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**SUBSTITUTE SENATE BILL 6235**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama and Roach; by request of Secretary of State)

READ FIRST TIME 01/24/06.

1           AN ACT Relating to technical changes to election laws; amending RCW  
2 29A.04.530, 29A.04.611, 29A.24.091, 29A.24.101, 29A.24.111, 29A.40.110,  
3 29A.40.150, and 29A.48.050; and repealing RCW 29A.04.157, 29A.04.610,  
4 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.28.010, 29A.28.020,  
5 29A.36.190, 29A.44.220, 29A.46.140, 29A.46.150, 29A.46.210, 29A.46.220,  
6 29A.46.230, 29A.46.240, 29A.46.250, and 29A.72.220.

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

8           **Sec. 1.** RCW 29A.04.530 and 2005 c 243 s 2 are each amended to read  
9 as follows:

10           The secretary of state shall:

11           (1) Establish and operate, or provide by contract, training and  
12 certification programs for state and county elections administration  
13 officials and personnel, including training on the various types of  
14 election law violations and discrimination, and training programs for  
15 political party observers which conform to the rules for such programs  
16 established under RCW 29A.04.630;

17           (2) ~~((Establish guidelines, in consultation with state and local~~  
18 ~~law enforcement or certified document examiners, for signature~~

1 ~~verification processes. All election personnel assigned to verify~~  
2 ~~signatures must receive training on the guidelines;~~

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

6       ~~((4))~~ (3) Maintain a record of those individuals who have  
7 received such training and certificates; and

8       ~~((5))~~ (4) Provide the staffing and support services required by  
9 the board created under RCW 29A.04.510.

10       **Sec. 2.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended to  
11 read as follows:

12       The secretary of state as chief election officer shall make  
13 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
14 with the federal and state election laws to effectuate any provision of  
15 this title and to facilitate the execution of its provisions in an  
16 orderly, timely, and uniform manner relating to any federal, state,  
17 county, city, town, and district elections. To that end the secretary  
18 shall assist local election officers by devising uniform forms and  
19 procedures.

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

23       (1) The maintenance of voter registration records;

24       (2) The preparation, maintenance, distribution, review, and filing  
25 of precinct maps;

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

27       (4) The examination and testing of voting systems for  
28 certification;

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

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

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

36       (8) Standards and procedures for the preparation and use of each

1 type of certified voting system including procedures for the operation  
2 of counting centers where vote tallying systems are used;

3 (9) Standards and procedures to ensure the accurate tabulation and  
4 canvassing of ballots;

5 (10) Consistency among the counties of the state in the preparation  
6 of ballots, the operation of vote tallying systems, and the canvassing  
7 of primaries and elections;

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

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

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

18 (14) The acceptance and filing of documents via electronic  
19 facsimile;

20 (15) Voter registration applications and records;

21 (16) The use of voter registration information in the conduct of  
22 elections;

23 (17) The coordination, delivery, and processing of voter  
24 registration records accepted by driver licensing agents or the  
25 department of licensing;

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

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

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

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

35 (22) Procedures for canceling dual voter registration records and  
36 for maintaining records of persons whose voter registrations have been  
37 canceled;

- 1 (23) Procedures for the electronic transfer of voter registration  
2 records between county auditors and the office of the secretary of  
3 state;
- 4 (24) Procedures and forms for declarations of candidacy;
- 5 (25) Procedures and requirements for the acceptance and filing of  
6 declarations of candidacy by electronic means;
- 7 (26) Procedures for the circumstance in which two or more  
8 candidates have a name similar in sound or spelling so as to cause  
9 confusion for the voter;
- 10 (27) Filing for office;
- 11 (28) The order of positions and offices on a ballot;
- 12 (29) Sample ballots;
- 13 (30) Independent evaluations of voting systems;
- 14 (31) The testing, approval, and certification of voting systems;
- 15 (32) The testing of vote tallying software programming;
- 16 (33) Standards and procedures to prevent fraud and to facilitate  
17 the accurate processing and canvassing of absentee ballots and mail  
18 ballots;
- 19 (34) Standards and procedures to guarantee the secrecy of absentee  
20 ballots and mail ballots;
- 21 (35) Uniformity among the counties of the state in the conduct of  
22 absentee voting and mail ballot elections;
- 23 (36) Standards and procedures to accommodate out-of-state voters,  
24 overseas voters, and service voters;
- 25 (37) The tabulation of paper ballots before the close of the polls;
- 26 (38) The accessibility of polling places and registration  
27 facilities that are accessible to elderly and disabled persons;
- 28 (39) The aggregation of precinct results if reporting the results  
29 of a single precinct could jeopardize the secrecy of a person's ballot;
- 30 (40) Procedures for conducting a statutory recount;
- 31 (41) Procedures for filling vacancies in congressional offices if  
32 the general statutory time requirements for availability of absentee  
33 ballots, certification, canvassing, and related procedures cannot be  
34 met;
- 35 (42) Procedures for the statistical sampling of signatures for  
36 purposes of verifying and canvassing signatures on initiative,  
37 referendum, and recall election petitions;

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

3 (44) Deadlines for the filing of ballot titles for referendum bills  
4 and constitutional amendments if none have been provided by the  
5 legislature;

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

7 (46) Procedures for conducting special elections regarding nuclear  
8 waste sites if the general statutory time requirements for availability  
9 of absentee ballots, certification, canvassing, and related procedures  
10 cannot be met;

11 (47) Procedures for conducting partisan primary elections;

12 (48) Standards and procedures for the proper conduct of voting  
13 during the early voting period to provide accessibility for the blind  
14 or visually impaired;

15 (49) Standards for voting technology and systems used by the state  
16 or any political subdivision to be accessible for individuals with  
17 disabilities, including nonvisual accessibility for the blind and  
18 visually impaired, in a manner that provides the same opportunity for  
19 access and participation, including privacy and independence, as other  
20 voters;

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

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

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

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

34 (54) Standards for the verification of signatures on absentee,  
35 mail, and provisional ballot envelopes.

36 **Sec. 3.** RCW 29A.24.091 and 2005 c 221 s 2 are each amended to read  
37 as follows:

1 A filing fee of one dollar shall accompany each declaration of  
2 candidacy for precinct committee officer; a filing fee of ten dollars  
3 shall accompany the declaration of candidacy for any office with a  
4 fixed annual salary of one thousand dollars or less; a filing fee equal  
5 to one percent of the annual salary of the office at the time of filing  
6 shall accompany the declaration of candidacy for any office with a  
7 fixed annual salary of more than one thousand dollars per annum. No  
8 filing fee need accompany a declaration of candidacy for any office for  
9 which compensation is on a per diem or per meeting attended basis.

10 A candidate who lacks sufficient assets or income at the time of  
11 filing to pay the filing fee required by this section shall submit with  
12 his or her declaration of candidacy a (~~nominating~~) filing fee waiver  
13 petition. The petition shall contain not less than a number of  
14 signatures of registered voters equal to the number of dollars of the  
15 filing fee. The signatures shall be of voters registered to vote  
16 within the jurisdiction of the office for which the candidate is  
17 filing.

18 When the candidacy is for:

19 (1) A legislative or judicial office that includes territory from  
20 more than one county, the fee shall be paid to the secretary of state  
21 for equal division between the treasuries of the counties comprising  
22 the district.

23 (2) A legislative or judicial office that includes territory from  
24 only one county:

25 (a) The fee shall be paid to the county auditor if the candidate  
26 filed his or her declaration of candidacy with the county auditor;

27 (b) The fee shall be paid to the secretary of state if the  
28 candidate filed his or her declaration of candidacy with the secretary  
29 of state. The secretary of state shall then promptly transmit the fee  
30 to the county auditor of the county in which the legislative or  
31 judicial office is located.

32 (3) A city or town office, the fee shall be paid to the county  
33 auditor who shall transmit it to the city or town clerk for deposit in  
34 the city or town treasury.

35 **Sec. 4.** RCW 29A.24.101 and 2004 c 271 s 114 are each amended to  
36 read as follows:

37 (1) The (~~nominating~~) filing fee waiver petition authorized by RCW

1 29A.24.091 must be printed on sheets of uniform color and size, must  
2 include a place for each individual to sign and print his or her name  
3 and the address, city, and county at which he or she is registered to  
4 vote, and must contain no more than twenty numbered lines.

5 (2) For candidates for nonpartisan office and candidates of a major  
6 political party for partisan office, the (~~nominating~~) filing fee  
7 waiver petition must be in substantially the following form:

8 The warning prescribed by RCW 29A.72.140; followed by:

9 We, the undersigned registered voters of  (the state of  
10 Washington or the political subdivision for which the nomination is  
11 made), hereby petition that the name of  (candidate's name) be  
12 printed on the official primary ballot for the office of  (insert  
13 name of office).

14 (3) For independent candidates and candidates of a minor political  
15 party for partisan office, the (~~nominating~~) filing fee waiver  
16 petition must be in substantially the following form:

17 The warning prescribed by RCW 29A.72.140; followed by:

18 We, the undersigned registered voters of  (the state of  
19 Washington or the political subdivision for which the nomination is  
20 made), hereby petition that the name of  (candidate's name) be  
21 printed on the official general election ballot for the office of  
22  (insert name of office).

23 **Sec. 5.** RCW 29A.24.111 and 2004 c 271 s 161 are each amended to  
24 read as follows:

25 (~~Nominating~~) Filing fee waiver petitions may be rejected for the  
26 following reasons:

- 27 (1) The petition is not in the proper form;
- 28 (2) The petition clearly bears insufficient signatures;
- 29 (3) The petition is not accompanied by a declaration of candidacy;
- 30 (4) The time within which the petition and the declaration of
- 31 candidacy could have been filed has expired.

32 If the petition is accepted, the officer with whom it is filed  
33 shall canvass the signatures contained on it and shall reject the  
34 signatures of those persons who are not registered voters and the  
35 signatures of those persons who are not registered to vote within the  
36 jurisdiction of the office for which the (~~nominating~~) filing fee

1 waiver petition is filed. He or she shall additionally reject any  
2 signature that appears on the (~~nominating~~) filing fee waiver  
3 petitions of two or more candidates for the same office and shall also  
4 reject, each time it appears, the name of any person who signs the same  
5 petition more than once.

6 If the officer with whom the petition is filed refuses to accept  
7 the petition or refuses to certify the petition as bearing sufficient  
8 valid signatures, the person filing the petition may appeal that action  
9 to the superior court. The application for judicial review shall take  
10 precedence over other cases and matters and shall be speedily heard and  
11 determined.

12 **Sec. 6.** RCW 29A.40.110 and 2005 c 243 s 5 are each amended to read  
13 as follows:

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

18 (2) All received absentee return envelopes must be placed in secure  
19 locations from the time of delivery to the county auditor until their  
20 subsequent opening. After opening the return envelopes, the county  
21 canvassing board shall place all of the ballots in secure storage until  
22 after 8:00 p.m. of the day of the primary or election. Absentee  
23 ballots that are to be tabulated on an electronic vote tallying system  
24 may be taken from the inner envelopes and all the normal procedural  
25 steps may be performed to prepare these ballots for tabulation.

26 (3) Before opening a returned absentee ballot, the canvassing  
27 board, or its designated representatives, shall examine the postmark,  
28 statement, and signature on the return envelope that contains the  
29 security envelope and absentee ballot. (~~They~~) All personnel assigned  
30 to verify signatures must receive training on statewide standards for  
31 signature verification. Personnel shall verify that the voter's  
32 signature on the return envelope is the same as the signature of that  
33 voter in the registration files of the county. For any absentee  
34 ballot, a variation between the signature of the voter on the return  
35 envelope and the signature of that voter in the registration files due  
36 to the substitution of initials or the use of common nicknames is  
37 permitted so long as the surname and handwriting are clearly the same.



1       (4) For registered voters casting absentee ballots, the date on the  
2 return envelope to which the voter has attested determines the  
3 validity, as to the time of voting for that absentee ballot if the  
4 postmark is missing or is illegible. For out-of-state voters, overseas  
5 voters, and service voters stationed in the United States, the date on  
6 the return envelope to which the voter has attested determines the  
7 validity as to the time of voting for that absentee ballot. (~~For any~~  
8 ~~absentee ballot, a variation between the signature of the voter on the~~  
9 ~~return envelope and the signature of that voter in the registration~~  
10 ~~files due to the substitution of initials or the use of common~~  
11 ~~nicknames is permitted so long as the surname and handwriting are~~  
12 ~~clearly the same.))~~

13       **Sec. 7.** RCW 29A.40.150 and 2005 c 245 s 1 are each amended to read  
14 as follows:

15       The secretary of state shall produce and furnish envelopes and  
16 instructions for (~~out-of-state voters,~~) overseas voters(~~(,)~~) and  
17 service voters (~~(to the county auditors)~~). The information on the  
18 envelopes or instructions must explain that:

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

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

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

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

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

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

35       **Sec. 8.** RCW 29A.48.050 and 2003 c 111 s 1205 are each amended to  
36 read as follows:

1 The voter shall return the ballot to the county auditor in the  
2 return identification envelope. If mailed, a ballot must be postmarked  
3 not later than the date of the primary or election. Otherwise, the  
4 ballot must be deposited at the office of the county auditor or the  
5 designated place of deposit not later than 8:00 p.m. on the date of the  
6 primary or election. All personnel assigned to verify signatures on  
7 the return envelope must receive training on statewide standards for  
8 signature verification.

9 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each  
10 repealed:

- 11 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;
- 12 (2) RCW 29A.04.610 (Rules by secretary of state) and 2004 c 267 s  
13 702, 2003 c 111 s 161, 1971 ex.s. c 202 s 2, & 1965 c 9 s 29.04.080;
- 14 (3) RCW 29A.20.110 (Definitions--"Convention" and "election  
15 jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9  
16 s 29.24.010;
- 17 (4) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;
- 18 (5) RCW 29A.20.200 (Declarations of candidacy required,  
19 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,  
20 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;
- 21 (6) RCW 29A.24.200 (Lapse of election when no filing for single  
22 positions--Effect) and 2003 c 111 s 620;
- 23 (7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990  
24 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;
- 25 (8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--  
26 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &  
27 1977 ex.s. c 329 s 13;
- 28 (9) RCW 29A.36.190 (Partisan candidates qualified for general  
29 election) and 2003 c 111 s 919;
- 30 (10) RCW 29A.44.220 (Casting vote) and 2004 c 267 s 319, 2003 c 111  
31 s 1121, 1990 c 59 s 43, 1988 c 181 s 4, 1965 ex.s. c 101 s 15, & 1965  
32 c 9 s 29.51.100;
- 33 (11) RCW 29A.46.140 (Interference, assistance) and 2004 c 267 s  
34 307;
- 35 (12) RCW 29A.46.150 (Prohibitions--Penalty) and 2004 c 267 s 308;
- 36 (13) RCW 29A.46.210 (Procedures for voting) and 2004 c 267 s 310;

1           (14) RCW 29A.46.220 (Opening and closing locations) and 2004 c 267  
2 s 311;  
3           (15) RCW 29A.46.230 (Voters in location at closing time) and 2004  
4 c 267 s 312;  
5           (16) RCW 29A.46.240 (Procedures after closing) and 2004 c 267 s  
6 313;  
7           (17) RCW 29A.46.250 (Handling of ballots after closing) and 2004 c  
8 267 s 314; and  
9           (18) RCW 29A.72.220 (Petitions--Signature checking--Registration  
10 information file) and 2003 c 111 s 1801.

--- END ---