
HOUSE BILL 1377

State of Washington

67th Legislature

2021 Regular Session

By Representatives Klippert, Chase, Sutherland, Young, Dent, and Walsh

Read first time 01/26/21. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to ending vote by mail and restoring in-person
2 voting at polling places; amending RCW 29A.04.008, 29A.04.019,
3 29A.04.031, 29A.04.223, 29A.04.611, 29A.08.140, 29A.08.410,
4 29A.08.620, 29A.08.810, 29A.08.810, 29A.12.085, 29A.12.120,
5 29A.12.160, 29A.32.241, 29A.36.220, 29A.40.010, 29A.40.020,
6 29A.40.050, 29A.40.070, 29A.40.091, 29A.40.100, 29A.40.130,
7 29A.40.160, 29A.40.170, 29A.40.180, 29A.60.050, 29A.60.110,
8 29A.60.120, 29A.60.165, 29A.60.170, 29A.60.190, 29A.60.235,
9 29A.60.290, 29A.84.510, 29A.84.520, 29A.84.540, 29A.84.545, and
10 29A.84.550; reenacting and amending RCW 29A.40.110; adding a new
11 section to chapter 29A.04 RCW; adding new sections to chapter 29A.16
12 RCW; adding new sections to chapter 29A.40 RCW; adding a new chapter
13 to Title 29A RCW; creating a new section; repealing 2011 c 10 s 85
14 (uncodified); prescribing penalties; providing an effective date; and
15 providing an expiration date.

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

17 NEW SECTION. **Sec. 1.** The legislature finds that while voting by
18 mail in Washington has increased turnout in elections, this increase
19 in turnout has come at the expense of ballot security. No longer do
20 voters have the privacy of a voting booth or the security of a
21 polling place, but instead they are subject to potential

1 intimidation, electioneering, and fraud while filling out and casting
2 a ballot.

3 The legislature further finds that trust in the electoral system
4 across the United States has declined due to credible allegations of
5 voter fraud, ballot tampering, and foreign interference in elections.
6 As a result, it is important to institute an electoral process that
7 not only secures the vote from fraud, tampering, and interference,
8 but also restores trust that the outcomes are legitimate and that the
9 election was free and fair.

10 Accordingly, the legislature intends to ensure ballot security
11 and restore trust in electoral outcomes by reimplementing in-person
12 voting in Washington, while continuing to provide ballot access to
13 those who most need it by allowing for limited absentee voting.

14 **Sec. 2.** RCW 29A.04.008 and 2013 c 11 s 1 are each amended to
15 read as follows:

16 As used in this title:

17 (1) "Ballot" means, as the context implies, either:

18 (a) The issues and offices to be voted upon in a jurisdiction or
19 portion of a jurisdiction at a particular primary, general election,
20 or special election;

21 (b) A facsimile of the contents of a particular ballot whether
22 printed on a paper ballot or ballot card or as part of a voting
23 machine or voting device in a polling place;

24 (c) A physical or electronic record of the choices of an
25 individual voter in a particular primary, general election, or
26 special election; or

27 (d) The physical document on which the voter's choices are to be
28 recorded;

29 (2) "Paper ballot" means a piece of paper on which the ballot for
30 a particular election or primary has been printed, on which a voter
31 may record his or her choices for any candidate or for or against any
32 measure, and that is to be tabulated manually;

33 (3) "Ballot card" means any type of card or piece of paper of any
34 size on which a voter may record his or her choices for any candidate
35 and for or against any measure and that is to be tabulated on a vote
36 tallying system;

37 (4) "Sample ballot" means a printed facsimile of all the issues
38 and offices on the ballot in a jurisdiction and is intended to give
39 voters notice of the issues, offices, and candidates that are to be

1 voted on at a particular primary, general election, or special
2 election;

3 (5) "Provisional ballot" means a ballot issued to a voter who
4 would otherwise be denied an opportunity to vote a regular ballot,
5 for any reason authorized by the Help America Vote Act, including but
6 not limited to the following:

7 (a) The voter's name does not appear in the list of registered
8 voters for the county;

9 (b) There is an indication in the voter registration system that
10 the voter has requested an absentee ballot or has already voted in
11 that primary, special election, or general election, but the voter
12 wishes to vote again;

13 (c) There is a question on the part of the voter concerning the
14 issues or candidates on which the voter is qualified to vote;

15 (d) Any other reason allowed by law.

16 **Sec. 3.** RCW 29A.04.019 and 2011 c 10 s 3 are each amended to
17 read as follows:

18 "Counting center" means the facility or facilities designated by
19 the county auditor to count and canvass absentee ballots and polling
20 place ballots that are transferred to a central site to be counted,
21 rather than being counted by a poll-site ballot counting device.

22 **Sec. 4.** RCW 29A.04.031 and 2011 c 10 s 4 are each amended to
23 read as follows:

24 For registered voters voting absentee by mail, "date of mailing"
25 means the date of the postal cancellation on the envelope in which
26 the ballot is returned to the election official by whom it was
27 issued. For all service and overseas voters voting absentee, "date of
28 mailing" means the date stated by the voter on the declaration.

29 **Sec. 5.** RCW 29A.04.223 and 2011 c 10 s 44 are each amended to
30 read as follows:

31 ~~(1) ((The legislature finds that the elimination of polling~~
32 ~~places resulting from the transition to vote by mail creates barriers~~
33 ~~that restrict the ability of many voters with disabilities from~~
34 ~~achieving the independence and privacy in voting provided by the~~
35 ~~accessible voting devices required under the help America vote act.~~
36 ~~Counties must take appropriate steps to mitigate these impacts and to~~
37 ~~address the obligation to provide voters with disabilities an equal~~

1 ~~opportunity to vote independently and privately, to the extent that~~
2 ~~this can be achieved without incurring undue administrative and~~
3 ~~financial burden.~~

4 ~~(2))~~ Each county shall establish and maintain an advisory
5 committee that includes persons with diverse disabilities and persons
6 with expertise in providing accommodations for persons with
7 disabilities. The committee shall assist election officials in
8 developing a plan to identify and implement changes to improve the
9 accessibility of elections for voters with disabilities. The plan
10 shall include recommendations for the following:

11 (a) The number of (~~voting centers~~) polling places that will be
12 maintained in order to ensure that people with disabilities have
13 reasonable access to accessible voting devices, and a written
14 explanation for how the determination was made;

15 (b) The locations of polling places, absentee ballot drop-off
16 facilities, voting centers, and other election-related functions
17 necessary to maximize accessibility to persons with disabilities;

18 (c) Outreach to voters with disabilities on the availability of
19 disability accommodation, including in-person disability access
20 voting;

21 (d) Transportation of voting devices to locations convenient for
22 voters with disabilities in order to ensure reasonable access for
23 voters with disabilities; and

24 (e) Implementation of the provisions of the help America vote act
25 related to persons with disabilities.

26 Counties must update the plan at least annually. The election
27 review staff of the secretary of state shall review and evaluate the
28 plan in conformance with the review procedure identified in RCW
29 29A.04.570.

30 (~~(3))~~ (2) Counties may form a joint advisory committee to
31 develop the plan identified in subsection (~~(2))~~ (1) of this section
32 if no more than one of the participating counties has a population
33 greater than seventy thousand.

34 **Sec. 6.** RCW 29A.04.611 and 2011 c 10 s 13 are each amended to
35 read as follows:

36 The secretary of state as chief election officer shall make
37 reasonable rules in accordance with chapter 34.05 RCW not
38 inconsistent with the federal and state election laws to effectuate
39 any provision of this title and to facilitate the execution of its

1 provisions in an orderly, timely, and uniform manner relating to any
2 federal, state, county, city, town, and district elections. To that
3 end the secretary shall assist local election officers by devising
4 uniform forms and procedures.

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

8 (1) The maintenance of voter registration records;

9 (2) The preparation, maintenance, distribution, review, and
10 filing of precinct maps;

11 (3) Standards for the design, layout, and production of ballots;

12 (4) The examination and testing of voting systems for
13 certification;

14 (5) The source and scope of independent evaluations of voting
15 systems that may be relied upon in certifying voting systems for use
16 in this state;

17 (6) Standards and procedures for the acceptance testing of voting
18 systems by counties;

19 (7) Standards and procedures for testing the programming of vote
20 tallying software for specific primaries and elections;

21 (8) Standards and procedures for the preparation and use of each
22 type of certified voting system including procedures for the
23 operation of counting centers where vote tallying systems are used;

24 (9) Standards and procedures to ensure the accurate tabulation
25 and canvassing of ballots;

26 (10) Consistency among the counties of the state in the
27 preparation of ballots, the operation of vote tallying systems, and
28 the canvassing of primaries and elections;

29 (11) Procedures to ensure the secrecy of a voter's ballot when a
30 small number of ballots are counted;

31 (12) The use of substitute devices or means of voting when a
32 voting device is found to be defective, the counting of votes cast on
33 the defective device, the counting of votes cast on the substitute
34 device, and the documentation that must be submitted to the county
35 auditor regarding such circumstances;

36 (13) Procedures for the transportation of sealed containers of
37 voted ballots or sealed voting devices;

38 (14) The acceptance and filing of documents via electronic
39 transmission;

40 (15) Voter registration applications and records;

1 (16) The use of voter registration information in the conduct of
2 elections;

3 (17) The coordination, delivery, and processing of voter
4 registration records accepted by driver licensing agents or the
5 department of licensing;

6 (18) The coordination, delivery, and processing of voter
7 registration records accepted by agencies designated by the governor
8 to provide voter registration services;

9 (19) Procedures to receive and distribute voter registration
10 applications by mail;

11 (20) Procedures for a voter to change his or her voter
12 registration address within a county by telephone;

13 (21) Procedures for a voter to change the name under which he or
14 she is registered to vote;

15 (22) Procedures for canceling dual voter registration records and
16 for maintaining records of persons whose voter registrations have
17 been canceled;

18 (23) Procedures for the electronic transfer of voter registration
19 records between county auditors and the office of the secretary of
20 state;

21 (24) Procedures and forms for declarations of candidacy;

22 (25) Procedures and requirements for the acceptance and filing of
23 declarations of candidacy by electronic means;

24 (26) Procedures for the circumstance in which two or more
25 candidates have a name similar in sound or spelling so as to cause
26 confusion for the voter;

27 (27) Filing for office;

28 (28) The order of positions and offices on a ballot;

29 (29) Sample ballots;

30 (30) Independent evaluations of voting systems;

31 (31) The testing, approval, and certification of voting systems;

32 (32) The testing of vote tallying software programming;

33 (33) Standards and procedures to prevent fraud and to facilitate
34 the accurate processing and canvassing of ballots, including
35 standards for the approval and implementation of hardware and
36 software for automated signature verification systems;

37 (34) Standards and procedures to guarantee the secrecy of
38 ballots;

39 (35) Uniformity among the counties of the state in the conduct of
40 elections;

1 (36) Standards and procedures to accommodate overseas voters and
2 service voters;

3 (37) The tabulation of paper ballots;

4 (38) The accessibility of voting centers and polling places;

5 (39) The aggregation of precinct results if reporting the results
6 of a single precinct could jeopardize the secrecy of a person's
7 ballot;

8 (40) Procedures for conducting a statutory recount;

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

12 (42) Procedures for the statistical sampling of signatures for
13 purposes of verifying and canvassing signatures on initiative,
14 referendum, and recall election petitions;

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

17 (44) Deadlines for the filing of ballot titles for referendum
18 bills and constitutional amendments if none have been provided by the
19 legislature;

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

21 (46) Procedures for conducting special elections regarding
22 nuclear waste sites if the general statutory time requirements for
23 availability of ballots, certification, canvassing, and related
24 procedures cannot be met;

25 (47) Procedures for conducting partisan primary elections;

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

28 (49) Standards for voting technology and systems used by the
29 state or any political subdivision to be accessible for individuals
30 with disabilities, including nonvisual accessibility for the blind
31 and visually impaired, in a manner that provides the same opportunity
32 for access and participation, including privacy and independence, as
33 other voters;

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

38 (51) Defining the interaction of electronic voter registration
39 election management systems employed by each county auditor to

1 maintain a local copy of each county's portion of the official state
2 list of registered voters;

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

6 (53) Facilitating the payment of local government grants to local
7 government election officers or vendors; and

8 (54) Standards for the verification of signatures on ballot
9 declarations.

10 **Sec. 7.** RCW 29A.08.140 and 2020 c 208 s 22 are each amended to
11 read as follows:

12 (1) In order to vote in any primary, special election, or general
13 election, a person who is not registered to vote in Washington must:

14 (a) Submit a registration application that is received by an
15 election official no later than eight days before the day of the
16 primary, special election, or general election. For purposes of this
17 subsection (1)(a), "received" means: (i) Being physically received by
18 an election official by the close of business of the required
19 deadline; or (ii) for applications received online or electronically,
20 by midnight, of the required deadline; or

21 (b) Register in person at a county auditor's office, the division
22 of elections if in a separate city from the county auditor's office,
23 a polling place, a voting center, a student engagement hub, or other
24 location designated by the county auditor no later than 8:00 p.m. on
25 the day of the primary, special election, or general election.

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

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

34 (ii) Appearing in person, at a county auditor's office, the
35 division of elections if in a separate city from the county auditor's
36 office, a polling place, a voting center, or other location
37 designated by the county auditor, no later than 8:00 p.m. on the day
38 of the primary, special election, or general election to be in effect
39 for that primary, special election, or general election.

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

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

11 **Sec. 8.** RCW 29A.08.410 and 2019 c 391 s 7 are each amended to
12 read as follows:

13 A registered voter who changes his or her residence from one
14 address to another within the same county may transfer his or her
15 registration to the new address in one of the following ways:

16 (1) Sending the county auditor a request stating both the voter's
17 present address and the address from which the voter was last
18 registered received by an election official eight days prior to a
19 primary or election;

20 (2) Appearing in person before the county auditor, or at a
21 polling place, voting center, or other location designated by the
22 county auditor, and making such a request up until 8:00 p.m. on the
23 day of the primary or election;

24 (3) Telephoning or emailing the county auditor to transfer the
25 registration by eight days prior to a primary or election;

26 (4) Submitting a voter registration application received by an
27 election official by eight days prior to a primary or election;

28 (5) Submitting information to the department of licensing and
29 received by an election official by eight days prior to a primary or
30 election;

31 (6) Submitting voter registration information through the health
32 benefit exchange and received by an election official by eight days
33 prior to a primary or election; or

34 (7) Submitting information to an agency designated under RCW
35 29A.08.365 and received by an election official by eight days prior
36 to a primary or election once automatic voter registration is
37 implemented at the agency.

1 **Sec. 9.** RCW 29A.08.620 and 2011 c 10 s 17 are each amended to
2 read as follows:

3 (1) Each county auditor must request change of address
4 information from the postal service for all ~~((mail))~~ absentee
5 ballots. Each registered voter must be mailed an election-related
6 document, with change of address information requested, at least once
7 every two years and at least 90 days prior to the date of a primary
8 or general election for federal office.

9 (2) The county auditor shall transfer the registration of a voter
10 and send an acknowledgment notice to the new address informing the
11 voter of the transfer if change of address information received by
12 the county auditor from the postal service, the department of
13 licensing, or another agency designated to provide voter registration
14 services indicates that the voter has moved within the county.

15 (3) The county auditor shall place a voter on inactive status and
16 send to all known addresses a confirmation notice and a voter
17 registration application if change of address information received by
18 the county auditor from the postal service, the department of
19 licensing, or another agency designated to provide voter registration
20 services indicates that the voter has moved from one county to
21 another.

22 (4) The county auditor shall place a voter on inactive status and
23 send to all known addresses a confirmation notice if any of the
24 following occur:

25 (a) Any document mailed by the county auditor to a voter is
26 returned by the postal service as undeliverable without address
27 correction information; or

28 (b) Change of address information received from the postal
29 service, the department of licensing, or another state agency
30 designated to provide voter registration services indicates that the
31 voter has moved out of the state.

32 **Sec. 10.** RCW 29A.08.810 and 2011 c 10 s 20 are each amended to
33 read as follows:

34 (1) Registration of a person as a voter is presumptive evidence
35 of his or her right to vote. A challenge to the person's right to
36 vote must be based on personal knowledge of one of the following:

37 (a) The challenged voter has been convicted of a felony and the
38 voter's civil rights have not been restored;

1 (b) The challenged voter has been judicially declared ineligible
2 to vote due to mental incompetency;

3 (c) The challenged voter does not live at the residential address
4 provided, in which case the challenger must either:

5 (i) Provide the challenged voter's actual residence on the
6 challenge form; or

7 (ii) Submit evidence that he or she exercised due diligence to
8 verify that the challenged voter does not reside at the address
9 provided and to attempt to contact the challenged voter to learn the
10 challenged voter's actual residence, including that the challenger
11 personally:

12 (A) Sent a letter with return service requested to the challenged
13 voter's residential address provided, and to the challenged voter's
14 mailing address, if provided;

15 (B) Visited the residential address provided and contacted
16 persons at the address to determine whether the voter resides at the
17 address and, if not, obtained and submitted with the challenge form a
18 signed affidavit subject to the penalties of perjury from a person
19 who owns or manages property, resides, or is employed at the address
20 provided, that to his or her personal knowledge the challenged voter
21 does not reside at the address as provided on the voter registration;

22 (C) Searched local telephone directories, including online
23 directories, to determine whether the voter maintains a telephone
24 listing at any address in the county;

25 (D) Searched county auditor property records to determine whether
26 the challenged voter owns any property in the county; and

27 (E) Searched the statewide voter registration database to
28 determine if the voter is registered at any other address in the
29 state;

30 (d) The challenged voter will not be eighteen years of age by the
31 next election; or

32 (e) The challenged voter is not a citizen of the United States.

33 (2) A person's right to vote may be challenged by another
34 registered voter or the county prosecuting attorney, or by the poll-
35 site judge or inspector if the challenge is filed on election day
36 regarding a voter who presents himself or herself to vote at the poll
37 site.

38 (3) The challenger must file a signed affidavit subject to the
39 penalties of perjury swearing that, to his or her personal knowledge
40 and belief, having exercised due diligence to personally verify the

1 evidence presented, the challenged voter either is not qualified to
2 vote or does not reside at the address given on his or her voter
3 registration record based on one of the reasons allowed in subsection
4 (1) of this section. The challenger must provide the factual basis
5 for the challenge, including any information required by subsection
6 (1)(c) of this section, in the signed affidavit. The challenge may
7 not be based on unsupported allegations or allegations by anonymous
8 third parties. All documents pertaining to the challenge are public
9 records.

10 (4) Challenges based on a felony conviction under RCW 29A.08.520
11 must be heard according to RCW 29A.08.520 and rules adopted by the
12 secretary of state.

13 **Sec. 11.** RCW 29A.08.810 and 2020 c 208 s 6 are each amended to
14 read as follows:

15 (1) Registration of a person as a voter is presumptive evidence
16 of his or her right to vote. A challenge to the person's right to
17 vote must be based on personal knowledge of one of the following:

18 (a) The challenged voter has been convicted of a felony and the
19 voter's civil rights have not been restored;

20 (b) The challenged voter has been judicially declared ineligible
21 to vote due to mental incompetency;

22 (c) The challenged voter does not live at the residential address
23 provided, in which case the challenger must either:

24 (i) Provide the challenged voter's actual residence on the
25 challenge form; or

26 (ii) Submit evidence that he or she exercised due diligence to
27 verify that the challenged voter does not reside at the address
28 provided and to attempt to contact the challenged voter to learn the
29 challenged voter's actual residence, including that the challenger
30 personally:

31 (A) Sent a letter with return service requested to the challenged
32 voter's residential address provided, and to the challenged voter's
33 mailing address, if provided;

34 (B) Visited the residential address provided and contacted
35 persons at the address to determine whether the voter resides at the
36 address and, if not, obtained and submitted with the challenge form a
37 signed affidavit subject to the penalties of perjury from a person
38 who owns or manages property, resides, or is employed at the address

1 provided, that to his or her personal knowledge the challenged voter
2 does not reside at the address as provided on the voter registration;

3 (C) Searched local telephone directories, including online
4 directories, to determine whether the voter maintains a telephone
5 listing at any address in the county;

6 (D) Searched county auditor property records to determine whether
7 the challenged voter owns any property in the county; and

8 (E) Searched the statewide voter registration database to
9 determine if the voter is registered at any other address in the
10 state;

11 (d) The challenged voter will not be eighteen years of age by the
12 next general election; or

13 (e) The challenged voter is not a citizen of the United States.

14 (2) A person's right to vote may be challenged by another
15 registered voter or the county prosecuting attorney, or by the poll-
16 site judge or inspector if the challenge is filed on election day
17 regarding a voter who presents himself or herself to vote at the poll
18 site.

19 (3) The challenger must file a signed affidavit subject to the
20 penalties of perjury swearing that, to his or her personal knowledge
21 and belief, having exercised due diligence to personally verify the
22 evidence presented, the challenged voter either is not qualified to
23 vote or does not reside at the address given on his or her voter
24 registration record based on one of the reasons allowed in subsection
25 (1) of this section. The challenger must provide the factual basis
26 for the challenge, including any information required by subsection
27 (1)(c) of this section, in the signed affidavit. The challenge may
28 not be based on unsupported allegations or allegations by anonymous
29 third parties. All documents pertaining to the challenge are public
30 records.

31 (4) Challenges based on a felony conviction under RCW 29A.08.520
32 must be heard according to RCW 29A.08.520 and rules adopted by the
33 secretary of state.

34 **Sec. 12.** RCW 29A.12.085 and 2011 c 10 s 22 are each amended to
35 read as follows:

36 Beginning on January 1, 2006, all direct recording electronic
37 voting devices must produce a paper record of each vote that may be
38 accepted or rejected by the voter before finalizing his or her vote.
39 This record may not be removed from the (~~voting center~~) polling

1 place, and must be human readable without an interface and machine
2 readable for counting purposes. If the device is programmed to
3 display the ballot in multiple languages, the paper record produced
4 must be printed in the language used by the voter. Rejected records
5 must either be destroyed or marked in order to clearly identify the
6 record as rejected. Paper records produced by direct recording
7 electronic voting devices are subject to all the requirements of
8 chapter 29A.60 RCW for ballot handling, preservation, reconciliation,
9 transit, and storage. The paper records must be preserved in the same
10 manner and for the same period of time as ballots.

11 **Sec. 13.** RCW 29A.12.120 and 2013 c 11 s 23 are each amended to
12 read as follows:

13 (1) Before each state primary or general election at which voting
14 systems are to be used, the county auditor shall instruct all
15 counting center and polling place personnel who will operate a voting
16 system in the proper conduct of their voting system duties.

17 (2) The county auditor may waive instructional requirements for
18 counting center and polling place personnel who have previously
19 received instruction and who have served for a sufficient length of
20 time to be fully qualified to perform their duties. The county
21 auditor shall keep a record of each person who has received
22 instruction and is qualified to serve at the subsequent primary or
23 election.

24 (3) No person may operate a voting system in a counting center or
25 polling place at a primary or election unless that person has
26 received the required instruction and is qualified to perform his or
27 her duties in connection with the handling and tallying of ballots
28 for that primary or election.

29 **Sec. 14.** RCW 29A.12.160 and 2011 c 10 s 25 are each amended to
30 read as follows:

31 (1) At each (~~voting center~~) polling place, at least one voting
32 unit certified by the secretary of state shall provide access to
33 individuals who are blind or visually impaired.

34 (2) For purposes of this section, the following definitions
35 apply:

36 (a) "Accessible" includes receiving, using, selecting, and
37 manipulating voter data and controls.

1 (b) "Nonvisual" includes synthesized speech, Braille, and other
2 output methods.

3 (c) "Blind and visually impaired" excludes persons who are both
4 deaf and blind.

5 **Sec. 15.** RCW 29A.32.241 and 2020 c 208 s 12 are each amended to
6 read as follows:

7 (1) The local voters' pamphlet shall include but not be limited
8 to the following:

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

12 (b) A list of jurisdictions that have measures or candidates in
13 the pamphlet;

14 (c) Information on how a person may register to vote and obtain
15 ((a)) an absentee ballot;

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

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

26 (f) A list of all student engagement hubs in the county as
27 designated under RCW 29A.40.180; and

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

32 (2) The county auditor's name may not appear in the local voters'
33 pamphlet in his or her official capacity if the county auditor is a
34 candidate for office during the same year. His or her name may only
35 be included as part of the information normally included for
36 candidates.

37 **Sec. 16.** RCW 29A.36.220 and 2011 c 10 s 34 are each amended to
38 read as follows:

1 The cost of printing and mailing absentee ballots, envelopes, and
2 instructions shall be an election cost that shall be borne as
3 determined under RCW 29A.04.410 and 29A.04.420, as appropriate.

4 **Sec. 17.** RCW 29A.40.010 and 2013 c 11 s 47 are each amended to
5 read as follows:

6 ~~((Each active registered voter of the state, overseas voter, and~~
7 ~~service voter shall automatically be issued a mail ballot for each~~
8 ~~general election, special election, or primary. Overseas voters and~~
9 ~~service voters are authorized to cast the same ballots, including~~
10 ~~those for special elections, as a registered voter of the state would~~
11 ~~receive under this chapter. Each active registered voter shall~~
12 ~~continue to receive a ballot by mail until the death or~~
13 ~~disqualification of the voter, cancellation of the voter's~~
14 ~~registration, or placing the voter on inactive status.)) (1) An~~

15 active registered voter is eligible to submit an absentee ballot
16 request to the voter's county auditor if the voter:

17 (a) Is or will be at least 65 years old on the date of the
18 elections;

19 (b) Has a disability or illness that prevents the voter from
20 voting in person;

21 (c) Is military personnel or a dependent of military personnel;

22 (d) Is a student who temporarily resides outside the county;

23 (e) Temporarily resides outside the state but maintains
24 eligibility to vote in the state;

25 (f) Is incarcerated but not yet convicted of a crime;

26 (g) Is employed outside of the county during all hours the
27 polling place is open; or

28 (h) Participates in the address confidentiality program under
29 chapter 40.24 RCW.

30 (2) The county auditor must approve a request for an absentee
31 ballot if the voter meets any of the criteria in subsection (1) of
32 this section. The auditor may not approve requests for an absentee
33 ballot in any other circumstances.

34 **Sec. 18.** RCW 29A.40.020 and 2011 c 10 s 36 are each amended to
35 read as follows:

36 (1) A voter's absentee ballot request must be sent to the voter's
37 county auditor no earlier than 90 days nor later than the day before
38 the election or primary at which the person seeks to vote. Except as

1 otherwise provided by law, the request may be made orally in person,
2 by telephone, electronically, or in writing. An application or
3 request for an absentee ballot made under the authority of a federal
4 statute or regulation will be considered and given the same effect as
5 a request for an absentee ballot under this chapter.

6 (2) A voter requesting an absentee ballot for a primary may also
7 request an absentee ballot for the following general election. A
8 request by an overseas voter or service voter for an absentee ballot
9 for a primary election will also be considered as a request for an
10 absentee ballot for the following general election.

11 (3) In requesting an absentee ballot, the voter must state the
12 address to which the absentee ballot should be sent. A request for a
13 ballot from an overseas voter or service voter must include the
14 address of the last residence in the state of Washington.

15 ~~((2))~~ (4) No person, organization, or association may
16 distribute any absentee ballot materials that contain a return
17 address other than that of the appropriate county auditor.

18 **Sec. 19.** RCW 29A.40.050 and 2011 c 10 s 37 are each amended to
19 read as follows:

20 (1) County auditors shall provide special absentee ballots to be
21 used for state primary or state general elections. An auditor shall
22 provide a special absentee ballot only to a registered voter who
23 completes an application stating that she or he will be unable to
24 vote and return a regular ballot by normal mail delivery within the
25 period provided for regular ballots.

26 A special absentee ballot may not be requested more than ninety
27 days before the applicable state primary or general election. The
28 special absentee ballot will list the offices and measures, if known,
29 scheduled to appear on the state primary or general election ballot.
30 The voter may use the special absentee ballot to write in the name of
31 any eligible candidate for each office and vote on any measure.

32 (2) The county auditor shall include a listing of any candidates
33 who have filed before the time of the application for offices that
34 will appear on the ballot at that primary or election and a list of
35 any issues that have been referred to the ballot before the time of
36 the application.

37 (3) Write-in votes on special absentee ballots must be counted in
38 the same manner provided by law for the counting of other write-in
39 votes. The county auditor shall process and canvass the special

1 absentee ballots provided under this section in the same manner as
2 other absentee ballots under this chapter and chapter 29A.60 RCW.

3 (4) A voter who requests a special absentee ballot under this
4 section may also request a regular absentee ballot. If the regular
5 absentee ballot is properly voted and returned, the special absentee
6 ballot is void, and the county auditor shall reject it in whole when
7 special absentee ballots are canvassed.

8 **Sec. 20.** RCW 29A.40.070 and 2013 c 11 s 48 are each amended to
9 read as follows:

10 (1) Except where a recount or litigation is pending, the county
11 auditor must mail absentee ballots to each voter for whom an absentee
12 ballot request has been approved at least eighteen days before each
13 primary or election, and as soon as possible for all subsequent
14 absentee ballot requests and registration changes.

15 (2) Except where a recount or litigation is pending, the county
16 auditor must mail absentee ballots to each service and overseas voter
17 for whom an absentee ballot request has been approved at least thirty
18 days before each special election, and at least forty-five days
19 before each primary or general election, or any special election that
20 involves federal office. A request for a ballot made by an overseas
21 or service voter after that day must be processed immediately.

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

28 (4) (~~Each~~) Within 24 hours of mailing the absentee ballots, the
29 county auditor shall certify to the office of the secretary of state
30 the dates the ballots were mailed(~~, or~~). If the absentee ballots
31 are not mailed at least 18 days before the election, the auditor must
32 notify the secretary within 24 hours of the reason for the delay and
33 the date the ballots will be mailed ((if the ballots were not mailed
34 timely)). If the county auditor has not provided such information to
35 the secretary by the Monday 15 days before the election, the
36 secretary must contact the county auditor to inquire about the reason
37 for the delay and the date that the auditor expects the absentee
38 ballots will be sent.

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

5 **Sec. 21.** RCW 29A.40.091 and 2020 c 12 s 1 are each amended to
6 read as follows:

7 (1) ~~((The))~~ For each voter whose absentee ballot request has been
8 approved, the county auditor shall send ~~((each))~~ the voter a ballot,
9 a security envelope in which to conceal the ballot after voting, a
10 larger envelope in which to return the security envelope, a
11 declaration that the voter must sign, and instructions on how to
12 obtain information about the election, how to mark the ballot, and
13 how to return the ballot to the county auditor. The calendar date of
14 the election must be prominently displayed in bold type, twenty-point
15 font or larger, on the envelope sent to the voter containing the
16 ballot and other materials listed in this subsection:

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

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

19 (c) For all elections in 2022 and after.

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

30 (3) ~~((For overseas and service voters, the signed declaration~~
31 ~~constitutes the equivalent of a voter registration.))~~ Return
32 envelopes for overseas and service voters must enable the absentee
33 ballot to be returned postage free if mailed through the United
34 States postal service, United States armed forces postal service, or
35 the postal service of a United States foreign embassy under 39 U.S.C.
36 3406.

37 (4) The voter must be instructed to either return the absentee
38 ballot to the county auditor no later than 8:00 p.m. the day of the
39 election or primary, or mail the absentee ballot to the county

1 auditor with a postmark no later than the day of the election or
2 primary. Return envelopes for all election ballots must include
3 prepaid postage. Service and overseas voters must be provided with
4 instructions and a privacy sheet for returning the ballot and signed
5 declaration by fax or email. A voted ballot and signed declaration
6 returned by fax or email must be received by 8:00 p.m. on the day of
7 the election or primary.

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

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

14 **Sec. 22.** RCW 29A.40.100 and 2011 c 10 s 40 are each amended to
15 read as follows:

16 County auditors must request that observers be appointed by the
17 major political parties to be present during the processing of
18 ballots at ((the)) polling places and counting centers. County
19 auditors have discretion to also request that observers be appointed
20 by any campaigns or organizations. The absence of the observers will
21 not prevent the processing of ballots if the county auditor has
22 requested their presence.

23 **Sec. 23.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
24 2011 c 10 s 41 are each reenacted and amended to read as follows:

25 (1) The opening and subsequent processing of return envelopes for
26 any primary or election may begin upon receipt. The tabulation of
27 absentee ballots must not commence until after 8:00 p.m. on the day
28 of the primary or election.

29 (2) All received return envelopes must be placed in secure
30 locations from the time of delivery to the county auditor until their
31 subsequent opening. After opening the return envelopes, the county
32 canvassing board shall place all of the absentee ballots in secure
33 storage until processing. Ballots may be taken from the inner
34 envelopes and all the normal procedural steps may be performed to
35 prepare these ballots for tabulation.

36 (3) The canvassing board, or its designated representatives,
37 shall examine the postmark on the return envelope and signature on
38 the declaration before processing the absentee ballot. The ballot

1 must either be received no later than 8:00 p.m. on the day of the
2 primary or election, or must be postmarked no later than the day of
3 the primary or election. All personnel assigned to verify signatures
4 must receive training on statewide standards for signature
5 verification. Personnel shall verify that the voter's signature on
6 the ballot declaration is the same as the signature of that voter in
7 the registration files of the county. Verification may be conducted
8 by an automated verification system approved by the secretary of
9 state. A variation between the signature of the voter on the ballot
10 declaration and the signature of that voter in the registration files
11 due to the substitution of initials or the use of common nicknames is
12 permitted so long as the surname and handwriting are clearly the
13 same.

14 (4) If the postmark is (~~missing or~~) illegible, the date on the
15 absentee ballot declaration to which the voter has attested
16 determines the validity, as to the time of voting, for that ballot.

17 (5) If the postmark is missing on a ballot that is received by
18 the county auditor after election day, the ballot may be counted only
19 if the voter signs a declaration attesting, under penalty of perjury,
20 that the ballot was mailed on or before election day. The county
21 auditor must notify every such voter by first-class mail. If the
22 voter has not responded at least three business days before the final
23 meeting of the canvassing board, then the auditor must attempt to
24 notify the voter by telephone, using the voter registration record
25 information.

26 (6) For overseas voters and service voters, the date on the
27 declaration to which the voter has attested determines the validity,
28 as to the time of voting, for that ballot. Any overseas voter or
29 service voter may return the signed declaration and voted ballot by
30 fax or email by 8:00 p.m. on the day of the primary or election, and
31 the county auditor must use established procedures to maintain the
32 secrecy of the ballot.

33 **Sec. 24.** RCW 29A.40.130 and 2011 c 10 s 42 are each amended to
34 read as follows:

35 Each county auditor shall maintain in his or her office, open for
36 public inspection, a record of all voters who have voted in person
37 and all voters who have been issued ((a)) an absentee ballot and all
38 voters who returned ((a)) an absentee ballot. For each primary,
39 special election, or general election, any political party,

1 committee, or person may request a list of all registered voters who
2 have or have not voted. Such requests shall be handled as public
3 records requests pursuant to chapter 42.56 RCW.

4 **Sec. 25.** RCW 29A.40.160 and 2019 c 6 s 6 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) Each county auditor shall register voters in person at each
12 of the following locations in the county:

13 (a) At the county auditor's office;

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

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

22 (3) Voting centers shall be located in public buildings or
23 buildings that are leased by a public entity including, but not
24 limited to, libraries.

25 (4) Each voting center, and at least one of the other locations
26 designated by the county auditor to allow voters to register in
27 person pursuant to RCW 29A.08.140(1)(b), must provide voter
28 registration materials, (~~(ballots, provisional ballots,)~~) information
29 about polling places in the county, information about requesting an
30 absentee ballot, disability access voting units, sample ballots,
31 (~~(instructions on how to properly vote the ballot, a)~~) an absentee
32 ballot drop box, and voters' pamphlets, if a voters' pamphlet has
33 been published.

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

38 (~~(Each voting center must provide at least one voting unit~~
39 ~~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 ~~(7) 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 ~~(8) 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 ~~(9) 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. A tribal identification card is not required to
26 include a residential address or an expiration date to be considered
27 valid under this section. Any individual who desires to vote in
28 person but cannot provide identification shall be issued a
29 provisional ballot, which shall be accepted if the signature on the
30 declaration matches the signature on the voter's registration record.~~

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

39 ~~(11) Any voter may take printed or written material into the
40 voting device to assist in casting his or her vote. The voter shall~~

1 ~~not use this material to electioneer and shall remove it when he or~~
2 ~~she leaves the voting center.~~

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

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

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

15 ~~(15) Any voter who is inside or in line at the voting center at~~
16 ~~8:00 p.m. on the day of the primary, special election, or general~~
17 ~~election must be allowed to vote.~~

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

23 **Sec. 26.** RCW 29A.40.170 and 2019 c 6 s 5 are each amended to
24 read as follows:

25 ~~((1))~~ The county auditor may establish drop boxes to collect
26 absentee ballots. The county auditor must prevent overflow of each
27 ballot drop box to allow a voter to deposit his or her absentee
28 ballot securely. Ballots must be removed from a ballot drop box by at
29 least two people, with a record kept of the date and time ballots
30 were removed, and the names of people removing them. Ballots from
31 drop boxes must be returned to the counting center in secured
32 transport containers. A copy of the record must be placed in the
33 container, and one copy must be transported with the ballots to the
34 counting center, where the seal number must be verified by the county
35 auditor or a designated representative. All ballot drop boxes must be
36 secured at 8:00 p.m. on the day of the primary, special election, or
37 general election.

38 ~~((2) The county auditor must establish a minimum of one ballot~~
39 ~~drop box per fifteen thousand registered voters in the county and a~~

1 ~~minimum of one ballot drop box in each city, town, and census-~~
2 ~~designated place in the county with a post office.~~

3 ~~(3) At the request of a federally recognized Indian tribe with a~~
4 ~~reservation in the county, the county auditor must establish at least~~
5 ~~one ballot drop box on the Indian reservation on a site selected by~~
6 ~~the tribe that is accessible to the county auditor by a public road.~~

7 ~~(4) A federally recognized Indian tribe may designate at least~~
8 ~~one building as a ballot pickup and collection location at no cost to~~
9 ~~the tribe. The designated building must be accessible to the county~~
10 ~~auditor by a public road. The county auditor of the county in which~~
11 ~~the building is located must collect ballots from that location in~~
12 ~~compliance with the procedures in subsection (1) of this section.)~~

13 **Sec. 27.** RCW 29A.40.180 and 2020 c 208 s 10 are each amended to
14 read as follows:

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

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

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

33 **Sec. 28.** RCW 29A.60.050 and 2011 c 10 s 48 are each amended to
34 read as follows:

35 Whenever the polling place or counting center personnel have a
36 question about the validity of a ballot or the votes for an office or
37 issue that they are unable to resolve, they shall prepare and sign a
38 concise record of the facts in question or dispute. These ballots

1 shall be delivered to the canvassing board for processing. A ballot
2 is not considered rejected until the canvassing board has rejected
3 the ballot individually, or the ballot was included in a batch or on
4 a report of ballots that was rejected in its entirety by the
5 canvassing board. All ballots shall be preserved in the same manner
6 as valid ballots for that primary or election.

7 **Sec. 29.** RCW 29A.60.110 and 2018 c 218 s 4 are each amended to
8 read as follows:

9 (1) Immediately after their tabulation, all ballots counted at a
10 ballot counting center must be sealed in containers that identify the
11 primary or election and be retained for at least sixty days or
12 according to federal law, whichever is longer. All ballots tallied by
13 poll-site ballot counting devices must be returned to the elections
14 department in sealed ballot containers on election day. Counties
15 composed entirely of islands or portions of counties composed of
16 islands shall collect the ballots within 24 hours of the close of the
17 polls. Ballots tabulated in poll-site ballot counting devices must be
18 sealed by two of the election precinct officers at the polling place,
19 and a log of the seal and the names of the people sealing the
20 container must be completed. One copy of this log must be retained by
21 the inspector, one copy must be placed in the ballot transfer case,
22 and one copy must be transported with the ballots to the elections
23 department, where the seal number must be verified by the county
24 auditor or a designated representative. Auditors using poll-site
25 ballot counting devices may conduct early pickup of counted ballots
26 on election day.

27 (2) In the presence of major party observers who are available,
28 ballots may be removed from the sealed containers at the elections
29 department and consolidated into one sealed container for storage
30 purposes. The containers may only be opened by the canvassing board
31 as part of the canvass, to conduct recounts, to conduct a random
32 check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185,
33 or by order of the superior court in a contest or election dispute.
34 If the canvassing board opens a ballot container, it shall make a
35 full record of the additional tabulation or examination made of the
36 ballots. This record must be added to any other record of the
37 canvassing process in that county.

1 **Sec. 30.** RCW 29A.60.120 and 2011 c 10 s 51 are each amended to
2 read as follows:

3 (1) All voted ballots must be manually inspected for damage,
4 write-in votes, and incorrect or incomplete marks. If it is found
5 that any ballot is damaged so that it cannot properly be counted by
6 the vote tallying system, a true duplicate copy must be made of the
7 damaged ballot in the presence of witnesses and substituted for the
8 damaged ballot. All damaged ballots must be kept by the county
9 auditor until sixty days after the primary or election or according
10 to federal law, whichever is longer.

11 (2) The returns produced by the vote tallying system, to which
12 have been added the counts of questioned ballots that have been
13 accepted, (~~and~~) write-in votes, and absentee ballots, constitute
14 the official returns of the primary or election in that county.

15 **Sec. 31.** RCW 29A.60.165 and 2019 c 167 s 1 are each amended to
16 read as follows:

17 (1) If the voter neglects to sign the absentee ballot
18 declaration, the auditor shall notify the voter by first-class mail
19 and advise the voter of the correct procedures for completing the
20 unsigned declaration. If the ballot is received (~~within~~) at least
21 three business days (~~of~~) before the final meeting of the canvassing
22 board, or the voter has been notified by first-class mail and has not
23 responded at least three business days before the final meeting of
24 the canvassing board, then the auditor shall attempt to notify the
25 voter by telephone, using the voter registration record information.

26 (2)(a) If the handwriting of the signature on (~~a~~) an absentee
27 ballot declaration is not the same as the handwriting of the
28 signature on the registration file, the auditor shall notify the
29 voter by first-class mail, enclosing a copy of the declaration, and
30 advise the voter of the correct procedures for updating his or her
31 signature on the voter registration file. If the ballot is received
32 (~~within~~) at least three business days (~~of~~) before the final
33 meeting of the canvassing board, or the voter has been notified by
34 first-class mail and has not responded at least three business days
35 before the final meeting of the canvassing board, then the auditor
36 shall attempt to notify the voter by telephone, using the voter
37 registration record information.

38 (b) If the signature on (~~a~~) an absentee ballot declaration is
39 not the same as the signature on the registration file because the

1 name is different, the ballot may be counted as long as the
2 handwriting is clearly the same. The auditor shall send the voter a
3 change-of-name form under RCW 29A.08.440 and direct the voter to
4 complete the form.

5 (c) If the signature on ((a)) an absentee ballot declaration is
6 not the same as the signature on the registration file because the
7 voter used initials or a common nickname, the ballot may be counted
8 as long as the surname and handwriting are clearly the same.

9 (3) A voter may not cure a missing or mismatched signature for
10 purposes of counting the absentee ballot in a recount.

11 (4) A record must be kept of all absentee ballots with missing
12 and mismatched signatures. The record must contain the date on which
13 the voter was contacted or the notice was mailed, as well as the date
14 on which the voter submitted updated information. The record must be
15 updated each day that ballots are processed under RCW 29A.60.160,
16 each time a voter was contacted or the notice was mailed, and when
17 the voter submitted updated information. The auditor shall send the
18 record, and any updated records, to the secretary of state no later
19 than forty-eight hours after the record is created or updated. The
20 secretary of state shall make all records publicly available no later
21 than twenty-four hours after receiving the record.

22 **Sec. 32.** RCW 29A.60.170 and 2018 c 218 s 3 are each amended to
23 read as follows:

24 (1) At least twenty-eight days prior to any special election,
25 general election, or primary, the county auditor shall request from
26 the chair of the county central committee of each major political
27 party a list of individuals who are willing to serve as observers.
28 The county auditor has discretion to also request observers from any
29 campaign or organization. The county auditor may delete from the
30 lists names of those persons who indicate to the county auditor that
31 they cannot or do not wish to serve as observers, and names of those
32 persons who, in the judgment of the county auditor, lack the ability
33 to properly serve as observers after training has been made available
34 to them by the auditor.

35 (2) The counting center ((is)) and polling places are under the
36 direction of the county auditor and must be open to observation by
37 one representative from each major political party, if
38 representatives have been appointed by the respective major political
39 parties and these representatives are present while the counting

1 center (~~is~~) and polling places are operating. The proceedings must
2 be open to the public, but no persons except those employed and
3 authorized by the county auditor may touch any ballot or ballot
4 container or operate a vote tallying system.

5 (3) A random check of the ballot counting equipment must be
6 conducted upon mutual agreement of the political party observers or
7 at the discretion of the county auditor. The random check procedures
8 must be adopted by the county canvassing board, and consistent with
9 rules adopted under RCW 29A.60.185(4), prior to the processing of
10 ballots. The random check process shall involve a comparison of a
11 manual count or electronic count if an audit under RCW
12 29A.60.185(1)(d) is conducted to the machine count from the original
13 ballot counting equipment and may involve up to either three
14 precincts or six batches depending on the ballot counting procedures
15 in place in the county. The random check will be limited to one
16 office or issue on the ballots in the precincts or batches that are
17 selected for the check. The selection of the precincts or batches to
18 be checked must be selected according to procedures established by
19 the county canvassing board. The random check procedures must include
20 a process, consistent with RCW 29A.60.185(3) and rules adopted under
21 RCW 29A.60.185(4), for expanding the audit to include additional
22 ballots when a random check conducted under this section results in a
23 discrepancy. The procedure must specify under what circumstances a
24 discrepancy will lead to an audit of additional ballots and the
25 method to determine how many additional ballots will be selected.
26 Procedures adopted under RCW 29A.60.185 pertaining to investigations
27 of any discrepancy found during an audit must be followed. The check
28 must be completed no later than forty-eight hours after election day.

29 ~~(4) ((a) By November 1, 2018, the secretary of state shall:~~

30 ~~(i) For each county, survey all random check procedures adopted~~
31 ~~by the county canvassing board under subsection (3) of this section;~~
32 ~~and~~

33 ~~(ii) Evaluate the procedures to identify the best practices and~~
34 ~~any discrepancies.~~

35 ~~(b) By December 15, 2018, the secretary of state shall submit a~~
36 ~~report, in compliance with RCW 43.01.036, to the appropriate~~
37 ~~committees of the legislature that provides recommendations, based on~~
38 ~~the evaluation performed under (a) of this subsection, for adopting~~
39 ~~best practices and uniform procedures.)~~ In counties using poll-site
40 ballot counting devices, the political party observers, upon mutual

1 agreement, may choose as many as three precincts and request that a
2 manual count be made of the number of ballots and the votes cast on
3 any office or issue. The results of this count will be compared to
4 the count of the precinct made by the poll-site ballot counting
5 device. These selections must be made no later than 30 minutes after
6 the close of the polls. The manual count must be completed within 48
7 hours after the close of the polls. The process must take place at a
8 location designated by the county auditor for that purpose. The
9 political party observers must receive timely notice of the time and
10 location, and have the right to be present. However, the process must
11 proceed as scheduled if the observers are unable to attend.

12 **Sec. 33.** RCW 29A.60.190 and 2019 c 7 s 5 are each amended to
13 read as follows:

14 Ten days after a special election held in February or April, ten
15 days after a presidential primary held pursuant to chapter 29A.56
16 RCW, fourteen days after a primary, or twenty-one days after a
17 general election, the county canvassing board shall complete the
18 canvass and certify the results. Each absentee ballot that was
19 returned before 8:00 p.m. on the day of the special election, general
20 election, primary, or presidential primary, and each absentee ballot
21 bearing a postmark on or before the date of the special election,
22 general election, primary, or presidential primary and received no
23 later than the day before certification, must be included in the
24 canvass report.

25 **Sec. 34.** RCW 29A.60.235 and 2018 c 218 s 9 are each amended to
26 read as follows:

27 (1) The county auditor shall prepare at the time of certification
28 an election reconciliation report that discloses the following
29 information:

- 30 (a) The number of registered voters;
31 (b) The number of absentee ballots issued;
32 (c) The number of absentee ballots received;
33 (d) The number of absentee ballots counted;
34 (e) The number of absentee ballots rejected;
35 (f) The number of provisional ballots issued;
36 (g) The number of provisional ballots received;
37 (h) The number of provisional ballots counted;
38 (i) The number of provisional ballots rejected;

- 1 (j) The number of federal write-in ballots received;
- 2 (k) The number of federal write-in ballots counted;
- 3 (l) The number of federal write-in ballots rejected;
- 4 (m) The number of overseas and service ballots issued by mail,
5 email, web site link, or facsimile;
- 6 (n) The number of overseas and service ballots received by mail,
7 email, or facsimile;
- 8 (o) The number of overseas and service ballots counted by mail,
9 email, or facsimile;
- 10 (p) The number of overseas and service ballots rejected by mail,
11 email, or facsimile;
- 12 (q) The number of nonoverseas and nonservice ballots sent by
13 email, web site link, or facsimile;
- 14 (r) The number of nonoverseas and nonservice ballots received by
15 email or facsimile;
- 16 (s) The number of nonoverseas and nonservice ballots that were
17 rejected for:
- 18 (i) Failing to send an original or hard copy of the ballot by the
19 certification deadline; or
- 20 (ii) Any other reason, including the reason for rejection;
- 21 (t) The number of voters credited with voting;
- 22 (u) The number of replacement ballots requested;
- 23 (v) The number of replacement ballots issued;
- 24 (w) The number of replacement ballots received;
- 25 (x) The number of replacement ballots counted;
- 26 (y) The number of replacement ballots rejected; (~~and~~)
- 27 (z) The total number of ballots counted; and
- 28 (aa) Any other information the auditor or secretary of state
29 deems necessary to reconcile the number of ballots counted with the
30 number of voters credited with voting, and to maintain an audit
31 trail.
- 32 (2) The county auditor must make the report available to the
33 public at the auditor's office and must publish the report on the
34 auditor's web site at the time of certification. The county auditor
35 must submit the report to the secretary of state at the time of
36 certification in any form determined by the secretary of state.
- 37 (3) (a) The secretary of state must collect the reconciliation
38 reports from each county auditor and prepare a statewide
39 reconciliation report for each state primary and general election.
40 The report may be produced in a form determined by the secretary that

1 includes the information as described in this subsection (3). The
2 report must be prepared and published on the secretary of state's web
3 site within two months after the last county's election results have
4 been certified.

5 (b) The state report must include a comparison among counties on
6 rates of votes received, counted, and rejected, including absentee,
7 provisional, write-in, overseas ballots, and ballots transmitted
8 electronically. The comparison information may be in the form of
9 rankings, percentages, or other relevant quantifiable data that can
10 be used to measure performance and trends.

11 (c) The state report must also include an analysis of the data
12 that can be used to develop a better understanding of election
13 administration and policy. The analysis must combine data, as
14 available, over multiple years to provide broader comparisons and
15 trends regarding voter registration and turnout and ballot counting.
16 The analysis must incorporate national election statistics to the
17 extent such information is available.

18 **Sec. 35.** RCW 29A.60.290 and 2016 c 134 s 1 are each amended to
19 read as follows:

20 (1) The secretary of state must develop statewide election data
21 and reporting standards for how election-related data is maintained
22 and reported by each county auditor. The secretary may make
23 reasonable rules as necessary to develop statewide standards.

24 (2) The statewide standards should focus on the goals of
25 improving:

26 (a) The types of data files and procedures used to collect and
27 maintain election information;

28 (b) The public's access to election data collected, reported, and
29 made available by each county auditor including, but not limited to:

30 (i) Records of registered voters (~~(who were issued a ballot)~~) and
31 voters who voted in an election, pursuant to RCW 29A.40.130;

32 (ii) Tabulation results made available pursuant to RCW
33 29A.60.160; and

34 (iii) Information collected and reported in the county election
35 reconciliation report, pursuant to RCW 29A.60.235; and

36 (c) The efficient compilation of data from all counties for
37 research and analysis of election practices and trends at a statewide
38 level.

1 (3) The secretary of state may convene a work group, including
2 county auditors and other interested stakeholders to evaluate how
3 county election data is collected and maintained and to develop and
4 recommend ways for improving election data reporting.

5 (4) The statewide standards must be made public with ongoing
6 analysis on whether counties are in compliance with current
7 standards.

8 **Sec. 36.** RCW 29A.84.510 and 2013 c 11 s 82 are each amended to
9 read as follows:

10 (1) During the voting period that begins eighteen days before and
11 ends the day of a special election, general election, or primary, no
12 person may:

13 (a) Within a polling place or voting center:

14 (i) Suggest or persuade or attempt to suggest or persuade any
15 voter to vote for or against any candidate or ballot measure;

16 (ii) Circulate cards or handbills of any kind;

17 (iii) Solicit signatures to any kind of petition; or

18 (iv) Engage in any practice which interferes with the freedom of
19 voters to exercise their franchise or disrupts the administration of
20 the polling place or voting center;

21 (b) Obstruct the doors or entries to a building in which a
22 polling place, voting center, or absentee ballot drop location is
23 located or prevent free access to and from any polling place, voting
24 center, or absentee ballot drop location.

25 (2) Any sheriff, deputy sheriff, or municipal law enforcement
26 officer shall stop the prohibited activity, and may arrest any person
27 engaging in the prohibited activity.

28 (3) Any violation of this section is a gross misdemeanor,
29 punishable to the same extent as a gross misdemeanor that is
30 punishable under RCW 9A.20.021, and the person convicted may be
31 ordered to pay the costs of prosecution.

32 **Sec. 37.** RCW 29A.84.520 and 2013 c 11 s 83 are each amended to
33 read as follows:

34 Any election officer who does any electioneering at a polling
35 place, voting center, or absentee ballot drop location during the
36 voting period that begins eighteen days before and ends the day of a
37 special election, general election, or primary is guilty of a

1 misdemeanor, and upon conviction must be fined in any sum not
2 exceeding one hundred dollars and pay the costs of prosecution.

3 **Sec. 38.** RCW 29A.84.540 and 2017 c 283 s 3 are each amended to
4 read as follows:

5 Any person who, without lawful authority, removes a ballot from a
6 polling place, voting center, or absentee ballot drop location is
7 guilty of a class C felony punishable to the same extent as a class C
8 felony that is punishable under RCW 9A.20.021.

9 **Sec. 39.** RCW 29A.84.545 and 2011 c 10 s 73 are each amended to
10 read as follows:

11 Anyone who, without authorization, removes from a polling place
12 or voting center a paper record produced by a direct recording
13 electronic voting device is guilty of a class C felony punishable
14 under RCW 9A.20.021.

15 **Sec. 40.** RCW 29A.84.550 and 2011 c 10 s 74 are each amended to
16 read as follows:

17 Any person who willfully defaces, removes, or destroys any of the
18 supplies or materials that the person knows are intended both for use
19 in a polling place or voting center and for enabling a voter to
20 prepare his or her ballot is guilty of a class C felony punishable
21 under RCW 9A.20.021.

22 NEW SECTION. **Sec. 41.** A new section is added to chapter 29A.04
23 RCW to read as follows:

24 "Poll-site ballot counting device" and other similar terms mean a
25 device programmed to accept voted ballots at a polling place for the
26 purpose of tallying and storing the ballots on election day.

27 NEW SECTION. **Sec. 42.** The intent of this chapter is to require
28 state and local election officials to designate and use polling
29 places and disability access voting locations in all elections and
30 permanent registration locations that are accessible to elderly and
31 disabled persons. County auditors shall:

32 (1) Make modifications such as installation of temporary ramps or
33 relocation of polling places within buildings, where appropriate;

34 (2) Designate new, accessible polling places to replace those
35 that are inaccessible; and

1 (3) Continue to use polling places and voter registration
2 locations which are accessible to elderly and disabled persons.

3 NEW SECTION. **Sec. 43.** The secretary of state shall establish
4 procedures to assure that, in any primary or election, any disabled
5 or elderly voter assigned to an inaccessible polling place will, upon
6 advance request of that voter, either be permitted to vote at an
7 alternative accessible polling place not overly inconvenient to that
8 voter or be provided with an alternative means of casting a ballot on
9 the day of the primary or election. The county auditor shall make any
10 reasonable accommodations in voting procedures necessary to allow the
11 use of alternative polling places by elderly or disabled voters under
12 this section.

13 NEW SECTION. **Sec. 44.** (1) County auditors shall seek
14 alternative polling places or other low-cost alternatives including,
15 but not limited to, procedural changes and assistance from local
16 disabled groups, service organizations, and other private sources
17 before incurring costs for modifications under this chapter.

18 (2) The cost of those modifications to buildings or other
19 facilities, including signs designating disabled accessible parking
20 and entrances, that are necessary to permit the use of those
21 facilities for polling places under this chapter or any procedures
22 established under section 43 of this act are treated as election
23 costs and prorated under RCW 29A.04.410.

24 NEW SECTION. **Sec. 45.** Polling places for the various voting
25 precincts may be located outside the boundaries of the respective
26 precincts, when the officers conducting the primary or election shall
27 deem it feasible. However, such polling places must be located within
28 a reasonable distance of their respective precincts. The purpose of
29 this section is to furnish adequate voting facilities at readily
30 accessible and identifiable locations, and nothing in this section
31 affects the number, method of selection, or duties of precinct
32 election officers.

33 NEW SECTION. **Sec. 46.** The legislative authority of each county,
34 municipality, and special district shall, at the request of the
35 county auditor, make its facilities available for use as polling
36 places for primaries, special elections, and state general elections

1 held within that county. When, in the judgment of the county auditor,
2 a facility of a county, municipality, or special district would
3 provide a location for a polling place that would best satisfy the
4 requirements of this chapter, the auditor must notify the legislative
5 authority of that county, municipality, or district of the number of
6 facilities needed for use as polling places. Payment for polling
7 places and any other conditions or obligations regarding these
8 polling places shall be provided for by contract between the county
9 auditor and the county, municipality, or district.

10 NEW SECTION. **Sec. 47.** Each state agency and entity of local
11 government must permit the use of any of its buildings and the most
12 suitable locations therein as polling places or disability access
13 voting locations when required by a county auditor to provide
14 accessible places in each precinct.

15 NEW SECTION. **Sec. 48.** No later than April 1st of each even-
16 numbered year, each county auditor must submit to the secretary of
17 state a list showing the number of polling places in the county and
18 specifying any that have been found inaccessible. The auditor shall
19 indicate the reasons for inaccessibility, and what efforts have been
20 made pursuant to this chapter to locate alternative polling places or
21 to make the existing facilities temporarily accessible. If a county
22 auditor's list shows, for two consecutive reporting periods, that no
23 polling places have been found inaccessible, the auditor need not
24 submit further reports unless the secretary of state specifically
25 reinstates the requirement for that county. Notice of reinstatement
26 must be in writing and delivered at least 60 days before the
27 reporting date.

28 NEW SECTION. **Sec. 49.** Each polling place must be accessible
29 unless:

30 (1) The county auditor has determined that it is inaccessible,
31 that no alternative accessible polling place is available, that no
32 temporary modification of that polling place or any alternative
33 polling place is possible, and that the county auditor has complied
34 with the procedures established under section 43 of this act; or

35 (2) The secretary of state determines that a state of emergency
36 exists that would otherwise interfere with the efficient
37 administration of the primary or election.

1 NEW SECTION. **Sec. 50.** County auditors shall, as feasible,
2 solicit and use the assistance of disabled voters in reviewing sites
3 and recommending inexpensive remedies to improve accessibility.

4 NEW SECTION. **Sec. 51.** Each county auditor shall include a
5 notice of the accessibility of polling places in the notice of
6 election published under chapter 29A.52 RCW.

7 NEW SECTION. **Sec. 52.** The delivery of an absentee ballot for
8 any primary or election is subject to the following qualifications:

9 (1) (a) An absentee ballot may be picked up at the office of the
10 issuing officer by:

11 (i) The registered voter personally; or

12 (ii) A member of the registered voter's immediate family.

13 (b) If the voter is a resident of a health care facility, as
14 defined by RCW 70.37.020, on election day, the voter may apply by
15 messenger for an absentee ballot and the messenger may pick up the
16 voter's absentee ballot.

17 (2) Except as noted in subsection (1) of this section, the
18 issuing officer must mail or deliver the absentee ballot directly to
19 each voter.

20 NEW SECTION. **Sec. 53.** The absentee ballots must be reported at
21 a minimum on a congressional and legislative district basis. Absentee
22 ballots may be counted by congressional or legislative district or by
23 individual precinct, except as required under RCW 29A.60.230. These
24 returns must be added to the total of the votes cast at the polling
25 places.

26 NEW SECTION. **Sec. 54.** The qualifications of any absentee voter
27 may be challenged before the voted ballot is received. The board has
28 the authority to determine the legality of any absentee ballot
29 challenged under this section. Challenged ballots must be handled in
30 accordance with chapter 29A.08 RCW.

31 NEW SECTION. **Sec. 55.** No person may interfere with a voter in
32 any way within the polling place. Interfering with a voter attempting
33 to vote is a violation of RCW 29A.84.510. This section does not
34 prevent the voter from receiving assistance in preparing his or her
35 ballot as specifically permitted in this chapter.

1 NEW SECTION. **Sec. 56.** At any election, general or special, or
2 at any primary, any political party or committee may designate a
3 person other than a precinct election officer, for each polling place
4 to check a list of registered voters of the precinct to determine who
5 has and who has not voted. The lists must be furnished by the party
6 or committee concerned.

7 NEW SECTION. **Sec. 57.** Any voter may take into the voting booth
8 or voting device any printed or written material to assist in casting
9 his or her vote. The voter may not use this material to electioneer
10 and must remove the material when he or she leaves the polls or the
11 disability access voting location.

12 NEW SECTION. **Sec. 58.** No ballots other than those prepared by
13 the county auditor may be used in any polling place or disability
14 access voting location. No voter is entitled to vote more than once
15 at a primary or a general or special election, except that if a voter
16 incorrectly marks a ballot, he or she may return it and be issued a
17 new ballot. The precinct election officers shall void the incorrectly
18 marked ballot and return it to the county auditor.

19 NEW SECTION. **Sec. 59.** Paper records produced by electronic
20 voting devices are subject to all the requirements of this chapter
21 and chapter 29A.60 RCW for ballot handling, preservation,
22 reconciliation, transit to the counting center, and storage. The
23 paper records must be preserved in the same manner and for the same
24 period of time as ballots.

25 NEW SECTION. **Sec. 60.** (1) At the direction of the county
26 auditor, a team or teams composed of a representative of at least two
27 major political parties must stop at designated polling places and
28 pick up the sealed containers of voted, untallied ballots for
29 delivery to the counting center. There may be more than one delivery
30 from each polling place. Two precinct election officials,
31 representing two major political parties, shall seal the voted
32 ballots in containers furnished by the county auditor and properly
33 identified with his or her address with uniquely prenumbered seals.
34 Before the ballots are given to the teams of representatives, the
35 representatives must show a government-issued photo identification
36 card to prove their identity.

1 (2) At the counting center or the collection stations where the
2 sealed ballot containers are delivered by the designated
3 representatives of the major political parties, the county auditor or
4 a designated representative of the county auditor shall receive the
5 sealed ballot containers, record the time, date, precinct name or
6 number, and seal number of each ballot container, and ensure that the
7 seal has not been tampered with.

8 NEW SECTION. **Sec. 61.** The county auditor must provide in each
9 polling place a sufficient number of voting booths or voting devices
10 along with any supplies necessary to enable the voter to mark or
11 register the voter's choices on the ballot and within which the
12 voters may cast their votes in secrecy.

13 NEW SECTION. **Sec. 62.** At all primaries and elections, general
14 or special, in all counties the polls must be kept open from 7:00
15 a.m. to 8:00 p.m. All qualified electors who are in line at the
16 polling place at 8:00 p.m. must be allowed to cast their votes. The
17 precinct election officers shall identify the last person in line at
18 that time. The polls for a precinct must remain open continuously
19 until that person has voted, at which point the precinct election
20 officers shall announce that the polls for that precinct are closed.

21 NEW SECTION. **Sec. 63.** A registered voter is not allowed to vote
22 in the precinct in which the voter is registered at any election or
23 primary for which the voter has already cast an absentee ballot. A
24 registered voter who has requested an absentee ballot for a primary
25 or special or general election but chooses to vote at the voter's
26 precinct polling place in that primary or election may cast a
27 provisional ballot. The canvassing board may not count the ballot if
28 it finds that the voter has also voted by absentee ballot in that
29 primary or election.

30 NEW SECTION. **Sec. 64.** (1) No later than the day before a
31 primary or election, the county auditor shall provide to the
32 inspector, or one of the judges of each precinct or to one of the
33 inspectors of a polling place where more than one precinct will be
34 voting, all of the ballots, precinct lists of registered voters, and
35 other supplies necessary for conducting the election or primary.

1 (2) Upon closing the registration files preceding an election,
2 the county auditor shall deliver the precinct lists of registered
3 voters to the inspector or one of the judges of each precinct or
4 group of precincts located at the polling place before the polls
5 open.

6 (3) In precincts where votes are cast on paper ballots, the
7 following supplies, in addition to those specified in subsection (1)
8 of this section, must be provided:

9 (a) Two tally books in which the names of the candidates must be
10 listed in the order in which they appear on the sample ballots and in
11 each case have the proper party designation at the head thereof; and

12 (b) Two certificates or two sample ballots prepared as blanks,
13 for recording the unofficial results by the precinct election
14 officers.

15 NEW SECTION. **Sec. 65.** (1) Each county auditor shall provide
16 voting and registration instructions, printed in large type, to be
17 conspicuously displayed at each polling place and permanent
18 registration facility.

19 (2) The county auditor shall make information available for deaf
20 persons throughout the state by telecommunications.

21 (3) Each polling place must provide at least one voting unit
22 certified by the secretary of state that provides access to
23 individuals who are blind or visually impaired, enabling them to vote
24 with privacy and independence.

25 NEW SECTION. **Sec. 66.** The precinct election officers for each
26 precinct shall meet at the designated polling place at the time set
27 by the county auditor.

28 NEW SECTION. **Sec. 67.** Before opening the polls for a precinct,
29 the voting equipment must be inspected to determine if it has been
30 properly prepared for voting. If the voting equipment is capable of
31 direct tabulation of each voter's choices, the precinct election
32 officers must verify that no votes have been registered for any issue
33 or office to be voted on at that primary or election. Every ballot
34 box must be carefully examined by the election judges to determine
35 that it is empty. The ballot box must then be sealed or locked with a
36 unique numbered seal at the time of final preparation and logic and
37 accuracy testing. A log must be made of all device numbers and seal

1 numbers. The ballot box may not be opened before the certification of
2 the primary or election except in the manner and for the purposes
3 provided under this title.

4 NEW SECTION. **Sec. 68.** At all primaries and elections, the flag
5 of the United States must be conspicuously displayed in front of each
6 polling place.

7 NEW SECTION. **Sec. 69.** The precinct election officers,
8 immediately before they start to issue ballots or permit a voter to
9 vote, shall announce at the place of voting that the polls for that
10 precinct are open.

11 NEW SECTION. **Sec. 70.** The precinct election officers shall
12 periodically examine the voting devices to determine if they have
13 been tampered with.

14 NEW SECTION. **Sec. 71.** (1) A voter desiring to vote must give
15 his or her name to the precinct election officer who has the precinct
16 list of registered voters.

17 (2) Any person desiring to vote at any primary or election is
18 required to provide valid photo identification to the election
19 officer before being issued a ballot or being permitted to enter the
20 voting booth. The identification required in this section must be a
21 driver's license, state identification card, tribal identification
22 card, or a voter identification issued by a county elections officer.
23 A tribal identification card is not required to include a residential
24 address or an expiration date to be considered valid under this
25 section.

26 (3) Upon receiving valid identification from the voter, the
27 precinct election officer shall announce the voter's name to the
28 precinct election officer who has the copy of the inspector's poll
29 book for that precinct. If the right of this voter to participate in
30 the primary or election is not challenged, the voter must be issued a
31 ballot or permitted to enter a voting booth or to operate a voting
32 device. The number of the ballot or the voter must be recorded by the
33 precinct election officers. If the right of the voter to participate
34 is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

1 NEW SECTION. **Sec. 72.** Provisional ballots must be issued, along
2 with a provisional ballot outer envelope and a security envelope, to
3 voters as appropriate under this title. The provisional ballot outer
4 envelope must include a place for the voter's name; registered
5 address, both present and former if applicable; date of birth; reason
6 for the provisional ballot; the precinct number and the precinct
7 polling location at which the voter has voted; and a space for the
8 county auditor to list the disposition of the provisional ballot. The
9 provisional ballot outer envelope must also contain a declaration as
10 required for absentee ballot outer envelopes under RCW 29A.40.091; a
11 place for the voter to sign the oath; and a summary of the applicable
12 penalty provisions of this chapter. The voter shall vote the
13 provisional ballot in secrecy and, when done, place the provisional
14 ballot in the security envelope, then place the security envelope
15 into the outer envelope, and return it to the precinct election
16 official. The election official shall ensure that the required
17 information is completed on the outer envelope, have the voter sign
18 it in the appropriate space, and place the envelope in a secure
19 container. The official shall then give the voter written information
20 advising the voter how to ascertain whether the vote was counted and,
21 if applicable, the reason why the vote was not counted.

22 NEW SECTION. **Sec. 73.** (1) Any person desiring to vote at any
23 primary or election is required to sign his or her name on the
24 appropriate precinct list of registered voters. If the voter
25 registered using a mark, or can no longer sign his or her name, the
26 election officers shall require the voter to be identified by another
27 registered voter. The precinct election officers shall then record
28 the voter's name.

29 (2) On signing the precinct list of registered voters or being
30 issued a ballot, the voter shall, without leaving the polling place
31 or disability access location, proceed to one of the voting booths or
32 voting devices to cast his or her vote. When county election
33 procedures so provide, the election officers may tear off and retain
34 the numbered stub from the ballot before delivering it to the voter.
35 If an election officer has not already done so, when the voter has
36 finished, he or she shall either (a) remove the numbered stub from
37 the ballot, place the ballot in the ballot box, and return the number
38 to the election officers, or (b) deliver the entire ballot to the
39 election officers, who shall remove the numbered stub from the ballot

1 and place the ballot in the ballot box. For a partisan primary in a
2 jurisdiction using the physically separate ballot format, the voter
3 shall also return unvoted party ballots to the precinct election
4 officers, who shall void the unvoted party ballots and return them to
5 the county auditor. If poll-site ballot counting devices are used,
6 the voter shall put the ballot in the device.

7 NEW SECTION. **Sec. 74.** (1) A voter voting on an electronic
8 voting device may not leave the device during the voting process,
9 except to request assistance from the precinct election officers,
10 until the voting process is completed.

11 (2) Any voter may take printed or written material into the
12 voting device to assist in casting his or her vote. The voter may not
13 use this material to electioneer and must remove it when he or she
14 leaves the polling place.

15 NEW SECTION. **Sec. 75.** As each voter casts his or her vote, the
16 precinct election officers shall insert in the poll books or precinct
17 list of registered voters opposite that voter's name, a notation to
18 credit the voter with having participated in that primary or
19 election. No record may be made of a voter's party affiliation in a
20 partisan primary. The precinct election officers shall record the
21 voter's name so that a separate record is kept.

22 NEW SECTION. **Sec. 76.** (1) Voting must be secret except to the
23 extent necessary to assist sensory or physically disabled voters.

24 (2) If any voter declares in the presence of the election
25 officers that because of sensory or physical disability he or she is
26 unable to register or record his or her vote, he or she may designate
27 a person of his or her choice or two election officers from opposite
28 political parties to enter the voting machine booth with him or her
29 and record his or her vote as he or she directs.

30 (3) A person violating this section is guilty of a misdemeanor.

31 NEW SECTION. **Sec. 77.** (1) Paper ballots may be tabulated at the
32 precinct polling place before the closing of the polls. The
33 tabulation of ballots, paper or otherwise, must be open to the
34 public, but no persons except those employed and authorized by the
35 county auditor may touch a ballot card or ballot container or operate
36 vote tallying equipment.

1 (2) The results of the tabulation of paper ballots at the polls
2 must be delivered to the county auditor as soon as the tabulation is
3 complete.

4 NEW SECTION. **Sec. 78.** (1) An individual who votes in an
5 election for federal office as a result of a federal or state court
6 order or any other order extending the time for closing the polls may
7 vote in that election only by casting a provisional ballot. As to
8 court orders extending the time for closing the polls, this section
9 does not apply to any voters who were present in the polling place at
10 the statutory closing time and are permitted to vote under this
11 chapter. This section does not, by itself, authorize any court to
12 order that any individual be permitted to vote or to extend the time
13 for closing the polls, but this section is intended to comply with 52
14 U.S.C. Sec. 21082(c) with regard to federal elections.

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

18 NEW SECTION. **Sec. 79.** At each precinct immediately after the
19 last qualified voter has cast his or her vote, the precinct election
20 officers shall render unusable and secure in a container all unused
21 ballots for that precinct and return them to the county auditor.

22 NEW SECTION. **Sec. 80.** Immediately after the unused ballots are
23 secure, the precinct election officers shall count the number of
24 voted ballots and make a record of any discrepancy between this
25 number and the number of voters who signed the poll book for that
26 precinct or polling place, complete the certifications in the poll
27 book, prepare the ballots for transfer to the counting center if
28 necessary, and seal the voting devices.

29 NEW SECTION. **Sec. 81.** The precinct list of registered voters
30 for each precinct or group of precincts delivered to the precinct
31 election officers for use on the day of an election held in that
32 precinct shall be returned by them to the county auditor upon the
33 completion of the count of the votes cast in the precinct at that
34 election. While in possession of the county auditor they shall be
35 open to public inspection under such reasonable rules and regulations
36 as may be prescribed therefor.

1 NEW SECTION. **Sec. 82.** In precincts where poll-site ballot
2 counting devices are used, the election officers, before initializing
3 the device for voting, must proceed as follows:

4 (1) They must verify that the device is placed where it can be
5 conveniently attended by the election officers and conveniently
6 operated by the voters;

7 (2) They must verify that the number or other designating mark on
8 the device's seal agrees with the control number provided by the
9 elections department. If the numbers do not agree, the officers must
10 at once notify the elections department and delay initializing the
11 device. The polls may be opened pending reexamination of the device;

12 (3) If the numbers do agree, the officers shall proceed to
13 initialize the device and verify that the public counter registers
14 "000." If the counter is found to register a number other than "000,"
15 one of the judges must at once set the counter at "000" and confirm
16 that the ballot box is empty;

17 (4) Before processing any ballots through a poll-site ballot
18 counting device, a zero report must be produced. The inspector and at
19 least one of the judges must carefully verify that zero ballots have
20 been run through the poll-site ballot counting device and that all
21 vote totals for each office are zero. If the totals are not zero, the
22 inspector must either reset the device to zero or contact the
23 elections department to reset the device and allow voting to continue
24 using the auxiliary or emergency device.

25 NEW SECTION. **Sec. 83.** Whenever poll-site ballot counting
26 devices are used, the devices may either be included with the
27 supplies required in this chapter or they may be delivered to the
28 polling place separately. All poll-site ballot counting devices must
29 be sealed with a unique numbered seal at the time of final
30 preparation and logic and accuracy testing. A log must be made of all
31 seal numbers and device numbers used.

32 NEW SECTION. **Sec. 84.** The programmed memory pack for each poll-
33 site ballot counting device must be sealed into the device during
34 final preparation and logic and accuracy testing. Except in the case
35 of a device breakdown, the memory pack must remain sealed in the
36 device until after the polls have closed and all reports and
37 telephonic or electronic transfer of results are completed. After all
38 reporting is complete, the precinct election officers responsible for

1 transferring the sealed voted ballots under RCW 29A.60.110 must
2 ensure that the memory pack is returned to the elections department.
3 If the entire poll-site ballot counting device is returned, the
4 memory pack must remain sealed in the device. If the poll-site ballot
5 counting device is to remain at the polling place, the precinct
6 election officer shall break the seal on the device and remove the
7 memory pack and seal and return it along with the irregularly voted
8 ballots and special ballots to the elections department on election
9 day.

10 NEW SECTION. **Sec. 85.** Each poll-site ballot counting device
11 must be programmed to return all blank ballots and overvoted ballots
12 to the voter for private reexamination. The election officer must
13 take whatever steps are necessary to ensure that the secrecy of the
14 ballot is maintained. The precinct election officer must provide
15 information and instruction on how to properly mark the ballot. The
16 voter may remark the original ballot, request a new ballot under this
17 chapter, or choose to complete a special ballot envelope and return
18 the ballot as a special ballot.

19 NEW SECTION. **Sec. 86.** If a poll-site ballot counting device
20 fails to operate at any time during polling hours or disability
21 access voting hours, voting must continue, and the ballots must be
22 deposited for later tabulation in a secure ballot compartment
23 separate from the tabulated ballots.

24 NEW SECTION. **Sec. 87.** (1) At least 10 days prior to any primary
25 or election, general or special, the county auditor shall appoint one
26 inspector and two judges of election for each precinct or each
27 combination of precincts temporarily consolidated as a single
28 precinct for that primary or election. Except as provided in
29 subsection (4) of this section, the persons appointed must be among
30 those whose names are contained on the lists furnished by the
31 chairpersons of the county central committees of the political
32 parties entitled to representation thereon. Such precinct election
33 officers, whenever possible, should be residents of the precinct in
34 which they serve.

35 (2) The county auditor may delete from the lists of names
36 submitted to the auditor by the chairpersons of the county central
37 committees:

1 (a) The names of those persons who indicate to the auditor that
2 they cannot or do not wish to serve as precinct election officers for
3 the primary or election or who otherwise cannot so serve; and

4 (b) The names of those persons who lack the ability to conduct
5 properly the duties of an inspector or judge of election after
6 training in that proper conduct has been made available to them by
7 the auditor.

8 (3) The lists which are submitted to the auditor in a timely
9 manner under this chapter, less the deletions authorized by this
10 section, constitute the official nomination lists for inspectors and
11 judges of election.

12 (4) If the number of persons whose names are on the official
13 nomination list for a political party is not sufficient to satisfy
14 the requirements of subsection (5) of this section as it applies to
15 that political party or is otherwise insufficient to provide the
16 number of precinct election officials required from that political
17 party, the auditor must notify the chair of the party's county
18 central committee regarding the deficiency. The chair may, within
19 five business days of being notified by the auditor, add to the
20 party's nomination list the names of additional persons belonging to
21 that political party who are qualified to serve on the election
22 boards. To the extent that, following this procedure, the number of
23 persons whose names appear on the official nomination lists of the
24 political parties is insufficient to provide the number of election
25 inspectors and judges required for a primary or election, the auditor
26 may appoint a properly trained person whose name does not appear on
27 such a list as an inspector or judge of election for a precinct.

28 (5) The county auditor shall designate the inspector and one
29 judge in each precinct from that political party which polled the
30 highest number of votes in the county for its candidate for president
31 at the last preceding presidential election and one judge from that
32 political party polling the next highest number of votes in the
33 county for its candidate for president at the same election. The
34 provisions of this subsection apply only if the number of names on
35 the official nomination list for inspectors and judges of election
36 for a political party is sufficient to satisfy the requirements
37 imposed by this subsection.

38 NEW SECTION. **Sec. 88.** At the same time the officer having
39 jurisdiction of the election appoints the inspector and two judges as

1 provided in section 87 of this act, he or she may appoint one or more
2 persons to act as clerks if in his or her judgment such additional
3 persons are necessary, except that in precincts in which voting
4 machines are used, the judges of election shall perform the duties
5 required to be performed by clerks. Each clerk appointed shall
6 represent a major political party. The political party representation
7 of a single set of precinct election officers shall, whenever
8 possible, be equal but, in any event, no single political party shall
9 be represented by more than a majority of one at each polling place.
10 The election officer having jurisdiction of the election may
11 designate at what hour the clerks must report for duty. The hour may
12 vary among the precincts according to the judgment of the appointing
13 officer.

14 NEW SECTION. **Sec. 89.** The precinct committee officer of each
15 major political party shall certify to the officer's county chair a
16 list of those persons belonging to the officer's political party
17 qualified to act upon the election board in the officer's precinct.
18 By the first day of June each year, the chair of the county central
19 committee of each major political party shall certify to the officer
20 having jurisdiction of the election a list of those persons belonging
21 to the county chair's political party in each precinct who are
22 qualified to act on the election board therein. The county chair
23 shall compile this list from the names certified by the various
24 precinct committee officers unless no names or not a sufficient
25 number of names have been certified from a precinct, in which event
26 the county chair may include therein the names of qualified members
27 of the county chair's party selected by the county chair. The county
28 chair shall also have the authority to substitute names of persons
29 recommended by the precinct committee officers if in the judgment of
30 the county chair such persons are not qualified to serve as precinct
31 election officers.

32 NEW SECTION. **Sec. 90.** If no election officers have been
33 appointed for a precinct, or if at the hour for opening the polls
34 none of those appointed is present at the polling place therein, the
35 county auditor may appoint the election board for that precinct. One
36 of the judges may perform the duties of clerk of election. The
37 inspector shall have the power to fill any vacancy that may occur in

1 the board of judges, or by absence or refusal to serve of either of
2 the clerks after the polls shall have been opened.

3 NEW SECTION. **Sec. 91.** There must be just one set of election
4 officers at any one time in each precinct, except as provided in this
5 section. In every precinct using paper ballots having 200 or more
6 registered voters there shall be appointed, and in every precinct
7 having less than 200 registered voters, there may be appointed, at a
8 state primary or state general election, two or more sets of precinct
9 election officers as provided in this chapter. The officer in charge
10 of the election may appoint one or more counting boards at his or her
11 discretion, when he or she decides that because of a long or
12 complicated ballot or because of the number of expected voters, there
13 is need of additional counting board or boards to improve the speed
14 and accuracy of the count. In making such appointments, one or more
15 sets of precinct election officers shall be designated as the
16 counting board or boards, the first of which shall consist of an
17 inspector, two judges, and a clerk and the second set, if activated,
18 shall consist of two judges and two clerks. The duties of the
19 counting board or boards shall be the count of ballots cast and the
20 return of the election records and supplies to the officer having
21 jurisdiction of the election. One set of precinct election officers
22 shall be designated as the receiving board which shall have all other
23 powers and duties imposed by law for such elections. Nothing in this
24 section prevents the county auditor from appointing relief or
25 replacement precinct election officers at any time during election
26 day. Relief or replacement precinct election officers must be of the
27 same political party as the officer they are relieving or replacing.

28 NEW SECTION. **Sec. 92.** The inspector and judges of election in
29 each precinct shall conduct the elections therein and receive,
30 deposit, and count the ballots cast thereat and make returns to the
31 proper canvassing board or officer except that when two or more sets
32 of precinct election officers are appointed, the ballots shall be
33 counted by the counting board or boards as provided in this title and
34 RCW 29A.84.730.

35 NEW SECTION. **Sec. 93.** All of the provisions of this chapter
36 relating to counting boards may be applied on an optional basis to

1 any other primary or election, regular or special, at the discretion
2 of the officer in charge of the election.

3 NEW SECTION. **Sec. 94.** The inspector is the chair of the board
4 and is responsible for administering all necessary oaths that may be
5 required in the progress of the election.

6 NEW SECTION. **Sec. 95.** (1) The inspector, judges, and clerks of
7 election, before entering upon the duties of their offices, must take
8 and subscribe the prescribed oath or affirmation, as administered to
9 them by any person authorized to administer oaths and verified under
10 the hand of the person by whom such oath or affirmation is
11 administered. If no such person is present, the inspector must
12 administer the same to the judges and clerks, and one of the judges
13 must administer the oath to the inspector. The county auditor shall
14 furnish two copies of the proper form of oath to each precinct
15 election officer, one copy thereof, after execution, to be placed and
16 transmitted with the election returns.

17 (2) The following is the form of the oath or affirmation to be
18 taken by each inspector: "I, (full name), do swear (or affirm) that I
19 will duly attend to the ensuing election, during the continuance
20 thereof, as an inspector, and that I will not receive any ballot or
21 vote from any person other than such as I firmly believe to be
22 entitled to vote at such election, without requiring such evidence of
23 the right to vote as is directed by law; nor will I vexatiously delay
24 the vote of, or refuse to receive, a ballot from any person whom I
25 believe to be entitled to vote; but that I will in all things truly,
26 impartially, and faithfully perform my duty therein to the best of my
27 judgment and abilities; and that I am not, directly nor indirectly,
28 interested in any bet or wager on the result of this election."

29 (3) The following is the form of the oath to be taken by the
30 judges: "We, (full name), do swear (or affirm) that we will as judges
31 duly attend the ensuing election, during the continuance thereof, and
32 faithfully assist the inspector in carrying on the same; that we will
33 not give our consent to the receipt of any vote or ballot from any
34 person, other than one whom we firmly believe to be entitled to vote
35 at such election; and that we will make a true and perfect return of
36 the said election and will in all things truly, impartially, and
37 faithfully perform our duty respecting the same to the best of our

1 judgment and abilities; and that we are not directly nor indirectly
2 interested in any bet or wager on the result of this election."

3 (4) The following is the form of the oath to be taken by the
4 clerks: "We, and each of us, (full name), do swear (or affirm) that
5 we will impartially and truly write down the name of each elector who
6 votes at the ensuing election, and also the name of the county and
7 precinct wherein the elector resides; that we will carefully and
8 truly write down the number of votes given for each candidate at the
9 election as often as his or her name is read to us by the inspector
10 and in all things truly and faithfully perform our duty respecting
11 the same to the best of our judgment and abilities, and that we are
12 not directly nor indirectly interested in any bet or wager on the
13 result of this election."

14 NEW SECTION. **Sec. 96.** The fees of officers of election shall be
15 as follows:

16 (1) To the judges and clerks of an election not less than the
17 minimum hourly wage per hour as provided under RCW 49.46.020, the
18 exact amount to be fixed by the respective boards of county
19 commissioners for each county.

20 (2) To inspectors, the rate paid to judges and clerks plus an
21 additional two hours' compensation.

22 (3) The precinct election officer picking up the election
23 supplies and returning the election returns to the county auditor
24 shall be entitled to additional compensation, the exact amount to be
25 determined by the respective boards of county commissioners for each
26 county.

27 NEW SECTION. **Sec. 97.** 2011 c 10 s 85 (uncodified) is repealed.

28 NEW SECTION. **Sec. 98.** (1) Sections 42 through 51 of this act
29 are each added to chapter 29A.16 RCW.

30 (2) Sections 52 through 54 of this act are each added to chapter
31 29A.40 RCW.

32 (3) Sections 55 through 96 of this act constitute a new chapter
33 in Title 29A RCW.

34 NEW SECTION. **Sec. 99.** Section 10 of this act expires January 1,
35 2022.

1 NEW SECTION. **Sec. 100.** Section 11 of this act takes effect
2 January 1, 2022.

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