

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1072

Chapter 81, Laws of 1991

52nd Legislature
1991 Regular Session

ELECTION LAWS--REVISED PROVISIONS

EFFECTIVE DATE: 7/1/92

Passed by the House March 11, 1991
Yeas 96 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate April 10, 1991
Yeas 43 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 9, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1072** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 9, 1991 - 11:12 a.m.

Secretary of State
State of Washington

HOUSE BILL 1072

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Representatives McLean, Anderson, R. Fisher, Moyer, Sheldon, Chandler, Bowman, Pruitt, Winsley, Broback, Edmondson, Paris, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell.

Read first time January 18, 1991. Referred to Committee on State Government.

1 AN ACT Relating to elections; amending RCW 29.85.010, 29.85.020,
2 29.85.040, 29.85.060, 29.85.070, 29.85.090, 29.85.100, 29.85.110,
3 29.85.170, 29.85.190, 29.85.200, 29.85.210, 29.85.220, 29.85.225,
4 29.85.230, 29.85.240, 29.85.260, 29.85.275, 29.51.020, 29.07.130,
5 29.07.220, 29.10.020, 29.10.040, 29.10.110, 29.10.150, 29.10.170,
6 29.36.010, 29.36.013, 29.36.060, 29.36.097, 29.36.160, 29.36.170,
7 29.64.020, 29.64.030, 29.64.070, and 35A.42.040; reenacting and
8 amending RCW 29.36.030; adding a new section to chapter 29.85 RCW;
9 adding a new section to chapter 29.10 RCW; recodifying RCW 29.85.190
10 and 29.85.200; repealing RCW 29.07.151, 29.10.030, 29.10.050,
11 29.10.120, 29.10.160, 29.30.105, 29.85.030, 29.85.050, 29.85.080,
12 29.85.105, 29.85.120, 29.85.130, 29.85.140, 29.85.160, and 29.85.180;
13 prescribing penalties; and providing an effective date.

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

1 **Sec. 1.** RCW 29.85.010 and 1965 c 9 s 29.85.010 are each amended to
2 read as follows:

3 Any person (~~((other than the officer charged by law with the care of~~
4 ~~ballots, or a person entrusted by any such officer with the care of the~~
5 ~~same for the purposes required by law, who has in his possession~~
6 ~~outside of the voting room any official ballot or any person who makes~~
7 ~~or has in his possession any counterfeit of any official ballot, shall~~
8 ~~be)) who, without lawful authority, removes a ballot from a polling~~
9 ~~place is guilty of a gross misdemeanor ((and shall upon conviction~~
10 ~~thereof be sentenced to pay a fine of not exceeding one thousand~~
11 ~~dollars nor less than five hundred dollars, or to undergo imprisonment~~
12 ~~in the county jail for a term not less than six months nor more than~~
13 ~~one year, or both, at the discretion of the court)) punishable to the~~
14 ~~same extent as a gross misdemeanor that is punishable under RCW~~
15 ~~9A.20.021.~~

16 **Sec. 2.** RCW 29.85.020 and 1965 c 9 s 29.85.020 are each amended to
17 read as follows:

18 (~~(Any judge, inspector, clerk, or any other officer of an election~~
19 ~~who opens or marks, by folding or otherwise, any ballot presented by a~~
20 ~~voter at any election, or attempts to find out the names thereon, or~~
21 ~~suffers the same to be done by any other person, before the ballot is~~
22 ~~deposited in the ballot box, shall be guilty of a gross misdemeanor.))~~

23 (1) It is a gross misdemeanor for a person to examine, or assist
24 another to examine, any voter record, ballot, or any other state or
25 local government official election material if the person, without
26 lawful authority, conducts the examination:

27 (a) For the purpose of identifying the name of a voter and how the
28 voter voted; or

1 (b) For the purpose of determining how a voter, whose name is known
2 to the person, voted; or

3 (c) For the purpose of identifying the name of the voter who voted
4 in a manner known to the person.

5 (2) Any person who reveals to another information which the person
6 ascertained in violation of subsection (1) of this section is guilty of
7 a gross misdemeanor.

8 (3) A gross misdemeanor under this section is punishable to the
9 same extent as a gross misdemeanor that is punishable under RCW
10 9A.20.021.

11 **Sec. 3.** RCW 29.85.040 and 1965 c 9 s 29.85.040 are each amended to
12 read as follows:

13 Any ~~((printer, business manager, or publisher))~~ person who is
14 retained or employed by any officer authorized by the laws of this
15 state to procure the printing of any official ballot or ~~((any person))~~
16 who is engaged in printing official ballots ((who)) is guilty of a
17 gross misdemeanor if the person knowingly:

18 (1) Appropriates any official ballot to himself or herself or;

19 (2) Gives or delivers any official ballot to or ((knowingly))
20 permits any official ballot to be taken ((any official ballot)) by any
21 ((other)) person other than the officer authorized by law to receive
22 it((-)); or ((who wilfully))

23 (3) Prints or causes to be printed any official ballot: (a) In any
24 other form than that prescribed by law or as directed by the officer
25 authorized to procure the printing thereof; or (b) with any other names
26 thereon or with the names spelled otherwise than as directed by such
27 officer, or the names or printing thereon arranged in any other way
28 than that authorized and directed by law((- shall be guilty of)).

1 ~~A gross misdemeanor ((and upon conviction thereof shall be~~
2 ~~sentenced to pay a fine not exceeding one thousand dollars, nor less~~
3 ~~than five hundred dollars, or imprisonment in the county jail for a~~
4 ~~term not exceeding one year nor less than six months, or both, at the~~
5 ~~discretion of the court))~~ under this section is punishable to the same
6 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 29.85 RCW
8 to read as follows:

9 A person is guilty of a gross misdemeanor who knowingly:

10 (1) Deceives any voter in recording his or her vote by providing
11 incorrect or misleading recording information or by providing faulty
12 election equipment or records; or

13 (2) Records the vote of any voter in a manner other than as
14 designated by the voter.

15 Such a gross misdemeanor is punishable to the same extent as a
16 gross misdemeanor that is punishable under RCW 9A.20.021.

17 **Sec. 5.** RCW 29.85.060 and 1965 c 9 s 29.85.060 are each amended to
18 read as follows:

19 Any person who uses menace, force, threat, or ~~((corrupt))~~ any
20 unlawful means ~~((at or previous to any election held pursuant to the~~
21 ~~laws of the state))~~ towards any ~~((elector))~~ voter to hinder or deter
22 such ~~((elector))~~ a voter from voting ~~((at such election))~~, or directly
23 or indirectly offers any bribe ~~((or)),~~ reward ((of)), or any ((kind to
24 induce an elector to)) thing of value to a voter in exchange for the
25 voter's vote for or against any person or ~~((proposition))~~ ballot
26 measure, or authorizes any person to do so, ~~((shall be))~~ is guilty of
27 a class C felony punishable under RCW 9A.20.021.

1 (~~Any inspector, judge, or clerk of election who attempts to~~
2 ~~induce, by persuasion, menace, or reward, or promise thereof, any~~
3 ~~elector to vote for any person shall be guilty of a gross~~
4 ~~misdemeanor.~~)

5 **Sec. 6.** RCW 29.85.070 and 1965 c 9 s 29.85.070 are each amended to
6 read as follows:

7 Any person who in any way, directly or indirectly, by menace or
8 (~~other corrupt~~) unlawful means (~~or device~~), attempts to influence
9 any person in (~~giving or~~) refusing to give his or her vote in any
10 primary or special or general election(~~, or deters or dissuades any~~
11 ~~person from giving his vote therein, or disturbs, hinders, persuades,~~
12 ~~threatens, or intimidates any person from giving his vote therein; or~~
13 ~~who at any such election, knowingly and wilfully makes any false~~
14 ~~assertion or propagates any false report concerning any person who is~~
15 ~~candidate thereat, which shall have a tendency to prevent his election,~~
16 ~~or with a view thereto, shall be~~) is guilty of a gross misdemeanor
17 (~~and, on conviction, shall be punished by a fine of not to exceed two~~
18 ~~hundred fifty dollars or by imprisonment for the term of six months, or~~
19 ~~by both~~) punishable to the same extent as a gross misdemeanor that is
20 punishable under RCW 9A.20.021.

21 **Sec. 7.** RCW 29.85.090 and 1965 c 9 s 29.85.090 are each amended to
22 read as follows:

23 Any person who solicits, requests, or demands, directly or
24 indirectly, any (~~money, intoxicating liquor, or anything~~) reward or
25 thing of value or the promise thereof (~~either to influence~~) in
26 exchange for his or her vote or in exchange for the (~~purpose or~~
27 ~~pretended purpose of influencing the~~) vote of any other person (~~at~~
28 ~~the polls or other place prior to or on the day of any primary~~

1 election~~,)~~) for or against any candidate (~~(for office)~~) or for or
2 against any ballot measure to be voted upon at a primary or special or
3 general election(~~(, shall be)~~) is guilty of a gross misdemeanor(~~(; upon~~
4 ~~conviction thereof, he shall be punished by a fine of not less than ten~~
5 ~~dollars nor more than five hundred dollars, or by imprisonment in the~~
6 ~~county jail for not less than thirty days nor more than six months, or~~
7 ~~by both such fine and imprisonment)) punishable to the same extent as
8 a gross misdemeanor that is punishable under RCW 9A.20.021.~~

9 **Sec. 8.** RCW 29.85.100 and 1965 c 9 s 29.85.100 are each amended to
10 read as follows:

11 Every person (~~(shall be guilty of a felony and punished by~~
12 ~~imprisonment in the penitentiary for a period of not less than one year~~
13 ~~nor more than five years,)~~) who:

14 (1) Knowingly and falsely (~~(makes)~~) issues a certificate of
15 nomination or election; or

16 (2) (~~(Falsely makes an oath to a certificate of nomination; or~~

17 ~~(3) Fraudulently defaces or destroys a certificate of nomination or~~
18 ~~any part thereof; or~~

19 ~~(4) Files or receives for filing a certificate of nomination,~~
20 ~~knowing that it or any part of it has been falsely made; or~~

21 ~~(5) Suppresses a certificate of nomination which has been filed, or~~
22 ~~any part thereof; or~~

23 ~~(6) Forges or falsely makes the official endorsement on any~~
24 ~~ballot)) Knowingly provides false information on a certificate which
25 must be filed with an elections officer under chapter 29.24 RCW; or~~

26 (3) Knowingly provides false information on his or her declaration
27 of candidacy or petition of nomination; or

28 (4) Conceals or fraudulently defaces or destroys a certificate
29 which has been filed with an elections officer under chapter 29.24 RCW

1 or a declaration of candidacy or petition of nomination which has been
2 filed with an elections officer, or any part of such a certificate,
3 declaration, or petition, is guilty of a class C felony punishable
4 under RCW 9A.20.021.

5 **Sec. 9.** RCW 29.85.110 and 1965 c 9 s 29.85.110 are each amended to
6 read as follows:

7 Any person who (~~on election day~~) willfully defaces, removes, or
8 destroys any of the supplies or (~~other conveniences placed in the~~
9 ~~voting booths for the purpose of~~) materials which the person knows are
10 intended both for use in a polling place and for enabling (~~the~~) a
11 voter to prepare his or her ballot(~~, or who, prior to or on election~~
12 ~~day, wilfully defaces or destroys any posted list of candidates, or~~
13 ~~during an election tears down or defaces cards of instruction for~~
14 ~~voters shall be~~) is guilty of a (~~misdemeanor and shall be punished~~
15 ~~by a fine not exceeding one hundred dollars~~) class C felony punishable
16 under RCW 9A.20.021.

17 **Sec. 10.** RCW 29.85.170 and 1965 c 9 s 29.85.170 are each amended
18 to read as follows:

19 Every person charged with the performance of any duty under the
20 provisions of any law of this state relating to elections, including
21 primaries, or the provisions of any charter or ordinance of any city or
22 town of this state relating to elections who willfully neglects or
23 refuses to perform such duty, or who, in the performance of such duty,
24 or in his or her official capacity, knowingly or fraudulently violates
25 any of the provisions of law relating to such duty, (~~shall be~~) is
26 guilty of a class C felony punishable under RCW 9A.20.021 and shall
27 forfeit his or her office.

1 **Sec. 11.** RCW 29.85.190 and 1965 c 9 s 29.85.190 are each amended
2 to read as follows:

3 If any ~~((officer))~~ registrar or deputy registrar:

4 (1) Willfully neglects or refuses to perform any duty required by
5 law in connection with the registration of voters; or

6 (2) Willfully neglects or refuses to perform such duty in the
7 manner required by voter registration law; or

8 (3) Enters or causes or permits to be entered on the voter
9 registration records ~~((of any precinct))~~ the name of any person in any
10 other manner or at any other time than as prescribed by voter
11 registration law or enters or causes or permits to be entered on such
12 records the name of any person not entitled to be thereon; or

13 (4) Destroys, mutilates, ~~((secretes))~~ conceals, changes, or alters
14 any registration record in connection therewith except as authorized by
15 voter registration law, he ~~((shall be))~~ or she is guilty of a gross
16 misdemeanor ~~((and in addition to any other penalty otherwise provided~~
17 ~~by law, shall forfeit any office he holds))~~ punishable to the same
18 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

19 **Sec. 12.** RCW 29.85.200 and 1990 c 143 s 12 are each amended to
20 read as follows:

21 Any person who:

22 (1) Knowingly provides false information on an application for
23 voter registration under any provision of this title;

24 (2) Knowingly makes or attests to a false declaration as to his or
25 her qualifications as a voter;

26 (3) Knowingly causes or permits himself or herself to be registered
27 using the name of another person;

28 (4) Knowingly causes himself or herself to be registered under two
29 or more different names; or

1 (5) Knowingly causes any person to be registered or causes any
2 registration to be transferred or canceled except as authorized under
3 this title,
4 (~~shall be~~) is guilty of a class C felony punishable under RCW
5 (~~9A.72.030~~) 9A.20.021.

6 **Sec. 13.** RCW 29.85.210 and 1965 c 9 s 29.85.210 are each amended
7 to read as follows:

8 Any person who votes or attempts to vote more than once at any
9 primary or general or special election(~~(, or who knowingly hands in two~~
10 ~~or more ballots together, or, having voted in one township, precinct,~~
11 ~~ward, or county, afterward, on the same day, votes or attempts to vote,~~
12 ~~in another township, precinct, ward, or county, shall be~~) is guilty of
13 a gross misdemeanor, (~~and shall be incapable of voting at any election~~
14 ~~or holding any office for two years thereafter~~) punishable to the same
15 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

16 **Sec. 14.** RCW 29.85.220 and 1965 c 9 s 29.85.220 are each amended
17 to read as follows:

18 Any (~~inspector or judge of any election~~) precinct election
19 officer who knowingly permits any (~~elector~~) voter to cast a second
20 vote at any primary or general or special election, or knowingly
21 permits any person not a qualified (~~elector~~) voter to vote at any
22 primary or general or special election, (~~shall be~~) is guilty of a
23 class C felony (~~and shall be incapable of holding any office in this~~
24 ~~state for five years thereafter~~) punishable under RCW 9A.20.021.

25 **Sec. 15.** RCW 29.85.225 and 1990 c 59 s 55 are each amended to read
26 as follows:

1 (1) In (~~(precincts using paper)~~) any location in which ballots
2 (~~(and in counting centers)~~) are counted, no person authorized by law to
3 be present while votes are being counted may divulge any results of the
4 count of the ballots at any time prior to the closing of the polls for
5 that primary or special or general election.

6 (2) A violation of this section is a gross misdemeanor punishable
7 to the same extent as a gross misdemeanor that is punishable under
8 (~~(chapter 9A.20)~~) RCW 9A.20.021.

9 **Sec. 16.** RCW 29.85.230 and 1965 c 9 s 29.85.230 are each amended
10 to read as follows:

11 It shall be a gross misdemeanor, punishable to the same extent as
12 a gross misdemeanor that is punishable under RCW 9A.20.021, for any
13 person to remove or deface the posted copy of the result of votes cast
14 at their precinct or to delay delivery of or change the copy of primary
15 or special or general election returns to be delivered to the proper
16 election officer.

17 **Sec. 17.** RCW 29.85.240 and 1965 c 9 s 29.85.240 are each amended
18 to read as follows:

19 Any person (~~(knowing)~~) who knows that he or she does not possess
20 the legal qualifications of a voter and who votes at any primary or
21 special or general election authorized by law to be held in this state
22 for any office whatever(~~(7)~~) shall be guilty of a class C felony
23 punishable under RCW 9A.20.021.

24 **Sec. 18.** RCW 29.85.260 and 1965 c 9 s 29.85.260 are each amended
25 to read as follows:

26 Any person who tampers with or (~~(injures)~~) damages or attempts to
27 (~~(injure)~~) damage any voting machine or device to be used or being used

1 in (~~an~~) a primary or special or general election, or who prevents or
2 attempts to prevent the correct operation of such machine or device, or
3 any unauthorized person who makes or has in his or her possession a key
4 to a voting machine or device to be used or being used in (~~an~~) a
5 primary or special or general election, shall be guilty of a class C
6 felony (~~(and shall be punished by a fine of not less than one hundred~~
7 ~~dollars nor more than five hundred dollars or by imprisonment in the~~
8 ~~state penitentiary for not less than one year nor more than five years,~~
9 ~~or by both such fine and imprisonment)) punishable under RCW 9A.20.021.~~

10 **Sec. 19.** RCW 29.85.275 and 1984 c 216 s 5 are each amended to read
11 as follows:

12 A person who removes or defaces lawfully placed political
13 advertising including yard signs or billboards without authorization is
14 guilty of a misdemeanor punishable to the same extent as a misdemeanor
15 that is punishable under (~~chapter 9A.20~~) RCW 9A.20.021. The
16 defacement or removal of each item constitutes a separate violation.

17 **Sec. 20.** RCW 29.51.020 and 1990 c 59 s 75 are each amended to read
18 as follows:

19 (1) On the day of any primary(~~(r)~~) or general or special election,
20 no person may, within a polling place, or in any public area within
21 three hundred feet of any entrance to such polling place:

22 (a) (~~Do any electioneering~~) Suggest or persuade or attempt to
23 suggest or persuade any voter to vote for or against any candidate or
24 ballot measure;

25 (b) Circulate cards or handbills of any kind;

26 (c) Solicit signatures to any kind of petition; or

1 (d) Engage in any practice which interferes with the freedom of
2 voters to exercise their franchise or disrupts the administration of
3 the polling place(~~(; or~~

4 ~~(e) Conduct any exit poll or public opinion poll with voters))~~.

5 (2) No person may obstruct the doors or entries to a building in
6 which a polling place is located or prevent free access to and from any
7 polling place. Any sheriff, deputy sheriff, or municipal law
8 enforcement officer shall prevent such obstruction, and may arrest any
9 person creating such obstruction.

10 (3) No person may:

11 (a) Except as provided in RCW 29.54.037, remove any ballot from the
12 polling place before the closing of the polls; or

13 (b) Solicit any voter to show his or her ballot.

14 (4) No person other than an inspector or judge of election may
15 receive from any voter a voted ballot or deliver a blank ballot to such
16 elector.

17 (5) Any violation of this section is a gross misdemeanor (~~(under~~
18 ~~RCW 9A.20.010, and shall be punished under RCW 9A.20.020(3))~~),
19 punishable to the same extent as a gross misdemeanor that is punishable
20 under RCW 9A.20.021, and the person convicted may be ordered to pay the
21 costs of prosecution.

22 **Sec. 21.** RCW 29.07.130 and 1971 ex.s. c 202 s 17 are each amended
23 to read as follows:

24 (1) The cards required by RCW 29.07.090 shall be kept on file in
25 the office of the secretary of state in such manner as will be most
26 convenient for, and for the sole purpose of, checking initiative and
27 referendum petitions (~~(and mailing pamphlets required for~~
28 ~~constitutional amendments and by the initiative and referendum~~
29 ~~procedure. They shall not be open to public inspection or be used for~~

1 any other purpose)). The secretary may maintain an automated file of
2 voter registration information for any county or counties in lieu of
3 filing or maintaining these voter registration cards if the automated
4 file includes all of the information from the cards including, but not
5 limited to, a retrievable facsimile of the signature of each voter of
6 that county or counties. Such an automated file may be used only for
7 the purpose authorized for the use of the cards.

8 (2) The county auditor shall have custody of the voter registration
9 records for each county. The original voter registration form, as
10 established by RCW 29.07.070, shall be filed alphabetically without
11 regard to precinct. An automated file of all registered voters shall
12 be maintained pursuant to RCW 29.07.220. An auditor may maintain the
13 automated file in lieu of filing or maintaining the original voter
14 registration forms if the automated file includes all of the
15 information from the original voter registration forms including, but
16 not limited to, a retrievable facsimile of each voter's signature.

17 (3) The following information contained in voter registration
18 records or files regarding a voter or a group of voters is available
19 for public inspection and copying: The voter's name, gender, voting
20 record, date of registration, and registration number. The address of
21 a registered voter or addresses of a group of voters are available for
22 public inspection and copying except to the extent that the address of
23 a particular voter is not so available under RCW 42.17.310(1)(bb). The
24 political jurisdictions within which a voter or group of voters reside
25 are also available for public inspection and copying except that the
26 political jurisdictions within which a particular voter resides are not
27 available for such inspection and copying if the address of the voter
28 is not so available under RCW 42.17.310(1)(bb). No other information
29 from voter registration records or files is available for public
30 inspection or copying.

1 **Sec. 22.** RCW 29.07.220 and 1974 ex.s. c 127 s 12 are each amended
2 to read as follows:

3 Each county auditor shall (~~establish, on or before July 1, 1975,~~
4 ~~and~~) maintain a computer file on magnetic tape or disk, punched cards,
5 or other form of data storage containing the records of all registered
6 voters within the county(~~(: PROVIDED, That an auditor in a county with~~
7 ~~more than one hundred fifty thousand registered voters may decline to~~
8 ~~comply with the provisions of all or none of RCW 29.04.055, 29.07.160,~~
9 ~~29.07.220, 29.07.230, and 29.07.240)~~). Where it is necessary or
10 advisable, the auditor may provide for the establishment and
11 maintenance of such files by private contract or through interlocal
12 agreement as provided by chapter 39.34 RCW, as it now exists or is
13 hereafter amended. The computer file shall include, but not be limited
14 to, each voter's name, residence address, sex, date of registration,
15 applicable taxing district and precinct codes and the last date on
16 which the individual voted. The county auditor shall subsequently
17 record each consecutive date upon which the individual has voted and
18 retain at least the last five such consecutive dates: PROVIDED, That if
19 the voter has not voted at least five times since establishing his or
20 her current registration record, only the available dates shall be
21 included.

22 **Sec. 23.** RCW 29.10.020 and 1975 1st ex.s. c 184 s 2 are each
23 amended to read as follows:

24 (~~Any~~) A registered voter who changes his or her residence from
25 one address to another within the same county((~~7~~)) shall ((~~have his~~
26 registration transferred)), to maintain a valid voter registration,
27 transfer his or her registration to ((~~his~~)) the new address ((~~by~~)) in
28 one of the following ways: (1) Sending to the county auditor a signed
29 request stating ((~~his~~)) the voter's present address and precinct((~~7~~))

1 and the address and precinct from which ((he)) the voter was last
2 registered(~~(, or by)~~); (2) appearing in person before ((him to have his
3 registration transferred,)) the auditor and signing such a request(~~(, or~~)
4 ~~er~~); (3) transferring the registration in the manner provided by RCW
5 ((29.10.160, as now or hereafter amended)) 29.10.170; or (4)
6 telephoning the county auditor to transfer the registration. The
7 telephone call transferring a registration by telephone must be
8 received by the auditor before the precinct registration files are
9 closed to new registrations for the next primary or special or general
10 election in which the voter participates.

11 The secretary of state shall adopt rules facilitating the transfer
12 of a registration by telephone authorized by this section. The rules
13 shall include, but need not be limited to, those establishing the form
14 which must be signed by a voter subsequent to transferring a
15 registration by telephone.

16 **Sec. 24.** RCW 29.10.040 and 1977 ex.s. c 361 s 26 are each amended
17 to read as follows:

18 Except as provided in RCW 29.10.170, a registered voter who changes
19 his or her residence from one county to another county, shall be
20 required to register anew. Before registering anew, the voter shall
21 sign an authorization to cancel his or her present registration ((in
22 substantially the following)). The authorization shall be on a form(
23 "I hereby authorize the cancellation of my registration in
24 precinct of county." Such)) prescribed by the secretary of
25 state by rule. The authorization shall be forwarded promptly to the
26 county auditor of the county in which the voter was previously
27 registered. ((Upon the receipt of such authorization,)) The county
28 auditor of the county where the previous registration was made(
29 cause the signature on the authorization to be compared with the

1 ~~signature on the registration record of such voter, and)) shall cancel~~
2 ~~the registration of the voter if it appears that the signatures in the~~
3 ~~registration record and on the cancellation authorization form were~~
4 ~~made by the same person((, the former registration record shall be~~
5 ~~canceled forthwith)).~~

6 NEW SECTION. **Sec. 25.** A new section is added to chapter 29.10 RCW
7 to read as follows:

8 To maintain a valid voter registration, a person who changes his or
9 her name shall notify the county auditor regarding the name change in
10 one of the following ways: (1) By sending the auditor a notice clearly
11 identifying the name under which he or she is registered to vote, the
12 voter's new name, and the voter's residence. Such a notice must be
13 signed by the voter using both this former name and the voter's new
14 name; (2) by appearing in person before the auditor or a deputy
15 registrar and signing such a change-of-name notice; or (3) by signing
16 such a change-of-name notice at the voter's precinct polling place on
17 the day of a primary or special or general election.

18 A properly registered voter who files a change-of-name notice at
19 the voter's precinct polling place during a primary or election and who
20 desires to vote at that primary or election shall sign the poll book
21 using the voter's former and new names in the same manner as is
22 required for the change-of-name notice.

23 The secretary of state may adopt rules facilitating the
24 implementation of this section.

25 **Sec. 26.** RCW 29.10.110 and 1971 ex.s. c 202 s 32 are each amended
26 to read as follows:

27 Every county auditor shall carefully preserve in a separate file or
28 list(~~, to be kept in his office for that purpose, all original and~~

1 duplicate)) the registration records of persons whose voter
2 registrations have been canceled as authorized under this title. The
3 files or lists ~~((for the preservation of canceled registration~~
4 ~~records))~~ shall be ~~((arranged and))~~ kept in ~~((alphabetical order~~
5 ~~irrespective of the precincts from which the canceled records were~~
6 ~~taken. The signed statement or an index reference to file of such~~
7 ~~signed statements used as the authority for cancellation as provided in~~
8 ~~RCW 29.10.090, 29.10.110, 29.10.130 through 29.10.160, 29.04.100 and~~
9 ~~29.51.060 shall be firmly affixed to the canceled registration record))~~
10 the manner prescribed by rule by the secretary of state. Information
11 from such canceled registration records is available for public
12 inspection and copying to the same extent established by RCW 29.07.130
13 for other voter registration information.

14 The county auditor may destroy ~~((all original))~~ the voter
15 registration ((forms after they have)) information and records of any
16 person whose voter registration has been canceled for a period of two
17 years or more.

18 **Sec. 27.** RCW 29.10.150 and 1971 ex.s. c 202 s 35 are each amended
19 to read as follows:

20 The secretary of state as chief elections officer shall cause
21 appropriate forms to be designed to carry out the provisions of RCW
22 ~~((29.04.100, —29.10.110,))~~ 29.10.130 through 29.10.160 ~~((and~~
23 ~~29.51.060))~~. The county auditors and registrars shall have such forms
24 available. Further, a reasonable supply of such forms shall be at each
25 polling place on the day of a primary or election, general or special.

26 **Sec. 28.** RCW 29.10.170 and 1979 c 96 s 1 are each amended to read
27 as follows:

1 (1) A person who is registered ((voter)) to vote in this state may
2 ((file a)) transfer ((of)) his or her voter registration on the day of
3 ((an)) a special or general election or primary under the following
4 procedures ((set forth in this section.)):

5 ~~((At each))~~ (a) The voter may complete, at the polling place, ((the
6 precinct election officials shall have at their table a supply of forms
7 for transfer of registration,)) a registration transfer form designed
8 by the secretary of state and supplied by the county auditor((s.
9 Accompanying such forms there shall be a sign stating "If you do not
10 still reside at the address at which you are presently registered,
11 please complete this form.")); or

12 (b) The voter may write in his or her new residential address in
13 the precinct list of registered voters.

14 The county auditor shall determine which of these two procedures
15 are to be used in the county or may determine that both procedures are
16 to be available to voters for use in the county.

17 (2) A voter ((completing the)) who transfers ((form)) his or her
18 registration in the manner authorized by this section shall vote in the
19 precinct in which he or she was previously registered. ((Upon
20 transmittal of the ballots, ballot cards, or voting machine count to
21 the county auditor the precinct election officers shall also deliver
22 the transfer forms to))

23 (3) The auditor((, who)) shall, within ninety days, mail to each
24 voter ((requesting a transfer of registration,)) who has transferred a
25 registration under this section a notice of his or her current precinct
26 and polling place.

27 **Sec. 29.** RCW 29.36.010 and 1987 c 346 s 9 are each amended to
28 read as follows:

1 Any registered voter of the state or any out-of-state voter,
2 overseas voter, or service voter may vote by absentee ballot in any
3 general election, special election, or primary in the manner provided
4 in this chapter. Out-of-state voters, overseas voters, and service
5 voters are authorized to cast the same ballots, including those for
6 special elections, as a registered voter of the state would receive
7 under this chapter.

8 (1) Except as provided in subsections (2) and (3) of this section,
9 in RCW 29.36.013, and in RCW 29.36.170, a registered voter or elector
10 desiring to cast an absentee ballot must ~~((apply in writing to))~~
11 request the absentee ballot from his or her county auditor no earlier
12 than forty-five days nor later than the day before any election or
13 primary. Except as provided in subsection (3) of this section and in
14 RCW 29.36.170, the request may be made orally in person, by telephone,
15 or in writing. An application or request for an absentee ballot made
16 under the authority of any federal statute or regulation shall be
17 considered and given the same effect as ~~((an application))~~ a request
18 for an absentee ballot under this chapter.

19 (2) For any registered voter, ~~((an application))~~ a request for an
20 absentee ballot for a primary shall be honored as ~~((an application))~~ a
21 request for an absentee ballot for the following general election if
22 the voter so indicates ~~((on))~~ in his or her ~~((application))~~ request.
23 For any out-of-state voter, overseas voter, or service voter, ~~((an~~
24 ~~application))~~ a request for an absentee ballot for a primary election
25 shall also be honored as ~~((an application))~~ a request for an absentee
26 ballot for the following general election.

27 (3) A voter admitted to a hospital no earlier than five days before
28 a primary or election and confined to the hospital on election day may
29 apply by messenger for an absentee ballot on the day of the primary or
30 election if a signed statement from the hospital administrator, or

1 designee, verifying the voter's date of admission and status as a
2 patient in the hospital on the day of the primary or election is
3 attached to the (~~absentee ballot~~) voter's written application for an
4 absentee ballot.

5 (4) (~~An application for an absentee ballot must be signed by the~~
6 ~~registered voter or elector. An application for an absentee ballot by~~
7 ~~a registered voter is not valid unless the voter's signature on the~~
8 ~~application is substantially the same as that voter's signature on his~~
9 ~~or her registration record.~~

10 An application)) In a voter's request for an absentee ballot, the
11 voter shall state the address to which the absentee ballot should be
12 sent. (~~An application~~) A request for an absentee ballot from an out-
13 of-state voter, overseas voter, or service voter shall state the
14 address of that elector's last residence for voting purposes in the
15 state of Washington and either (~~the~~) a written application or the
16 oath on the return envelope shall include a declaration of the other
17 qualifications of the applicant as an elector of this state. (~~An~~
18 application)) A request for an absentee ballot from any other voter
19 shall state the address at which that voter is currently registered to
20 vote in the state of Washington or the county auditor shall verify such
21 information from the voter registration records of the county.

22 (5) (~~An application for an absentee ballot shall be mailed or~~
23 ~~delivered to the county auditor of the county in which the voter is~~
24 ~~registered or resides. An)) A request for an absentee ballot
25 (~~application~~) from a registered voter who is within this state shall
26 be (~~sent~~) made directly to the auditor of the county in which the
27 voter is registered. An absentee ballot (~~application~~) request from
28 a registered voter who is temporarily outside this state or from an
29 out-of-state voter, overseas voter, or service voter may be (~~sent~~)
30 made either to the appropriate county auditor or to the secretary of~~

1 state, who shall promptly forward the ((application)) request to the
2 appropriate county auditor. No person, organization, or association
3 may distribute absentee ballot applications within this state that
4 contain any return address other than that of the appropriate county
5 auditor.

6 (6) A person may request an absentee ballot for use by the person
7 as a registered voter and may request an absentee ballot on behalf of
8 any member of that person's immediate family who is a registered voter
9 for use by the family member. As a means of ensuring that a person who
10 requests an absentee ballot is requesting the ballot for only that
11 person or a member of the person's immediate family, the secretary of
12 state shall adopt rules prescribing the circumstances under which an
13 auditor: May require a person who requests an absentee ballot to
14 identify the date of birth of the voter for whom the ballot is
15 requested; and may deny a request which is not accompanied by this
16 information.

17 **Sec. 30.** RCW 29.36.013 and 1987 c 346 s 10 are each amended to
18 read as follows:

19 Any disabled voter or any voter over the age of sixty-five may
20 apply, in writing, for status as an ongoing absentee voter. Each such
21 voter shall be granted that status by his or her county auditor and
22 shall automatically receive an absentee ballot for each ensuing
23 election for which he or she is entitled to vote and need not submit a
24 separate ((application)) request for each election. Ballots received
25 from ongoing absentee voters shall be validated, processed, and
26 tabulated in the same manner as other absentee ballots.

27 Status as an ongoing absentee voter shall be terminated upon any of
28 the following events:

29 (1) The written request of the voter;

- 1 (2) The death or disqualification of the voter;
- 2 (3) The cancellation of the voter's registration record;
- 3 (4) The return of an ongoing absentee ballot as undeliverable; or
- 4 (5) January 1st of each odd-numbered year.

5 **Sec. 31.** RCW 29.36.030 and 1987 c 346 s 11 and 1987 c 295 s 9 are
6 each reenacted and amended to read as follows:

7 ~~((Upon receipt of a signed application for an absentee ballot from~~
8 ~~a registered voter, the county auditor shall verify the applicant's~~
9 ~~signature.))~~ If the ~~((application))~~ information contained in a request
10 for an absentee ballot received by the county auditor is complete and
11 correct and the applicant is qualified to vote under federal or state
12 law, the county auditor shall issue an absentee ballot for the primary
13 or election for which the absentee ballot was requested. Otherwise,
14 the county auditor shall notify the applicant of the reason or reasons
15 why the ~~((application))~~ request cannot be accepted.

16 At each general election in an even-numbered year, each absentee
17 voter shall also be given a separate ballot containing the names of the
18 candidates that have filed for the office of precinct committee officer
19 unless fewer than two candidates have filed for the same political
20 party in the absentee voter's precinct. The ballot shall provide space
21 for writing in the name of additional candidates.

22 When mailing an absentee ballot to a registered voter temporarily
23 outside the state or to an out-of-state voter, overseas voter, or
24 service voter, the county auditor shall send a copy of the state
25 voters' and candidates' pamphlet with the absentee ballot. The county
26 auditor shall mail all absentee ballots and related material to voters
27 outside the territorial limits of the United States and the District of
28 Columbia under 39 U.S.C. 3406.

1 **Sec. 32.** RCW 29.36.060 and 1987 c 346 s 14 are each amended to
2 read as follows:

3 The opening and subsequent processing of return envelopes for any
4 primary or election may begin on or after the tenth day prior to such
5 primary or election. The opening of the security envelopes and
6 tabulation of absentee ballots shall not commence until after 8:00
7 o'clock p.m. on the day of the primary or election.

8 After opening the return envelopes, the county canvassing board
9 shall place all of the ballot envelopes in containers that can be
10 secured with numbered seals. These sealed containers shall be stored
11 in a secure location until after 8:00 o'clock p.m. of the day of the
12 primary or election. Absentee ballots that are to be tabulated on an
13 electronic vote tallying system may be taken from the inner envelopes
14 and all the normal procedural steps may be performed to prepare these
15 ballots for tabulation before sealing the containers.

16 The canvassing board shall examine the postmark, statement, and
17 signature on each return envelope containing the security envelope and
18 absentee ballot. They shall verify that the voter's signature is the
19 same as that ~~((on))~~ in the ~~((original application by))~~ registration
20 files for that voter. For absentee voters other than out-of-state
21 voters, overseas voters, and service voters, if the postmark is
22 illegible, the date on the return envelope to which the voter attests
23 shall determine the validity, as to the time of voting, of that
24 absentee ballot under this chapter. For ~~((out-of-state voters,~~
25 ~~overseas voters, and service))~~ any absentee voter~~((s))~~, a variation
26 between the signature of the voter on the return envelope and that
27 ~~((on))~~ in the ~~((application))~~ registration files due to the
28 substitution of initials or the use of common nicknames is permitted so
29 long as the surname and handwriting are clearly the same.

1 **Sec. 33.** RCW 29.36.097 and 1987 c 346 s 17 are each amended to
2 read as follows:

3 Each county auditor shall maintain in his or her office, open for
4 public inspection, a record of the ~~((applications))~~ requests he or she
5 has received for absentee ballots under this chapter.

6 The information ~~((on))~~ from the ~~((applications))~~ requests shall be
7 recorded and lists of this information shall be available no later than
8 twenty-four hours after their receipt.

9 This information about absentee voters shall be available according
10 to the date of ~~((application))~~ the requests and by legislative
11 district. It shall include the name of each applicant, the address and
12 precinct in which the voter maintains a voting residence, the date on
13 which an absentee ballot was issued to this voter, if applicable, the
14 type of absentee ballot, and the address to which the ballot was or is
15 to be mailed, if applicable.

16 The auditor shall make copies of these records available to the
17 public for the actual cost of production or copying.

18 **Sec. 34.** RCW 29.36.160 and 1987 c 346 s 20 are each amended to
19 read as follows:

20 A person who willfully violates any provision of this chapter
21 regarding the assertion or declaration of qualifications to receive or
22 cast an absentee ballot, unlawfully casts a vote by absentee ballot, or
23 willfully violates any provision regarding the conduct of mail ballot
24 special elections under RCW 29.36.120 through 29.36.139 is guilty of a
25 class C felony punishable under RCW 9A.20.021. Except as provided in
26 chapter 29.85 RCW a person who willfully violates any other provision
27 of this chapter is guilty of a misdemeanor.

1 **Sec. 35.** RCW 29.36.170 and 1987 c 346 s 21 are each amended to
2 read as follows:

3 (1) As provided in this section, county auditors shall provide
4 special absentee ballots to be used for state primary or state general
5 elections. A special absentee ballot shall only be provided to a voter
6 who completes an application stating that:

7 (a) The voter believes that she or he will be residing or stationed
8 or working outside the continental United States; and

9 (b) The voter believes that she or he will be unable to vote and
10 return a regular absentee ballot by normal mail delivery within the
11 period provided for regular absentee ballots.

12 The application for a special absentee ballot may not be filed
13 earlier than ninety days before the applicable state primary or general
14 election. The special absentee ballot shall list the offices and
15 measures, if known, scheduled to appear on the state primary or general
16 election ballot. The voter may use the special absentee ballot to
17 write in the name of any eligible candidate for each office and vote on
18 any measure.

19 (2) With any special absentee ballot issued under this section, the
20 county auditor shall include a listing of any candidates who have filed
21 before the time of the application for offices that will appear on the
22 ballot at that primary or election and a list of any issues that have
23 been referred to the ballot before the time of the application.

24 (3) Write-in votes on special absentee ballots shall be counted in
25 the same manner provided by law for the counting of other write-in
26 votes. The county auditor shall process and canvass the special
27 absentee ballots provided under this section in the same manner as
28 other absentee ballots under chapters 29.36 and 29.62 RCW.

29 (4) A voter who requests a special absentee ballot under this
30 section may also (~~make application for~~) request an absentee ballot

1 under RCW 29.36.010. If the regular absentee ballot is properly voted
2 and returned, the special absentee ballot shall be deemed void and the
3 county auditor shall reject it in whole when special absentee ballots
4 are canvassed.

5 **Sec. 36.** RCW 29.64.020 and 1987 c 54 s 5 are each amended to read
6 as follows:

7 An application for a recount shall state the office for which a
8 recount is requested and whether the request is for all or only a
9 portion of the votes cast in that jurisdiction of that office. The
10 person filing an application shall, at the same time, deposit with the
11 county canvassing board or secretary of state, in cash or by certified
12 check, a sum equal to five cents for each ballot cast in the
13 jurisdiction or portion of the jurisdiction for which the recount is
14 requested as security for the payment of any costs of conducting the
15 recount. These charges shall be determined by the county canvassing
16 board or boards under RCW 29.64.060.

17 ~~((Promptly after the filing of an application for a recount or the
18 receipt of a request from the secretary of state to conduct a
19 recount,))~~ The county canvassing board shall determine a time and a
20 place or places at which the recount will be conducted. This time
21 shall be less than five days after the day upon which: The application
22 was filed with ((~~or~~)) the board; the request ((~~from the secretary of
23 state~~)) for a recount or directive ordering a recount was received by
24 the ((~~county canvassing~~)) board from the secretary of state; or the
25 returns are certified which indicate that a recount is required under
26 RCW 29.64.015 for an issue or office voted upon only within the county.
27 The county auditor shall mail a notice of the time and place of the
28 recount to the applicant or affected parties and, if the recount
29 involves an office, to any person for whom votes were cast for that

1 office. The notice shall be mailed by certified mail not less than two
2 days before the date of the recount. Each person entitled to receive
3 notice of the recount may attend, witness the recount, and be
4 accompanied by counsel.

5 Proceedings of the canvassing board are public under chapter 42.30
6 RCW. Subject to reasonable and equitable guidelines adopted by the
7 canvassing board, all interested persons may attend and witness a
8 recount.

9 **Sec. 37.** RCW 29.64.030 and 1990 c 59 s 65 are each amended to read
10 as follows:

11 (1) At the time and place established for a recount, the canvassing
12 board or its duly authorized representatives, in the presence of all
13 witnesses who may be in attendance, shall open the sealed containers
14 containing the ballots to be recounted, and shall recount the votes for
15 the offices or issues for which the recount has been ordered. Ballots
16 shall be handled only by the members of the canvassing board or their
17 duly authorized representatives. Witnesses shall be permitted to
18 observe the ballots and the process of tabulating the votes, but they
19 shall not be permitted to handle the ballots. The canvassing board
20 shall not permit the tabulation of votes for any nomination, election,
21 or issue other than the ones for which a recount was ~~((ordered))~~
22 applied for or required.

23 At the time and place established for a recanvass of the votes cast
24 on voting devices that do not provide an individual record of the
25 choices of each voter, the canvassing board or its duly authorized
26 representatives, in the presence of all witnesses who may be in
27 attendance, shall open the voting devices to be rechecked, and shall
28 verify the votes cast for the offices and issues for which the recount
29 was ordered. Witnesses shall be permitted to watch the recheck of the

1 voting devices. The canvassing board shall not permit the rechecking
2 of votes for any nomination, election, or issue other than the ones for
3 which a recount was ~~((ordered))~~ applied for or required.

4 (2) At any time before the ballots from all of the precincts listed
5 in the application for the recount have been recounted, the applicant
6 may file with the board a written request to stop the recount.

7 If the canvassing board finds that the results of the votes in the
8 precincts recounted, if substituted for the results of the votes in
9 those precincts as shown in the certified abstract of the votes would
10 not change the result for that office or issue, it shall not recount
11 the ballots of the precincts listed in the application for recount
12 which have not been recounted before the request to stop the recount.
13 The canvassing board shall attach a copy of the request to stop the
14 recount to the partial returns of the recount.

15 The recount may be observed by persons representing the candidates
16 affected by the recount or the persons representing both sides of an
17 issue that is being recounted. The observers may not make a record of
18 the names, addresses, or other information on the ballots, poll books,
19 or applications for absentee ballots unless authorized by the superior
20 court. The secretary of state or county auditor may limit the number
21 of observers to not less than two on each side if, in his or her
22 opinion, a greater number would cause undue delay or disruption of the
23 recount process.

24 **Sec. 38.** RCW 29.64.070 and 1965 c 9 s 29.64.070 are each amended
25 to read as follows:

26 The secretary of state, as chief election officer, shall ~~((make))~~
27 adopt rules ~~((and regulations, not inconsistent with this chapter,))~~ in
28 accordance with chapter 34.05 RCW to facilitate and clarify ~~((any))~~
29 procedures contained ~~((herein))~~ in this chapter.

1 **Sec. 39.** RCW 35A.42.040 and 1967 ex.s. c 119 s 35A.42.040 are each
2 amended to read as follows:

3 In addition to any specific enumeration of duties of city clerks in
4 a code city's charter or ordinances, and without limiting the
5 generality of RCW 35A.21.030 of this title, the clerks of all code
6 cities shall perform the following duties in the manner prescribed, to
7 wit: (1) Certification of city streets as part of the highway system
8 in accordance with the provisions of RCW 47.24.010; (2) ~~((prepare~~
9 ~~statements of cancellation of registration as required by RCW~~
10 ~~29.10.120; (3))~~) perform the functions of a member of a firemen's
11 pension board as provided by RCW 41.16.020; ~~((+4))~~ (3) keep a record
12 of ordinances of the city and provide copies thereof as authorized by
13 RCW 5.44.080; ~~((+5))~~ (4) serve as applicable the trustees of any
14 police relief and pension board as authorized by RCW 41.20.010; and
15 ~~((+6))~~ (5) serve as secretary-treasurer of volunteer ~~((firemen's))~~
16 fire fighters' relief and pension boards as provided in RCW 41.24.060.

17 NEW SECTION. **Sec. 40.** RCW 29.85.190 and 29.85.200, as amended by
18 this act, are each recodified as sections in chapter 29.07 RCW.

19 NEW SECTION. **Sec. 41.** The following acts or parts of acts are
20 each repealed:

- 21 (1) RCW 29.07.151 and 1986 c 167 s 5;
22 (2) RCW 29.10.030 and 1971 ex.s. c 202 s 25 & 1965 c 9 s 29.10.030;
23 (3) RCW 29.10.050 and 1965 c 9 s 29.10.050;
24 (4) RCW 29.10.120 and 1977 ex.s. c 361 s 28, 1971 ex.s. c 202 s 33,
25 & 1965 c 9 s 29.10.120;
26 (5) RCW 29.10.160 and 1975 1st ex.s. c 184 s 3, 1971 ex.s. c 202 s
27 36, & 1965 ex.s. c 156 s 8;
28 (6) RCW 29.30.105 and 1990 c 59 s 15;

- 1 (7) RCW 29.85.030 and 1965 c 9 s 29.85.030;
2 (8) RCW 29.85.050 and 1965 c 9 s 29.85.050;
3 (9) RCW 29.85.080 and 1965 c 9 s 29.85.080;
4 (10) RCW 29.85.105 and 1977 ex.s. c 329 s 17;
5 (11) RCW 29.85.120 and 1965 c 9 s 29.85.120;
6 (12) RCW 29.85.130 and 1965 c 9 s 29.85.130;
7 (13) RCW 29.85.140 and 1965 c 9 s 29.85.140;
8 (14) RCW 29.85.160 and 1967 ex.s. c 109 s 31 & 1965 c 9 s
9 29.85.160; and
10 (15) RCW 29.85.180 and 1965 c 9 s 29.85.180.

11 NEW SECTION. **Sec. 42.** This act shall take effect July 1, 1992.

Passed the House March 11, 1991.

Passed the Senate April 10, 1991.

Approved by the Governor May 9, 1991.

Filed in Office of Secretary of State May 9, 1991.