

SSB 5499 - S AMD 204
By Senator Kastama

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to
4 read as follows:

5 As used in this title:

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

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

10 (b) A facsimile of the contents of a particular ballot whether
11 printed on a paper ballot or ballot card or as part of a voting machine
12 or voting device;

13 (c) A physical or electronic record of the choices of an
14 individual voter in a particular primary, general election, or special
15 election; or

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

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

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

1 (4) "Sample ballot" means a printed facsimile of all the issues
2 and offices on the ballot in a jurisdiction and is intended to give
3 voters notice of the issues, offices, and candidates that are to be
4 voted on at a particular primary, general election, or special
5 election;

6 (5) "Provisional ballot" means a ballot issued to a voter at the
7 polling place on election day by the precinct election board, for
8 (~~one~~) any of the following reasons:

9 (a) The voter's name does not appear in the poll book;

10 (b) There is an indication in the poll book that the voter has
11 requested an absentee ballot, but the voter wishes to vote at the
12 polling place;

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) Other circumstances as determined by the precinct election
16 board;

17 (e) Any other reason allowed by law.

18 (6) "Party ballot" means a primary election ballot specific to a
19 particular major political party that lists all partisan offices to be
20 voted on at that primary, and the candidates for those offices who
21 affiliate with that same major political party;

22 (7) "Nonpartisan ballot" means a primary election ballot that
23 lists all nonpartisan races and ballot measures to be voted on at that
24 primary.

25 **Sec. 2.** RCW 29A.04.530 and 2003 c 111 s 151 are each amended to
26 read as follows:

27 The secretary of state shall:

28 (1) Establish and operate, or provide by contract, training and
29 certification programs for state and county elections administration
30 officials and personnel, including training on the various types of
31 election law violations and discrimination, and training programs for

1 political party observers which conform to the rules for such programs
2 established under RCW 29A.04.630;

3 (2) Establish guidelines, in consultation with state and local law
4 enforcement, for signature verification processes. All election
5 personnel assigned to verify signatures must receive training on the
6 guidelines;

7 (3) Administer tests for state and county officials and personnel
8 who have received such training and issue certificates to those who
9 have successfully completed the training and passed such tests;

10 ((+3)) (4) Maintain a record of those individuals who have
11 received such training and certificates; and

12 ((+4)) (5) Provide the staffing and support services required by
13 the board created under RCW 29A.04.510.

14 **Sec. 3.** RCW 29A.04.570 and 2003 c 111 s 155 are each amended to
15 read as follows:

16 (1)(a) The election review staff of the office of the secretary of
17 state shall conduct a review of election-related policies, procedures,
18 and practices in an affected county or counties:

19 (i) If the unofficial returns of a primary or general election for
20 a position in the state legislature indicate that a mandatory recount
21 is likely for that position; or

22 (ii) If unofficial returns indicate a mandatory recount is likely
23 in a statewide election or an election for federal office.

24 Reviews conducted under (ii) of this subsection shall be performed
25 in as many selected counties as time and staffing permit. Reviews
26 conducted as a result of mandatory recounts shall be performed between
27 the time the unofficial returns are complete and the time the recount
28 is to take place, if possible.

29 (b) In addition to conducting reviews under (a) of this subsection,
30 the election review staff shall also conduct such a review in a county
31 ((periodically)) at least once in each three-year period, in
32 conjunction with a county primary or special or general election, at
33 the direction of the secretary of state or at the request of the county
34 auditor. If staffing or budget levels do not permit a three-year
35 election cycle for reviews, then reviews must be done as often as
36 possible. If any resident of this state believes that an aspect of a
37 primary or election has been conducted inappropriately in a county, the
38 resident may file a complaint with the secretary of state. The

1 secretary shall consider such complaints in scheduling periodic reviews
2 under this section.

3 (c) Before an election review is conducted in a county, the
4 secretary of state shall provide the county auditor of the affected
5 county and the chair of the state central committee of each major
6 political party with notice that the review is to be conducted. When
7 a periodic review is to be conducted in a county at the direction of
8 the secretary of state under (b) of this subsection, the secretary
9 shall provide the affected county auditor not less than thirty days'
10 notice.

11 (2) Reviews shall be conducted in conformance with rules adopted
12 under RCW 29A.04.630. In performing a review in a county under this
13 chapter, the election review staff shall evaluate the policies and
14 procedures established for conducting the primary or election in the
15 county and the practices of those conducting it. As part of the
16 review, the election review staff shall issue to the county auditor and
17 the members of the county canvassing board a report of its findings and
18 recommendations regarding such policies, procedures, and practices. A
19 review conducted under this chapter shall not include any evaluation,
20 finding, or recommendation regarding the validity of the outcome of a
21 primary or election or the validity of any canvass of returns nor does
22 the election review staff have any jurisdiction to make such an
23 evaluation, finding, or recommendation under this title.

24 (3) The county auditor or the county canvassing board shall respond
25 to the review report in writing, listing the steps that will be taken
26 to correct any problems listed in the report. The secretary of state
27 shall visit the county before the next state primary or general
28 election to verify that the county has taken the steps they listed to
29 correct the problems noted in the report.

30 (4) The county auditor of the county in which a review is conducted
31 under this section or a member of the canvassing board of the county
32 may appeal the findings or recommendations of the election review staff
33 regarding the review by filing an appeal with the board created under
34 RCW 29A.04.510.

35 **Sec. 4.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended to
36 read as follows:

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

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

12 (1) The maintenance of voter registration records;

13 (2) The preparation, maintenance, distribution, review, and filing
14 of precinct maps;

15 (3) Standards for the design, layout, and production of ballots,
16 including standards that require provisional ballots to be
17 distinguishable from the other ballots and incapable of being tabulated
18 by the poll-site ballot counting device;

19 (4) The examination and testing of voting systems for
20 certification;

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

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

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

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

31 (9) Standards and procedures to ensure the accurate tabulation and
32 canvassing of ballots;

33 (10) Consistency among the counties of the state in the preparation
34 of ballots, the operation of vote tallying systems, and the canvassing
35 of primaries and elections;

36 (11) Procedures to ensure the secrecy of a voter's ballot when a
37 small number of ballots are counted at the polls or at a counting
38 center;

1 (12) The use of substitute devices or means of voting when a voting
2 device at the polling place is found to be defective, the counting of
3 votes cast on the defective device, the counting of votes cast on the
4 substitute device, and the documentation that must be submitted to the
5 county auditor regarding such circumstances;

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

8 (14) The acceptance and filing of documents via electronic
9 facsimile;

10 (15) Voter registration applications and records;

11 (16) The use of voter registration information in the conduct of
12 elections;

13 (17) The coordination, delivery, and processing of voter
14 registration records accepted by driver licensing agents or the
15 department of licensing;

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

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

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

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

25 (22) Procedures for canceling dual voter registration records and
26 for maintaining records of persons whose voter registrations have been
27 canceled;

28 (23) Procedures for the electronic transfer of voter registration
29 records between county auditors and the office of the secretary of
30 state;

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

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

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

37 (27) Filing for office;

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

39 (29) Sample ballots;

- 1 (30) Independent evaluations of voting systems;
- 2 (31) The testing, approval, and certification of voting systems;
- 3 (32) The testing of vote tallying software programming;
- 4 (33) Standards and procedures to prevent fraud and to facilitate
- 5 the accurate processing and canvassing of absentee ballots and mail
- 6 ballots;
- 7 (34) Standards and procedures to guarantee the secrecy of absentee
- 8 ballots and mail ballots;
- 9 (35) Uniformity among the counties of the state in the conduct of
- 10 absentee voting and mail ballot elections;
- 11 (36) Standards and procedures to accommodate out-of-state voters,
- 12 overseas voters, and service voters;
- 13 (37) The tabulation of paper ballots before the close of the polls;
- 14 (38) The accessibility of polling places and registration
- 15 facilities that are accessible to elderly and disabled persons;
- 16 (39) The aggregation of precinct results if reporting the results
- 17 of a single precinct could jeopardize the secrecy of a person's ballot;
- 18 (40) Procedures for conducting a statutory recount;
- 19 (41) Procedures for filling vacancies in congressional offices if
- 20 the general statutory time requirements for availability of absentee
- 21 ballots, certification, canvassing, and related procedures cannot be
- 22 met;
- 23 (42) Procedures for the statistical sampling of signatures for
- 24 purposes of verifying and canvassing signatures on initiative,
- 25 referendum, and recall election petitions;
- 26 (43) Standards and deadlines for submitting material to the office
- 27 of the secretary of state for the voters' pamphlet;
- 28 (44) Deadlines for the filing of ballot titles for referendum bills
- 29 and constitutional amendments if none have been provided by the
- 30 legislature;
- 31 (45) Procedures for the publication of a state voters' pamphlet;
- 32 (46) Procedures for conducting special elections regarding nuclear
- 33 waste sites if the general statutory time requirements for availability
- 34 of absentee ballots, certification, canvassing, and related procedures
- 35 cannot be met;
- 36 (47) Procedures for conducting partisan primary elections;
- 37 (48) Standards and procedures for the proper conduct of voting
- 38 during the early voting period to provide accessibility for the blind
- 39 or visually impaired;

1 (49) Standards for voting technology and systems used by the state
2 or any political subdivision to be accessible for individuals with
3 disabilities, including nonvisual accessibility for the blind and
4 visually impaired, in a manner that provides the same opportunity for
5 access and participation, including privacy and independence, as other
6 voters;

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

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

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

18 (53) Facilitating the payment of local government grants to local
19 government election officers or vendors.

20 **Sec. 5.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
21 read as follows:

22 The county auditor shall send each absentee voter a ballot, a
23 security envelope in which to seal the ballot after voting, a larger
24 envelope in which to return the security envelope, and instructions on
25 how to mark the ballot and how to return it to the county auditor. The
26 instructions must clearly inform the voter that it is illegal to vote
27 if he or she is not a United States citizen; it is illegal to vote if
28 he or she has been convicted of a felony and has not had his or her
29 voting rights restored; and, except as otherwise provided by law, it is
30 illegal to cast a ballot or sign an absentee envelope on behalf of
31 another voter. The instructions that accompany an absentee ballot for
32 a partisan primary must include instructions for voting the applicable
33 ballot style, as provided in chapter 29A.36 RCW. The larger return
34 envelope must contain a declaration by the absentee voter reciting his
35 or her qualifications and stating that he or she has not voted in any
36 other jurisdiction at this election, together with a summary of the
37 penalties for any violation of any of the provisions of this chapter.

1 The return envelope must provide space for the voter to indicate the
2 date on which the ballot was voted and for the voter to sign the oath.
3 A summary of the applicable penalty provisions of this chapter must be
4 printed on the return envelope immediately adjacent to the space for
5 the voter's signature. The signature of the voter on the return
6 envelope must affirm and attest to the statements regarding the
7 qualifications of that voter and to the validity of the ballot. For
8 out-of-state voters, overseas voters, and service voters, the signed
9 declaration on the return envelope constitutes the equivalent of a
10 voter registration for the election or primary for which the ballot has
11 been issued. The voter must be instructed to either return the ballot
12 to the county auditor by whom it was issued or attach sufficient first
13 class postage, if applicable, and mail the ballot to the appropriate
14 county auditor no later than the day of the election or primary for
15 which the ballot was issued.

16 If the county auditor chooses to forward absentee ballots, he or
17 she must include with the ballot a clear explanation of the
18 qualifications necessary to vote in that election and must also advise
19 a voter with questions about his or her eligibility to contact the
20 county auditor. This explanation may be provided on the ballot
21 envelope, on an enclosed insert, or printed directly on the ballot
22 itself. If the information is not included, the envelope must clearly
23 indicate that the ballot is not to be forwarded and that return postage
24 is guaranteed.

25

26 **Sec. 6.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
27 read as follows:

28 (1) The opening and subsequent processing of return envelopes for
29 any primary or election may begin (~~(on or after the tenth day before~~
30 ~~the primary or election)) upon receipt. The tabulation of absentee
31 ballots must not commence until after 8:00 p.m. on the day of the
32 primary or election.~~

33 (2) All received absentee return envelopes must be placed in secure
34 locations from the time of delivery to the county auditor until their
35 subsequent opening. After opening the return envelopes, the county
36 canvassing board shall place all of the ballots in secure storage until
37 after 8:00 p.m. of the day of the primary or election. Absentee
38 ballots that are to be tabulated on an electronic vote tallying system

1 may be taken from the inner envelopes and all the normal procedural
2 steps may be performed to prepare these ballots for tabulation.

3 (3) Before opening a returned absentee ballot, the canvassing
4 board, or its designated representatives, shall examine the postmark,
5 statement, and signature on the return envelope that contains the
6 security envelope and absentee ballot. They shall verify that the
7 voter's signature on the return envelope is the same as the signature
8 of that voter in the registration files of the county. For registered
9 voters casting absentee ballots, the date on the return envelope to
10 which the voter has attested determines the validity, as to the time of
11 voting for that absentee ballot if the postmark is missing or is
12 illegible. For out-of-state voters, overseas voters, and service
13 voters, the date on the return envelope to which the voter has attested
14 determines the validity as to the time of voting for that absentee
15 ballot. For any absentee ballot, a variation between the signature of
16 the voter on the return envelope and the signature of that voter in the
17 registration files due to the substitution of initials or the use of
18 common nicknames is permitted so long as the surname and handwriting
19 are clearly the same.

20 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.40 RCW
21 to read as follows:

22 If the canvassing board, or its designated representatives,
23 determines that the signature on the absentee or provisional ballot
24 return envelope does not match the signature as it appears on the
25 voter's original registration record, the county auditor shall notify
26 the voter no later than three days after discovery of the mismatched
27 signature by telephone or in writing, that the ballot cannot be
28 processed because the signature on the return envelope does not match
29 the signature as it appears on the voter's registration card. The
30 county auditor shall also send the voter a new voter registration form
31 and advise the voter that, in order for the ballot to be processed, the
32 voter must update his or her signature by either filling out a new
33 registration form and mailing it back to the auditor's office so that
34 it arrives not later than the day before the certification of the
35 primary or election; or appearing in person at the auditor's office not
36 later than the day before certification of the primary or election and
37 filling out a new registration form.

1 If the voter neglects to sign the affidavit on the absentee or
2 provisional return envelope, the auditor shall notify the voter, no
3 later than three days after discovery of the unsigned envelope either
4 by telephone or in writing, that the ballot will not be processed
5 unless the voter appears in person and signs the affidavit on the
6 return envelope not later than the day before certification of the
7 primary or election. As an alternative to personal appearance, the
8 auditor may provide the voter with a copy of the return envelope
9 affidavit and require the voter to sign the copy of the affidavit and
10 mail it back to the auditor so that it arrives no later than the day
11 before certification of the primary or election.

12 A voter may not cure a missing or mismatched signature for purposes
13 of counting the ballot in a recount.

14 A record must be kept of all ballots with mismatched signatures,
15 and must include the date on which the voter was contacted or the
16 notice was mailed, as well as the date on which the voter signed the
17 envelope, a copy of the envelope, or a new registration form. These
18 records are public records under chapter 42.17 RCW once the election
19 has been certified by the county canvassing board under RCW 29A.60.190.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.44 RCW
21 to read as follows:

22 Provisional ballots must be issued, along with a provisional ballot
23 outer envelope and a security envelope, to voters as appropriate under
24 RCW 29A.04.008. The provisional ballot outer envelope must include a
25 place for the voter's name; registered address, both present and former
26 if applicable; date of birth; reason for the provisional ballot; the
27 precinct number and the precinct polling location at which the voter
28 has voted; and a space for the county auditor to list the disposition
29 of the provisional ballot. The provisional ballot outer envelope must
30 also contain a declaration as required for absentee ballot outer
31 envelopes under RCW 29A.40.091; a place for the voter to sign the oath;
32 and a summary of the applicable penalty provisions of this chapter.
33 The voter shall vote the provisional ballot in secrecy and, when done,
34 place the provisional ballot in the security envelope, then place the
35 security envelope into the outer envelope, and return it to the
36 precinct election official. The election official shall ensure that
37 the required information is completed on the outer envelope, have the
38 voter sign it in the appropriate space, and place the envelope in a

1 secure container. The official shall then give the voter written
2 information advising the voter how to ascertain whether the vote was
3 counted and, if applicable, the reason why the vote was not counted.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 29A.44 RCW
5 to read as follows:

6 Any person desiring to vote at the polls at any primary or election
7 is required to provide identification to the election officer before
8 signing the poll book. The identification required in this section can
9 be satisfied by providing a voter's registration card, or any current
10 and valid government-issued photo identification, including but not
11 limited to a driver's license, state identification card, passport,
12 tribal identification card, or military identification card. Any
13 individual who desires to vote in person but cannot provide
14 identification as required in this section shall be issued a
15 provisional ballot.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.60
17 RCW to read as follows:

18 Before certification of the primary or election, the county auditor
19 must examine and investigate all received provisional ballots to
20 determine whether the ballot can be counted. The auditor shall provide
21 the disposition of the provisional ballot and, if the ballot was not
22 counted, the reason why it was not counted, on a free access system
23 such as a toll-free telephone number, web site, mail, or other means.
24 A provisional ballot cannot be further investigated if the voter did
25 not sign the provisional ballot envelope or if the signature on the
26 envelope does not match the signature as it appears on the voter's
27 registration card until the voter signs or updates his or her signature
28 affidavit. The auditor must notify the voter in accordance with
29 section 7 of this act when the envelope is unsigned or when the
30 signatures do not match.

31 NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.60
32 RCW to read as follows:

33 If inspection of the ballot reveals a physically damaged ballot or
34 ballot that may be otherwise unreadable or uncountable by the
35 tabulating system, the county auditor may refer the ballot to the
36 county canvassing board or duplicate the ballot if so authorized by the

1 county canvassing board. A ballot may be duplicated only if the intent
2 of the voter's marks on the ballot is clear and the electronic voting
3 equipment might not otherwise properly tally the ballot to reflect the
4 intent of the voter. Ballots must be duplicated by teams of two or
5 more people working together. When duplicating ballots, the county
6 auditor shall take the following steps to create and maintain an audit
7 trail of the action taken:

8 (1) Each original ballot and duplicate ballot must be assigned the
9 same unique control number, with the number being marked upon the face
10 of each ballot, to ensure that each duplicate ballot may be tied back
11 to the original ballot;

12 (2) A log must be kept of the ballots duplicated, which must at
13 least include:

14 (a) The control number of each original ballot and the
15 corresponding duplicate ballot;

16 (b) The initials of at least two people who participated in the
17 duplication of each ballot; and

18 (c) The total number of ballots duplicated.

19 Original and duplicate ballots must be sealed in secure storage at
20 all times, except during duplication, inspection by the canvassing
21 board, or tabulation.

22 **Sec. 12.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to
23 read as follows:

24 (1) For any office at any election or primary, any voter may write
25 in on the ballot the name of any person for an office who has filed as
26 a write-in candidate for the office in the manner provided by RCW
27 29A.24.311 and such vote shall be counted the same as if the name had
28 been printed on the ballot and marked by the voter. (~~(For a partisan~~
29 ~~primary in a jurisdiction using the physically separate ballot format,~~
30 ~~a voter may write in on a party ballot only the names of write-in~~
31 ~~candidates who affiliate with that major political party.)) No write-
32 in vote made for any person who has not filed a declaration of
33 candidacy pursuant to RCW 29A.24.311 is valid if that person filed for
34 the same office, either as a regular candidate or a write-in candidate,
35 at the preceding primary. Any abbreviation used to designate
36 office(~~(,)~~) or position(~~(, or political party shall)~~) will be accepted
37 if the canvassing board can determine, to (~~(their)~~) its satisfaction,
38 the voter's intent.~~

1 (2) The number of write-in votes cast for each office must be
2 recorded and reported with the canvass for the election.

3 (3) A write-in vote for an individual candidate for an office whose
4 name appears on the ballot for that same office is a valid vote for
5 that candidate as long as the candidate's name is clearly discernible,
6 even if other requirements of RCW 29A.24.311 are not satisfied and even
7 if the voter also marked a vote for that candidate such as to register
8 an over vote. These votes need not be tabulated unless: (a) The
9 difference between the number of votes cast for the candidate
10 apparently qualified to appear on the general election ballot or
11 elected and the candidate receiving the next highest number of votes is
12 less than the sum of the total number of write-in votes cast for the
13 office plus the over votes and under votes recorded by the vote
14 tabulating system; or (b) a manual recount is conducted for that
15 office.

16 (4) Write-in votes cast for an individual candidate for an office
17 whose name does not appear on the ballot need not be tallied ((if))
18 unless the total number of write-in votes and under votes recorded by
19 the vote tabulation system for the office is ((not)) greater than the
20 number of votes cast for the candidate apparently ((nominated))
21 qualified to appear on the general election ballot or elected((, and
22 the write-in votes could not have altered the outcome of the primary or
23 election. In the case of write-in votes for statewide office or for
24 any office whose jurisdiction encompasses more than one county, write-
25 in votes for an individual candidate must be tallied whenever the
26 county auditor is notified by either the office of the secretary of
27 state or another auditor in a multicounty jurisdiction that it appears
28 that the write-in votes could alter the outcome of the primary or
29 election)).

30 ((+4)) (5) In the case of write-in votes for a statewide
31 office((s)) or any office whose jurisdiction((s that)) encompasses more
32 than one county, ((if the total number of write-in votes and under
33 votes recorded by the vote tabulation system for an office within a
34 county is greater than the number of votes cast for a candidate
35 apparently nominated or elected in a primary or election, the auditor
36 shall tally all write-in votes for individual candidates for that
37 office and notify the office of the secretary of state and the auditors
38 of the other counties within the jurisdiction, that the write-in votes
39 for individual candidates should be tallied)) write-in votes for an

1 individual candidate must be tallied when the county auditor is
2 notified by either the secretary of state or another county auditor in
3 the multicounty jurisdiction that it appears that the write-in votes
4 must be tabulated under the terms of this section. In all other cases,
5 the county auditor determines when write-in votes must be tabulated.
6 Any abstract of votes must be modified to reflect the tabulation and
7 certified by the canvassing board. Tabulation of write-in votes may be
8 performed simultaneously with a recount.

9 **Sec. 13.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to
10 read as follows:

11 Whenever the precinct election officers or the counting center
12 personnel have a question about the validity of a ballot or the votes
13 for an office or issue that they are unable to resolve, they shall
14 prepare and sign a concise record of the facts in question or dispute.
15 These ballots shall be delivered to the canvassing board for
16 processing. A ballot is not considered rejected until the canvassing
17 board has rejected the ballot individually, or the ballot was included
18 in a batch or on a report of ballots that was rejected in its entirety
19 by the canvassing board. All ballots shall be preserved in the same
20 manner as valid ballots for that primary or election.

21 **Sec. 14.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to
22 read as follows:

23 The county auditor shall produce cumulative and precinct returns
24 for each primary and election and deliver them to the canvassing board
25 for verification and certification. The precinct and cumulative
26 returns of any primary or election are public records under chapter
27 42.17 RCW.

28 Cumulative returns for state offices, judicial offices, the United
29 States senate, and congress must be electronically transmitted to the
30 secretary of state immediately.

31 **Sec. 15.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to
32 read as follows:

33 Each registered voter casting an absentee ballot will be credited
34 with voting on his or her voter registration record only if the ballot
35 was counted. Absentee ballots must be retained for the same length of

1 time and in the same manner as ballots cast at the precinct polling
2 places.

3 **Sec. 16.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to
4 read as follows:

5 (1) On the tenth day after a special election or primary and on the
6 (~~fifteenth~~) twentieth day after a general election, the county
7 canvassing board shall complete the canvass and certify the results.
8 The secretary of state may adopt rules to provide that Thanksgiving
9 day, and the day after Thanksgiving day, are not counted in
10 establishing the twenty-day certification deadline. Each absentee
11 ballot that was returned before the closing of the polls on the date of
12 the primary or election for which it was issued, and each absentee
13 ballot with a postmark on or before the date of the primary or election
14 for which it was issued and received on or before the date on which the
15 primary or election is certified, must be included in the canvass
16 report.

17 (2) At the request of a caucus of the state legislature, the county
18 auditor shall transmit copies of all unofficial returns of state and
19 legislative primaries or elections prepared by or for the county
20 canvassing board to either the secretary of the senate or the chief
21 clerk of the house of representatives.

22 **Sec. 17.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to
23 read as follows:

24 Whenever the canvassing board finds during the initial counting
25 process, or during any subsequent recount thereof, that there is an
26 apparent discrepancy or an inconsistency in the returns of a primary or
27 election, or that election staff has made an error regarding the
28 treatment or disposition of a ballot, the board may recanvass the
29 ballots or voting devices in any precincts of the county. The
30 canvassing board shall conduct any necessary recanvass activity on or
31 before the last day to certify or recertify the results of the primary
32 (~~or~~), election, or subsequent recount and correct any error and
33 document the correction of any error that it finds.

34 **Sec. 18.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to
35 read as follows:

1 As soon as the returns have been received from all the counties of
2 the state, but not later than the thirtieth day after the election, the
3 secretary of state shall ~~((make a))~~ canvass ~~((of such of the returns as
4 are not required to be canvassed by the legislature and make out a
5 statement thereof, file it in his or her office, and transmit a
6 certified copy to the governor))~~ and certify the returns of the general
7 election as to candidates for state offices, the United States senate,
8 congress, and all other candidates whose districts extend beyond the
9 limits of a single county. The secretary of state shall transmit a
10 copy of the certification to the governor, president of the senate, and
11 speaker of the house of representatives.

12 **Sec. 19.** RCW 29A.64.021 and 2004 c 271 s 178 are each amended to
13 read as follows:

14 (1) If the official canvass of all of the returns for any office at
15 any primary or election reveals that the difference in the number of
16 votes cast for a candidate apparently nominated or elected to any
17 office and the number of votes cast for the closest apparently defeated
18 opponent is less than two thousand votes and also less than one-half of
19 one percent of the total number of votes cast for both candidates, the
20 county canvassing board shall conduct a recount of all votes cast on
21 that position.

22 (a) Whenever such a difference occurs in the number of votes cast
23 for candidates for a position the declaration of candidacy for which
24 was filed with the secretary of state, the secretary of state shall,
25 within three business days of the day that the returns of the primary
26 or election are first certified by the canvassing boards of those
27 counties, direct those boards to recount all votes cast on the
28 position.

29 (b)(i) For statewide elections, if the difference in the number of
30 votes cast for the apparent winner and the closest apparently defeated
31 opponent is less than one ((hundred fifty)) thousand votes and also
32 less than one-fourth of one percent of the total number of votes cast
33 for both candidates, the votes shall be recounted manually or as
34 provided in subsection (3) of this section.

35 (ii) For elections not included in (b)(i) of this subsection, if the
36 difference in the number of votes cast for the apparent winner and the
37 closest apparently defeated opponent is less than one hundred fifty
38 votes and also less than one-fourth of one percent of the total number

1 of votes cast for both candidates, the votes shall be recounted
2 manually or as provided in subsection (3) of this section.

3 (2) A mandatory recount shall be conducted in the manner provided
4 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory
5 recount may be charged to any candidate.

6 (3) The apparent winner and closest apparently defeated opponent
7 for an office for which a manual recount is required under subsection
8 (1)(b) of this section may select an alternative method of conducting
9 the recount. To select such an alternative, the two candidates shall
10 agree to the alternative in a signed, written statement filed with the
11 election official for the office. The recount shall be conducted using
12 the alternative method if: It is suited to the balloting system that
13 was used for casting the votes for the office; it involves the use of
14 a vote tallying system that is approved for use in this state by the
15 secretary of state; and the vote tallying system is readily available
16 in each county required to conduct the recount. If more than one
17 balloting system was used in casting votes for the office, an
18 alternative to a manual recount may be selected for each system.

19 NEW SECTION. **Sec. 20.** A new section is added to chapter 29A.60
20 RCW to read as follows:

21 No later than thirty days after final certification, the county
22 auditor shall prepare and make publicly available at the auditor's
23 office or on the auditor's web site, an election reconciliation report
24 that discloses, at a minimum, the following information: The number of
25 ballots counted; the number of voters credited with voting; the number
26 of provisional ballots issued; the number of provisional ballots
27 counted; the number of provisional ballots rejected; the number of
28 absentee ballots issued; the number of absentee ballots counted; the
29 number of absentee ballots rejected; the number of federal write-in
30 ballots counted; the number of ballots sent to overseas voters and the
31 number of such ballots that were counted; and any other information the
32 auditor determines to be necessary to the process of reconciling the
33 number of votes counted with the number of voters credited with voting.

34 **Sec. 21.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to
35 read as follows:

36 An application for a recount shall state the office for which a
37 recount is requested and whether the request is for all or only a

1 portion of the votes cast in that jurisdiction of that office. The
2 person filing an application for a manual recount shall, at the same
3 time, deposit with the county canvassing board or secretary of state,
4 in cash or by certified check, a sum equal to twenty-five cents for
5 each ballot cast in the jurisdiction or portion of the jurisdiction for
6 which the recount is requested as security for the payment of any costs
7 of conducting the recount. If the application is for a machine
8 recount, the deposit must be equal to fifteen cents for each ballot.
9 These charges shall be determined by the county canvassing board or
10 boards under RCW (~~(29A.64.080)~~) 29A.64.081.

11 The county canvassing board shall determine ((a)) the date, time,
12 and ((a)) place or places at which the recount will be conducted.
13 (~~(This time shall be less than three business days after the day upon~~
14 ~~which: The application was filed with the board; the request for a~~
15 ~~recount or directive ordering a recount was received by the board from~~
16 ~~the secretary of state; or the returns are certified which indicate~~
17 ~~that a recount is required under RCW 29A.64.020 for an issue or office~~
18 ~~voted upon only within the county.)) Not less than two days before the
19 date of the recount, the county auditor shall mail a notice of the time
20 and place of the recount to the applicant or affected parties and, if
21 the recount involves an office, to any person for whom votes were cast
22 for that office. The county auditor shall also notify the affected
23 parties by either telephone, fax, e-mail, or other electronic means at
24 the time of mailing. At least three attempts must be made over a two-
25 day period to notify the affected parties or until the affected parties
26 have received the notification. Each attempt to notify affected
27 parties must request a return response indicating that the notice has
28 been received. Each person entitled to receive notice of the recount
29 may attend, witness the recount, and be accompanied by counsel.~~

30 Proceedings of the canvassing board are public under chapter 42.30
31 RCW. Subject to reasonable and equitable guidelines adopted by the
32 canvassing board, all interested persons may attend and witness a
33 recount.

34 **Sec. 22.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to
35 read as follows:

36 Upon completion of the canvass of a recount, the canvassing board
37 shall prepare and certify an amended abstract showing the votes cast in
38 each precinct for which the recount was conducted. Copies of the

1 amended abstracts must be transmitted to the same officers who received
2 the abstract on which the recount was based.

3 If the nomination, election, or issue for which the recount was
4 conducted was submitted only to the voters of a county, the canvassing
5 board shall file the amended abstract with the original results of that
6 election or primary.

7 If the nomination, election, or issue for which a recount was
8 conducted was submitted to the voters of more than one county, the
9 secretary of state shall canvass the amended abstracts and shall file
10 an amended abstract with the original results of that election. The
11 secretary of state may require that the amended abstracts be certified
12 by each canvassing board on a uniform date. An amended abstract
13 certified under this section supersedes any prior abstract of the
14 results for the same offices or issues at the same primary or election.

15 **Sec. 23.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to
16 read as follows:

17 Any justice of the supreme court, judge of the court of appeals, or
18 judge of the superior court in the proper county shall, by order,
19 require any person charged with error, wrongful act, or neglect to
20 forthwith correct the error, desist from the wrongful act, or perform
21 the duty and to do as the court orders or to show cause forthwith why
22 the error should not be corrected, the wrongful act desisted from, or
23 the duty or order not performed, whenever it is made to appear to such
24 justice or judge by affidavit of an elector that:

25 (1) An error or omission has occurred or is about to occur in
26 printing the name of any candidate on official ballots; or

27 (2) An error other than as provided in subsections (1) and (3) of
28 this section has been committed or is about to be committed in printing
29 the ballots; or

30 (3) The name of any person has been or is about to be wrongfully
31 placed upon the ballots; or

32 (4) A wrongful act other than as provided for in subsections (1)
33 and (3) of this section has been performed or is about to be performed
34 by any election officer; or

35 (5) Any neglect of duty on the part of an election officer other
36 than as provided for in subsections (1) and (3) of this section has
37 occurred or is about to occur; or

1 (6) An error or omission has occurred or is about to occur in the
2 issuance of a certificate of election.

3 An affidavit of an elector under subsections (1) and (3) (~~above~~)
4 of this section when relating to a primary election must be filed with
5 the appropriate court no later than the second Friday following the
6 closing of the filing period for nominations for such office and shall
7 be heard and finally disposed of by the court not later than five days
8 after the filing thereof. An affidavit of an elector under subsections
9 (1) and (3) of this section when relating to a general election must be
10 filed with the appropriate court no later than three days following the
11 official certification of the primary election returns and shall be
12 heard and finally disposed of by the court not later than five days
13 after the filing thereof. An affidavit of an elector under subsection
14 (6) of this section shall be filed with the appropriate court no later
15 than ten days following the (~~issuance of a certificate of election~~)
16 official certification of the election as provided in RCW 29A.60.190,
17 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after
18 the official certification of the amended abstract as provided in RCW
19 29A.64.061.

20 NEW SECTION. Sec. 24. A new section is added to chapter 29A.84
21 RCW to read as follows:

22 A person who knowingly destroys, alters, defaces, conceals, or
23 discards a completed voter registration form or signed absentee or
24 provisional ballot signature affidavit is guilty of a class C felony
25 punishable under RCW 9A.20.021. This section does not apply to (1) the
26 voter who completed the voter registration form, or (2) a county
27 auditor or registration assistant who acts as authorized by voter
28 registration law.

29 **Sec. 25.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to
30 read as follows:

31 (1) Any person who intentionally or knowingly votes or attempts to
32 vote more than once (~~at any~~) in this state in the same primary or
33 general or special election, or who is registered to vote in another
34 state and who votes or attempts to vote in this state, is guilty of a
35 (~~gross misdemeanor~~) class C felony, punishable (~~to the same extent~~
36 ~~as a gross misdemeanor that is punishable~~) under RCW 9A.20.021.

1 (2) Any person who recklessly or negligently violates this section
2 has committed a class 1 civil infraction as provided in RCW 7.80.120.
3 The county prosecuting attorney is authorized to enforce this
4 subsection."

5 **SSB 5499** - S AMD
6 By Senator Kastama

7

8 On page 1, on line 1 of the title, after "reform", strike the
9 remainder of the title and insert "amending RCW 29A.04.008,
10 29A.04.530,29A.04.570, 29A.04.611, 29A.40.091, 29A.40.110, 29A.60.021,
11 29A.60.050, 29A.60.070, 29A.60.180, 29A.60.190, 29A.60.210, 29A.60.250,
12 29A.64.021, 29A.64.030, 29A.64.061, 29A.68.011, and 29A.84.650; adding
13 a new section to chapter 29A.40 RCW; adding new sections to chapter
14 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding a new
15 section to chapter 29A.84 RCW; and prescribing penalties.

« END »

EFFECT: Clarifies the definition of provisional ballots; adds elections review provisions for 3 year; county auditor must follow recommendations . Strengthens warnings regarding voting requirements. ID requirements for voting.