
HOUSE BILL 1256

State of Washington

59th Legislature

2005 Regular Session

By Representatives Roach, Holmquist and Schindler

Read first time 01/19/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to the disestablishment of provisional ballots;
2 amending RCW 29A.04.008, 29A.04.470, 29A.08.625, 29A.44.090, and
3 29A.60.140; and repealing RCW 29A.44.265.

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

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

7 As used in this title:

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

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

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

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

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

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

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

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

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

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

17 ~~(b) There is an indication in the poll book that the voter has
18 requested an absentee ballot, but the voter wishes to vote at the
19 polling place;~~

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

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

26 ~~((7))~~ (6) "Nonpartisan ballot" means a primary election ballot
27 that lists all nonpartisan races and ballot measures to be voted on at
28 that primary.

29 **Sec. 2.** RCW 29A.04.470 and 2004 c 267 s 203 are each amended to
30 read as follows:

31 (1) The secretary of state shall create an advisory committee and
32 adopt rules governing project eligibility, evaluation, awarding of
33 grants, and other criteria for administering the local government grant
34 program, which may include a preference for grants that include a match
35 of local funds.

36 (2) The advisory committee shall review grant proposals and
37 establish a prioritized list of projects to be considered for funding

1 by the third Tuesday in May of each year beginning in 2004 and
2 continuing as long as funds in the election account established by
3 (~~chapter 48, Laws of 2003 [RCW 29A.04.440]~~) RCW 29A.04.440 are
4 available. The grant award may have an effective date other than the
5 date the project is placed on the prioritized list, including money
6 spent previously by the county that would qualify for reimbursement
7 under the Help America Vote Act (P.L. 107-252).

8 (3) Examples of projects that would be eligible for local
9 government grant funding include, but are not limited to the following:

10 (a) Replacement or upgrade of voting equipment, including the
11 replacement of punchcard voting systems;

12 (b) Purchase of additional voting equipment, including the purchase
13 of equipment to meet the disability requirements of the Help America
14 Vote Act (P.L. 107-252);

15 (c) Purchase of new election management system hardware and
16 software capable of integrating with the statewide voter registration
17 system required by the Help America Vote Act (P.L. 107-252);

18 (d) Development and production of poll worker recruitment and
19 training materials;

20 (e) Voter education programs;

21 (f) Publication of a local voters' pamphlet; and

22 (~~(g) ((Toll-free access system to provide notice of the outcome of
23 provisional ballots; and~~

24 ~~(h))~~) Training for local election officials.

25 **Sec. 3.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
26 read as follows:

27 (~~((1))~~) A voter whose registration has been made inactive under
28 this chapter and who offers to vote at an ensuing election before two
29 federal elections have been held must be allowed to vote a regular
30 ballot and the voter's registration restored to active status.

31 (~~((2) A voter whose registration has been properly canceled under
32 this chapter shall vote a provisional ballot. The voter shall mark the
33 provisional ballot in secrecy, the ballot placed in a security
34 envelope, the security envelope placed in a provisional ballot
35 envelope, and the reasons for the use of the provisional ballot noted.~~

36 ~~(3) Upon receipt of such a voted provisional ballot the auditor
37 shall investigate the circumstances surrounding the original~~

1 ~~cancellation. If he or she determines that the cancellation was in~~
2 ~~error, the voter's registration must be immediately reinstated, and the~~
3 ~~voter's provisional ballot must be counted. If the original~~
4 ~~cancellation was not in error, the voter must be afforded the~~
5 ~~opportunity to reregister at his or her correct address, and the~~
6 ~~voter's provisional ballot must not be counted.)~~

7 **Sec. 4.** RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to
8 read as follows:

9 A registered voter shall not be allowed to vote in the precinct in
10 which he or she is registered at any election or primary for which that
11 voter has cast an absentee ballot. ~~((A registered voter who has~~
12 ~~requested an absentee ballot for a primary or special or general~~
13 ~~election but chooses to vote at the voter's precinct polling place in~~
14 ~~that primary or election shall cast a provisional ballot. The~~
15 ~~canvassing board shall not count the ballot if it finds that the voter~~
16 ~~has also voted by absentee ballot in that primary or election.))~~

17 **Sec. 5.** RCW 29A.60.140 and 2003 c 111 s 1514 are each amended to
18 read as follows:

19 (1) Members of the county canvassing board are the county auditor,
20 who is the chair, the county prosecuting attorney, and the chair of the
21 county legislative body. If a member of the board is not available to
22 carry out the duties of the board, then the auditor may designate a
23 deputy auditor, the prosecutor may designate a deputy prosecuting
24 attorney, and the chair of the county legislative body may designate
25 another member of the county legislative body. Any such designation
26 may be made on an election-by-election basis or may be on a permanent
27 basis until revoked by the designating authority. Any such designation
28 must be in writing, and if for a specific election, must be filed with
29 the county auditor not later than the day before the first day duties
30 are to be undertaken by the canvassing board. If the designation is
31 permanent until revoked by the designating authority, then the
32 designation must be on file in the county auditor's office no later
33 than the day before the first day the designee is to undertake the
34 duties of the canvassing board.

35 (2) The county canvassing board may adopt rules that delegate in

1 writing to the county auditor or the county auditor's staff the
2 performance of any task assigned by law to the canvassing board.

3 (3) The county canvassing board may not delegate the responsibility
4 of certifying the returns of a primary or election((~~7~~)) or of
5 determining the validity of challenged ballots(~~((~~7~~ or of determining the~~
6 ~~validity of provisional ballots))~~) referred to the board by the county
7 auditor.

8 (4) The county canvassing board shall adopt administrative rules to
9 facilitate and govern the canvassing process in that jurisdiction.

10 (5) Meetings of the county canvassing board are public meetings
11 under chapter 42.30 RCW. All rules adopted by the county canvassing
12 board must be adopted in a public meeting under chapter 42.30 RCW, and
13 once adopted must be available to the public to review and copy under
14 chapter 42.17 RCW.

15 NEW SECTION. **Sec. 6.** RCW 29A.44.265 (Provisional ballot after
16 polls close) and 2004 c 267 s 501 are each repealed.

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