
SECOND SUBSTITUTE HOUSE BILL 1572

State of Washington

61st Legislature

2010 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Lias, Appleton, Miloscia, and Williams)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to all mail elections; amending RCW 29A.04.008,
2 29A.04.019, 29A.04.128, 29A.04.031, 29A.04.220, 29A.04.255, 29A.04.580,
3 29A.04.611, 29A.04.470, 29A.08.130, 29A.08.140, 29A.08.440, 29A.08.620,
4 29A.08.720, 29A.08.775, 29A.08.810, 29A.08.820, 29A.12.085, 29A.12.090,
5 29A.12.110, 29A.12.160, 29A.16.010, 29A.16.040, 29A.16.060, 29A.16.120,
6 29A.16.130, 29A.24.081, 29A.24.131, 29A.28.021, 29A.28.061, 29A.32.241,
7 29A.36.115, 29A.36.131, 29A.36.161, 29A.40.070, 29A.40.080, 29A.40.091,
8 29A.40.100, 29A.40.110, 29A.40.120, 29A.44.010, 29A.44.030, 29A.44.040,
9 29A.44.050, 29A.44.060, 29A.44.070, 29A.44.090, 29A.44.140, 29A.44.150,
10 29A.44.160, 29A.44.170, 29A.44.190, 29A.44.205, 29A.44.207, 29A.44.210,
11 29A.44.225, 29A.44.231, 29A.44.260, 29A.44.265, 29A.44.270, 29A.44.410,
12 29A.44.430, 29A.44.490, 29A.44.530, 29A.46.260, 29A.48.010, 29A.48.040,
13 29A.48.060, 29A.52.141, 29A.52.311, 29A.52.351, 29A.53.080, 29A.56.010,
14 29A.56.490, 29A.60.010, 29A.60.030, 29A.60.050, 29A.60.110, 29A.60.120,
15 29A.60.160, 29A.60.160, 29A.60.170, 29A.60.180, 29A.60.190, 29A.60.190,
16 29A.60.230, 29A.60.235, 29A.64.041, 29A.80.041, 29A.84.050, 29A.84.510,
17 29A.84.550, 29A.84.730, 36.83.110, 85.38.125, and 90.72.040; reenacting
18 and amending RCW 29A.40.061, 29A.60.070, and 29A.60.165; adding new
19 sections to chapter 29A.04 RCW; adding new sections to chapter 29A.48
20 RCW; adding a new section to chapter 29A.80 RCW; recodifying RCW
21 29A.40.061, 29A.40.070, 29A.40.080, 29A.40.091, 29A.40.100, 29A.40.110,

1 29A.40.120, 29A.40.150, and 29A.44.430; repealing RCW 29A.16.020,
2 29A.16.030, 29A.16.110, 29A.16.140, 29A.16.150, 29A.16.170, 29A.40.010,
3 29A.40.020, 29A.40.030, 29A.40.040, 29A.40.050, 29A.40.130, 29A.40.140,
4 29A.44.020, 29A.44.080, 29A.44.110, 29A.44.120, 29A.44.130, 29A.44.180,
5 29A.44.201, 29A.44.221, 29A.44.250, 29A.44.280, 29A.44.290, 29A.44.310,
6 29A.44.320, 29A.44.330, 29A.44.340, 29A.44.350, 29A.44.420, 29A.44.450,
7 29A.44.460, 29A.44.470, 29A.44.480, 29A.44.510, 29A.44.520, 29A.48.020,
8 29A.48.030, 29A.60.060, 29A.60.200, 29A.84.540, 29A.84.545, and
9 29A.84.680; providing an effective date; and providing an expiration
10 date.

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

12 **Sec. 1.** RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read
13 as follows:

14 As used in this title:

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

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

19 (b) A facsimile of the contents of a particular ballot whether
20 printed on a paper ballot or ballot card or as part of a voting machine
21 or voting device;

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

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

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

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

35 (4) "Sample ballot" means a printed facsimile of all the issues and

1 offices on the ballot in a jurisdiction and is intended to give voters
2 notice of the issues, offices, and candidates that are to be voted on
3 at a particular primary, general election, or special election;

4 (5) "Provisional ballot" means a ballot issued at (~~the polling~~
5 ~~place on election day by the precinct election board~~) a voting center
6 to a voter who would otherwise be denied an opportunity to vote a
7 regular ballot, for any reason authorized by the Help America Vote Act,
8 including but not limited to the following:

9 (a) The (~~voter's name does not appear in the poll book~~) voter
10 does not appear to be registered to vote in that county;

11 (b) There is (~~an indication in the poll book that the voter has~~
12 ~~requested an absentee ballot, but the voter wishes to vote at the~~
13 ~~polling place~~) a question concerning whether the voter has already
14 returned a voted ballot;

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

17 (d) 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 candidates for partisan
20 office who affiliate with that same major political party, as well as
21 the nonpartisan races and ballot measures to be voted on at that
22 primary;

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

26 NEW SECTION. Sec. 2. A new section is added to chapter 29A.04 RCW
27 to read as follows:

28 "Ballot drop-off site" means the site or sites designated by the
29 county auditor in which a voter may deposit his or her ballot in a
30 secure collection device on or before election day.

31 **Sec. 3.** RCW 29A.04.019 and 2003 c 111 s 104 are each amended to
32 read as follows:

33 "Counting center" means the facility or facilities designated by
34 the county auditor to count and canvass mail ballots(~~, absentee~~
35 ~~ballots, and polling place ballots that are transferred to a central~~

1 ~~site to be counted, rather than being counted by a poll-site ballot~~
2 ~~counting device, on the day of a primary or election)).~~

3 **Sec. 4.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to
4 read as follows:

5 "Primary" or "primary election" means a statutory procedure for
6 nominating candidates to public office (~~(at the polls)~~).

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.04 RCW
8 to read as follows:

9 "Voting center" means the facility or facilities designated by the
10 county auditor that:

- 11 (1) Serves as a disability access voting location;
12 (2) Issues provisional ballots; and
13 (3) Serves as a ballot drop-off site.

14 **Sec. 6.** RCW 29A.04.031 and 2003 c 111 s 106 are each amended to
15 read as follows:

16 For registered voters voting by (~~(absentee or)~~) mail ballot, "date
17 of mailing" means the date of the postal cancellation on the envelope
18 in which the ballot is returned to the election official by whom it was
19 issued. For all (~~(nonregistered absentee)~~) overseas and service
20 voters, "date of mailing" means the date stated by the voter on the
21 envelope in which the ballot is returned to the election official by
22 whom it was issued.

23 **Sec. 7.** RCW 29A.04.220 and 2003 c 111 s 135 are each amended to
24 read as follows:

25 The county auditor shall provide public notice of the availability
26 of registration and voting aids, assistance to the elderly and
27 (~~(disabled persons)~~) people with disabilities, and procedures for
28 voting by (~~(absentee)~~) mail ballot calculated to reach the elderly and
29 (~~(disabled persons)~~) people with disabilities not later than public
30 notice of the closing of registration for a primary or election.

31 **Sec. 8.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read
32 as follows:

1 The secretary of state or a county auditor shall accept and file in
2 his or her office electronic facsimile transmissions of the following
3 documents:

4 (1) Declarations of candidacy;

5 (2) County canvass reports;

6 (3) Voters' pamphlet statements;

7 (4) Arguments for and against ballot measures that will appear in
8 a voters' pamphlet;

9 (5) Requests for recounts;

10 (6) Certification of candidates and measures by the secretary of
11 state;

12 (7) Direction by the secretary of state for the conduct of a
13 mandatory recount;

14 (8) (~~Requests for absentee ballots;~~

15 ~~+9~~) Any other election related document authorized by rule
16 adopted by the secretary of state under RCW (~~(29A.04.610)~~) 29A.04.611.

17 The acceptance by the secretary of state or the county auditor is
18 conditional upon the document being filed in a timely manner, being
19 legible, and otherwise satisfying the requirements of state law or
20 rules with respect to form and content.

21 If the original copy of a document must be signed and a copy of the
22 document is filed by facsimile transmission under this section, the
23 original copy must be subsequently filed with the official with whom
24 the facsimile was filed. The original copy must be filed by a deadline
25 established by the secretary by rule. The secretary may by rule
26 require that the original of any document, a copy of which is filed by
27 facsimile transmission under this section, also be filed by a deadline
28 established by the secretary by rule.

29 **Sec. 9.** RCW 29A.04.580 and 2003 c 111 s 156 are each amended to
30 read as follows:

31 The county auditor may designate any person who has been certified
32 under this chapter, other than the auditor, to participate in a review
33 conducted in the county under this chapter. Each county auditor and
34 canvassing board shall cooperate fully during an election review by
35 making available to the reviewing staff any material requested by the
36 staff. The reviewing staff shall have full access to ballot pages,
37 (~~absentee~~) mail voting materials, any other election material

1 normally kept in a secure environment after the election, and other
2 requested material. If ballots are reviewed by the staff, they shall
3 be reviewed in the presence of the canvassing board or its designees.
4 Ballots shall not leave the custody of the canvassing board. During
5 the review and after its completion, the review staff may make
6 appropriate recommendations to the county auditor or canvassing board,
7 or both, to bring the county into compliance with the training required
8 under this chapter, and the laws or rules of the state of Washington,
9 to safeguard election material or to preserve the integrity of the
10 elections process.

11 **Sec. 10.** RCW 29A.04.611 and 2009 c 369 s 5 are each amended to
12 read as follows:

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

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

- 24 (1) The maintenance of voter registration records;
- 25 (2) The preparation, maintenance, distribution, review, and filing
26 of precinct maps;
- 27 (3) Standards for the design, layout, and production of ballots;
- 28 (4) The examination and testing of voting systems for
29 certification;
- 30 (5) The source and scope of independent evaluations of voting
31 systems that may be relied upon in certifying voting systems for use in
32 this state;
- 33 (6) Standards and procedures for the acceptance testing of voting
34 systems by counties;
- 35 (7) Standards and procedures for testing the programming of vote
36 tallying software for specific primaries and elections;

- 1 (8) Standards and procedures for the preparation and use of each
2 type of certified voting system including procedures for the operation
3 of counting centers where vote tallying systems are used;
- 4 (9) Standards and procedures to ensure the accurate tabulation and
5 canvassing of ballots;
- 6 (10) Consistency among the counties of the state in the preparation
7 of ballots, the operation of vote tallying systems, and the canvassing
8 of primaries and elections;
- 9 (11) Procedures to ensure the secrecy of a voter's ballot (~~when a~~
10 ~~small number of ballots are counted at the polls or at a counting~~
11 ~~center~~));
- 12 (12) The use of substitute devices or means of voting when a voting
13 device at (~~the polling place~~) a voting center is found to be
14 defective, the counting of votes cast on the defective device, the
15 counting of votes cast on the substitute device, and the documentation
16 that must be submitted to the county auditor regarding such
17 circumstances;
- 18 (13) Procedures for the transportation of sealed containers of
19 voted ballots or sealed voting devices;
- 20 (14) The acceptance and filing of documents via electronic
21 facsimile;
- 22 (15) Voter registration applications and records;
- 23 (16) The use of voter registration information in the conduct of
24 elections;
- 25 (17) The coordination, delivery, and processing of voter
26 registration records accepted by driver licensing agents or the
27 department of licensing;
- 28 (18) The coordination, delivery, and processing of voter
29 registration records accepted by agencies designated by the governor to
30 provide voter registration services;
- 31 (19) Procedures to receive and distribute voter registration
32 applications by mail;
- 33 (20) Procedures for a voter to change his or her voter registration
34 address within a county by telephone;
- 35 (21) Procedures for a voter to change the name under which he or
36 she is registered to vote;
- 37 (22) Procedures for canceling dual voter registration records and

1 for maintaining records of persons whose voter registrations have been
2 canceled;

3 (23) Procedures for the electronic transfer of voter registration
4 records between county auditors and the office of the secretary of
5 state;

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

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

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

12 (27) Filing for office;

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

14 (29) Sample ballots;

15 (30) Independent evaluations of voting systems;

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

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

18 (33) Standards and procedures to prevent fraud and to facilitate
19 the accurate processing and canvassing of (~~(absentee ballots and mail)~~)
20 ballots, including standards for the approval and implementation of
21 hardware and software for automated signature verification systems;

22 (34) Standards and procedures to guarantee the secrecy of
23 (~~(absentee ballots and mail)~~) ballots;

24 (35) Uniformity among the counties of the state in the conduct of
25 (~~(absentee voting and)~~) mail ballot elections;

26 (36) Standards and procedures to accommodate overseas voters and
27 service voters;

28 (37) The tabulation of paper ballots (~~(before the close of the~~
29 ~~polls)~~) prior to 8:00 p.m. on the day of a primary or election;

30 (38) The accessibility of (~~(polling places)~~) voting centers and
31 registration facilities (~~(that are accessible to elderly and disabled~~
32 ~~persons)~~);

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

35 (40) Procedures for conducting a statutory recount;

36 (41) Procedures for filling vacancies in congressional offices if
37 the general statutory time requirements for availability of

1 ((absentee)) mailing ballots, certification, canvassing, and related
2 procedures cannot be met;

3 (42) Procedures for the statistical sampling of signatures for
4 purposes of verifying and canvassing signatures on initiative,
5 referendum, and recall election petitions;

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

8 (44) Deadlines for the filing of ballot titles for referendum bills
9 and constitutional amendments if none have been provided by the
10 legislature;

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

12 (46) Procedures for conducting special elections regarding nuclear
13 waste sites if the general statutory time requirements for availability
14 of ((absentee)) mailing ballots, certification, canvassing, and related
15 procedures cannot be met;

16 (47) Procedures for conducting partisan primary elections;

17 (48) Standards and procedures for the proper conduct of voting
18 during the early voting period to provide accessability for the blind
19 or visually impaired;

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

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

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

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

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

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

3 **Sec. 11.** RCW 29A.04.470 and 2004 c 267 s 203 are each amended to
4 read as follows:

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

10 (2) The advisory committee shall review grant proposals and
11 establish a prioritized list of projects to be considered for funding
12 by the third Tuesday in May of each year beginning in 2004 and
13 continuing as long as funds in the election account established by
14 ((chapter 48, Laws of 2003 [RCW 29A.04.440])) RCW 29A.04.440 are
15 available. The grant award may have an effective date other than the
16 date the project is placed on the prioritized list, including money
17 spent previously by the county that would qualify for reimbursement
18 under the Help America Vote Act (P.L. 107-252).

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

21 (a) Replacement or upgrade of voting equipment, including the
22 replacement of punch card voting systems;

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

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

29 (d) Development and production of ((poll)) election worker
30 recruitment and training materials;

31 (e) Voter education programs;

32 (f) Publication of a local voters' pamphlet;

33 (g) Toll-free access system to provide notice of the outcome of
34 provisional ballots; and

35 (h) Training for local election officials.

1 **Sec. 12.** RCW 29A.08.130 and 2009 c 369 s 13 are each amended to
2 read as follows:

3 Election officials shall not include inactive voters in the count
4 of registered voters for the purpose of dividing precincts, (~~creating~~
5 ~~vote by mail precincts,~~) determining voter turnout, or other purposes
6 in law for which the determining factor is the number of registered
7 voters. (~~Election officials shall not include persons who are ongoing~~
8 ~~absentee voters under RCW 29A.40.040 in determining the maximum~~
9 ~~permissible size of vote by mail precincts or in determining the~~
10 ~~maximum permissible size of precincts.)) Nothing in this section may
11 be construed as altering the vote tallying requirements of RCW
12 29A.60.230.~~

13 **Sec. 13.** RCW 29A.08.140 and 2009 c 369 s 15 are each amended to
14 read as follows:

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

17 (a) Submit a registration application no later than twenty-nine
18 days before the day of the primary, special election, or general
19 election; or

20 (b) Register in person at the county auditor's office in his or her
21 county of residence no later than eight days before the day of the
22 primary, special election, or general election. (~~A person registering~~
23 ~~under this subsection will be issued an absentee ballot.))~~

24 (2) A person who is already registered to vote in Washington may
25 update his or her registration no later than twenty-nine days before
26 the day of the primary, special election, or general election to be in
27 effect for that primary, special election, or general election. A
28 registered voter who fails to transfer his or her residential address
29 by this deadline may vote according to his or her previous registration
30 address.

31 (3) Prior to each primary and general election, the county auditor
32 shall give notice of the registration deadlines by one publication in
33 a newspaper of general circulation in the county at least thirty-five
34 days before the primary or general election.

35 **Sec. 14.** RCW 29A.08.440 and 2009 c 369 s 25 are each amended to
36 read as follows:

1 A registered voter who changes his or her name shall notify the
2 county auditor regarding the name change by submitting a notice clearly
3 identifying the name under which he or she is registered to vote, the
4 voter's new name, and the voter's residence, and providing a signature
5 of the new name, or by submitting a voter registration application.

6 ~~((A properly registered voter who files a change of name notice at
7 the voter's precinct polling place during a primary or election and who
8 desires to vote at that primary or election shall sign the poll book
9 using the voter's former and new names.))~~

10 **Sec. 15.** RCW 29A.08.620 and 2009 c 369 s 29 are each amended to
11 read as follows:

12 (1) Each county auditor must request change of address information
13 from the postal service for all ~~((absentee and))~~ mail ballots. A voter
14 ~~((who votes at the polls))~~ must be mailed an election-related document,
15 with change of address information requested, at least once every two
16 years and at least ninety days prior to the date of a primary or
17 general election for federal office.

18 (2) The county auditor shall transfer the registration of a voter
19 and send an acknowledgement notice to the new address informing the
20 voter of the transfer if change of address information received by the
21 county auditor from the postal service, the department of licensing, or
22 another agency designated to provide voter registration services
23 indicates that the voter has moved within the county.

24 (3) The county auditor shall place a voter on inactive status and
25 send to all known addresses a confirmation notice and a voter
26 registration application if change of address information received by
27 the county auditor from the postal service, the department of
28 licensing, or another agency designated to provide voter registration
29 services indicates that the voter has moved from one county to another.

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

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

36 (b) Change of address information received from the postal service,

1 the department of licensing, or another state agency designated to
2 provide voter registration services indicates that the voter has moved
3 out of the state.

4 **Sec. 16.** RCW 29A.08.720 and 2009 c 369 s 34 are each amended to
5 read as follows:

6 (1) In the case of voter registration records received through the
7 department of licensing or an agency designated under RCW 29A.08.310,
8 the identity of the office or agency at which any particular individual
9 registered to vote is not available for public inspection and shall not
10 be disclosed to the public. Any record of a particular individual's
11 choice not to register to vote at an office of the department of
12 licensing or a state agency designated under RCW 29A.08.310 is not
13 available for public inspection and any information regarding such a
14 choice by a particular individual shall not be disclosed to the public.

15 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
16 (~~poll books~~) precinct lists(~~(r)~~) and current lists of registered
17 voters are public records and must be made available for public
18 inspection and copying under such reasonable rules and regulations as
19 the county auditor or secretary of state may prescribe. The county
20 auditor or secretary of state shall promptly furnish current lists of
21 registered voters in his or her possession, at actual reproduction
22 cost, to any person requesting such information. The lists shall not
23 be used for the purpose of mailing or delivering any advertisement or
24 offer for any property, establishment, organization, product, or
25 service or for the purpose of mailing or delivering any solicitation
26 for money, services, or anything of value. However, the lists and
27 labels may be used for any political purpose. The county auditor or
28 secretary of state must provide a copy of RCW 29A.08.740 to the person
29 requesting the material that is released under this section.

30 (3) For the purposes of this section, "political purpose" means a
31 purpose concerned with the support of or opposition to any candidate
32 for any partisan or nonpartisan office or concerned with the support of
33 or opposition to any ballot proposition or issue. "Political purpose"
34 includes, but is not limited to, such activities as the advertising for
35 or against any candidate or ballot measure or the solicitation of
36 financial support.

1 **Sec. 17.** RCW 29A.08.775 and 2005 c 246 s 20 are each amended to
2 read as follows:

3 Only voters who appear on the official statewide voter registration
4 list are eligible to participate in elections. Each county shall
5 maintain a copy of that county's portion of the state list. The county
6 must ensure that data used for the production of (~~poll lists and~~
7 ~~other~~) lists and mailings done in the administration of each election
8 are the same as the official statewide voter registration list.

9 **Sec. 18.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to
10 read as follows:

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

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

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

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

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

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

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

30 (B) Visited the residential address provided and contacted persons
31 at the address to determine whether the voter resides at the address
32 and, if not, obtained and submitted with the challenge form a signed
33 affidavit subject to the penalties of perjury from a person who owns or
34 manages property, resides, or is employed at the address provided, that
35 to his or her personal knowledge the challenged voter does not reside
36 at the address as provided on the voter registration;

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

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

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

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

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

11 (2) (~~A person's right to vote may be challenged:—By another~~
12 ~~registered voter or the county prosecuting attorney at any time, or by~~
13 ~~the poll site judge or inspector if the challenge is filed on election~~
14 ~~day regarding a voter who presents himself or herself to vote at the~~
15 ~~poll site.~~

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

27 ((+4)) (3) Challenges based on a felony conviction under RCW
28 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted
29 by the secretary of state.

30 **Sec. 19.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to
31 read as follows:

32 (1) Challenges initiated by a registered voter against a voter who
33 registered to vote less than sixty days before the election, or who
34 changed residence less than sixty days before the election without
35 transferring his or her registration, must be filed not later than ten
36 days before any primary or election, general or special, or within ten
37 days of the voter being added to the voter registration database,

1 whichever is later, at the office of the appropriate county auditor.
2 Challenges initiated by a registered voter against any other voter must
3 be filed not later than forty-five days before the election.
4 Challenges initiated by the office of the county prosecuting attorney
5 must be filed in the same manner as challenges initiated by a
6 registered voter.

7 (2)(a) If the challenge is filed within forty-five days before an
8 election at which the challenged voter is eligible to vote, a notation
9 of the challenge must be made immediately in the (~~(poll book or)~~) voter
10 registration system, and the county canvassing board presides over the
11 hearing.

12 (b) If the challenge is filed before the challenged voter's ballot
13 is received, the ballot must be treated as a challenged ballot. A
14 challenged ballot received at a (~~(polling place)~~) voting center must be
15 placed in a sealed envelope separate from other voted ballots.

16 (c) If the challenge is filed after the challenged voter's ballot
17 is received, the challenge cannot affect the current election.

18 (3) If the challenge is filed at least forty-five days before an
19 election at which the challenged voter is eligible to vote, the county
20 auditor presides over the hearing.

21 **Sec. 20.** RCW 29A.12.085 and 2005 c 242 s 1 are each amended to
22 read as follows:

23 (~~(Beginning on January 1, 2006,)~~) All electronic voting devices
24 must produce a paper record of each vote that may be accepted or
25 rejected by the voter before finalizing his or her vote. This record
26 may not be removed from the (~~(polling place)~~) voting center, and must
27 be human readable without an interface and machine readable for
28 counting purposes. If the device is programmed to display the ballot
29 in multiple languages, the paper record produced must be printed in the
30 language used by the voter. Rejected records must either be destroyed
31 or marked in order to clearly identify the record as rejected.

32 **Sec. 21.** RCW 29A.12.090 and 2003 c 111 s 309 are each amended to
33 read as follows:

34 (~~(The ballot on a single voting device shall not contain the names~~
35 ~~of candidates for the offices of United States representative, state~~
36 ~~senator, state representative, county council, or county commissioner~~

1 ~~in more than one district. In all general elections, primaries, and~~
2 ~~special elections, in each polling place the voting devices containing~~
3 ~~ballots for candidates from each congressional, legislative, or county~~
4 ~~council or commissioner district shall be grouped together and~~
5 ~~physically separated from those devices containing ballots for other~~
6 ~~districts. Each voter shall be directed by the precinct election~~
7 ~~officers to the correct group of voting devices.)) A single ballot~~
8 ~~shall contain the names of candidates for only one district for the~~
9 ~~offices of United States representative, state senator, state~~
10 ~~representative, and county council or county commissioner.~~

11 **Sec. 22.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to
12 read as follows:

13 In preparing a voting device for a primary or election, a record
14 shall be made of the ballot format installed in each device and the
15 precinct or portion of a precinct for which that device has been
16 prepared. Except where provided by a rule adopted under RCW
17 ((~~29A.04.610~~)) 29A.04.611, after being prepared for a primary or
18 election, each device shall be sealed with a uniquely numbered seal and
19 provided to the ((~~inspector of~~)) election official at the appropriate
20 ((~~polling place~~)) voting center.

21 **Sec. 23.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to
22 read as follows:

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

26 (2) Compliance with this provision in regard to voting technology
27 and systems purchased prior to July 27, 2003, shall be achieved at the
28 time of procurement of an upgrade of technology compatible with
29 nonvisual voting methods or replacement of existing voting equipment or
30 systems.

31 (3) Compliance with subsection (2) of this section is contingent on
32 available funds to implement this provision.

33 (4) For purposes of this section, the following definitions apply:

34 (a) "Accessible" includes receiving, using, selecting, and
35 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 (5) This section does not apply to voting by ~~((absentee))~~ mail
6 ballot.

7 **Sec. 24.** RCW 29A.16.010 and 2004 c 267 s 315 are each amended to
8 read as follows:

9 The intent of this chapter is to require ~~((state and local election
10 officials))~~ county auditors to designate and use ~~((polling places and
11 disability access voting locations in all elections and permanent
12 registration locations which))~~ voting centers that are accessible to
13 the elderly and ~~((disabled persons))~~ people with a disability. County
14 auditors shall:

15 (1) Make modifications such as installation of temporary ramps or
16 relocation of ~~((polling places))~~ voting centers within buildings, where
17 appropriate;

18 (2) Designate new, accessible ~~((polling places))~~ voting centers to
19 replace those that are inaccessible; and

20 (3) Continue to use ~~((polling places and voter registration
21 locations which))~~ voting centers that are accessible to the elderly and
22 ~~((disabled persons))~~ people with a disability.

23 **Sec. 25.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to
24 read as follows:

25 The county legislative authority of each county ~~((in the state
26 hereafter formed))~~ shall ~~((, at their first session,))~~ divide their
27 respective counties into election precincts and establish the
28 boundaries of the precincts. ~~((The county auditor shall thereupon
29 designate the voting place for each such precinct or whether the
30 precinct is a vote by mail precinct.))~~

31 (1) Precinct boundaries may be altered at any time as long as
32 sufficient time exists prior to a given election for the necessary
33 procedural steps to be honored. Except as permitted under subsection
34 ~~((+5))~~ (3) of this section, no precinct boundaries may be changed
35 during the period starting on the thirtieth day prior to the first day

1 for candidates to file for the primary election and ending with the day
2 of the general election.

3 (2) The county legislative authority may establish by ordinance a
4 limitation on the maximum number of active registered voters in each
5 precinct within its jurisdiction. The limitation may be different for
6 precincts (~~(based upon the method of voting used for such precincts))~~)
7 and the number may be less than the number established by law(~~(, but in~~
8 ~~no case may the number exceed that authorized by law))~~). By the year
9 2012, the maximum number of active registered voters in each precinct
10 shall not exceed two thousand.

11 (~~(3) ((Precincts in which voting machines or electronic voting~~
12 ~~devices are used may contain as many as nine hundred active registered~~
13 ~~voters. The number of poll site ballot counting devices at each~~
14 ~~polling place is at the discretion of the auditor. The number of~~
15 ~~devices must be adequate to meet the expected voter turnout.~~

16 (~~(4) On petition of twenty five or more voters resident more than~~
17 ~~ten miles from any polling site, the county legislative authority shall~~
18 ~~establish a separate voting precinct therefor.~~

19 (~~(5))~~) The county auditor shall temporarily adjust precinct
20 boundaries when a city or town annexes unincorporated territory to the
21 city or town, or whenever unincorporated territory is incorporated as
22 a city or town. The adjustment must be made as soon as possible after
23 the approval of the annexation or incorporation. The temporary
24 adjustment must be limited to the minimum changes necessary to
25 accommodate the addition of the territory to the city or town, or to
26 establish the eligible voters within the boundaries of the new city or
27 town, and remains in effect only until precinct boundary modifications
28 reflecting the annexation or incorporation are adopted by the county
29 legislative authority.

30 (~~((6) In determining the number of active registered voters for the~~
31 ~~purposes of this section, persons who are ongoing absentee voters under~~
32 ~~RCW 29A.40.040 shall not be counted. Nothing in this subsection may be~~
33 ~~construed as altering the vote tallying requirements of RCW~~
34 ~~29A.60.230.))~~)

35 **Sec. 26.** RCW 29A.16.060 and 2003 c 111 s 406 are each amended to
36 read as follows:

37 At any special election or primary, the county auditor may combine,

1 unite, or divide precincts (~~((and may combine or unite election boards))~~)
2 for the purpose of holding such election. (~~((At any general election,~~
3 ~~the county auditor may combine or unite election boards for the purpose~~
4 ~~of holding such election, but shall report all election returns by~~
5 ~~individual precinct.))~~)

6 **Sec. 27.** RCW 29A.16.120 and 2003 c 111 s 408 are each amended to
7 read as follows:

8 The legislative authority of each county, municipality, and special
9 district shall, at the request of the county auditor, make their
10 facilities available for use as (~~((polling places))~~) voting centers for
11 primaries, special elections, and state general elections held within
12 that county. When, in the judgment of the county auditor, a facility
13 of a county, municipality, or special district would provide a location
14 for a (~~((polling place))~~) voting center that would best satisfy the
15 requirements of this chapter, he or she shall notify the legislative
16 authority of that county, municipality, or district of the number of
17 facilities needed for use as (~~((polling places))~~) voting centers.
18 Payment for (~~((polling places))~~) voting centers and any other conditions
19 or obligations regarding these (~~((polling places))~~) voting centers shall
20 be provided for by contract between the county auditor and the county,
21 municipality, or district.

22 **Sec. 28.** RCW 29A.16.130 and 2004 c 267 s 316 are each amended to
23 read as follows:

24 Each state agency and entity of local government shall permit the
25 use of any of its buildings and the most suitable locations therein as
26 (~~((polling places or disability access voting locations))~~) voting centers
27 when required by a county auditor (~~((to provide accessible places in~~
28 ~~each precinct))~~).

29 **Sec. 29.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to
30 read as follows:

31 Any candidate may mail his or her declaration of candidacy for an
32 office to the filing officer. Such declarations of candidacy shall be
33 processed by the filing officer in the following manner:

34 (1) Any declaration received by the filing officer by mail before
35 the tenth business day immediately preceding the first day for

1 candidates to file for office shall be returned to the candidate
2 submitting it, together with a notification that the declaration of
3 candidacy was received too early to be processed. The candidate shall
4 then be permitted to resubmit his or her declaration of candidacy
5 during the filing period.

6 (2) Any properly executed declaration of candidacy received by mail
7 on or after the tenth business day immediately preceding the first day
8 for candidates to file for office and before the close of business on
9 the last day of the filing period shall be included with filings made
10 in person during the filing period. In partisan and judicial elections
11 the filing officer shall determine by lot the order in which the names
12 of those candidates shall appear upon sample and ((absentee)) primary
13 ballots.

14 (3) Any declaration of candidacy received by the filing officer
15 after the close of business on the last day for candidates to file for
16 office shall be rejected and returned to the candidate attempting to
17 file it.

18 **Sec. 30.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to
19 read as follows:

20 A candidate may withdraw his or her declaration of candidacy at any
21 time before the close of business on the Thursday following the last
22 day for candidates to file under RCW 29A.24.050 by filing, with the
23 officer with whom the declaration of candidacy was filed, a signed
24 request that his or her name not be printed on the ballot. There shall
25 be no withdrawal period for declarations of candidacy filed during
26 special filing periods held under this title. The filing officer may
27 permit the withdrawal of a filing for the office of precinct committee
28 officer at the request of the candidate at any time if no ((absentee))
29 ballots have been issued for that office and the ballots for that
30 precinct have not been printed. The filing officer may permit the
31 withdrawal of a filing for any elected office of a city, town, or
32 special district at the request of the candidate at any time before a
33 primary if the primary ballots for that city, town, or special district
34 have not been ordered. No filing fee may be refunded to any candidate
35 who withdraws under this section. Notice of the deadline for
36 withdrawal of candidacy and that the filing fee is not refundable shall
37 be given to each candidate at the time he or she files.

1 **Sec. 31.** RCW 29A.28.021 and 2006 c 344 s 11 are each amended to
2 read as follows:

3 A vacancy caused by the death or disqualification of any candidate
4 or nominee of a major or minor political party may be filled at any
5 time up to and including the day prior to the election for that
6 position. For state partisan offices in any political subdivision
7 voted on solely by electors of a single county, an individual shall be
8 appointed to fill such vacancy by the county central committee in the
9 case of a major political party or by the state central committee or
10 comparable governing body in the case of a minor political party. For
11 other partisan offices, including federal or statewide offices, an
12 individual shall be appointed to fill such vacancy by the state central
13 committee or comparable governing body of the appropriate political
14 party.

15 If the vacancy occurs no later than the eleventh Tuesday prior to
16 the state primary or general election concerned and the ballots have
17 been printed, it shall be mandatory that they be corrected by the
18 appropriate election officers. In making such correction, it shall not
19 be necessary to reprint complete ballots if any other less expensive
20 technique can be used and the resulting correction is reasonably clear.

21 If the vacancy occurs after the eleventh Tuesday prior to the state
22 primary or general election and time does not exist in which to correct
23 ballots (~~((including absentee ballots))~~), either in total or in part,
24 then the votes cast or recorded for the person who has died or become
25 disqualified shall be counted for the person who has been named to fill
26 such vacancy.

27 When the secretary of state is the person with whom the appointment
28 by the major or minor political party is filed, the secretary shall, in
29 certifying candidates or nominations to the various county officers
30 insert the name of the person appointed to fill a vacancy.

31 If the secretary of state has already sent forth the certificate
32 when the appointment to fill a vacancy is filed, the secretary shall
33 forthwith certify to the county auditors of the proper counties the
34 name and place of residence of the person appointed to fill a vacancy,
35 the office for which the person is a candidate or nominee, the party
36 the person represents, and all other pertinent facts pertaining to the
37 vacancy.

1 **Sec. 32.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to
2 read as follows:

3 The general election laws and laws relating to partisan primaries
4 shall apply to the special primaries and vacancy elections provided for
5 in chapter 29A.28 RCW to the extent that they are not inconsistent with
6 the provisions of these sections. Minor political party and
7 independent candidates may appear only on the general election ballot.
8 Statutory time deadlines relating to (~~availability of absentee~~)
9 mailing ballots, certification, canvassing, and related procedures that
10 cannot be met in a timely fashion may be modified for the purposes of
11 a specific primary or vacancy election under this chapter by the
12 secretary of state through emergency rules adopted under RCW
13 29A.04.611.

14 **Sec. 33.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to
15 read as follows:

16 The local voters' pamphlet shall include but not be limited to the
17 following:

18 (1) Appearing on the cover, the words "official local voters'
19 pamphlet," the name of the jurisdiction producing the pamphlet, and the
20 date of the election or primary;

21 (2) A list of jurisdictions that have measures or candidates in the
22 pamphlet;

23 (3) Information on how a person may register to vote and obtain
24 (~~an absentee~~) a ballot;

25 (4) The text of each measure accompanied by an explanatory
26 statement prepared by the prosecuting attorney for any county measure
27 or by the attorney for the jurisdiction submitting the measure if other
28 than a county measure. All explanatory statements for city, town, or
29 district measures not approved by the attorney for the jurisdiction
30 submitting the measure shall be reviewed and approved by the county
31 prosecuting attorney or city attorney, when applicable, before
32 inclusion in the pamphlet;

33 (5) The arguments for and against each measure submitted by
34 committees selected pursuant to RCW 29A.32.280; and

35 (6) For partisan primary elections, information on how to vote the
36 applicable ballot format and an explanation that minor political party

1 candidates and independent candidates will appear only on the general
2 election ballot.

3 **Sec. 34.** RCW 29A.36.115 and 2005 c 243 s 3 are each amended to
4 read as follows:

5 All provisional (~~(and absentee)~~) ballots must be visually
6 distinguishable from (~~(each other)~~) mail ballots and must be either:

7 (1) Printed on colored paper; or

8 (2) Imprinted with a bar code for the purpose of identifying the
9 ballot as a provisional (~~(or absentee)~~) ballot. The bar code must not
10 identify the voter.

11 (~~(Provisional and absentee ballots must be incapable of being~~
12 ~~tabulated by poll site counting devices.)~~)

13 **Sec. 35.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to
14 read as follows:

15 After the close of business on the last day for candidates to file
16 for office, the filing officer shall, from among those filings made in
17 person and by mail, determine by lot the order in which the names of
18 those candidates will appear on all primary(~~(and)~~) and sample(~~(and~~
19 ~~absentee))~~) ballots. The determination shall be done publicly and may
20 be witnessed by the media and by any candidate. If no primary is
21 required for any nonpartisan office under RCW 29A.52.011 or 29A.52.220,
22 or if any independent or minor party candidate files a declaration of
23 candidacy, the names shall appear on the general election ballot in the
24 order determined by lot.

25 **Sec. 36.** RCW 29A.36.161 and 2004 c 271 s 132 are each amended to
26 read as follows:

27 (1) On the top of each ballot must be printed clear and concise
28 instructions directing the voter how to mark the ballot, including
29 write-in votes. On the top of each primary ballot must be printed the
30 instructions required by this chapter.

31 (2) The questions of adopting constitutional amendments or any
32 other state measure authorized by law to be submitted to the voters at
33 that election must appear after the instructions and before any
34 offices.

1 (3) In a year that president and vice president appear on the
2 general election ballot, the names of candidates for president and vice
3 president for each political party must be grouped together with a
4 single response position for a voter to indicate his or her choice.

5 (4) On a general election ballot, the candidate or candidates of
6 the major political party that received the highest number of votes
7 from the electors of this state for the office of president of the
8 United States at the last presidential election must appear first
9 following the appropriate office heading. The candidate or candidates
10 of the other major political parties will follow according to the votes
11 cast for their nominees for president at the last presidential
12 election, and independent candidates and the candidate or candidates of
13 all other parties will follow in the order of their qualification with
14 the secretary of state.

15 ~~((5) All paper ballots and ballot cards used at a polling place
16 must be sequentially numbered in such a way to permit removal of such
17 numbers without leaving any identifying marks on the ballot.))~~

18 **Sec. 37.** RCW 29A.40.061 and 2009 c 415 s 6 and 2009 c 369 s 38 are
19 each reenacted and amended to read as follows:

20 (1) ~~((The county auditor shall issue an absentee ballot for the
21 primary or election for which it was requested, or for the next
22 occurring primary or election when ongoing absentee status has been
23 requested if the information contained in a request for an absentee
24 ballot or ongoing absentee status received by the county auditor is
25 complete and correct and the applicant is qualified to vote under
26 federal or state law. Otherwise, the county auditor shall notify the
27 applicant of the reason or reasons why the request cannot be accepted.
28 Whenever two or more candidates have filed for the position of precinct
29 committee officer for the same party in the same precinct, the contest
30 for that position must be presented to absentee voters from that
31 precinct by either including the contest on the regular absentee ballot
32 or a separate absentee ballot. The ballot must provide space
33 designated for writing in the name of additional candidates.~~

34 ~~(2))~~ A registered voter may obtain a replacement ballot if the
35 ballot is destroyed, spoiled, lost, or not received by the voter. The
36 voter may obtain the ballot by telephone request, by mail,

1 electronically, or in person. The county auditor shall keep a record
2 of each replacement ballot provided under this subsection.

3 ~~((3))~~ (2) The county auditor shall mail all ~~((absentee))~~ ballots
4 and related material to overseas and service voters under 39 U.S.C.
5 3406. If candidate and ballot measure information is available on the
6 web site of the county auditor or secretary of state, the county
7 auditor shall provide the appropriate web site information with the
8 ballot materials.

9 **Sec. 38.** RCW 29A.40.070 and 2006 c 344 s 13 are each amended to
10 read as follows:

11 (1) Except where a recount or litigation under RCW 29A.68.011 is
12 pending, the county auditor shall have sufficient ~~((absentee))~~ ballots
13 available for ~~((absentee))~~ voters of that county, other than overseas
14 ~~((voters))~~ and service voters, at least twenty days before any primary,
15 general election, or special election. The county auditor must mail
16 ~~((absentee))~~ ballots to each voter ~~((for whom the county auditor has
17 received a request nineteen days before the primary or election))~~ at
18 least eighteen days before the primary or election. ~~((For a request
19 for an absentee ballot received after the nineteenth day before the
20 primary or election, the county auditor shall make every effort to mail
21 ballots within one business day, and shall mail the ballots within two
22 business days.))~~

23 (2) At least thirty days before any primary, general election, or
24 special election, the county auditor shall mail ballots to all overseas
25 and service voters. A request for a ballot made by an overseas or
26 service voter after that day must be processed immediately.

27 (3) Each county auditor shall certify to the office of the
28 secretary of state the dates the ballots prescribed in subsection (1)
29 of this section were available and mailed.

30 (4) If ~~((absentee))~~ ballots will not be available or mailed as
31 prescribed in subsection (1) of this section, the county auditor shall
32 immediately certify to the office of the secretary of state when
33 ~~((absentee))~~ ballots will be available and mailed. Copies of this
34 certification must be provided to the county canvassing board, the
35 press, jurisdictions with issues on the ballot in the election, and any
36 candidates.

1 (5) If ((absentee)) ballots were not available or mailed as
2 prescribed in subsection (1) of this section, for a reason other than
3 a recount or litigation, the county auditor, in consultation with the
4 certification and training program of the office of the secretary of
5 state, shall submit a report to the office of the secretary of state
6 outlining why the deadline was missed and what corrective actions will
7 be taken in future elections to ensure that ((absentee)) ballots are
8 available and mailed as prescribed in subsection (1) of this section.

9 (6) Failure to have ((absentee)) ballots available and mailed as
10 prescribed in subsection (1) of this section does not by itself provide
11 a basis for an election contest or other legal challenge to the results
12 of a primary, general election, or special election.

13 **Sec. 39.** RCW 29A.40.080 and 2003 c 111 s 1008 are each amended to
14 read as follows:

15 The delivery of ((an-absentee)) a replacement ballot for any
16 primary or election shall be subject to the following qualifications:

17 (1) Only the registered voter personally, or a member of the
18 registered voter's immediate family may pick up ((an-absentee)) a
19 replacement ballot for the voter at the office of the issuing officer
20 unless the voter is a resident of a health care facility, as defined by
21 RCW 70.37.020(3), ((on-election-day)) and applies by messenger for ((an
22 absentee)) a replacement ballot. In this latter case, the messenger
23 may pick up the voter's ((absentee)) ballot.

24 (2) Except as noted in subsection (1) of this section, the issuing
25 officer shall mail or deliver the ((absentee)) replacement ballot
26 directly to each applicant.

27 **Sec. 40.** RCW 29A.40.091 and 2009 c 369 s 39 are each amended to
28 read as follows:

29 The county auditor shall send each ((absentee)) voter a ballot, a
30 security envelope in which to seal the ballot after voting, a larger
31 envelope in which to return the security envelope, and instructions on
32 how to mark the ballot and how to return it to the county auditor. The
33 instructions that accompany ((an-absentee)) a ballot for a partisan
34 primary must include instructions for voting the applicable ballot
35 style, as provided in chapter 29A.36 RCW. The ((absentee)) voter's
36 name and address must be printed on the larger return envelope, which

1 must also contain a declaration by the ((absentee)) voter reciting his
2 or her qualifications and stating that he or she has not voted in any
3 other jurisdiction at this election, together with a summary of the
4 penalties for any violation of any of the provisions of this chapter.
5 The declaration must clearly inform the voter that it is illegal to
6 vote if he or she is not a United States citizen; it is illegal to vote
7 if he or she has been convicted of a felony and has not had his or her
8 voting rights restored; and, except as otherwise provided by law, it is
9 illegal to cast a ballot or sign ((an absentee)) the return envelope on
10 behalf of another voter. The return envelope must provide space for
11 the voter to indicate the date on which the ballot was voted and for
12 the voter to sign the oath. It must also contain a space so that the
13 voter may include a telephone number. A summary of the applicable
14 penalty provisions of this chapter must be printed on the return
15 envelope immediately adjacent to the space for the voter's signature.
16 The signature of the voter on the return envelope must affirm and
17 attest to the statements regarding the qualifications of that voter and
18 to the validity of the ballot. The return envelope must also have a
19 secrecy flap that the voter may seal that will cover the voter's
20 signature and optional telephone number. For overseas voters and
21 service voters, the signed declaration on the return envelope
22 constitutes the equivalent of a voter registration for the election or
23 primary for which the ballot has been issued. The voter must be
24 instructed to either return the ballot to the county auditor by whom it
25 was issued or attach sufficient first-class postage, if applicable, and
26 mail the ballot to the appropriate county auditor no later than the day
27 of the election or primary for which the ballot was issued.

28 If the county auditor chooses to forward ((absentee)) ballots, he
29 or she must include with the ballot a clear explanation of the
30 qualifications necessary to vote in that election and must also advise
31 a voter with questions about his or her eligibility to contact the
32 county auditor. This explanation may be provided on the ballot
33 envelope, on an enclosed insert, or printed directly on the ballot
34 itself. If the information is not included, the envelope must clearly
35 indicate that the ballot is not to be forwarded and that return postage
36 is guaranteed.

1 (4) (~~For registered voters casting absentee ballots,~~) The date on
2 the 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 overseas voters and service
5 voters, the date on the return envelope to which the voter has attested
6 determines the validity as to the time of voting (~~for that absentee~~
7 ~~ballot~~)).

8 **Sec. 43.** RCW 29A.40.120 and 2003 c 111 s 1012 are each amended to
9 read as follows:

10 (~~The absentee ballots~~) Ballot counts must be reported at a
11 minimum on a congressional and legislative district basis.
12 (~~Absentee~~) Ballots may be counted by congressional or legislative
13 district or by individual precinct, except as required under RCW
14 29A.60.230(2).

15 These returns must be added to the total of the votes cast at the
16 (~~polling places~~) voting centers.

17 **Sec. 44.** RCW 29A.44.010 and 2003 c 111 s 1101 are each amended to
18 read as follows:

19 No person may interfere with a voter in any way within (~~the~~
20 ~~polling place~~) a voting center. This does not prevent the voter from
21 receiving assistance in preparing his or her ballot as provided in RCW
22 29A.44.240.

23 **Sec. 45.** RCW 29A.44.030 and 2004 c 267 s 317 are each amended to
24 read as follows:

25 Any voter may take into the voting booth or voting device any
26 printed or written material to assist in casting his or her vote. The
27 voter shall not use this material to electioneer and shall remove the
28 material when he or she leaves the (~~polls or the disability access~~
29 ~~voting location~~) voting center.

30 **Sec. 46.** RCW 29A.44.040 and 2004 c 267 s 318 are each amended to
31 read as follows:

32 No ballots may be used in any (~~polling place or disability access~~
33 ~~voting location~~) voting center other than those prepared by the county
34 auditor. No voter is entitled to vote more than once at a primary or

1 a general or special election, except that if a voter incorrectly marks
2 a ballot, he or she may return it and be issued a new ballot. The
3 ((~~precinct~~)) election officer(~~(s)~~) shall void the incorrectly marked
4 ballot and return it to the county auditor.

5 **Sec. 47.** RCW 29A.44.050 and 2003 c 111 s 1105 are each amended to
6 read as follows:

7 ~~((1) At the direction of the county auditor, a team or teams~~
8 ~~composed of a representative of at least two major political parties~~
9 ~~shall stop at designated polling places and pick up the sealed~~
10 ~~containers of voted, untallied ballots for delivery to the counting~~
11 ~~center. There may be more than one delivery from each polling place.~~
12 ~~Two precinct election officials, representing two major political~~
13 ~~parties, shall seal the voted ballots in containers furnished by the~~
14 ~~county auditor and properly identified with his or her address with~~
15 ~~uniquely prenumbered seals.~~

16 ~~(2))~~ For voting centers other than the county auditor's office, at
17 least two employees or representatives of different major political
18 parties shall transfer the sealed ballot containers to and from the
19 voting center. At the counting center or the collection stations where
20 the sealed ballot containers are delivered ~~((by the designated~~
21 ~~representatives of the major political parties))~~, the county auditor or
22 ~~((a designated representative of the county auditor))~~ his or her
23 designee shall receive the sealed ballot containers, record the time,
24 date, ~~((precinct name or number))~~ voting center location, and seal
25 number of each ballot container.

26 **Sec. 48.** RCW 29A.44.060 and 2003 c 111 s 1106 are each amended to
27 read as follows:

28 The county auditor shall provide in each ~~((polling place))~~ voting
29 center a sufficient number of voting booths or voting devices along
30 with any supplies necessary to enable the voter to mark or register his
31 or her choices on the ballot and within which the voters may cast their
32 votes in secrecy.

33 **Sec. 49.** RCW 29A.44.070 and 2003 c 111 s 1107 are each amended to
34 read as follows:

35 ~~((At all primaries and elections, general or special, in all~~

1 ~~counties the polls))~~ Every voting center open on election day must be
2 kept open from seven o'clock a.m. to eight o'clock p.m. All qualified
3 electors who are at the (~~polling place~~) voting center at eight
4 o'clock p.m. (~~(7)~~) shall be allowed to cast their votes.

5 **Sec. 50.** RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to
6 read as follows:

7 (~~A registered voter shall not be allowed to vote in the precinct
8 in which he or she is registered at any election or primary for which
9 that voter has cast an absentee ballot. A registered voter who has
10 requested an absentee ballot for a primary or special or general
11 election but chooses to vote at the voter's precinct polling place in
12 that primary or election shall cast a provisional ballot. The
13 canvassing board shall not count the ballot if it finds that the voter
14 has also voted by absentee ballot in that primary or election.)) If a
15 voter who was issued a mail ballot requests to vote on a direct
16 recording electronic voting device, the county auditor must first
17 confirm that the voter has not already returned a voted ballot.
18 Confirmation that the voter has not already returned a voted ballot may
19 be achieved by accessing the county voter registration system by
20 electronic, telephonic, or other means. If the election official is
21 unable to confirm that the voter has not already returned a voted
22 ballot, the voter may not vote on a direct recording electronic voting
23 device.~~

24 In order to prevent multiple voting, any voter who votes on a
25 direct recording electronic voting device must be immediately credited
26 or otherwise flagged as having voted. If a voted mail ballot is
27 returned from a voter after the voter cast a ballot on a direct
28 recording electronic voting device, the mail ballot must not be
29 counted.

30 **Sec. 51.** RCW 29A.44.140 and 2003 c 111 s 1113 are each amended to
31 read as follows:

32 (1) Each (~~county auditor~~) secretary of state shall provide voting
33 and registration instructions, printed in large type, to be
34 conspicuously displayed at each (~~polling place and permanent
35 registration facility~~) voting center.

1 (2) The (~~county auditor~~) secretary of state shall make
2 information available for deaf persons throughout the state by
3 telecommunications.

4 **Sec. 52.** RCW 29A.44.150 and 2003 c 111 s 1114 are each amended to
5 read as follows:

6 The (~~precinct~~) election officers for each (~~precinct~~) voting
7 center shall meet at the designated (~~polling place~~) voting center at
8 the time set by the county auditor.

9 **Sec. 53.** RCW 29A.44.160 and 2003 c 111 s 1115 are each amended to
10 read as follows:

11 ~~Before (opening the polls for a precinct, the voting equipment~~
12 ~~shall be inspected to determine if it has been properly prepared for~~
13 ~~voting. If the voting equipment is capable of direct tabulation of~~
14 ~~each voter's choices, the precinct election officers)) voting begins on~~
15 ~~any direct recording electronic voting equipment, election officials~~
16 shall verify that no votes have been registered for any issue or office
17 to be voted on at that primary or election. (~~Any ballot box shall be~~
18 ~~carefully examined by the judges of election to determine that it is~~
19 ~~empty. The ballot box shall then be sealed or locked. The ballot box~~
20 ~~shall not be opened before the certification of the primary or election~~
21 ~~except in the manner and for the purposes provided under this title.))~~

22 **Sec. 54.** RCW 29A.44.170 and 2003 c 111 s 1116 are each amended to
23 read as follows:

24 At all primaries and elections the flag of the United States shall
25 be conspicuously displayed (~~in front of each polling place~~) at each
26 voting center.

27 **Sec. 55.** RCW 29A.44.190 and 2003 c 111 s 1118 are each amended to
28 read as follows:

29 The (~~precinct~~) election officers shall periodically examine the
30 voting devices to determine if they have been tampered with.

31 **Sec. 56.** RCW 29A.44.205 and 2005 c 243 s 7 are each amended to
32 read as follows:

33 Any person desiring to vote (~~at any primary or election~~) on a

1 disability access voting device is required to provide identification
2 to the election officer (~~((before signing the poll book))~~) at the voting
3 center. The identification required in this section can be satisfied
4 by providing a valid photo identification, such as a driver's license
5 or state identification card, student identification card, or tribal
6 identification card, a voter's voter identification issued by a county
7 elections officer, or a copy of a current utility bill, bank statement,
8 paycheck, or government check or other government document. Any
9 individual who desires to vote in person at a voting center but cannot
10 provide identification as required by this section shall be issued a
11 provisional ballot.

12 The secretary of state may adopt rules to carry out this section.

13 **Sec. 57.** RCW 29A.44.207 and 2005 c 243 s 6 are each amended to
14 read as follows:

15 Provisional ballots must be issued, along with a provisional ballot
16 outer envelope and a security envelope, to voters as appropriate under
17 RCW 29A.04.008. The provisional ballot outer envelope must include a
18 place for the voter's name; registered address, both present and former
19 if applicable; date of birth; reason for the provisional ballot; the
20 precinct number (~~((and the precinct polling))~~); the voting center
21 location at which the voter has voted; and a space for the county
22 auditor to list the disposition of the provisional ballot. The
23 provisional ballot outer envelope must also contain a declaration as
24 required for (~~((absentee))~~) mail ballot outer envelopes under RCW
25 29A.40.091 (as recodified by this act); a place for the voter to sign
26 the oath; and a summary of the applicable penalty provisions of this
27 chapter. The voter shall vote the provisional ballot in secrecy and,
28 when done, place the provisional ballot in the security envelope, then
29 place the security envelope into the outer envelope, and return it to
30 the (~~((precinct))~~) election official. The election official shall ensure
31 that the required information is completed on the outer envelope, have
32 the voter sign it in the appropriate space, and place the envelope in
33 a secure container. The official shall then give the voter written
34 information advising the voter how to ascertain whether the vote was
35 counted and, if applicable, the reason why the vote was not counted.

1 **Sec. 58.** RCW 29A.44.210 and 2003 c 111 s 1120 are each amended to
2 read as follows:

3 Any person desiring to vote at any primary or election at a voting
4 center is required to sign ~~((his or her name on the appropriate~~
5 ~~precinct list of registered voters))~~ the oath affirming that the voter
6 meets the qualifications to vote. If the voter registered using a
7 mark, or can no longer sign his or her name, the election officers
8 shall require the voter to be identified by another registered voter.

9 ~~((The precinct election officers shall then record the voter's~~
10 ~~name.))~~

11 **Sec. 59.** RCW 29A.44.225 and 2005 c 242 s 4 are each amended to
12 read as follows:

13 A voter voting on an electronic voting device may not leave the
14 device during the voting process, except to request assistance from the
15 ~~((precinct))~~ election officers, until the voting process is completed.

16 **Sec. 60.** RCW 29A.44.231 and 2004 c 271 s 138 are each amended to
17 read as follows:

18 As each ~~((voter casts his or her vote))~~ voted ballot is received,
19 the ~~((precinct))~~ election officers shall ~~((insert in the poll books or~~
20 ~~precinct list of registered voters opposite that voter's name, a~~
21 ~~notation to))~~ credit the voter with having participated in that primary
22 or election. No record may be made of a voter's party affiliation in
23 a partisan primary, except at a presidential election. ~~((The precinct~~
24 ~~election officers shall record the voter's name so that a separate~~
25 ~~record is kept.))~~

26 **Sec. 61.** RCW 29A.44.260 and 2003 c 111 s 1125 are each amended to
27 read as follows:

28 If at ~~((the time of closing the polls,))~~ 8:00 p.m. on election day
29 there are ~~((any))~~ voters in the ~~((polling place))~~ voting center who
30 have not voted, they shall be allowed to vote ~~((after the polls have~~
31 ~~been closed)).~~

32 **Sec. 62.** RCW 29A.44.265 and 2004 c 267 s 501 are each amended to
33 read as follows:

34 (1) An individual who votes in an election for federal office as a

1 result of a federal or state court order or any other order extending
2 the time for (~~(closing the polls)~~) voting, may vote in that election
3 only by casting a provisional ballot. As to court orders extending the
4 time for (~~(closing the polls)~~) voting, this section does not apply to
5 any voters who were present in the (~~(polling place)~~) voting center at
6 the statutory closing time and as a result are permitted to vote under
7 RCW (~~(29A.44.070)~~) 29A.44.260. This section does not, by itself,
8 authorize any court to order that any individual be permitted to vote
9 or to extend the time for (~~(closing the polls)~~) voting, but this
10 section is intended to comply with 42 U.S.C. Sec. 15482(c) with regard
11 to federal elections.

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

15 **Sec. 63.** RCW 29A.44.270 and 2003 c 111 s 1126 are each amended to
16 read as follows:

17 At each (~~(precinct)~~) voting center immediately after the last
18 qualified voter has cast his or her vote, the (~~(precinct)~~) election
19 officers shall (~~(render unusable and)~~) secure in a container all unused
20 ballots (~~(for that precinct)~~) and return them to the county auditor.

21 **Sec. 64.** RCW 29A.44.410 and 2003 c 111 s 1134 are each amended to
22 read as follows:

23 (1) At least (~~(ten)~~) twenty days prior to any primary or election,
24 general or special, the county auditor shall appoint (~~(one inspector~~
25 ~~and two judges of election for each precinct (or each combination of~~
26 ~~precincts temporarily consolidated as a single precinct for that~~
27 ~~primary or election), other than those precincts designated as vote by~~
28 ~~mail precincts pursuant to RCW 29A.48.010)~~) three election observers
29 for each counting center. Two election observers shall be appointed
30 from that political party which polled the highest number of votes in
31 the county for its candidate for president at the last preceding
32 presidential election and one election observer from the political
33 party polling the next highest number of votes in the county for its
34 candidate for president at the same election. Except as provided in
35 subsection (3) of this section, the persons appointed shall be among
36 those whose names are contained on the lists furnished under RCW

1 29A.44.430 (~~by the chairpersons of the county central committees of~~
2 ~~the political parties entitled to representation thereon. Such~~
3 ~~precinct election officers, whenever possible, should be residents of~~
4 ~~the precinct in which they serve~~) (as recodified by this act).

5 (2) The county auditor may delete from the lists of names submitted
6 (~~to the auditor by the chairpersons of the county central committees~~)
7 under RCW 29A.44.430 (as recodified by this act): (a) The names of
8 those persons who indicate to the auditor that they cannot or do not
9 wish to serve as (~~precinct~~) election (~~officers~~) observers for the
10 primary or election (~~or who otherwise cannot so serve~~); and (b) the
11 names of those persons who lack the ability to conduct properly the
12 duties of an (~~inspector or judge of~~) election observer after training
13 in that proper conduct has been made available to them by the auditor.
14 The lists (~~which are~~) submitted to the auditor in a timely manner
15 under RCW 29A.44.430 (as recodified by this act), less the deletions
16 authorized by this subsection, constitute the official nomination lists
17 for (~~inspectors and judges of~~) election observers.

18 (3) If the number of persons whose names are on the official
19 nomination list for a political party is not sufficient to satisfy the
20 requirements of subsection (~~(4)~~) (1) of this section as it applies to
21 that political party (~~or is otherwise insufficient to provide the~~
22 ~~number of precinct election officials required from that political~~
23 ~~party~~), the auditor shall notify the chair of the party's county
24 central committee regarding the deficiency. The chair may, within five
25 business days of being notified by the auditor, add to the party's
26 nomination list the names of additional persons belonging to that
27 political party who are qualified to serve (~~on the election boards~~)
28 as an election observer. To the extent that, following this procedure,
29 the number of persons whose names appear on the official nomination
30 lists of the political parties is insufficient to provide the number of
31 election (~~inspectors and judges~~) observers required for a primary or
32 election, the auditor may appoint a properly trained person (~~whose~~
33 ~~name does not appear on such a list~~) to serve as an (~~inspector or~~
34 ~~judge of~~) election (~~for a precinct~~) observer.

35 (~~(4) The county auditor shall designate the inspector and one~~
36 ~~judge in each precinct from that political party which polled the~~
37 ~~highest number of votes in the county for its candidate for president~~
38 ~~at the last preceding presidential election and one judge from that~~

1 ~~political party polling the next highest number of votes in the county~~
2 ~~for its candidate for president at the same election. The provisions~~
3 ~~of this subsection apply only if the number of names on the official~~
4 ~~nomination list for inspectors and judges of election for a political~~
5 ~~party is sufficient to satisfy the requirements imposed by this~~
6 ~~subsection.~~

7 ~~(5) Except as provided in RCW 29A.44.440 for the filling of~~
8 ~~vacancies, this shall be the exclusive method for the appointment of~~
9 ~~inspectors and judges to serve as precinct election officers at any~~
10 ~~primary or election, general or special, and shall supersede the~~
11 ~~provisions of any and all other statutes, whether general or special in~~
12 ~~nature, having different requirements.))~~

13 **Sec. 65.** RCW 29A.44.430 and 2003 c 111 s 1136 are each amended to
14 read as follows:

15 The precinct committee officer of each major political party shall
16 ~~((certify))~~ provide to the officer's county chair a list of those
17 persons belonging to the officer's political party qualified to act
18 ~~((upon the election board in the officer's precinct))~~ as election
19 observers.

20 ~~((By the first day of June each year, the chair of the county~~
21 ~~central committee of each major political party shall certify to the~~
22 ~~officer having jurisdiction of the election a list of those persons~~
23 ~~belonging to the county chair's political party in each precinct who~~
24 ~~are qualified to act on the election board therein.))~~

25 The county chair shall compile ~~((this))~~ a list ~~((from the names~~
26 ~~certified))~~ of names provided by the various precinct committee
27 officers ~~((unless no names or not a sufficient))~~ and by the first day
28 of June each year provide the list of names of persons qualified to act
29 as election observers to the officer having jurisdiction of the
30 election. If an insufficient number of names have been ~~((certified))~~
31 provided from a precinct, ~~((in which event))~~ the county chair may
32 include ~~((therein the))~~ names of qualified members of the county
33 chair's party selected by the county chair. The county chair shall
34 ~~((also))~~ have the authority to substitute names of persons recommended
35 by the precinct committee officers if ~~((in the judgment of))~~ the county
36 chair deems such persons are not qualified to serve as ~~((precinct))~~
37 election ~~((officers))~~ observers.

1 **Sec. 66.** RCW 29A.44.490 and 2003 c 111 s 1142 are each amended to
2 read as follows:

3 (~~The inspector, judges, and clerks of election~~) Election
4 observers, before entering upon the duties of their offices, shall take
5 and subscribe the prescribed oath or affirmation which shall be
6 administered to them by any person authorized to administer oaths and
7 verified under the hand of the person by whom such oath or affirmation
8 is administered. (~~If no such person is present, the inspector shall~~
9 ~~administer the same to the judges and clerks, and one of the judges~~
10 ~~shall administer the oath to the inspector.~~)

11 The county auditor shall furnish two copies of the proper form of
12 oath to each (~~precinct election officer~~) election observer, one copy
13 thereof, after execution, to be placed and transmitted with the
14 election returns.

15 **Sec. 67.** RCW 29A.44.530 and 2003 c 111 s 1146 are each amended to
16 read as follows:

17 The (~~fees of officers of election~~) compensation of election
18 observers shall be (~~as follows:~~

19 ~~To the judges and clerks of an election not less than the minimum~~
20 ~~hourly wage per hour~~) as provided under RCW 49.46.020, the exact
21 amount to be fixed by the respective boards of county commissioners for
22 each county. (~~To inspectors, the rate paid to judges and clerks plus~~
23 ~~an additional two hours' compensation. The precinct election officer~~
24 ~~picking up the election supplies and returning the election returns to~~
25 ~~the county auditor shall be entitled to additional compensation, the~~
26 ~~exact amount to be determined by the respective boards of county~~
27 ~~commissioners for each county.~~)

28 **Sec. 68.** RCW 29A.46.260 and 2006 c 207 s 7 are each amended to
29 read as follows:

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

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

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

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

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

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

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

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

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

29 (3) Counties may form a joint advisory committee to develop the
30 plan identified in subsection (2) of this section if the total
31 population of the joining counties does not exceed thirty thousand, and
32 the counties are geographically adjacent.

33 **Sec. 69.** RCW 29A.48.010 and 2009 c 103 s 1 are each amended to
34 read as follows:

35 (1) (~~With express authorization from the county legislative~~
36 ~~authority, the county auditor may~~) All counties shall conduct all
37 primary, special, and general elections entirely by mail ballot. (~~The~~

1 county legislative authority must give the county auditor at least
2 ninety days' notice before the first election to be conducted entirely
3 by mail ballot. If the county legislative authority and the county
4 auditor decide to return to a polling place election environment, the
5 county legislative authority must give the county auditor at least one
6 hundred eighty days' notice before the first election to be conducted
7 using polling places. Authorization under this subsection must apply
8 to all primary, special, and general elections conducted by the county
9 auditor.

10 (2) The county auditor may designate any precinct having fewer than
11 two hundred active registered voters at the time of closing of voter
12 registration as provided in RCW 29A.08.140 as a mail ballot precinct.
13 Authorization from the county legislative authority is not required to
14 designate a precinct as a mail ballot precinct under this subsection.
15 In determining the number of registered voters in a precinct for the
16 purposes of this section, persons who are ongoing absentee voters under
17 RCW 29A.40.040 shall not be counted. Nothing in this section may be
18 construed as altering the vote tallying requirements of RCW 29A.60.230.

19 (3) The county auditor shall notify each registered voter by mail
20 that for all future primaries and elections the voting will be by mail
21 ballot only. The auditor shall mail each active voter a ballot at
22 least eighteen days before a primary, general election, or special
23 election.))

24 (2) The requirements regarding certification, reporting, and the
25 mailing of overseas and military ballots in RCW 29A.40.070 (as
26 recodified by this act) apply to elections conducted by mail ballot.

27 ((4) If the county legislative authority and county auditor
28 determine under subsection (1) of this section, or if the county
29 auditor determines under subsection (2) of this section, to return to
30 a polling place election environment, the auditor shall notify each
31 registered voter, by mail, of this and shall provide the address of the
32 polling place to be used)) (3) The county auditor shall notify by mail
33 each registered voter not already notified that all future primaries
34 and elections will be conducted by mail. The notice must include
35 information on the availability of voting centers in the event that the
36 voter wishes to continue to vote in person.

1 **Sec. 70.** RCW 29A.48.040 and 2003 c 111 s 1204 are each amended to
2 read as follows:

3 (1) ~~((If a county auditor conducts an election by mail,))~~ The
4 county auditor shall designate one or more places for the deposit of
5 ballots not returned by mail. The places designated under this section
6 shall be open on the date of the election for a period of thirteen
7 hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

8 (2) A registered voter may obtain a replacement ballot as provided
9 in this subsection. A voter may request a replacement mail ballot in
10 person, by mail, by telephone, or by other electronic transmission for
11 himself or herself and for any member of his or her immediate family.
12 The request must be received by the auditor before 8:00 p.m. on
13 election day. The county auditor shall keep a record of each
14 replacement ballot issued, including the date of the request.
15 Replacement mail ballots may be counted in the final tabulation of
16 ballots only if the original ballot is not received by the county
17 auditor and the replacement ballot meets all requirements for
18 tabulation necessary for the tabulation of regular mail ballots.

19 **Sec. 71.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to
20 read as follows:

21 ~~((All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or
22 29A.48.030 must contain the same offices, names of nominees or
23 candidates, and propositions to be voted upon, including precinct
24 offices, as if the ballot had been voted in person at the polling
25 place. Except as otherwise provided by law, mail ballots must be
26 treated in the same manner as absentee ballots issued at the request of
27 the voter.))~~ If electronic vote tallying devices are used, political
28 party observers must be given the opportunity to be present, and a test
29 of the equipment must be performed as required by RCW 29A.12.130 before
30 tabulating ballots. Political party observers may select at random
31 ballots to be counted manually as provided by RCW 29A.60.170.

32 **Sec. 72.** RCW 29A.52.141 and 2004 c 271 s 141 are each amended to
33 read as follows:

34 Instructions for voting a consolidated ballot or a physically
35 separate ballot, whichever is applicable, must appear, at the very
36 least, in:

- 1 (1) Any primary voters' pamphlet prepared by the secretary of state
- 2 or a local government if a partisan office will appear on the ballot;
- 3 (2) Instructions that accompany any partisan primary ballot;
- 4 (3) Any notice of a partisan primary published in compliance with
- 5 RCW 29A.52.311;
- 6 (4) A sample ballot prepared by a county auditor under RCW
- 7 29A.36.151 for a partisan primary;
- 8 (5) The web site of the office of the secretary of state and any
- 9 existing web site of a county auditor's office; and
- 10 (6) Every (~~polling place~~) voting center.

11 **Sec. 73.** RCW 29A.52.311 and 2004 c 271 s 145 are each amended to
12 read as follows:

13 Not more than (~~ten~~) forty nor less than (~~three~~) twenty days
14 before the primary the county auditor shall publish notice of such
15 primary in one or more newspapers of general circulation within the
16 county. The notice must contain the proper party designations, the
17 names and addresses of all persons who have filed a declaration of
18 candidacy to be voted upon at that primary, instructions for voting the
19 applicable ballot, as provided in chapter 29A.36 RCW, the hours during
20 which the (~~polls~~) voting centers will be open, and (~~the polling~~
21 ~~places for each precinct, giving~~) the address of each (~~polling~~
22 ~~place~~) voting center. The names of all candidates for nonpartisan
23 offices must be published separately with designation of the offices
24 for which they are candidates but without party designation. This is
25 the only notice required for the holding of any primary.

26 **Sec. 74.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to
27 read as follows:

28 Except as provided in RCW 29A.32.260, notice for any state, county,
29 district, or municipal election, whether special or general, must be
30 given by at least one publication not more than (~~ten~~) forty nor less
31 than (~~three~~) twenty days before the election by the county auditor or
32 the officer conducting the election as the case may be, in one or more
33 newspapers of general circulation within the county. The legal notice
34 must contain the title of each office under the proper party
35 designation, the names and addresses of all officers who have been
36 nominated for an office to be voted upon at that election, together

1 with the ballot titles of all measures, the hours during which the
2 ((polls)) voting centers will be open, and ((the polling places for
3 each precinct, giving)) the address of each ((polling place)) voting
4 center. The names of all candidates for nonpartisan offices must be
5 published separately with designation of the offices for which they are
6 candidates but without party designation. This is the only notice
7 required for a state, county, district, or municipal general or special
8 election and supersedes the provisions of any and all other statutes,
9 whether general or special in nature, having different requirements for
10 the giving of notice of any general or special election((s)).

11 **Sec. 75.** RCW 29A.53.080 and 2005 c 153 s 8 are each amended to
12 read as follows:

13 Ballots for elections conducted under the instant runoff voting
14 method should be clear and easily understood. Sample ballots
15 illustrating voting procedures must be posted in ((or near)) voting
16 ((booths)) centers and included within instruction packets for
17 ((absentee)) mail ballots. Directions provided to voters must conform
18 substantially to the following specifications:

19 "You may choose a maximum of three candidates for each
20 office in order of preference. Indicate your first choice
21 designation by marking the number "1" beside a candidate's name
22 (or by marking in the column labeled "First Choice"). Indicate
23 your second choice designation by marking the number "2" beside
24 a candidate's name (or by marking in the column labeled "Second
25 Choice"). Indicate your third choice designation by marking
26 the number "3" beside a candidate's name (or by marking in the
27 column labeled "Third Choice"). You are not required to choose
28 more than one candidate for each office. Designating two or
29 more candidates in order of preference will not affect your
30 first choice designation. Do not mark the same designation
31 number beside more than one candidate or put more than one mark
32 in each column for the office on which you are voting. Do not
33 skip designation numbers."

34 **Sec. 76.** RCW 29A.56.010 and 2003 c 111 s 1401 are each amended to
35 read as follows:

36 The people of the state of Washington declare that:

1 (1) The current presidential nominating caucus system in Washington
2 state is unnecessarily restrictive of voter participation in that it
3 discriminates against the elderly, the infirm, women, ~~((the disabled))~~
4 people with disabilities, evening workers, and others who are unable to
5 attend caucuses and therefore unable to fully participate in this most
6 important quadrennial event that occurs in our democratic system of
7 government.

8 (2) It is the intent of this chapter to make the presidential
9 selection process more open and representative of the will of the
10 people of our state.

11 (3) A presidential primary will afford the maximum opportunity for
12 voter access by mail ballot and at ~~((regular polling places))~~ voting
13 centers during the daytime and evening hours convenient to the most
14 people.

15 (4) This state's participation in the selection of presidential
16 candidates shall be in accordance with the will of the people as
17 expressed in a presidential preference primary.

18 (5) It is the intent of this chapter, to the maximum extent
19 practicable, to continue to reserve to the political parties the right
20 to conduct their delegate selection as prescribed by party rules
21 insofar as it reflects the will of the people as expressed in a
22 presidential primary election conducted every four years in the manner
23 described by this chapter.

24 **Sec. 77.** RCW 29A.56.490 and 2003 c 111 s 1438 are each amended to
25 read as follows:

26 The election officials shall count and determine the number of
27 votes cast for each individual; and shall also count and determine the
28 aggregate number of votes cast for all candidates whose names appear
29 under each of the respective headings. Where more than the required
30 number have been voted for, the ballot must be rejected. ~~((The figures
31 determined by the various counts must be entered in the poll books of
32 the respective precincts.))~~ The vote must be canvassed in each county
33 by the county canvassing board, and certificate of results must within
34 fifteen days after the election be transmitted to the secretary of
35 state. Upon receiving the certificate, the secretary of state may
36 require returns ~~((or poll books))~~ from any county precinct to be
37 forwarded for the secretary's examination.

1 Where a district embraces precincts of more than one county, the
2 secretary of state shall combine the votes from all the precincts
3 included in each district. The delegates elected in each district will
4 be the number of candidates corresponding to the number of state
5 representatives from the district, who receive the highest number of
6 votes in the group (either "for" or "against") that received an
7 aggregate number of votes for all candidates in the group greater than
8 the aggregate number of votes for all the candidates in the other
9 group. The secretary of state shall issue certificates of election to
10 the delegates so elected.

11 **Sec. 78.** RCW 29A.60.010 and 2003 c 111 s 1501 are each amended to
12 read as follows:

13 All elections, whether special or general, held under RCW
14 (~~29A.04.320~~) 29A.04.321 and 29A.04.330 must be conducted by the
15 county auditor as ex officio county supervisor of elections and, except
16 as provided in RCW 29A.60.240, the returns canvassed by the county
17 canvassing board.

18 **Sec. 79.** RCW 29A.60.030 and 2004 c 266 s 16 are each amended to
19 read as follows:

20 Except as provided by rule under RCW (~~29A.04.610~~) 29A.04.611, on
21 the day of the primary or election, the tabulation of ballots (~~at the~~
22 ~~polling place or at the counting center~~) shall proceed without
23 interruption or adjournment until all of the ballots cast (~~at the~~
24 ~~polls at~~) for that primary or election ready for tabulation have been
25 tabulated.

26 **Sec. 80.** RCW 29A.60.050 and 2005 c 243 s 13 are each amended to
27 read as follows:

28 Whenever the (~~precinct~~) election officers or the counting center
29 personnel have a question about the validity of a ballot or the votes
30 for an office or issue that they are unable to resolve, they shall
31 prepare and sign a concise record of the facts in question or dispute.
32 These ballots shall be delivered to the canvassing board for
33 processing. A ballot is not considered rejected until the canvassing
34 board has rejected the ballot individually, or the ballot was included

1 in a batch or on a report of ballots that was rejected in its entirety
2 by the canvassing board. All ballots shall be preserved in the same
3 manner as valid ballots for that primary or election.

4 **Sec. 81.** RCW 29A.60.070 and 2005 c 274 s 249 and 2005 c 243 s 14
5 are each reenacted and amended to read as follows:

6 The county auditor shall produce unofficial cumulative and precinct
7 returns for each primary and election and deliver them to the
8 canvassing board for verification and certification. The precinct and
9 cumulative returns of any primary or election are public records under
10 chapter 42.56 RCW.

11 Cumulative returns for state offices, judicial offices, the United
12 States senate, and congress must be electronically transmitted to the
13 secretary of state immediately.

14 **Sec. 82.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to
15 read as follows:

16 Immediately after their tabulation, all ballots counted at a ballot
17 counting center must be sealed in containers that identify the primary
18 or election and be retained for at least sixty days or according to
19 federal law, whichever is longer. All ballots (~~((tallied by poll site
20 ballot counting devices))~~) collected at voting centers must be returned
21 to the elections department in sealed ballot containers on election
22 day. Counties composed entirely of islands or portions of counties
23 composed of islands shall collect the ballots (~~((within twenty four
24 hours of the close of the polls))~~) no later than the day after election
25 day.

26 (~~(Ballots tabulated in poll site ballot counting devices must be
27 sealed by two of the election precinct officers at the polling place,
28 and a log of the seal and the names of the people sealing the container
29 must be completed. One copy of this log must be retained by the
30 inspector, one copy must be placed in the ballot transfer case, and one
31 copy must be transported with the ballots to the elections department,
32 where the seal number must be verified by the county auditor or a
33 designated representative. Ballots may be transported by one election
34 employee if the container is sealed at the poll and then verified when
35 returned to the elections department. Auditors using poll site ballot~~

1 ~~counting devices may conduct early pickup of counted ballots on~~
2 ~~election day.)~~)

3 In the presence of major party observers who are available, ballots
4 may be removed from the sealed containers at the elections department
5 and consolidated into one sealed container for storage purposes. The
6 containers may only be opened by the canvassing board as part of the
7 canvass, or to conduct recounts, or under RCW 29A.60.170(~~(+3)~~), or by
8 order of the superior court in a contest or election dispute. If the
9 canvassing board opens a ballot container, it shall make a full record
10 of the additional tabulation or examination made of the ballots. This
11 record must be added to any other record of the canvassing process in
12 that county.

13 **Sec. 83.** RCW 29A.60.120 and 2003 c 111 s 1512 are each amended to
14 read as follows:

15 (1) (~~The ballots picked up from the precincts during the polling~~
16 ~~hours may be counted only at the counting center before the polls have~~
17 ~~closed. Election returns from the count of these ballots must be held~~
18 ~~in secrecy until the polls have been closed.~~)

19 (~~2) Upon breaking the seals and opening the ballot containers from~~
20 ~~the precincts,~~) All voted ballots must be manually inspected for
21 damage, write-in votes, and incorrect or incomplete marks. If it is
22 found that any ballot is damaged so that it cannot properly be counted
23 by the vote tallying system, a true duplicate copy must be made of the
24 damaged ballot in the presence of witnesses and substituted for the
25 damaged ballot. All damaged ballots must be kept by the county auditor
26 until sixty days after the primary or election or according to federal
27 law, whichever is longer.

28 (~~(+3)~~) (2) The returns produced by the vote tallying system, to
29 which have been added the counts of questioned ballots(~~(7)~~) and write-
30 in votes(~~(7, and absentee votes)~~), constitute the official returns of
31 the primary or election in that county.

32 **Sec. 84.** RCW 29A.60.160 and 2007 c 373 s 1 are each amended to
33 read as follows:

34 (1) Except for an election conducted under the instant runoff
35 voting method for the pilot project authorized by RCW 29A.53.020, the
36 county auditor, as delegated by the county canvassing board, shall

1 process ((absentee)) ballots and canvass the votes cast at that primary
2 or election on a daily basis in counties with a population of seventy-
3 five thousand or more, or at least every third day for counties with a
4 population of less than seventy-five thousand, if the county auditor is
5 in possession of more than five hundred ballots that have yet to be
6 canvassed.

7 (2) Saturdays, Sundays, and legal holidays are not counted for
8 purposes of this section.

9 (3) In order to protect the secrecy of a ballot, the county auditor
10 may use discretion to decide when to process ((absentee)) ballots and
11 canvass the votes.

12 (4) Tabulation results must be made available to the public
13 immediately upon completion of the canvass.

14 **Sec. 85.** RCW 29A.60.160 and 2007 c 373 s 2 are each amended to
15 read as follows:

16 (1) The county auditor, as delegated by the county canvassing
17 board, shall process ((absentee)) ballots and canvass the votes cast at
18 that primary or election on a daily basis in counties with a population
19 of seventy-five thousand or more, or at least every third day for
20 counties with a population of less than seventy-five thousand, if the
21 county auditor is in possession of more than five hundred ballots that
22 have yet to be canvassed.

23 (2) Saturdays, Sundays, and legal holidays are not counted for
24 purposes of this section.

25 (3) In order to protect the secrecy of a ballot, the county auditor
26 may use discretion to decide when to process ((absentee)) ballots and
27 canvass the votes.

28 (4) Tabulation results must be made available to the public
29 immediately upon completion of the canvass.

30 **Sec. 86.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
31 each reenacted and amended to read as follows:

32 (1) If the voter neglects to sign the outside envelope of ((an
33 absentee)) a mail or provisional ballot, the auditor shall notify the
34 voter by first-class mail and advise the voter of the correct
35 procedures for completing the unsigned affidavit. If the ((absentee))
36 ballot is received within three business days of the final meeting of

1 the canvassing board, or the voter has been notified by first-class
2 mail and has not responded at least three business days before the
3 final meeting of the canvassing board, then the auditor shall attempt
4 to notify the voter by telephone, using the voter registration record
5 information. In order for the ballot to be counted, the voter must
6 either:

7 (a) Appear in person and sign the envelope no later than the day
8 before the certification of the primary or election; or

9 (b) Sign a copy of the envelope provided by the auditor, and return
10 it to the auditor no later than the day before the certification of the
11 primary or election.

12 (2)(a) If the handwriting of the signature on ((~~an absentee~~)) a
13 mail or provisional ballot envelope is not the same as the handwriting
14 of the signature on the registration file, the auditor shall notify the
15 voter by first-class mail, enclosing a copy of the envelope affidavit,
16 and advise the voter of the correct procedures for updating his or her
17 signature on the voter registration file. If the ((~~absentee~~)) mail or
18 provisional ballot is received within three business days of the final
19 meeting of the canvassing board, or the voter has been notified by
20 first-class mail and has not responded at least three business days
21 before the final meeting of the canvassing board, then the auditor
22 shall attempt to notify the voter by telephone, using the voter
23 registration record information. In order for the ballot to be
24 counted, the voter must either:

25 (i) Appear in person and sign a new registration form no later than
26 the day before the certification of the primary or election; or

27 (ii) Sign a copy of the affidavit provided by the auditor and
28 return it to the auditor no later than the day before the certification
29 of the primary or election. The voter may enclose with the affidavit
30 a photocopy of a valid government or tribal issued identification
31 document that includes the voter's current signature. If the signature
32 on the copy of the affidavit does not match the signature on file or
33 the signature on the copy of the identification document, the voter
34 must appear in person and sign a new registration form no later than
35 the day before the certification of the primary or election in order
36 for the ballot to be counted.

37 (b) If the signature on ((~~an absentee~~)) a mail or provisional
38 ballot envelope is not the same as the signature on the registration

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

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

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

12 (4) A record must be kept of all ballots with missing and
13 mismatched signatures. The record must contain the date on which the
14 voter was contacted or the notice was mailed, as well as the date on
15 which the voter signed the envelope, a copy of the envelope, a new
16 registration form, or a change-of-name form. That record is a public
17 record under chapter 42.56 RCW and may be disclosed to interested
18 parties on written request.

19 **Sec. 87.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to
20 read as follows:

21 (1) The counting center (~~(in a county using voting systems)~~) is
22 under the direction of the county auditor (~~(and)~~). Ballot processing
23 and counting must be observed by one representative from each major
24 political party, if representatives have been appointed by the
25 respective major political parties and these representatives are
26 present while the counting center is operating. The proceedings must
27 be open to the public, but no persons except those employed and
28 authorized by the county auditor may touch any ballot or ballot
29 container or operate a vote tallying system.

30 (2) (~~In counties in which ballots are not counted at the polling~~
31 ~~place, the official political party observers, upon mutual agreement,~~
32 ~~may request that a precinct be selected at random on receipt of the~~
33 ~~ballots from the polling place and that a manual count be made of the~~
34 ~~number of ballots and of the votes cast on any office or issue. The~~
35 ~~ballots for that precinct must then be counted by the vote tallying~~
36 ~~system, and this result will be compared to the results of the manual~~

1 count. ~~This may be done as many as three times during the tabulation~~
2 ~~of ballots on the day of the primary or election.~~

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

16 ~~(4) In counties voting entirely by mail,))~~ A random check of the
17 ballot counting equipment may be conducted upon mutual agreement of the
18 political party observers or at the discretion of the county auditor.
19 The random check procedures must be adopted by the county canvassing
20 board prior to the processing of ballots. The random check process
21 shall involve a comparison of a manual count to the machine count and
22 may involve up to either three precincts or six batches depending on
23 the ballot counting procedures in place in the county. The random
24 check will be limited to one office or issue on the ballots in the
25 precincts or batches that are selected for the check. The selection of
26 the precincts or batches to be checked must be selected according to
27 procedures established by the county canvassing board and the check
28 must be completed no later than forty-eight hours after election day.

29 **Sec. 88.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to
30 read as follows:

31 Each registered voter casting ~~((an absentee))~~ a valid ballot will
32 be credited with voting on his or her voter registration record.
33 ~~((Absentee ballots must be retained for the same length of time and in~~
34 ~~the same manner as ballots cast at the precinct polling places.))~~

35 **Sec. 89.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to
36 read as follows:

1 (1) Before canvassing the returns of a primary or election, the
2 chair of the county legislative authority or the chair's designee shall
3 administer an oath to the county auditor or the auditor's designee
4 attesting to the authenticity of the information presented to the
5 canvassing board. This oath must be signed by the county auditor or
6 designee and filed with the returns of the primary or election.

7 (2) The county auditor shall provide:

8 (a) Precinct and cumulative returns for each race and measure. The
9 county auditor may aggregate results from more than one precinct if,
10 pursuant to rules adopted by the secretary of state, the auditor finds
11 that reporting a single precinct's results would jeopardize the secrecy
12 of a person's ballot;

13 (b) The number of voters eligible to vote and the number of voters
14 credited with voting;

15 (c) A reconciliation report required by RCW 29A.60.235; and

16 (d) A report explaining any unresolved anomalies or issues.

17 (3) Once the results are verified, the county canvassing board
18 shall execute a certification of the primary or election signed by all
19 members of the board or their designees. Failure to certify the
20 returns, if they can be ascertained with reasonable certainty, is a
21 crime under RCW 29A.84.720.

22 (4) Except as provided by subsection ((+3+)) (5) of this section,
23 fifteen days after a primary or special election and twenty-one days
24 after a general election, the county canvassing board shall complete
25 the canvass and certify the results. Each ((absentee)) ballot that was
26 returned before ((the closing of the polls)) 8:00 p.m. on the date of
27 the primary or election, and each ((absentee)) ballot bearing a
28 postmark on or before the date of the primary or election and received
29 on or before the date on which the primary or election is certified,
30 must be included in the canvass report.

31 ~~((+2) At the request of a caucus of the state legislature, the~~
32 ~~county auditor shall transmit copies of all unofficial returns of state~~
33 ~~and legislative primaries or elections prepared by or for the county~~
34 ~~canvassing board to either the secretary of the senate or the chief~~
35 ~~clerk of the house of representatives.~~

36 (+3+)) (5) On or before the thirtieth day after an election
37 conducted under the instant runoff voting method for the pilot project

1 authorized by RCW 29A.53.020, the canvassing board shall complete the
2 canvass and certify the results.

3 **Sec. 90.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to
4 read as follows:

5 (1) Before canvassing the returns of a primary or election, the
6 chair of the county legislative authority or the chair's designee shall
7 administer an oath to the county auditor or the auditor's designee
8 attesting to the authenticity of the information presented to the
9 canvassing board. This oath must be signed by the county auditor or
10 designee and filed with the returns of the primary or election.

11 (2) The county auditor shall provide:

12 (a) Precinct and cumulative returns for each race and measure. The
13 county auditor may aggregate results from more than one precinct if,
14 pursuant to rules adopted by the secretary of state, the auditor finds
15 that reporting a single precinct's results would jeopardize the secrecy
16 of a person's ballot;

17 (b) The number of voters eligible to vote and the number of voters
18 credited with voting;

19 (c) A reconciliation report required by RCW 29A.60.235; and

20 (d) A report explaining any unresolved anomalies or issues.

21 (3) Once the results are verified, the county canvassing board
22 shall execute a certification of the primary or election signed by all
23 members of the board or their designees. Failure to certify the
24 returns, if they can be ascertained with reasonable certainty, is a
25 crime under RCW 29A.84.720.

26 (4) Fifteen days after a primary or special election and twenty-one
27 days after a general election, the county canvassing board shall
28 complete the canvass and certify the results. Each ((absentee)) ballot
29 that was returned before ((the closing of the polls)) 8:00 p.m. on the
30 date of the primary or election, and each ((absentee)) ballot bearing
31 a postmark on or before the date of the primary or election and
32 received on or before the date on which the primary or election is
33 certified, must be included in the canvass report.

34 ~~((2) At the request of a caucus of the state legislature, the~~
35 ~~county auditor shall transmit copies of all unofficial returns of state~~
36 ~~and legislative primaries or elections prepared by or for the county~~

1 ~~canvassing board to either the secretary of the senate or the chief~~
2 ~~clerk of the house of representatives.))~~

3 **Sec. 91.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to
4 read as follows:

5 (1) Immediately after ~~((the official results of))~~ a state primary
6 or general election ~~((in a county are ascertained))~~ is certified by the
7 county canvassing board, the county auditor ~~((or other election officer~~
8 ~~shall make an abstract of the number of registered voters in each~~
9 ~~precinct and of all the votes cast in the county at such state primary~~
10 ~~or general election for and against state measures and for each~~
11 ~~candidate for federal, state, and legislative office or for any other~~
12 ~~office which the secretary of state is required by law to canvass. The~~
13 ~~cumulative report of the election and a copy of the certificate of the~~
14 ~~election must be transmitted to the secretary of state immediately,~~
15 ~~through electronic means and mailed with the abstract of votes no later~~
16 ~~than the next business day following the certification by the county~~
17 ~~canvassing board))~~ shall electronically transmit the cumulative returns
18 for all state ballot measures, the United States senate, congress,
19 statewide offices, legislative districts, and judicial districts.

20 (2) ~~((After each general election, the county auditor or other~~
21 ~~election officer shall provide to the secretary of state a report of~~
22 ~~the number of absentee ballots cast in each precinct for and against~~
23 ~~state measures and for each candidate for federal, state, and~~
24 ~~legislative office or for any other office which the secretary of state~~
25 ~~is required by law to canvass. The report may be included in the~~
26 ~~abstract required by this section or may be transmitted to the~~
27 ~~secretary of state separately, but in no event later than March 31st of~~
28 ~~the year following the election. Absentee ballot results may be~~
29 ~~incorporated into votes cast at the polls for each precinct or may be~~
30 ~~reported separately on a precinct by precinct basis.~~

31 (3) ~~If absentee ballot results are not incorporated into votes cast~~
32 ~~at the polls, the county auditor or other election official may~~
33 ~~aggregate results from more than one precinct if the auditor, pursuant~~
34 ~~to rules adopted by the secretary of state, finds that reporting a~~
35 ~~single precinct's absentee ballot results would jeopardize the secrecy~~
36 ~~of a person's ballot. To the extent practicable, precincts for which~~

absentee results are aggregated must be contiguous)) No later than the next business day following certification by the county canvassing board, the county auditor must mail to the secretary of state:

(a) Precinct and cumulative returns for all state ballot measures, the United States senate, congress, statewide offices, legislative districts, and judicial districts;

(b) A copy of the certification of election;

(c) A copy of the number of voters eligible to vote and the number of voters credited with voting; and

(d) A copy of the reconciliation report required by RCW 29A.60.235.

Sec. 92. RCW 29A.60.235 and 2009 c 369 s 41 are each amended to read as follows:

(1) The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The number of ballots counted;

~~(c) The number of ((provisional ballots issued;~~

~~(d) The number of provisional ballots counted;~~

~~(e) The number of provisional ballots rejected;~~

~~(f) The number of absentee ballots issued;~~

~~(g) The number of absentee ballots counted;~~

~~(h) The number of absentee)) ballots rejected;~~

~~((+i))~~ (d) The number of federal write-in ballots counted;

~~((+j))~~ (e) The number of overseas and service ballots issued;

~~((+k))~~ (f) The number of overseas and service ballots counted; and

~~((+l))~~ (g) The number of overseas and service ballots rejected.

(2) The county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site within thirty days of certification a final election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The total number of voters credited with voting;

~~(c) ((The number of poll voters credited with voting;~~

~~(d) The number of provisional voters credited with voting;~~

~~(e) The number of absentee voters credited with voting;~~

1 **Sec. 94.** RCW 29A.80.041 and 2009 c 106 s 3 are each amended to
2 read as follows:

3 (1) Any member of a major political party who is a registered voter
4 in the precinct may file his or her declaration of candidacy as
5 prescribed under RCW 29A.24.031 with the county auditor for the office
6 of precinct committee officer of his or her party in that precinct.
7 When elected at the primary, the precinct committee officer shall serve
8 so long as the committee officer remains an eligible voter in that
9 precinct.

10 (2) In each even-numbered year, the county auditor shall provide
11 for the election of one precinct committee officer for each major party
12 for each one thousand, or fraction thereof, active registered voters as
13 of the day of the general election in the previous odd-numbered year.
14 The county auditor must designate position numbers for the precinct
15 committee officer positions before accepting any declarations of
16 candidacy. Consistent with RCW 29A.80.051, the term of office for
17 precinct committee officer is two years, commencing the first day of
18 December following the primary.

19 **Sec. 95.** RCW 29A.84.050 and 2005 c 243 s 23 are each amended to
20 read as follows:

21 A person who knowingly destroys, alters, defaces, conceals, or
22 discards a completed voter registration form or a signed (~~(absentee or~~
23 ~~provisional))~~ ballot (~~(signature))~~ affidavit is guilty of a gross
24 misdemeanor. This section does not apply to (1) the voter who
25 completed the voter registration form, or (2) a county auditor or
26 registration assistant who acts as authorized by voter registration
27 law.

28 **Sec. 96.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to
29 read as follows:

30 (1) (~~On the day of any primary or general or special election~~)
31 Whenever any building or facility or part of a building or facility is
32 being operated as a voting center, no person may, within a (~~polling~~
33 ~~place))~~ voting center, or in any public area within three hundred feet
34 of any entrance to such (~~polling place~~) voting center:

35 (a) Suggest or persuade or attempt to suggest or persuade any voter
36 to vote for or against any candidate or ballot measure;

- 1 (b) Circulate cards or handbills of any kind;
- 2 (c) Solicit signatures to any kind of petition; or
- 3 (d) Engage in any practice which interferes with the freedom of
- 4 voters to exercise their franchise or disrupts the administration of
- 5 the ((~~polling place~~)) voting center.

6 (2) No person may obstruct the doors or entries to a building in
7 which a ((~~polling place~~)) voting center is located or prevent free
8 access to and from any ((~~polling place~~)) voting center. Any sheriff,
9 deputy sheriff, or municipal law enforcement officer shall prevent such
10 obstruction, and may arrest any person creating such obstruction.

11 (3) No person may:
12 (a) ((~~Except as provided in RCW 29A.44.050, remove any ballot from~~
13 ~~the polling place before the closing of the polls~~)) Remove any ballot
14 or paper record from a voting center, ballot drop-off site, or counting
15 center without lawful authority; or

16 (b) Solicit any voter to show his or her ballot.

17 (4) ((~~No person other than an inspector or judge of election may~~
18 ~~receive from any voter a voted ballot or deliver a blank ballot to such~~
19 ~~elector.~~

20 (+5)) Any violation of this section is a gross misdemeanor,
21 punishable to the same extent as a gross misdemeanor that is punishable
22 under RCW 9A.20.021, and the person convicted may be ordered to pay the
23 costs of prosecution.

24 **Sec. 97.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to
25 read as follows:

26 Any person who willfully defaces, removes, or destroys any of the
27 supplies or materials that the person knows are intended ((~~both~~)) for
28 use in a ((~~polling place and~~)) voting center or for enabling a voter to
29 prepare his or her ballot is guilty of a class C felony punishable
30 under RCW 9A.20.021.

31 **Sec. 98.** RCW 29A.84.730 and 2003 c 111 s 2139 are each amended to
32 read as follows:

33 (1) In any location in which ballots are counted, no person
34 authorized by law to be present while votes are being counted may
35 divulge any results of the count of the ballots at any time prior to

1 ((the closing of the polls for)) 8:00 p.m. on the day of that primary
2 or special or general election.

3 (2) A violation of this section is a gross misdemeanor punishable
4 to the same extent as a gross misdemeanor that is punishable under RCW
5 9A.20.021.

6 **Sec. 99.** RCW 36.83.110 and 1996 c 292 s 4 are each amended to read
7 as follows:

8 Any registered voter residing within the boundaries of the road and
9 bridge service district may file a referendum petition to call an
10 election to retain any or all commissioners. Any referendum petition
11 to call such election shall be filed with the county auditor no later
12 than one year before the end of a commissioner's term. Within ten days
13 of the filing of a petition, the county auditor shall confer with the
14 petitioner concerning form and style of the petition, issue an
15 identification number for the petition, and write a ballot title for
16 the measure. The ballot title shall be posed as a question: "Shall
17 (name of commissioner) be retained as a road and bridge service
18 district commissioner?" and the question shall be posed separately for
19 each commissioner. The petitioner shall be notified of the
20 identification number and ballot title within this ten-day period.

21 After this notification, the petitioner shall have thirty days in
22 which to secure on petition forms the signatures of not less than
23 twenty-five percent of the registered voters residing within the
24 boundaries of the service district and file the signed petitions with
25 the county auditor. Each petition form shall contain the ballot title.
26 The county auditor shall verify the sufficiency of the signatures on
27 the petitions. If sufficient valid signatures are properly submitted,
28 the county auditor shall submit the referendum measure to the
29 registered voters residing in the service district in a special
30 election no later than one hundred twenty days after the signed
31 petition has been filed with the county auditor. The special election
32 may be conducted by mail ballot as provided for in chapter ((29.36))
33 29A.48 RCW.

34 The office of any commissioner for whom there is not a majority
35 vote to retain shall be declared vacant.

1 **Sec. 100.** RCW 85.38.125 and 1991 c 349 s 15 are each amended to
2 read as follows:

3 (1) If a special district has less than five hundred qualified
4 voters, then the special district must contract with the county auditor
5 to conduct the special district elections. The county auditor has the
6 discretion as to whether to conduct the election by mail.

7 (2) If a special district has at least five hundred qualified
8 voters, the special district may contract with the county auditor to
9 staff the voting site during the election or contract with the county
10 auditor to conduct the election by mail. A special district with at
11 least five hundred qualified voters may also choose to conduct its own
12 elections. A special district that conducts its own elections must
13 enter into an agreement with the county auditor that specifies the
14 responsibilities of both parties.

15 (3) (~~If the county auditor conducts a special district election by~~
16 ~~mail, then~~) The provisions of chapter (~~(29.36)~~) 29A.48 RCW, which
17 govern elections by mail(~~(, except for the requirements of RCW~~
18 ~~29.36.120)~~), shall apply.

19 **Sec. 101.** RCW 90.72.040 and 1997 c 447 s 20 are each amended to
20 read as follows:

21 (1) The county legislative authority may create a shellfish
22 protection district on its own motion or by submitting the question to
23 the voters of the proposed district and obtaining the approval of a
24 majority of those voting. The boundaries of the district shall be
25 determined by the legislative authority. The legislative authority may
26 create more than one district. A district may include any area or
27 areas within the county, whether incorporated or unincorporated.
28 Counties shall coordinate and cooperate with cities, towns, and water-
29 related special districts within their boundaries in establishing
30 shellfish protection districts and carrying out shellfish protection
31 programs. Where a portion of the proposed district lies within an
32 incorporated area, the county shall develop procedures for the
33 participation of the city or town in the determination of the
34 boundaries of the district and the administration of the district,
35 including funding of the district's programs. The legislative
36 authority of more than one county may by agreement provide for the
37 creation of a district including areas within each of those counties.

1 County legislative authorities are encouraged to coordinate their plans
2 and programs to protect shellfish growing areas, especially where
3 shellfish growing areas are located within the boundaries of more than
4 one county. The legislative authority or authorities creating a
5 district may abolish a shellfish protection district on its or their
6 own motion or by submitting the question to the voters of the district
7 and obtaining the approval of a majority of those voting.

8 (2) If the county legislative authority creates a shellfish
9 protection district by its own motion, any registered voter residing
10 within the boundaries of the shellfish protection district may file a
11 referendum petition to repeal the ordinance that created the district.
12 Any referendum petition to repeal the ordinance creating the shellfish
13 protection district shall be filed with the county auditor within seven
14 days of passage of the ordinance. Within ten days of the filing of a
15 petition, the county auditor shall confer with the petitioner
16 concerning form and style of the petition, issue an identification
17 number for the petition, and write a ballot title for the measure. The
18 ballot title shall be posed as a question so that an affirmative answer
19 to the question and an affirmative vote on the measure results in
20 creation of the shellfish protection district and a negative answer to
21 the question and a negative vote on the measure results in the
22 shellfish protection district not being created. The petitioner shall
23 be notified of the identification number and ballot title within this
24 ten-day period.

25 After this notification, the petitioner shall have thirty days in
26 which to secure on petition forms the signatures of not less than
27 twenty-five percent of the registered voters residing within the
28 boundaries of the shellfish protection district and file the signed
29 petitions with the county auditor. Each petition form shall contain
30 the ballot title and full text of the measure to be referred. The
31 county auditor shall verify the sufficiency of the signatures on the
32 petitions. If sufficient valid signatures are properly submitted, the
33 county auditor shall submit the referendum measure to the registered
34 voters residing in the shellfish protection district in a special
35 election no later than one hundred twenty days after the signed
36 petition has been filed with the county auditor. The special election
37 (~~may~~) shall be conducted by mail ballot as provided for in chapter
38 (~~29.36~~) 29A.48 RCW.

1 (3) The county legislative authority shall not impose fees, rates,
2 or charges for shellfish protection district programs upon properties
3 on which fees, rates, or charges are imposed under chapter 36.89 or
4 36.94 RCW for substantially the same programs and services.

5 NEW SECTION. **Sec. 102.** RCW 29A.40.061, 29A.40.070, 29A.40.080,
6 29A.40.091, 29A.40.100, 29A.40.110, 29A.40.120, and 29A.40.150 are each
7 recodified as sections in chapter 29A.48 RCW.

8 NEW SECTION. **Sec. 103.** RCW 29A.44.430 is recodified as a section
9 in chapter 29A.80 RCW.

10 NEW SECTION. **Sec. 104.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 29A.16.020 (Alternative polling places or procedures) and
13 2003 c 111 s 402, 1999 c 298 s 15, & 1985 c 205 s 5;

14 (2) RCW 29A.16.030 (Costs for modifications--Alternatives--Election
15 costs) and 2003 c 111 s 403, 1999 c 298 s 20, & 1985 c 205 s 12;

16 (3) RCW 29A.16.110 (Polling place--May be located outside precinct)
17 and 2003 c 111 s 407 & 1965 c 9 s 29.48.005;

18 (4) RCW 29A.16.140 (Inaccessible polling places--Auditors' list)
19 and 2003 c 111 s 410;

20 (5) RCW 29A.16.150 (Polling places--Accessibility required,
21 exceptions) and 2003 c 111 s 411;

22 (6) RCW 29A.16.170 (County auditors--Notice of accessibility) and
23 2003 c 111 s 413;

24 (7) RCW 29A.40.010 (When permitted) and 2009 c 369 s 36 & 2003 c
25 111 s 1001;

26 (8) RCW 29A.40.020 (Request for single ballot) and 2009 c 369 s 37,
27 2003 c 111 s 1002, & 2001 c 241 s 2;

28 (9) RCW 29A.40.030 (Request on behalf of family member) and 2003 c
29 111 s 1003;

30 (10) RCW 29A.40.040 (Ongoing status--Request--Termination) and 2003
31 c 111 s 1004;

32 (11) RCW 29A.40.050 (Special ballots) and 2003 c 111 s 1005, 2001
33 c 241 s 5, 1991 c 81 s 35, & 1987 c 346 s 21;

34 (12) RCW 29A.40.130 (Record of requests--Public access) and 2003 c
35 111 s 1013;

1 (13) RCW 29A.40.140 (Challenges) and 2006 c 320 s 8 & 2003 c 111 s
2 1014;

3 (14) RCW 29A.44.020 (List of who has and who has not voted) and
4 2003 c 111 s 1102, 1977 ex.s. c 361 s 83, & 1965 c 9 s 29.51.125;

5 (15) RCW 29A.44.080 (Polls open continuously--Announcement of
6 closing) and 2003 c 111 s 1108;

7 (16) RCW 29A.44.110 (Delivery of supplies) and 2003 c 111 s 1110;

8 (17) RCW 29A.44.120 (Delivery of precinct lists to polls) and 2003
9 c 111 s 1111;

10 (18) RCW 29A.44.130 (Additional supplies for paper ballots) and
11 2003 c 111 s 1112 & 1977 ex.s. c 361 s 82;

12 (19) RCW 29A.44.180 (Opening the polls) and 2003 c 111 s 1117;

13 (20) RCW 29A.44.201 (Issuing ballot to voter--Challenge) and 2004
14 c 271 s 136;

15 (21) RCW 29A.44.221 (Casting vote) and 2004 c 271 s 137;

16 (22) RCW 29A.44.250 (Tabulation of paper ballots before close of
17 polls) and 2003 c 111 s 1124 & 1990 c 59 s 54;

18 (23) RCW 29A.44.280 (Duties of election officers after unused
19 ballots secure) and 2003 c 111 s 1127 & 1990 c 59 s 53;

20 (24) RCW 29A.44.290 (Return of precinct lists after election--
21 Public records) and 2003 c 111 s 1128;

22 (25) RCW 29A.44.310 (Initialization) and 2003 c 111 s 1129;

23 (26) RCW 29A.44.320 (Delivery and sealing) and 2003 c 111 s 1130;

24 (27) RCW 29A.44.330 (Memory packs) and 2003 c 111 s 1131;

25 (28) RCW 29A.44.340 (Incorrectly marked ballots) and 2003 c 111 s
26 1132;

27 (29) RCW 29A.44.350 (Failure of device) and 2004 c 267 s 320 & 2003
28 c 111 s 1133;

29 (30) RCW 29A.44.420 (Appointment of clerks--Party representation--
30 Hour to report) and 2003 c 111 s 1135, 1965 ex.s. c 101 s 2, & 1965 c
31 9 s 29.45.020;

32 (31) RCW 29A.44.450 (One set of precinct election officers,
33 exceptions--Counting board--Receiving board) and 2003 c 111 s 1138,
34 1994 c 223 s 91, 1973 c 102 s 2, 1965 ex.s. c 101 s 4, & 1965 c 9 s
35 29.45.050;

36 (32) RCW 29A.44.460 (Duties--Generally) and 2003 c 111 s 1139;

37 (33) RCW 29A.44.470 (Application to other primaries or elections)
38 and 2003 c 111 s 1140;

1 (34) RCW 29A.44.480 (Inspector as chair--Authority) and 2003 c 111
2 s 1141 & 1965 c 9 s 29.45.070;

3 (35) RCW 29A.44.510 (Oath of judges, form) and 2003 c 111 s 1144;

4 (36) RCW 29A.44.520 (Oath of clerks, form) and 2003 c 111 s 1145;

5 (37) RCW 29A.48.020 (Special elections) and 2004 c 266 s 15;

6 (38) RCW 29A.48.030 (Odd-year primaries) and 2003 c 111 s 1203;

7 (39) RCW 29A.60.060 (Poll-site ballot counting devices--Results)
8 and 2003 c 111 s 1506;

9 (40) RCW 29A.60.200 (Canvassing board--Canvassing procedure--
10 Penalty) and 2003 c 111 s 1520, 1990 c 59 s 63, & 1965 c 9 s 29.62.040;

11 (41) RCW 29A.84.540 (Ballots--Removing from polling place) and 2003
12 c 111 s 2124;

13 (42) RCW 29A.84.545 (Paper record from electronic voting device--
14 Removing from polling place) and 2005 c 242 s 6; and

15 (43) RCW 29A.84.680 (Absentee ballots) and 2003 c 111 s 2136, 2003
16 c 53 s 179, 2001 c 241 s 14, 1994 c 269 s 2, 1991 c 81 s 34, 1987 c 346
17 s 20, & 1983 1st ex.s. c 71 s 9.

18 NEW SECTION. **Sec. 105.** Sections 85 and 90 of this act take effect
19 July 1, 2013.

20 NEW SECTION. **Sec. 106.** Sections 75, 84, and 89 of this act expire
21 July 1, 2013.

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