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SENATE BILL 6357

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State of Washington

65th Legislature

2018 Regular Session

By Senator O'Ban

1 AN ACT Relating to waivers of required ballot box placements; and  
2 amending RCW 29A.40.160.

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

4 **Sec. 1.** RCW 29A.40.160 and 2017 c 327 s 1 are each amended to  
5 read as follows:

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

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

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

20 (4) The voting center must provide at least one voting unit  
21 certified by the secretary of state that provides access to

1 individuals who are blind or visually impaired, enabling them to vote  
2 with privacy and independence.

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

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

14 (7) The county auditor shall require any person desiring to vote  
15 at a voting center to either sign a ballot declaration or provide  
16 identification.

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

22 (b) The identification must be valid photo identification, such  
23 as a driver's license, state identification card, student  
24 identification card, tribal identification card, or employer  
25 identification card. Any individual who desires to vote in person but  
26 cannot provide identification shall be issued a provisional ballot,  
27 which shall be accepted if the signature on the declaration matches  
28 the signature on the voter's registration record.

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

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

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

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

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

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

24 (14) Any voter who is inside or in line at the voting center at  
25 8:00 p.m. on the day of the primary, special election, or general  
26 election must be allowed to vote.

27 (15)(a) For each primary, special election, and general election,  
28 the county auditor may provide election services at locations in  
29 addition to the voting center. The county auditor has discretion to  
30 establish which services will be provided at the additional  
31 locations, and which days and hours the locations will be open,  
32 except that the county auditor must establish a minimum of one ballot  
33 drop box per fifteen thousand registered voters in the county and a  
34 minimum of one ballot drop box in each city, town, and census-  
35 designated place in the county with a post office.

36 (b)(i) The county auditor may seek a waiver from the ballot box  
37 siting requirements of (a) of this subsection. The waiver request  
38 must be submitted in any form and manner as the secretary of state  
39 may establish by rule. The secretary of state may request any  
40 information regarding the request that may be helpful in determining

1 whether to approve a waiver. The secretary of state must approve or  
2 disapprove the request within sixty days of receiving a request.  
3 (ii) The secretary of state may approve a waiver if:  
4 (A) The required location for any ballot box is in close  
5 proximity to an existing ballot box or other required ballot box  
6 location; and  
7 (B) The siting of the ballot box at the required location would  
8 not likely increase voter access to election locations.  
9 (iii) The secretary of state may not issue a waiver that would  
10 result in fewer than one ballot drop box per fifteen thousand  
11 registered voters in any county.

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