative or referendum petition, including standards for what an
5 electronic signature must contain in order to be valid on an
6 initiative or referendum petition.

7 **Sec. 2.** RCW 29A.72.150 and 2003 c 111 s 1816 are each amended to
8 read as follows:

9 When the person proposing any initiative measure has obtained
10 signatures of legal voters equal to or exceeding eight percent of the
11 votes cast for the office of governor at the last regular
12 gubernatorial election prior to the submission of the signatures for
13 verification, or when the person or organization demanding any
14 referendum of an act or part of an act of the legislature has
15 obtained a number of signatures of legal voters equal to or exceeding
16 four percent of the votes cast for the office of governor at the last
17 regular gubernatorial election prior to the submission of the
18 signatures for verification, the petition containing the signatures
19 may be submitted to the secretary of state for filing. For the
20 purposes of this chapter, an electronic signature of a legal voter
21 may be used with the same force and effect as a signature affixed by
22 hand, as long as the signature conforms to the standards, procedures,
23 and policies set forth by the secretary of state.

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