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**SENATE BILL 5143**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Ericksen, Fortunato, Padden, and Schoesler

AN ACT Relating to creating the free and fair elections act of 2021; amending RCW 29A.40.160, 29A.40.180, 29A.40.010, 29A.40.070, 29A.40.091, 1.16.050, 29A.04.321, and 29A.04.330; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding new sections to chapter 29A.40 RCW; adding a new chapter to Title 29A RCW; creating a new section; repealing RCW 29A.08.140; and prescribing penalties.

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

NEW SECTION. **Sec.**  This act may be known and cited as the free and fair elections act of 2021.

**PART I**

**ELIMINATION OF VOTE BY MAIL AND RETURN TO POLLING PLACE VOTING**

NEW SECTION. **Sec.**  A new section is added to chapter 29A.04 RCW to read as follows:

"Polling place voting" means voting conducted at polling places for precincts.

NEW SECTION. **Sec.**  (1) Counties must establish polling place voting in each precinct within the county.

(2) If no polling place facilities are available within a precinct, precinct election officers must work with county election officers to establish an alternate polling place outside the precinct. However, the alternate facility must be located within a reasonable distance of the voting precinct.

NEW SECTION. **Sec.**  Upon establishing polling place voting pursuant to section 3 of this act, the county election officers must provide pertinent information regarding polling place locations and voting procedures to county voters.

NEW SECTION. **Sec.**  Polling places must be accessible to elderly and disabled persons.

NEW SECTION. **Sec.**  A person may not interfere with a voter attempting to vote at a polling place. 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. A voter must not use this material to electioneer and must remove the material when he or she leaves the polling place.

NEW SECTION. **Sec.**  At any election or primary, a political party may designate a person, other than a precinct election officer, for each polling place to check a list of registered voters of the precinct to determine who has and who has not voted. The county central committee chair of a political party may appoint election observers to observe elections at polling places.

NEW SECTION. **Sec.**  Ballots may not be used in any polling place other than those prepared by the county election officer. A voter is not entitled to vote more than once at a primary or election, except that if a voter incorrectly marks a ballot, he or she may return it and be issued a new ballot. Precinct election officers shall void incorrectly marked ballots and return them to the county election officer.

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. Paper records must be preserved in the same manner and for the same period as ballots.

NEW SECTION. **Sec.**  (1) At the direction of the county election officer, designated election officers must stop at designated polling places and pick up sealed containers of voted, untallied ballots for delivery to the counting center. Two precinct election officers must seal the voted ballots in containers furnished by the county election officer and properly identified with uniquely prenumbered seals.

(2) At the counting center where sealed ballot containers are delivered, the county election officer or a designated representative must 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 election officer must provide in each polling place a sufficient number of voting booths or voting devices along with any supplies necessary to enable voters to mark or register their choices on ballots and cast their votes in secrecy.

NEW SECTION. **Sec.**  (1) During election day for all primaries and elections, polling places must be kept open continuously from 7:00 a.m. to 8:00 p.m.

(2) All qualified electors who are at polling places at eight o'clock p.m. must 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 that the polling place for that precinct is open. At 8:00 p.m., or at the time when all qualified electors at the polling place pursuant to subsection (2) of this section have voted, the precinct election officers shall announce that the polling place for that precinct is 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 an absentee ballot. A registered voter who has requested an absentee ballot for a primary or election, but chooses to vote at the voter's precinct polling place in that primary or election, must cast a provisional ballot. The canvassing board must not count a 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 election officer must provide to precinct election officers at each polling place 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 place; and

(4) Accessible voting equipment.

NEW SECTION. **Sec.**  Precinct election officers for each precinct must meet at designated polling places at the time set by the county election officer.

NEW SECTION. **Sec.**  (1) Before opening the polling place 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 polling place is closed on the day of the primary or election.

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

NEW SECTION. **Sec.**  Any voting equipment approved by the office of the secretary of state for voting in a polling place must be capable of producing a paper record with a manual audit capacity for the system.

NEW SECTION. **Sec.**  Sections 3 through 19 of this act constitute a new chapter in Title 29A RCW.

**PART II**

**PICTURE ID REQUIREMENT TO VOTE**

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

(1) Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card, or a voter's voter identification issued by a county election officer.

(2) Any individual who desires to vote in person but cannot provide identification as required by this section must be issued a provisional ballot.

(3) The secretary of state may adopt rules to carry out this section.

**PART III**

**FREE VOTER ID PROGRAM**

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

(1) Each county auditor shall provide at least one place in the county at which it accepts applications for and issues Washington voter identification cards to registered Washington electors, which are under state law valid only for purposes of voter identification under section 21 of this act and available only to registered electors of this state. No fee may be charged or collected for the application for or issuance of a Washington voter identification card.

(2) No person is eligible for a Washington voter identification card if such person has a valid unexpired driver's license or identification card issued under chapter 46.20 RCW.

(3) The Washington voter identification card must be captioned "WASHINGTON VOTER IDENTIFICATION CARD" and must contain a prominent statement that under Washington law it is valid only as identification for voting purposes. The Washington voter identification card must be laminated, must contain a digital color photograph of the applicant, and must include the following information:

(a) Full legal name;

(b) Address of residence;

(c) Date of birth;

(d) Date identification card was issued;

(e) Sex;

(f) Height;

(g) Weight;

(h) Eye color;

(i) County where the identification card was issued, including a county number to be assigned for each county by the secretary of state; and

(j) Such other information or identification as required by rule of the secretary of state.

(4) The application for a Washington voter identification card must elicit the information required under subsection (3) of this section and such other information as may be required by the secretary of state. The application must be signed and affirmed by the applicant. It is a misdemeanor for any applicant to make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application for a Washington voter identification card.

(5) The following information must be presented and verified before a Washington voter identification card is issued:

(a) A photo identity document, or a nonphoto identity document which includes the applicant's full legal name and date of birth;

(b) Documentation showing the person's date of birth;

(c) Evidence that the person is registered to vote in Washington; and

(d) Documentation showing the person's name and address of principal residence.

(6) A Washington voter identification card remains valid so long as a person resides in the same county and remains qualified to vote. It is the duty of a person who moves his or her residence within the state outside of the county in which a Washington voter identification card was issued to surrender his or her card to the auditor of the county of his or her new residence; and such person may, after such surrender, apply for and receive a new card if such person is otherwise eligible under this section. It is the duty of a person who moves his or her residence outside the state or who ceases to be qualified to vote to surrender his or her card to the county auditor by which it was issued.

(7) The secretary of state shall provide each county auditor with the necessary equipment, forms, supplies, and training for the production of the Washington voter identification cards and shall maintain such equipment.

(8) The secretary of state may adopt rules for the implementation of this section.

**PART IV**

**EARLY POLL VOTING**

**Sec.**  RCW 29A.40.160 and 2019 c 6 s 6 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,~~)) at 8:00 a.m. and ends at 8:00 p.m. on the two Saturdays and Sunday before and the day of, the primary, special election, or general election. Voting at a voting center may only be conducted during the voting period.

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

(a) At the county auditor's office;

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

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

(3) Voting centers shall be located in public buildings or buildings that are leased by a public entity including, but not limited to, libraries. Centers established per this section must be geographically located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as practicable.

(4) Each voting center, and at least one of the other locations designated by the county auditor to allow voters to register in person pursuant to ((~~RCW 29A.08.140(1)(b)~~)) section 32 of this act, 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.

(5) Each 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.

(6) Each 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.

(7) 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.

(8) 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.

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

(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. A tribal identification card is not required to include a residential address or an expiration date to be considered valid under this section. 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

**Sec.**  RCW 29A.40.180 and 2020 c 208 s 10 are each amended to read as follows:

(1) Each state university, regional university, and The Evergreen State College as defined in RCW 28B.10.016 and each higher education campus as defined in RCW 28B.45.012 shall open a nonpartisan student engagement hub on its campus((~~. The student engagement hub may be open during business hours beginning eight days before, and ending at 8:00 p.m. on the day of, the general election~~)) during the voting period provided in RCW 29A.40.160(1). All student engagement hubs must allow students to download their exact ballot from an online portal. Upon request of the student government organization to the administration and the county auditor, the student engagement hub at a state university, regional university, or The Evergreen State College as defined in RCW 28B.10.016 must allow voters to register in person pursuant to ((~~RCW 29A.08.140(1)(b)~~)) section 32 of this act and provide voter registration materials and ballots.

(2) Each institution shall contract with the county auditor for the operation of a student engagement hub under this section.

(3) Student engagement hubs are not voting centers as outlined in RCW 29A.40.160 and must be operated in a manner that avoids partisan influence or electioneering.

**PART V**

**ABSENTEE VOTING, INCLUDING REQUIREMENT THAT ABSENTEE**

**BALLOTS BE RETURNED BY ELECTION DAY**

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

(1) Each active registered voter of the state, overseas voter, and service voter ((~~shall automatically be issued~~)) may request a mail ballot for each general election, special election, or primary. 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.~~))

(2) Except as otherwise provided by law, a registered voter, overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no later than ninety days nor earlier than the day before the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made in person, electronically, or in writing. Applications must include a copy of a valid photo identification as described in section 21 of this act. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(3)(a) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an overseas voter or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(b) A voter requesting an absentee ballot for a special election may also request an absentee ballot for the following primary and general election. A request by an overseas voter or service voter for an absentee ballot for a special election will be considered as a request for an absentee ballot for the following primary and general election.

(4) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an overseas voter or service voter must include the address of the last residence in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(5) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county to which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an overseas voter or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor.

**Sec.**  RCW 29A.40.070 and 2013 c 11 s 48 are each amended to read as follows:

(1) Except where a recount or litigation is pending, the county auditor must mail ballots to each voter who has requested an absentee ballot under this chapter at least eighteen days before each primary or election, and as soon as possible for all subsequent registration changes.

(2) Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter who has requested an absentee ballot under this chapter at least thirty days before each special election, and at least forty‑five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(3) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

(4) Each county auditor shall certify to the office of the secretary of state the dates the ballots were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely.

(5) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.

**Sec.**  RCW 29A.40.091 and 2020 c 12 s 1 are each amended to read as follows:

(1) The county auditor shall send each voter who has requested an absentee ballot under this chapter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection:

(a) For all general elections in 2020 and after;

(b) For all primary elections in 2021 and after; and

(c) For all elections in 2022 and after.

(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to ((~~either~~)) return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary((~~, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary~~)). Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. ((~~A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.~~))

(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

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

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

(2) The information from the requests must be recorded and lists of this information must be available no later than twenty-four hours after their receipt.

(3) This information about absentee voters must be available according to the date of the requests and by legislative district. It must include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

(4) The auditor shall make copies of these records available to the public for the actual cost of production and copying.

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

The qualifications of any absentee voter may be challenged before the voted ballot is received. The canvassing board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29A.08 RCW.

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

The information on the envelopes or instructions for overseas voters and service voters must explain that:

(1) Return postage is free if the ballot is mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy;

(2) The date of the signature is considered the date of mailing;

(3) The envelope must be signed by election day;

(4) The signed declaration on the envelope is the equivalent of voter registration;

(5) A voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. The ballot will be counted if the original documents are received before the certification of the election; and

(6) A voter may obtain a ballot via electronic mail, which the voter may print out, vote, and return by mail. In order to facilitate the electronic acquisition of ballots by overseas and service voters, the ballot instructions must include the web site of the office of the secretary of state.

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

(1) A person who knowingly collects voted or unvoted absentee ballots from another person is guilty of a class C felony punishable under RCW 9A.20.021. An election official, a United States postal service worker, or any other person who is allowed by law to transmit United States mail is deemed not to have collected an early ballot if the official, worker, or other person is engaged in official duties.

(2) This section does not apply to a:

(a) Family member;

(b) Household member; or

(c) Caregiver, of the voter.

(3) For the purposes of this section:

(a) "Caregiver" means a person who provides medical or health care assistance to the voter in a residence, nursing care institution, hospice facility, assisted living center, assisted living facility, assisted living home, residential care institution, adult day health care facility, or adult foster care home.

(b) "Collects" means to gain possession or control of an early ballot.

(c) "Family member" means a person who is related to the voter by blood, marriage, adoption, or legal guardianship.

(d) "Household member" means a person who resides at the same residence as the voter.

**PART VI**

**VOTER REGISTRATION DEADLINES**

NEW SECTION. **Sec.**  A new section is added to chapter 29A.08 RCW to read as follows:

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must submit a registration application that is physically or electronically received by an election official no later than the close of business 14 days before the day of the primary, special election, or general election.

(2)(a) In order to change a residence address for voting in any primary, special election, or general election, a person who is already registered to vote in Washington may update his or her registration by:

(i) Submitting an address change using a registration application or making notification via any non-in-person method that is received by election officials no later than the close of business 14 days before the day of the primary, special election, or general election; or

(ii) Appearing in person, at a county auditor's office, the division of elections if in a separate city from the county auditor's office, a voting center, or other location designated by the county auditor, no later than the close of business 14 days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election.

(b) A registered voter who fails to update his or her residential address by this deadline may vote according to his or her previous registration address.

(3) To register or update a voting address in person at a county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at a county auditor's office, a voting center, or other location designated by the county auditor at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

**PART VII**

**ELECTION DAY A STATE HOLIDAY**

**Sec.**  RCW 1.16.050 and 2020 c 74 s 2 are each amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The fourth day of July, the anniversary of the Declaration of Independence;

(g) The first Monday in September, to be known as Labor Day;

(h) The Tuesday immediately following the first Monday in November, to be known as Election Day;

(i) The eleventh day of November, to be known as Veterans' Day;

((~~(i)~~)) (j) The fourth Thursday in November, to be known as Thanksgiving Day;

((~~(j)~~)) (k) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

((~~(k)~~)) (l) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the slaves learned of their freedom;

(m) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(n) The eleventh day of January, recognized as human trafficking awareness day;

(o) The thirty-first day of March, recognized as Cesar Chavez day;

(p) The tenth day of April, recognized as Dolores Huerta day;

(q) The fourth Saturday of September, recognized as public lands day; and

(r) The eighteenth day of December, recognized as blood donor day.

**PART VIII**

**DATE OF LEVIES AND NONEMERGENCY BOND MEASURES**

**Sec.**  RCW 29A.04.321 and 2015 c 146 s 1 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. A special election called by the county legislative authority shall be held on ((~~one of the following dates as decided by such governing body:~~

~~(a) The second Tuesday in February;~~

~~(b) The fourth Tuesday in April;~~

~~(c) The~~)) either the day of the primary as specified by RCW 29A.04.311((~~;~~)) or

((~~(d) The~~)) the first Tuesday after the first Monday in November.

(3) ((~~A resolution calling for a special election on a date set forth in subsection (2)(a) and (b) of this section must be presented to the county auditor at least sixty days prior to the election date.~~)) A resolution calling for a special election on ((~~a date set forth in subsection (2)(c) of this section~~)) the day of the primary must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on ((~~a date set forth in subsection (2)(d) of this section~~)) the day of the general election must be presented to the county auditor no later than the day of the primary.

(4) ((~~In addition to the dates set forth in subsection (2)(a) through (d) of this section, a~~)) A special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

**Sec.**  RCW 29A.04.330 and 2015 c 146 s 2 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW; and

(d) Special flood control districts consisting of three or more counties.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, shall call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Such a special election shall be held on ((~~one of the following dates as decided by the governing body:~~

~~(a) The second Tuesday in February;~~

~~(b) The fourth Tuesday in April;~~

~~(c) The~~)) either the day of the primary election as specified by RCW 29A.04.311((~~;~~)) or

((~~(d) The~~)) the first Tuesday after the first Monday in November.

(3) ((~~A resolution calling for a special election on a date set forth in subsection (2)(a) and (b) of this section must be presented to the county auditor at least sixty days prior to the election date.~~)) A resolution calling for a special election on ((~~a date set forth in subsection (2)(c) of this section~~)) the day of the primary must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on ((~~a date set forth in subsection (2)(d) of this section~~)) the day of the general election must be presented to the county auditor no later than the day of the primary.

(4) ((~~In addition to subsection (2)(a) through (d) of this section, a~~)) A special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in ((~~subsection (2)(c) and (d) of~~)) this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. **Sec.**  RCW 29A.08.140 (Voter registration deadlines) and 2020 c 208 s 22, 2019 c 391 s 4, 2018 c 112 s 1, 2011 c 10 s 15, 2009 c 369 s 15, 2006 c 97 s 1, 2004 c 267 s 112, & 2003 c 111 s 212 are each repealed.

**--- END ---**