
HOUSE BILL 2310

State of Washington

61st Legislature

2009 Regular Session

By Representatives Sells, Hinkle, Darneille, and McCune; by request of Secretary of State

Read first time 03/11/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to reducing costs of the elections division of the
2 office of the secretary of state; amending RCW 29A.52.330, 29A.52.340,
3 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.32.121, 29A.72.025,
4 29A.04.530, 29A.04.540, 29A.04.550, 29A.04.570, 29A.04.570, and
5 43.07.310; reenacting and amending RCW 29A.04.611; repealing RCW
6 29A.04.236, 29A.04.245, 29A.04.510, 29A.04.520, 29A.04.630, and
7 29A.40.150; providing an effective date; and providing an expiration
8 date.

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

10 **Sec. 1.** RCW 29A.52.330 and 2003 c 111 s 1311 are each amended to
11 read as follows:

12 ~~((Subject to the availability of funds appropriated specifically
13 for that purpose,))~~ The secretary of state shall publish notice of the
14 proposed constitutional amendments ~~((and other state measures))~~ that
15 are to be submitted to the people at a state general election up to
16 four times during the four weeks immediately preceding that election in
17 every legal newspaper in the state. ~~((The secretary of state shall
18 supplement this publication with an equivalent amount of radio and
19 television advertisements.))~~

1 **Sec. 2.** RCW 29A.52.340 and 2003 c 111 s 1312 are each amended to
2 read as follows:

3 The newspaper (~~(and broadcast)~~) notice required by Article XXIII,
4 section 1, of the state Constitution and RCW 29A.52.330 may set forth
5 all or some of the following information:

6 (1) A legal identification of the (~~(state measure)~~) proposed
7 constitutional amendment to be voted upon.

8 (2) The official ballot title of such (~~(state measure)~~) proposed
9 constitutional amendment.

10 (3) A brief statement explaining the constitutional provision (~~(or~~
11 ~~state law)~~) as it presently exists.

12 (4) A brief statement explaining the effect of the (~~(state~~
13 ~~measure)~~) proposed constitutional amendment should it be approved.

14 (5) The total number of votes cast for and against the measure in
15 both the state senate and house of representatives.

16 No individual candidate or incumbent public official may be
17 referred to or identified in these notices or advertisements.

18 **Sec. 3.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read
19 as follows:

20 The public printer shall print and bind the session laws, the
21 journals of the two houses of the legislature, all bills, resolutions,
22 documents, and other printing and binding of either the senate or
23 house, as the same may be ordered by the legislature; and such forms,
24 blanks, record books, and printing and binding of every description as
25 may be ordered by all state officers, boards, commissions, and
26 institutions, and the supreme court, and the court of appeals and
27 officers thereof, as the same may be ordered on requisition, from time
28 to time, by the proper authorities. This section shall not apply to
29 the printing of the supreme court and the court of appeals reports, to
30 the printing of bond certificates or bond offering disclosure
31 documents, to the printing of educational publications of the state
32 historical societies, to voters' pamphlets printed by the secretary of
33 state, or to any printing done or contracted for by institutions of
34 higher education: PROVIDED, That institutions of higher education, in
35 consultation with the public printer, develop vendor selection
36 procedures comparable to those used by the public printer for
37 contracted printing jobs. Where any institution or institution of

1 higher learning of the state is or may become equipped with facilities
2 for doing such work, it may do any printing: (1) For itself, or (2)
3 for any other state institution when such printing is done as part of
4 a course of study relative to the profession of printer. Any printing
5 and binding of whatever description as may be needed by any institution
6 or agency of the state department of social and health services not at
7 Olympia, or the supreme court or the court of appeals or any officer
8 thereof, the estimated cost of which shall not exceed one thousand
9 dollars, may be done by any private printing company in the general
10 vicinity within the state of Washington so ordering, if in the judgment
11 of the officer of the agency so ordering, the saving in time and
12 processing justifies the award to such local private printing concern.

13 Beginning on July 1, 1989, and on July 1 of each succeeding odd-
14 numbered year, the dollar limit specified in this section shall be
15 adjusted as follows: The office of financial management shall
16 calculate such limit by adjusting the previous biennium's limit by an
17 appropriate federal inflationary index reflecting the rate of inflation
18 for the previous biennium. Such amounts shall be rounded to the
19 nearest fifty dollars.

20 **Sec. 4.** RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No.
21 960) are each amended to read as follows:

22 The voters' pamphlet must contain:

23 (1) Information about each measure for an advisory vote of the
24 people and each ballot measure initiated by or referred to the voters
25 for their approval or rejection as required by RCW 29A.32.070;

26 (2) In even-numbered years, statements, if submitted, advocating
27 the candidacies of nominees for the office of president and vice
28 president of the United States, United States senator, United States
29 representative, governor, lieutenant governor, secretary of state,
30 state treasurer, state auditor, attorney general, commissioner of
31 public lands, superintendent of public instruction, insurance
32 commissioner, state senator, state representative, justice of the
33 supreme court, judge of the court of appeals, or judge of the superior
34 court. Candidates may also submit a campaign mailing address and
35 telephone number and a photograph not more than five years old and of
36 a size and quality that the secretary of state determines to be
37 suitable for reproduction in the voters' pamphlet;

1 (3) In odd-numbered years, if any office voted upon statewide
2 appears on the ballot due to a vacancy, then statements and photographs
3 for candidates for any vacant office listed in subsection (2) of this
4 section must appear;

5 (4) In even-numbered years, a section explaining how voters may
6 participate in the election campaign process; the address and telephone
7 number of the public disclosure commission established under RCW
8 42.17.350; and a summary of the disclosure requirements that apply when
9 contributions are made to candidates and political committees;

10 (5) In even-numbered years the name, address, and telephone number
11 of each political party with nominees listed in the pamphlet, if filed
12 with the secretary of state by the state committee of a major political
13 party or the presiding officer of the convention of a minor political
14 party;

15 (6) In each odd-numbered year immediately before a year in which a
16 president of the United States is to be nominated and elected,
17 information explaining the precinct caucus and convention process used
18 by each major political party to elect delegates to its national
19 presidential candidate nominating convention. The pamphlet must also
20 provide a description of the statutory procedures by which minor
21 political parties are formed and the statutory methods used by the
22 parties to nominate candidates for president;

23 (7) (~~An application form for an absentee ballot;~~

24 ~~+) A brief statement explaining the deletion and addition of~~
25 language for proposed measures under RCW 29A.32.080; and

26 ~~(+) (8) Any additional information pertaining to elections as~~
27 may be required by law or in the judgment of the secretary of state is
28 deemed informative to the voters.

29 **Sec. 5.** RCW 29A.32.040 and 2003 c 111 s 804 are each amended to
30 read as follows:

31 (1) Explanatory statements prepared by the attorney general under
32 RCW 29A.32.070 (3) and (4) must be written in clear and concise
33 language not exceeding five hundred words, avoiding legal and technical
34 terms when possible, and filed with the secretary of state no later
35 than the first day of August.

36 (2) When the explanatory statement for a measure initiated by
37 petition is filed with the secretary of state, the secretary of state

1 shall immediately provide the text of the explanatory statement to the
2 person proposing the measure and any others who have made written
3 request for notification of the exact language of the explanatory
4 statement. When the explanatory statement for a measure referred to
5 the ballot by the legislature is filed with the secretary of state, the
6 secretary of state shall immediately provide the text of the
7 explanatory statement to the presiding officer of the senate and the
8 presiding officer of the house of representatives and any others who
9 have made written request for notification of the exact language of the
10 explanatory statement.

11 (3) A person dissatisfied with the explanatory statement may appeal
12 to the superior court of Thurston County within five days of the filing
13 date. A copy of the petition and a notice of the appeal must be served
14 on the secretary of state and the attorney general. The court shall
15 examine the measure, the explanatory statement, and objections, and may
16 hear arguments. The court shall render its decision and certify to and
17 file with the secretary of state an explanatory statement it determines
18 will meet the requirements of this chapter.

19 The decision of the superior court is final, and its explanatory
20 statement is the established explanatory statement. The appeal must be
21 heard without costs to either party.

22 **Sec. 6.** RCW 29A.32.050 and 2003 c 111 s 805 are each amended to
23 read as follows:

24 The attorney general shall, by the first day of (~~July~~) August
25 preceding each general election, prepare the explanatory statements
26 required (~~in~~) under RCW (~~29A.52.340~~) 29A.32.070 (3) and (4). Such
27 statements shall be prepared in clear and concise language not
28 exceeding five hundred words, and shall avoid the use of legal and
29 other technical terms insofar as possible. Any person dissatisfied
30 with the explanatory statement so prepared may at any time within ten
31 days from the filing thereof in the office of the secretary of state
32 appeal to the superior court of Thurston county by petition setting
33 forth the proposed state measure, the explanatory statement prepared by
34 the attorney general, and his or her objection thereto and praying for
35 the amendment thereof. A copy of the petition and a notice of such
36 appeal shall be served on the secretary of state and the attorney
37 general. The court shall, upon filing of the petition, examine the

1 proposed state measure, the explanatory statement, and the objections
2 thereto and may hear argument thereon and shall, as soon as possible,
3 render its decision and certify to and file with the secretary of state
4 such explanatory statement as it determines will meet the requirement
5 of RCW 29A.52.330, 29A.52.340, and this section. The decision of the
6 superior court shall be final and its explanatory statement shall be
7 the established explanatory statement. Such appeal shall be heard
8 without costs to either party.

9 **Sec. 7.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to
10 read as follows:

11 (1) The maximum number of words for statements submitted by
12 candidates is as follows: (~~State representative, one hundred words;~~
13 ~~state senator, judge of the superior court, judge of the court of~~
14 ~~appeals, justice of the supreme court, and all state offices voted upon~~
15 ~~throughout the state, except that of governor, two hundred words;~~
16 ~~president and vice president, United States senator, United States~~
17 ~~representative, and governor, three hundred words))~~

18 (a) One hundred words for United States representative, state
19 representative, state senator, court of appeals judge, and superior
20 court judge;

21 (b) Two hundred words for all statewide offices.

22 (2) Arguments written by committees under RCW 29A.32.060 may not
23 exceed two hundred fifty words in length.

24 (3) Rebuttal arguments written by committees may not exceed
25 seventy-five words in length.

26 (4) The secretary of state shall allocate space in the pamphlet
27 based on the number of candidates or nominees for each office.

28 **Sec. 8.** RCW 29A.72.025 and 2004 c 266 s 4 are each amended to read
29 as follows:

30 The office of financial management, in consultation with the
31 secretary of state, the attorney general, and any other appropriate
32 state or local agency, shall prepare a fiscal impact statement for each
33 of the following state ballot measures: (1) An initiative to the
34 people that is certified to the ballot; (2) an initiative to the
35 legislature that will appear on the ballot; (3) an alternative measure
36 appearing on the ballot that the legislature proposes to an initiative

1 to the legislature; (4) a referendum bill referred to voters by the
2 legislature; and (5) a referendum measure appearing on the ballot.
3 Fiscal impact statements must be written in clear and concise language
4 ~~((and))~~, avoid legal and technical terms when possible, and be filed
5 with the secretary of state no later than the first day of August.
6 Fiscal impact statements may include easily understood graphics.

7 A fiscal impact statement must describe any projected increase or
8 decrease in revenues, costs, expenditures, or indebtedness that the
9 state or local governments will experience if the ballot measure were
10 approved by state voters. Where appropriate, a fiscal impact statement
11 may include both estimated dollar amounts and a description placing the
12 estimated dollar amounts into context. A fiscal impact statement must
13 not exceed five hundred words and must include both a summary ~~((of not~~
14 ~~to exceed one hundred words))~~, and a more detailed statement that
15 includes the assumptions that were made to develop the fiscal impacts.

16 Fiscal impact statements must be available online from the
17 secretary of state's web site and included in the state voters'
18 pamphlet. Additional information may be posted on the web site of the
19 office of financial management.

20 **Sec. 9.** RCW 29A.04.530 and 2006 c 206 s 1 are each amended to read
21 as follows:

22 The secretary of state shall:

23 (1) Establish and operate, or provide by contract, training and
24 certification programs for state and county elections administration
25 officials and personnel, including training on election laws, the
26 various types of election law violations, and discrimination ~~((, and~~
27 ~~training programs for political party observers which conform to the~~
28 ~~rules for such programs established under RCW 29A.04.630))~~;

29 (2) Administer tests for state and county officials and personnel
30 who have received such training and issue certificates to those who
31 have successfully completed the training and passed such tests; and

32 (3) Maintain a record of those individuals who have received such
33 training and certificates ~~((; and~~

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

1 **Sec. 10.** RCW 29A.04.540 and 2003 c 111 s 152 are each amended to
2 read as follows:

3 A person having responsibility for the administration or conduct of
4 elections, other than precinct election officers, shall, within
5 eighteen months of undertaking those responsibilities, receive general
6 training regarding the conduct of elections and specific training
7 regarding their responsibilities and duties as prescribed by this title
8 or by rules adopted by the secretary of state under this title.
9 Included among those persons for whom such training is mandatory are
10 the following:

11 (1) Secretary of state elections division personnel;

12 (2) County elections administrators under RCW 36.22.220; and

13 (3) ~~((County canvassing board members;~~

14 ~~(4) Persons officially designated by each major political party as
15 elections observers; and~~

16 ~~(5))~~ Any other person or group charged with election
17 administration responsibilities if the person or group is designated by
18 rule adopted by the secretary of state as requiring the training.

19 ~~((The secretary of state shall reimburse election observers in
20 accordance with RCW 43.03.050 and 43.03.060 for travel expenses
21 incurred to receive training required under subsection (4) of this
22 section.))~~

23 Neither this section nor RCW 29A.04.530 may be construed as
24 requiring an elected official to receive training or a certificate of
25 training as a condition for seeking or holding elective office or as a
26 condition for carrying out constitutional duties.

27 **Sec. 11.** RCW 29A.04.550 and 2003 c 111 s 153 are each amended to
28 read as follows:

29 (1) A decision of the secretary of state to deny certification
30 under RCW 29A.04.530 must be entered in the manner specified for orders
31 under the Administrative Procedure Act, chapter 34.05 RCW. Such a
32 decision is not effective for a period of twenty days following the
33 date of the decision, during which time the person denied certification
34 may file a petition with the secretary of state requesting the
35 secretary to reconsider the decision and to grant certification. The
36 petitioner shall include in the petition, an explanation of the reasons
37 why the initial decision is incorrect and certification should be

1 granted, and may include a request for a hearing on the matter. The
2 secretary of state shall reconsider the matter if the petition is filed
3 in a proper and timely manner. If a hearing is requested, the
4 secretary of state shall conduct the hearing within sixty days after
5 the date on which the petition is filed. The secretary of state shall
6 render a final decision on the matter within ninety days after the date
7 on which the petition is filed.

8 (2) Within twenty days after the date on which the secretary of
9 state makes a final decision denying a petition under this section, the
10 petitioner may appeal the denial to ~~((the))~~ a board ~~((created in RCW~~
11 ~~29A.04.510))~~ of county auditors organized for this purpose by the
12 Washington state association of county officials. In deciding appeals,
13 the board shall restrict its review to the record established when the
14 matter was before the secretary of state. The board shall affirm the
15 decision if it finds that the record supports the decision and that the
16 decision is not inconsistent with other decisions of the secretary of
17 state in which the same standards were applied and certification was
18 granted. Similarly, the board shall reverse the decision and recommend
19 to the secretary of state that certification be granted if the board
20 finds that such support is lacking or that such inconsistency exists.

21 (3) Judicial review of certification decisions will be as
22 prescribed under RCW 34.05.510 through 34.05.598, but is limited to the
23 review of board decisions denying certification.

24 **Sec. 12.** RCW 29A.04.570 and 2005 c 240 s 1 are each amended to
25 read as follows:

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

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

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

34 Reviews conducted under (a)(ii) of this subsection shall be
35 performed in as many selected counties as time and staffing permit.
36 Reviews conducted as a result of mandatory recounts shall be performed

1 between the time the unofficial returns are complete and the time the
2 recount is to take place, if possible.

3 (b) In addition to conducting reviews under (a) of this subsection,
4 the election review staff shall also conduct such a review in a county
5 at least once (~~(in each three year period)~~) every five years, in
6 conjunction with a county primary or special or general election, at
7 the direction of the secretary of state or at the request of the county
8 auditor. If staffing or budget levels do not permit a (~~(three)~~) five-
9 year election cycle for reviews, then reviews must be done as often as
10 possible. If any resident of this state believes that an aspect of a
11 primary or election has been conducted inappropriately in a county, the
12 resident may file a complaint with the secretary of state. The
13 secretary shall consider such complaints in scheduling periodic reviews
14 under this section.

15 (c) Before an election review is conducted in a county, the
16 secretary of state shall provide the county auditor of the affected
17 county and the chair of the state central committee of each major
18 political party with notice that the review is to be conducted. When
19 a periodic review is to be conducted in a county at the direction of
20 the secretary of state under (b) of this subsection, the secretary
21 shall provide the affected county auditor not less than thirty days'
22 notice.

23 (2) (~~(Reviews shall be conducted in conformance with rules adopted~~
24 ~~under RCW 29A.04.630.)~~) In performing a review in a county under this
25 chapter, the election review staff shall evaluate the policies and
26 procedures established for conducting the primary or election in the
27 county and the practices of those conducting it. As part of the
28 review, the election review staff shall issue to the county auditor and
29 the members of the county canvassing board a report of its findings and
30 recommendations regarding such policies, procedures, and practices. A
31 review conducted under this chapter shall not include any evaluation,
32 finding, or recommendation regarding the validity of the outcome of a
33 primary or election or the validity of any canvass of returns nor does
34 the election review staff have any jurisdiction to make such an
35 evaluation, finding, or recommendation under this title.

36 (3) The county auditor or the county canvassing board shall respond
37 to the review report in writing, listing the steps that will be taken
38 to correct any problems listed in the report. Within one year of

1 issuance of the response provided by the county auditor or county
2 canvassing board, the secretary of state shall ((visit the county
3 before the next state primary or general election to)) verify that the
4 county has taken the steps ((they listed)) to correct the problems
5 noted in the report.

6 (4) The county auditor of the county in which a review is conducted
7 under this section or a member of the canvassing board of the county
8 may appeal the findings or recommendations of the election review staff
9 regarding the review by filing an appeal with ((the)) a board ((created
10 under RCW 29A.04.510)) of county auditors organized for this purpose by
11 the Washington state association of county officials.

12 **Sec. 13.** RCW 29A.04.570 and 2005 c 240 s 1 are each amended to
13 read as follows:

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

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

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

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

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

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

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

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

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

36 **Sec. 14.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
37 each reenacted and amended to read as follows:

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

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

12 (1) The maintenance of voter registration records;

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

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

16 (4) The examination and testing of voting systems for
17 certification;

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

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

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

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

28 (9) Standards and procedures to ensure the accurate tabulation and
29 canvassing of ballots;

30 (10) Consistency among the counties of the state in the preparation
31 of ballots, the operation of vote tallying systems, and the canvassing
32 of primaries and elections;

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

36 (12) The use of substitute devices or means of voting when a voting
37 device at the polling place is found to be defective, the counting of

1 votes cast on the defective device, the counting of votes cast on the
2 substitute device, and the documentation that must be submitted to the
3 county auditor regarding such circumstances;

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

6 (14) The acceptance and filing of documents via electronic
7 facsimile;

8 (15) Voter registration applications and records;

9 (16) The use of voter registration information in the conduct of
10 elections;

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

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

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

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

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

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

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

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

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

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

35 (27) Filing for office;

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

37 (29) Sample ballots;

38 (30) Independent evaluations of voting systems;

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

1 during the early voting period to provide accessibility for the blind
2 or visually impaired;

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

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

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

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

20 (53) Facilitating the payment of local government grants to local
21 government election officers or vendors; (~~and~~)

22 (54) Standards for the verification of signatures on absentee,
23 mail, and provisional ballot envelopes;

24 (55) The training and certification of election administration
25 officials and personnel; and

26 (56) The policies and procedures for conducting election reviews
27 under RCW 29A.04.570.

28 **Sec. 15.** RCW 43.07.310 and 2003 c 111 s 2303 are each amended to
29 read as follows:

30 The secretary of state, through the division of elections, is
31 responsible for the following duties, as prescribed by Title 29A RCW:

32 (1) The filing, verification of signatures, and certification of
33 state initiative, referendum, and recall petitions;

34 (2) The production and distribution of a state voters' pamphlet;

35 (3) The examination, testing, and certification of voting
36 equipment, voting devices, and vote-tallying systems;

- 1 (4) The administration, canvassing, and certification of the
2 presidential primary, state primaries, and state general elections;
3 (5) The administration of motor voter and other voter registration
4 and voter outreach programs;
5 (6) The training, testing, and certification of state and local
6 elections personnel as established in RCW 29A.04.530;
7 (~~(7) ((The training of state and local party observers required by
8 RCW 29A.04.540;
9 (+8)))~~) The conduct of ((~~post~~election)) reviews as established in RCW
10 29A.04.570; and
11 ((+9)) (8) Other duties that may be prescribed by the legislature.

12 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
13 each repealed:

- 14 (1) RCW 29A.04.236 (Manual of election laws and rules) and 2005 c
15 244 s 1;
16 (2) RCW 29A.04.245 (Voter guide) and 2003 c 111 s 140 & 2001 c 41
17 s 4;
18 (3) RCW 29A.04.510 (Election administration and certification
19 board--Generally) and 2003 c 111 s 149 & 1992 c 163 s 3;
20 (4) RCW 29A.04.520 (Appeals) and 2003 c 111 s 150;
21 (5) RCW 29A.04.630 (Joint powers and duties with board) and 2003 c
22 111 s 163 & 1992 c 163 s 4; and
23 (6) RCW 29A.40.150 (Overseas, service voters) and 2006 c 206 s 7,
24 2005 c 245 s 1, 2003 c 111 s 1015, 1993 c 417 s 7, 1987 c 346 s 19, &
25 1983 1st ex.s. c 71 s 8.

26 NEW SECTION. **Sec. 17.** Sections 7 and 12 of this act expire June
27 30, 2011.

28 NEW SECTION. **Sec. 18.** Section 13 of this act takes effect June
29 30, 2011.

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