

SSB 5124 - S AMD 161

By Senators Carrell, Kastama, Roach, Becker

NOT ADOPTED 03/04/2011

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

3 "Sec. 1. RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read  
4 as follows:

5 As used in this title:

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

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

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

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

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

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

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

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

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

6 (a) The voter's name does not appear in the poll book or list of  
7 registered voters for the county;

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

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

13 (d) Any other reason allowed by law;

14 (6) "Party ballot" means a primary election ballot specific to a  
15 particular major political party that lists all candidates for partisan  
16 office who affiliate with that same major political party, as well as  
17 the nonpartisan races and ballot measures to be voted on at that  
18 primary;

19 (7) "Nonpartisan ballot" means a primary election ballot that lists  
20 all nonpartisan races and ballot measures to be voted on at that  
21 primary.

22 **Sec. 2.** RCW 29A.04.013 and 2003 c 111 s 103 are each amended to  
23 read as follows:

24 "Canvassing" means the process of examining ballots or groups of  
25 ballots, subtotals, and cumulative totals in order to determine the  
26 official returns of a primary or general election and includes the  
27 tabulation of any votes that were not previously tabulated at the  
28 precinct or in a counting center on the day of the primary or election.

29 **Sec. 3.** RCW 29A.04.031 and 2003 c 111 s 106 are each amended to  
30 read as follows:

31 For registered voters voting by absentee or mail ballot, "date of  
32 mailing" means the date of the postal cancellation on the envelope in  
33 which the ballot is returned to the election official by whom it was  
34 issued. For all ((~~nonregistered-absentee~~)) service and overseas  
35 voters, "date of mailing" means the date stated by the voter on the

1 ((envelope in which the ballot is returned to the election official by  
2 whom it was issued)) declaration.

3 **Sec. 4.** RCW 29A.04.037 and 2010 c 161 s 1103 are each amended to  
4 read as follows:

5 "Disabled voter" means any registered voter who qualifies for  
6 special parking privileges under RCW 46.19.010, or who is defined as  
7 blind under RCW 74.18.020, or who qualifies to require assistance with  
8 voting under ((RCW 29A.44.240)) section 25 of this act.

9 **Sec. 5.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
10 read as follows:

11 The county auditor of each county shall be ex officio the  
12 supervisor of all primaries and elections, general or special, and it  
13 shall be the county auditor's duty to provide places for holding such  
14 primaries and elections; ((to appoint the precinct election officers  
15 and to provide for their compensation;)) to provide the supplies and  
16 materials necessary for the conduct of elections ((to the precinct  
17 election officers)); and to publish and post notices of calling such  
18 primaries and elections in the manner provided by law. The notice of  
19 a primary held in an even-numbered year must indicate that the office  
20 of precinct committee officer will be on the ballot. The auditor shall  
21 also apportion to each city, town, or district, and to the state of  
22 Washington in the odd-numbered year, its share of the expense of such  
23 primaries and elections. This section does not apply to general or  
24 special elections for any city, town, or district that is not subject  
25 to RCW 29A.04.321 and 29A.04.330, but all such elections must be held  
26 and conducted at the time, in the manner, and by the officials (with  
27 such notice, requirements for filing for office, and certifications by  
28 local officers) as provided and required by the laws governing such  
29 elections.

30 **Sec. 6.** RCW 29A.04.235 and 2003 c 111 s 138 are each amended to  
31 read as follows:

32 The secretary of state shall ensure that each county auditor is  
33 provided with the most recent version of the election laws of the  
34 state, as contained in this title. Where amendments have been enacted  
35 after the last compilation of the election laws, he or she shall ensure

1 that each county auditor receives a copy of those amendments before the  
2 next primary or election. (~~The county auditor shall ensure that any~~  
3 ~~statutory information necessary for the precinct election officers to~~  
4 ~~perform their duties is supplied to them in a timely manner.~~)

5 **Sec. 7.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to read  
6 as follows:

7 The secretary of state or a county auditor shall accept and file in  
8 his or her office electronic facsimile transmissions of the following  
9 documents:

- 10 (1) Declarations of candidacy;
- 11 (2) County canvass reports;
- 12 (3) Voters' pamphlet statements;
- 13 (4) Arguments for and against ballot measures that will appear in  
14 a voters' pamphlet;
- 15 (5) Requests for recounts;
- 16 (6) Certification of candidates and measures by the secretary of  
17 state;
- 18 (7) Direction by the secretary of state for the conduct of a  
19 mandatory recount;
- 20 (8) Requests for absentee ballots;
- 21 (9) Any other election related document authorized by rule adopted  
22 by the secretary of state under RCW (~~29A.04.610~~) 29A.04.611.

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

27 If the original copy of a document must be signed and a copy of the  
28 document is filed by facsimile transmission under this section, the  
29 original copy must be subsequently filed with the official with whom  
30 the facsimile was filed. The original copy must be filed by a deadline  
31 established by the secretary by rule. The secretary may by rule  
32 require that the original of any document, a copy of which is filed by  
33 facsimile transmission under this section, also be filed by a deadline  
34 established by the secretary by rule.

35 **Sec. 8.** RCW 29A.04.470 and 2004 c 267 s 203 are each amended to  
36 read as follows:

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

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

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

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

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

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

25 (d) Development and production of poll worker recruitment and  
26 training materials;

27 (e) Voter education programs;

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

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

31 (h) Training for local election officials.

32 **Sec. 9.** RCW 29A.04.540 and 2009 c 415 s 9 are each amended to read  
33 as follows:

34 A person having responsibility for the administration or conduct of  
35 elections(~~(, other than precinct election officers,)~~) shall, within  
36 eighteen months of undertaking those responsibilities, receive general  
37 training regarding the conduct of elections and specific training

1 regarding their responsibilities and duties as prescribed by this title  
2 or by rules adopted by the secretary of state under this title.  
3 Included among those persons for whom such training is mandatory are  
4 the following:

- 5 (1) Secretary of state elections division personnel;
- 6 (2) County elections administrators under RCW 36.22.220; and
- 7 (3) Any other person or group charged with election administration  
8 responsibilities if the person or group is designated by rule adopted  
9 by the secretary of state as requiring the training.

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

14 **Sec. 10.** RCW 29A.04.580 and 2003 c 111 s 156 are each amended to  
15 read as follows:

16 The county auditor may designate any person who has been certified  
17 under this chapter, other than the auditor, to participate in a review  
18 conducted in the county under this chapter. Each county auditor and  
19 canvassing board shall cooperate fully during an election review by  
20 making available to the reviewing staff any material requested by the  
21 staff. The reviewing staff shall have full access to (~~ballot pages,~~  
22 ~~absentee voting materials, any other election material normally kept in~~  
23 ~~a secure environment after the election, and other requested~~) the  
24 county's election material. If ballots are reviewed by the staff, they  
25 shall be reviewed in the presence of the canvassing board or its  
26 designees. Ballots shall not leave the custody of the canvassing  
27 board. During the review and after its completion, the review staff  
28 may make appropriate recommendations to the county auditor or  
29 canvassing board, or both, to bring the county into compliance with the  
30 training required under this chapter, and the laws or rules of the  
31 state of Washington, to safeguard election material or to preserve the  
32 integrity of the elections process.

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

35 The secretary of state as chief election officer shall make  
36 reasonable rules in accordance with chapter 34.05 RCW not inconsistent

1 with the federal and state election laws to effectuate any provision of  
2 this title and to facilitate the execution of its provisions in an  
3 orderly, timely, and uniform manner relating to any federal, state,  
4 county, city, town, and district elections. To that end the secretary  
5 shall assist local election officers by devising uniform forms and  
6 procedures.

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

- 10 (1) The maintenance of voter registration records;
- 11 (2) The preparation, maintenance, distribution, review, and filing  
12 of precinct maps;
- 13 (3) Standards for the design, layout, and production of ballots;
- 14 (4) The examination and testing of voting systems for  
15 certification;
- 16 (5) The source and scope of independent evaluations of voting  
17 systems that may be relied upon in certifying voting systems for use in  
18 this state;
- 19 (6) Standards and procedures for the acceptance testing of voting  
20 systems by counties;
- 21 (7) Standards and procedures for testing the programming of vote  
22 tallying software for specific primaries and elections;
- 23 (8) Standards and procedures for the preparation and use of each  
24 type of certified voting system including procedures for the operation  
25 of counting centers where vote tallying systems are used;
- 26 (9) Standards and procedures to ensure the accurate tabulation and  
27 canvassing of ballots;
- 28 (10) Consistency among the counties of the state in the preparation  
29 of ballots, the operation of vote tallying systems, and the canvassing  
30 of primaries and elections;
- 31 (11) Procedures to ensure the secrecy of a voter's ballot when a  
32 small number of ballots are counted at the polls or at a counting  
33 center;
- 34 (12) The use of substitute devices or means of voting when a voting  
35 device at the polling place is found to be defective, the counting of  
36 votes cast on the defective device, the counting of votes cast on the  
37 substitute device, and the documentation that must be submitted to the  
38 county auditor regarding such circumstances;

- 1 (13) Procedures for the transportation of sealed containers of  
2 voted ballots or sealed voting devices;
- 3 (14) The acceptance and filing of documents via electronic  
4 (~~facsimile~~) transmission;
- 5 (15) Voter registration applications and records;
- 6 (16) The use of voter registration information in the conduct of  
7 elections;
- 8 (17) The coordination, delivery, and processing of voter  
9 registration records accepted by driver licensing agents or the  
10 department of licensing;
- 11 (18) The coordination, delivery, and processing of voter  
12 registration records accepted by agencies designated by the governor to  
13 provide voter registration services;
- 14 (19) Procedures to receive and distribute voter registration  
15 applications by mail;
- 16 (20) Procedures for a voter to change his or her voter registration  
17 address within a county by telephone;
- 18 (21) Procedures for a voter to change the name under which he or  
19 she is registered to vote;
- 20 (22) Procedures for canceling dual voter registration records and  
21 for maintaining records of persons whose voter registrations have been  
22 canceled;
- 23 (23) Procedures for the electronic transfer of voter registration  
24 records between county auditors and the office of the secretary of  
25 state;
- 26 (24) Procedures and forms for declarations of candidacy;
- 27 (25) Procedures and requirements for the acceptance and filing of  
28 declarations of candidacy by electronic means;
- 29 (26) Procedures for the circumstance in which two or more  
30 candidates have a name similar in sound or spelling so as to cause  
31 confusion for the voter;
- 32 (27) Filing for office;
- 33 (28) The order of positions and offices on a ballot;
- 34 (29) Sample ballots;
- 35 (30) Independent evaluations of voting systems;
- 36 (31) The testing, approval, and certification of voting systems;
- 37 (32) The testing of vote tallying software programming;



- 1 (33) Standards and procedures to prevent fraud and to facilitate  
2 the accurate processing and canvassing of absentee ballots and mail  
3 ballots, including standards for the approval and implementation of  
4 hardware and software for automated signature verification systems;
- 5 (34) Standards and procedures to guarantee the secrecy of absentee  
6 ballots and mail ballots;
- 7 (35) Uniformity among the counties of the state in the conduct of  
8 absentee voting and mail ballot elections;
- 9 (36) Standards and procedures to accommodate overseas voters and  
10 service voters;
- 11 (37) The tabulation of paper ballots (~~before the close of the~~  
12 ~~polls~~);
- 13 (38) The accessibility of polling places and registration  
14 facilities that are accessible to elderly and disabled persons and  
15 voting centers;
- 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 accessability for the blind  
2 or visually impaired)) on accessible voting devices;

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)) declarations.

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

26 Election officials shall not include inactive voters in the count  
27 of registered voters for the purpose of dividing precincts, creating  
28 vote-by-mail precincts, determining voter turnout, or other purposes in  
29 law for which the determining factor is the number of registered  
30 voters. ((Election officials shall not include persons who are ongoing  
31 absentee voters under RCW 29A.40.040 in determining the maximum  
32 permissible size of vote by mail precincts or in determining the  
33 maximum permissible size of precincts. Nothing in this section may be  
34 construed as altering the vote tallying requirements of RCW  
35 29A.60.230.))

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

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

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

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

12           (2) A person who is already registered to vote in Washington may  
13 update his or her registration no later than twenty-nine days before  
14 the day of the primary, special election, or general election to be in  
15 effect for that primary, special election, or general election. A  
16 registered voter who fails to transfer his or her residential address  
17 by this deadline may vote according to his or her previous registration  
18 address.

19           ~~((3) Prior to each primary and general election, the county  
20 auditor shall give notice of the registration deadlines by one  
21 publication in a newspaper of general circulation in the county at  
22 least thirty five days before the primary or general election.))~~

23           **Sec. 14.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to  
24 read as follows:

25           (1) Challenges initiated by a registered voter against a voter who  
26 registered to vote less than sixty days before the election, or who  
27 changed residence less than sixty days before the election without  
28 transferring his or her registration, must be filed not later than ten  
29 days before any primary or election, general or special, or within ten  
30 days of the voter being added to the voter registration database,  
31 whichever is later, at the office of the appropriate county auditor.  
32 Challenges initiated by a registered voter ~~((against any other voter))~~  
33 or county prosecuting attorney must be filed not later than forty-five  
34 days before the election. ~~((Challenges initiated by the office of the  
35 county prosecuting attorney must be filed in the same manner as  
36 challenges initiated by a registered voter.))~~

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

6 (b) If the challenge is filed before the challenged voter's ballot  
7 is received, the ballot must be treated as a challenged ballot. A  
8 challenged ballot received at a polling place must be placed in a  
9 sealed envelope separate from other voted ballots.

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

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

15 **Sec. 15.** RCW 29A.12.085 and 2005 c 242 s 1 are each amended to  
16 read as follows:

17 Beginning on January 1, 2006, all direct recording electronic  
18 voting devices must produce a paper record of each vote that may be  
19 accepted or rejected by the voter before finalizing his or her vote.  
20 This record may not be removed from the polling place or voting center,  
21 and must be human readable without an interface and machine readable  
22 for counting purposes. If the device is programmed to display the  
23 ballot in multiple languages, the paper record produced must be printed  
24 in the language used by the voter. Rejected records must either be  
25 destroyed or marked in order to clearly identify the record as  
26 rejected. Paper records produced by direct recording electronic voting  
27 devices are subject to all the requirements of chapter 29A.60 RCW for  
28 ballot handling, preservation, reconciliation, transit, and storage.  
29 The paper records must be preserved in the same manner and for the same  
30 period of time as ballots.

31 **Sec. 16.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to  
32 read as follows:

33 In preparing a voting device for a primary or election, a record  
34 shall be made of the ballot format programming installed in each device  
35 and the precinct or portion of a precinct for which that device has  
36 been prepared. Except where provided by a rule adopted under RCW

1 ((29A.04.610)) 29A.04.611, after being prepared for a primary or  
2 election, each device shall be sealed with a uniquely numbered seal and  
3 provided to the inspector of the appropriate polling place. The  
4 programmed memory pack for each voting device must be sealed into the  
5 device during final preparation and logic and accuracy testing. Except  
6 in the case of a device breakdown or error in programming, the memory  
7 pack must remain sealed in the device until after 8:00 p.m. on the day  
8 of the primary, special election, or general election.

9 **Sec. 17.** RCW 29A.12.120 and 2003 c 111 s 312 are each amended to  
10 read as follows:

11 (1) Before each state primary or general election at which voting  
12 systems are to be used, the county auditor shall instruct all  
13 (~~precinct election officers appointed under RCW 29A.44.410,~~) counting  
14 center personnel(~~( )~~) and political party observers designated under  
15 RCW 29A.60.170 who will operate a voting system in the proper conduct  
16 of their voting system duties.

17 (2) The county auditor may waive instructional requirements for  
18 (~~precinct election officers,~~) counting center personnel(~~( )~~) and  
19 political party observers who have previously received instruction and  
20 who have served for a sufficient length of time to be fully qualified  
21 to perform their duties. The county auditor shall keep a record of  
22 each person who has received instruction and is qualified to serve at  
23 the subsequent primary or election.

24 (3) (~~As compensation for the time spent in receiving instruction,~~  
25 ~~each precinct election officer who qualifies and serves at the~~  
26 ~~subsequent primary or election shall receive an additional two hours~~  
27 ~~compensation, to be paid at the same time and in the same manner as~~  
28 ~~compensation is paid for services on the day of the primary or~~  
29 ~~election.~~

30 (4) ~~Except for the appointment of a precinct election officer to~~  
31 ~~fill a vacancy under RCW 29A.44.440, no inspector or judge may serve at~~  
32 ~~any primary or election at which voting systems are used unless he or~~  
33 ~~she has received the required instruction and is qualified to perform~~  
34 ~~his or her duties in connection with the voting devices.)~~ No person  
35 may work in a counting center at a primary or election at which a vote  
36 tallying system is used unless that person has received the required  
37 instruction and is qualified to perform his or her duties in connection

1 with the handling and tallying of ballots for that primary or election.  
2 No person may serve as a political party observer unless that person  
3 has received the required instruction and is familiar with the  
4 operation of the counting center and the vote tallying system and the  
5 procedures to be employed to verify the accuracy of the programming for  
6 that vote tallying system.

7 **Sec. 18.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to  
8 read as follows:

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

12 ~~((Compliance with this provision in regard to voting technology  
13 and systems purchased prior to July 27, 2003, shall be achieved at the  
14 time of procurement of an upgrade of technology compatible with  
15 nonvisual voting methods or replacement of existing voting equipment or  
16 systems.~~

17 ~~(3) Compliance with subsection (2) of this section is contingent on  
18 available funds to implement this provision.~~

19 ~~(4))~~ For purposes of this section, the following definitions  
20 apply:

21 (a) "Accessible" includes receiving, using, selecting, and  
22 manipulating voter data and controls.

23 (b) "Nonvisual" includes synthesized speech, Braille, and other  
24 output methods.

25 (c) "Blind and visually impaired" excludes persons who are both  
26 deaf and blind.

27 ~~((5))~~ (3) This section does not apply to voting by absentee  
28 ballot.

29 **Sec. 19.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to  
30 read as follows:

31 The county legislative authority of each county in the state  
32 ~~((hereafter formed)) shall((, at their first session,)) divide ((their  
33 respective counties)) the county into election precincts and establish  
34 the boundaries of the precincts. The county auditor shall thereupon  
35 designate the voting place for each such precinct or whether the  
36 precinct is a vote by mail precinct.~~

1 (1) Precinct boundaries may be altered at any time as long as  
2 sufficient time exists prior to a given election for the necessary  
3 procedural steps to be honored. Except as permitted under subsection  
4 (5) of this section, no precinct (~~boundaries~~) changes may be  
5 (~~changed~~) made during the period starting (~~on the thirtieth~~)  
6 fourteen days prior to the first day for candidates to file for the  
7 primary election and ending with the day of the general election.

8 (2) The county legislative authority may establish by ordinance a  
9 limitation on the maximum number of active registered voters in each  
10 precinct within its jurisdiction. The limitation may be different for  
11 precincts based upon the method of voting used for such precincts and  
12 the number may be less than the number established by law, but in no  
13 case may the number exceed (~~that authorized by law~~) two thousand  
14 active registered voters.

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

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

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

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

1       **Sec. 20.** RCW 29A.32.260 and 2003 c 111 s 818 are each amended to  
2 read as follows:

3       As soon as practicable before the primary, special election, or  
4 general election, the county auditor, or if applicable, the city clerk  
5 of a first-class or code city, as appropriate, shall mail the local  
6 voters' pamphlet to every residence in each jurisdiction that has  
7 included information in the pamphlet. The county auditor or city  
8 clerk, as appropriate, may choose to mail the pamphlet to each  
9 registered voter in each jurisdiction that has included information in  
10 the pamphlet, if in his or her judgment, a more economical and  
11 effective distribution of the pamphlet would result. ~~((If the county  
12 or city chooses to mail the pamphlet to each residence, no notice of  
13 election otherwise required by RCW 29A.52.350 need be published.))~~

14       **Sec. 21.** RCW 29A.36.220 and 2003 c 111 s 922 are each amended to  
15 read as follows:

16       The cost of printing and mailing ballots, ~~((ballot cards))~~  
17 envelopes, and instructions ~~((and the delivery of this material to the  
18 precinct election officers))~~ shall be an election cost that shall be  
19 borne as determined under RCW 29A.04.410 and 29A.04.420, as  
20 appropriate.

21       **Sec. 22.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to  
22 read as follows:

23       (1) The county auditor shall send each voter a ballot, a security  
24 envelope in which to seal the ballot after voting, a larger envelope in  
25 which to return the security envelope, a declaration that the voter  
26 must sign, and instructions on how to obtain information about the  
27 election, how to mark the ballot, and how to return ~~((it))~~ the ballot  
28 to the county auditor.

29       (2) ~~((instructions that accompany a ballot for a partisan  
30 primary must include instructions for voting the applicable ballot  
31 style, as provided in chapter 29A.36 RCW. The voter's name and address  
32 must be printed on the larger return envelope, which must also contain  
33 a declaration by the voter reciting his or her qualifications and  
34 stating that he or she))~~ voter must swear under penalty of perjury that  
35 he or she meets the qualifications to vote, and has not voted in any  
36 other jurisdiction at this election~~((, together with a summary of the~~



1 ~~penalties for any violation of any of the provisions of this chapter)).~~  
2 The declaration must clearly inform the voter that it is illegal to  
3 vote if he or she is not a United States citizen; it is illegal to vote  
4 if he or she has been convicted of a felony and has not had his or her  
5 voting rights restored; and(~~, except as otherwise provided by law,~~)  
6 it is illegal to cast a ballot or sign a return envelope on behalf of  
7 another voter. The ~~((return envelope))~~ ballot materials must provide  
8 space for the voter to indicate the date on which the ballot was voted  
9 ~~((and for the voter)),~~ to sign the ~~((oath. It must also contain a~~  
10 ~~space so that the voter may include))~~ declaration, and to provide a  
11 telephone number. ~~((A summary of the applicable penalty provisions of~~  
12 ~~this chapter must be printed on the return envelope immediately~~  
13 ~~adjacent to the space for the voter's signature. The signature of the~~  
14 ~~voter on the return envelope must affirm and attest to the statements~~  
15 ~~regarding the qualifications of that voter and to the validity of the~~  
16 ~~ballot. The return envelope may provide secrecy for the voter's~~  
17 ~~signature and optional telephone number.))~~

18 (3) For overseas and service voters, the signed declaration on the  
19 return envelope constitutes the equivalent of a voter registration for  
20 the election or primary for which the ballot has been issued. Return  
21 envelopes for overseas and service voters must enable the ballot to be  
22 returned postage free if mailed through the United States postal  
23 service, United States armed forces postal service, or the postal  
24 service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

25 (4) The voter must be instructed to either return the ballot to the  
26 county auditor ~~((by whom it was issued or attach sufficient first-class~~  
27 ~~postage, if applicable, and))~~ no later than 8:00 p.m. the day of the  
28 election or primary, or mail the ballot to the ~~((appropriate))~~ county  
29 auditor with a postmark no later than the day of the election or  
30 primary ~~((for which the ballot was issued))~~.

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

1           **Sec. 23.** RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to  
2 read as follows:

3           County auditors must request that observers be appointed by the  
4 major political parties to be present during the processing of absentee  
5 ballots at the counting or polling center. County auditors have  
6 discretion to also request that observers be appointed by any campaigns  
7 or organizations. The absence of the observers will not prevent the  
8 processing of absentee ballots if the county auditor has requested  
9 their presence.

10           **Sec. 24.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to  
11 read as follows:

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

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

25           (3) ~~((Before opening a returned absentee ballot,))~~ The canvassing  
26 board, or its designated representatives, shall examine the postmark~~((~~  
27 ~~statement,))~~ on the return envelope and signature on the ~~((return~~  
28 ~~envelope that contains the security envelope and absentee ballot))~~  
29 declaration before processing the ballot. The ballot must either be  
30 received no later than 8:00 p.m. on the day of the primary or election,  
31 or must be postmarked no later than the day of the primary or election.  
32 All personnel assigned to verify signatures must receive training on  
33 statewide standards for signature verification. Personnel shall verify  
34 that the voter's signature on the ~~((return envelope))~~ ballot  
35 declaration is the same as the signature of that voter in the  
36 registration files of the county. Verification may be conducted by an  
37 automated verification system approved by the secretary of state. For

1 any absentee ballot, a variation between the signature of the voter on  
2 the (~~return envelope~~) ballot declaration and the signature of that  
3 voter in the registration files due to the substitution of initials or  
4 the use of common nicknames is permitted so long as the surname and  
5 handwriting are clearly the same.

6 (4) (~~For registered voters casting absentee ballots~~) If the  
7 postmark is missing or illegible, the date on the (~~return envelope~~)  
8 ballot declaration to which the voter has attested determines the  
9 validity, as to the time of voting, for that (~~absentee~~) ballot (~~if~~  
10 ~~the postmark is missing or is illegible~~). For overseas voters and  
11 service voters, the date on the (~~return envelope~~) declaration to  
12 which the voter has attested determines the validity, as to the time of  
13 voting, for that absentee ballot.

14 NEW SECTION. Sec. 25. A new section is added to chapter 29A.44  
15 RCW to read as follows:

16 (1) Each county auditor in a county that does not provide polling  
17 places for voters shall open a voting center each primary, special  
18 election, and general election. The voting center shall be open during  
19 business hours during the voting period, which begins eighteen days  
20 before, and ends at 8:00 p.m. on the day of, the primary, special  
21 election, or general election.

22 (2) The voting center must provide voter registration materials,  
23 ballots, provisional ballots, disability access voting units, sample  
24 ballots, instructions on how to properly vote the ballot, a ballot drop  
25 box, and voters' pamphlets, if a voters' pamphlet has been published.

26 (3) The voting center must be accessible to persons with  
27 disabilities. Each state agency and entity of local government shall  
28 permit the use of any of its accessible facilities as voting centers  
29 when requested by a county auditor.

30 (4) The voting center must provide at least one voting unit  
31 certified by the secretary of state that provides access to individuals  
32 who are blind or visually impaired, enabling them to vote with privacy  
33 and independence.

34 (5) No person may interfere with a voter attempting to vote in a  
35 voting center. Interfering with a voter attempting to vote is a  
36 violation of RCW 29A.84.510.

1 (6) Before opening the voting center, the voting equipment shall be  
2 inspected to determine if it has been properly prepared for voting. If  
3 the voting equipment is capable of direct tabulation of each voter's  
4 choices, the county auditor shall verify that no votes have been  
5 registered for any issue or office, and that the device has been sealed  
6 with a unique numbered seal at the time of final preparation and logic  
7 and accuracy testing. A log must be made of all device numbers and  
8 seal numbers.

9 (7) The county auditor shall require any person desiring to vote at  
10 a voting center to either sign a ballot declaration or provide  
11 identification.

12 (a) The signature on the declaration must be compared to the  
13 signature on the voter registration record before the ballot may be  
14 counted. If the voter registered using a mark, or can no longer sign  
15 his or her name, the election officers shall require the voter to be  
16 identified by another registered voter.

17 (b) The identification must be valid photo identification, such as  
18 a driver's license, state identification card, student identification  
19 card, tribal identification card, or employer identification card. Any  
20 individual who desires to vote in person but cannot provide  
21 identification shall be issued a provisional ballot, which shall be  
22 accepted if the signature on the declaration matches the signature on  
23 the voter's registration record.

24 (8) Provisional ballots must be accompanied by a declaration and  
25 security envelope, as required by RCW 29A.40.091, and space for the  
26 voter's name, date of birth, current and former registered address,  
27 reason for the provisional ballot, and disposition of the provisional  
28 ballot. The voter shall vote and return the provisional ballot at the  
29 voting center. The voter must be provided information on how to  
30 ascertain whether the provisional ballot was counted and, if  
31 applicable, the reason why the vote was not counted.

32 (9) Any voter may take printed or written material into the voting  
33 device to assist in casting his or her vote. The voter shall not use  
34 this material to electioneer and shall remove it when he or she leaves  
35 the voting center.

36 (10) If any voter states that he or she is unable to cast his or  
37 her votes due to a disability, the voter may designate a person of his

1 or her choice, or two election officers, to enter the voting booth and  
2 record the votes as he or she directs.

3 (11) No voter is entitled to vote more than once at a primary,  
4 special election, or general election. If a voter incorrectly marks a  
5 ballot, he or she may be issued a replacement ballot.

6 (12) A voter who has already returned a ballot but requests to vote  
7 at a voting center shall be issued a provisional ballot. The  
8 canvassing board shall not count the provisional ballot if it finds  
9 that the voter has also voted a regular ballot in that primary, special  
10 election, or general election.

11 (13) The county auditor must prevent overflow of each ballot drop  
12 box to allow a voter to deposit his or her ballot securely. Ballots  
13 must be removed from a ballot drop box by at least two people, with a  
14 record kept of the date and time ballots were removed, and the names of  
15 people removing them. Ballots from drop boxes must be returned to the  
16 counting center in secured transport containers. A copy of the record  
17 must be placed in the container, and one copy must be transported with  
18 the ballots to the counting center, where the seal number must be  
19 verified by the county auditor or a designated representative. All  
20 ballot drop boxes must be secured at 8:00 p.m. on the day of the  
21 primary, special election, or general election.

22 (14) Any voter who is inside or in line at the voting center at  
23 8:00 p.m. on the day of the primary, special election, or general  
24 election must be allowed to vote.

25 (15) For each primary, special election, and general election, the  
26 county auditor may provide election services at locations in addition  
27 to the voting center. The county auditor has discretion to establish  
28 which services will be provided at the additional locations, and which  
29 days and hours the locations will be open.

30 **Sec. 26.** RCW 29A.46.260 and 2010 c 215 s 5 are each amended to  
31 read as follows:

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

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

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

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

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

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

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

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

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

30 (3) Counties may form a joint advisory committee to develop the  
31 plan identified in subsection (2) of this section if no more than one  
32 of the participating counties has a population greater than seventy  
33 thousand.

34 NEW SECTION. **Sec. 27.** A new section is added to chapter 29A.52  
35 RCW to read as follows:

36 Notice for any state, county, district, or municipal primary or  
37 election, whether special or general, must be given by the county

1 auditor between five and fifteen days prior to the deadline for mail-in  
2 registrations. The notice must be published in one or more newspapers  
3 of general circulation and must contain, at a minimum, the last date to  
4 register online or through the mail, the last date to transfer or  
5 update an existing registration, the last date to register in person  
6 for first-time voters, information on where a person can register, the  
7 type of election, the date of the election, how a voter can obtain a  
8 ballot, a list of all jurisdictions involved in the election, including  
9 positions and short titles for ballot measures appearing on the ballot,  
10 and the times and dates of any public meetings associated with the  
11 election. The notice shall also include where additional information  
12 regarding the election may be obtained. This is the only notice  
13 required for a state, county, district, or municipal primary or special  
14 or general election. If the county or city chooses to mail a local  
15 voters' pamphlet as described in RCW 29A.32.210 to each residence, the  
16 notice required in this section need only include the last date to  
17 register online or through the mail, the last date to transfer or  
18 update an existing registration, the last date to register in person  
19 for first-time voters, information on where a person can register, and  
20 the times and dates of any public meetings associated with the  
21 election.

22 **Sec. 28.** RCW 29A.60.040 and 2009 c 414 s 2 are each amended to  
23 read as follows:

24 A ballot is invalid and no votes on that ballot may be counted if  
25 it is found folded together with another ballot.

26 Those parts of a ballot are invalid and no votes may be counted for  
27 those issues or offices where more votes are cast for the office or  
28 issue than are permitted by law; write-in votes do not contain all of  
29 the information required under RCW 29A.60.021; or that issue or office  
30 is not marked with sufficient definiteness to determine the voter's  
31 choice or intention. No write-in vote may be rejected due to a  
32 variation in the form of the name if the (~~election board or the~~)  
33 canvassing board can determine the issue for or against which or the  
34 person and the office for which the voter intended to vote.

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

1 Whenever the (~~precinct election officers or the~~) counting center  
2 personnel have a question about the validity of a ballot or the votes  
3 for an office or issue that they are unable to resolve, they shall  
4 prepare and sign a concise record of the facts in question or dispute.  
5 These ballots shall be delivered to the canvassing board for  
6 processing. A ballot is not considered rejected until the canvassing  
7 board has rejected the ballot individually, or the ballot was included  
8 in a batch or on a report of ballots that was rejected in its entirety  
9 by the canvassing board. All ballots shall be preserved in the same  
10 manner as valid ballots for that primary or election.

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

13 (1) If the voter neglects to sign the (~~outside envelope of an~~  
14 ~~absentee or provisional~~) ballot declaration, the auditor shall notify  
15 the voter by first-class mail and advise the voter of the correct  
16 procedures for completing the unsigned (~~affidavit~~) declaration. If  
17 the absentee ballot is received within three business days of the final  
18 meeting of the canvassing board, or the voter has been notified by  
19 first-class mail and has not responded at least three business days  
20 before the final meeting of the canvassing board, then the auditor  
21 shall attempt to notify the voter by telephone, using the voter  
22 registration record information. (~~In order for the ballot to be~~  
23 ~~counted, the voter must either:~~

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

26 ~~(b) Sign a copy of the envelope provided by the auditor, and return~~  
27 ~~it to the auditor no later than the day before the certification of the~~  
28 ~~primary or election.)~~

29 (2)(a) If the handwriting of the signature on an absentee or  
30 provisional ballot envelope or a ballot declaration is not the same as  
31 the handwriting of the signature on the registration file, the auditor  
32 shall notify the voter by first-class mail, enclosing a copy of the  
33 (~~envelope affidavit~~) declaration, and advise the voter of the correct  
34 procedures for updating his or her signature on the voter registration  
35 file. If the absentee or provisional ballot is received within three  
36 business days of the final meeting of the canvassing board, or the  
37 voter has been notified by first-class mail and has not responded at



1 least three business days before the final meeting of the canvassing  
2 board, then the auditor shall attempt to notify the voter by telephone,  
3 using the voter registration record information. ((In order for the  
4 ballot to be counted, the voter must either:

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

7 (ii) ~~Sign a copy of the affidavit provided by the auditor and~~  
8 ~~return it to the auditor no later than the day before the certification~~  
9 ~~of the primary or election. The voter may enclose with the affidavit~~  
10 ~~a photocopy of a valid government or tribal issued identification~~  
11 ~~document that includes the voter's current signature. If the signature~~  
12 ~~on the copy of the affidavit does not match the signature on file or~~  
13 ~~the signature on the copy of the identification document, the voter~~  
14 ~~must appear in person and sign a new registration form no later than~~  
15 ~~the day before the certification of the primary or election in order~~  
16 ~~for the ballot to be counted.))~~

17 (b) If the signature on an absentee or provisional ballot envelope  
18 or a ballot declaration is not the same as the signature on the  
19 registration file because the name is different, the ballot may be  
20 counted as long as the handwriting is clearly the same. The auditor  
21 shall send the voter a change-of-name form under RCW 29A.08.440 and  
22 direct the voter to complete the form.

23 (c) If the signature on an absentee or provisional ballot envelope  
24 or a ballot declaration is not the same as the signature on the  
25 registration file because the voter used initials or a common nickname,  
26 the ballot may be counted as long as the surname and handwriting are  
27 clearly the same.

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

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

1       **Sec. 31.** RCW 29A.68.070 and 2003 c 111 s 1707 are each amended to  
2 read as follows:

3       No irregularity or improper conduct in the proceedings of any  
4 (~~(election)~~) county canvassing board or any member of the board amounts  
5 to such malconduct as to annul or set aside any election unless the  
6 irregularity or improper conduct was such as to procure the person  
7 whose right to the office may be contested, to be declared duly elected  
8 although the person did not receive the highest number of legal votes.

9       **Sec. 32.** RCW 29A.68.080 and 2003 c 111 s 1708 are each amended to  
10 read as follows:

11       When any election for an office exercised in and for a county is  
12 contested on account of any malconduct on the part of (~~(any election)~~)  
13 a county canvassing board, or any member thereof, the election shall  
14 not be annulled and set aside upon any proof thereof, unless the  
15 rejection of the vote of such precinct or precincts will change the  
16 result as to such office in the remaining vote of the county.

17       **Sec. 33.** RCW 29A.84.020 and 2003 c 111 s 2102 are each amended to  
18 read as follows:

19       Every officer who willfully violates RCW 29A.56.110 through  
20 29A.56.270, for the violation of which no penalty is prescribed in this  
21 title or who willfully fails to comply with the provisions of (~~(this~~  
22 ~~chapter)~~) RCW 29A.56.110 through 29A.56.270 is guilty of a gross  
23 misdemeanor.

24       **Sec. 34.** RCW 29A.84.050 and 2005 c 243 s 23 are each amended to  
25 read as follows:

26       (1) A person who knowingly destroys, alters, defaces, conceals, or  
27 discards a completed voter registration form or signed absentee or  
28 provisional ballot signature affidavit or ballot declaration is guilty  
29 of a gross misdemeanor. This section does not apply to (~~(+1)~~) (a) the  
30 voter who completed the (~~(voter registration)~~) form or declaration, or  
31 (~~(+2)~~) (b) a county auditor (~~(or registration assistant)~~) who acts as  
32 authorized by (~~(voter registration)~~) law.

33       (2) Any person who intentionally fails to return another person's  
34 completed voter registration form or signed ballot declaration to the

1 proper state or county elections office by the applicable deadline is  
2 guilty of a gross misdemeanor.

3 **Sec. 35.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to  
4 read as follows:

5 (1) (~~On the day of any primary or general or special election~~)  
6 During the voting period that begins eighteen days before and ends the  
7 day of a special election, general election, or primary, no person may,  
8 within a polling place or voting center, or in any public area within  
9 three hundred feet of any entrance to such polling place or voting  
10 center:

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

13 (b) Circulate cards or handbills of any kind;

14 (c) Solicit signatures to any kind of petition; or

15 (d) Engage in any practice which interferes with the freedom of  
16 voters to exercise their franchise or disrupts the administration of  
17 the polling place or voting center.

18 (2) No person may obstruct the doors or entries to a building in  
19 which a polling place, voting center, or ballot drop location is  
20 located or prevent free access to and from any polling place, voting  
21 center, or ballot drop location. Any sheriff, deputy sheriff, or  
22 municipal law enforcement officer shall prevent such obstruction, and  
23 may arrest any person creating such obstruction.

24 (3) No person may:

25 (a) Except as provided in RCW 29A.44.050, remove any ballot from  
26 the polling place before the closing of the polls; or

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

28 (4) No person other than an inspector or judge of election may  
29 receive from any voter a voted ballot or deliver a blank ballot to such  
30 elector.

31 (5) Any violation of this section is a gross misdemeanor,  
32 punishable to the same extent as a gross misdemeanor that is punishable  
33 under RCW 9A.20.021, and the person convicted may be ordered to pay the  
34 costs of prosecution.

35 **Sec. 36.** RCW 29A.84.520 and 2003 c 111 s 2122 are each amended to  
36 read as follows:

1 Any election officer who does any electioneering (~~on primary or~~  
2 ~~election day~~) during the voting period that begins eighteen days  
3 before and ends the day of a special election, general election, or  
4 primary, is guilty of a misdemeanor, and upon conviction must be fined  
5 in any sum not exceeding one hundred dollars and pay the costs of  
6 prosecution.

7 **Sec. 37.** RCW 29A.84.530 and 2003 c 111 s 2123 are each amended to  
8 read as follows:

9 Deliberately impeding other voters from casting their votes by  
10 refusing to leave a voting booth or voting device is a misdemeanor and  
11 is subject to the penalties provided in chapter 9A.20 RCW. (~~The~~  
12 ~~precinct~~) Election officers may provide assistance in the manner  
13 provided by (~~RCW 29A.44.240~~) section 25 of this act to any voter who  
14 requests it.

15 **Sec. 38.** RCW 29A.84.540 and 2003 c 111 s 2124 are each amended to  
16 read as follows:

17 Any person who, without lawful authority, removes a ballot from a  
18 polling place, voting center, or ballot drop location is guilty of a  
19 gross misdemeanor punishable to the same extent as a gross misdemeanor  
20 that is punishable under RCW 9A.20.021.

21 **Sec. 39.** RCW 29A.84.545 and 2005 c 242 s 6 are each amended to  
22 read as follows:

23 Anyone who, without authorization, removes from a polling place or  
24 voting center a paper record produced by (~~an~~) a direct recording  
25 electronic voting device is guilty of a class C felony punishable under  
26 RCW 9A.20.021.

27 **Sec. 40.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to  
28 read as follows:

29 Any person who willfully defaces, removes, or destroys any of the  
30 supplies or materials that the person knows are intended both for use  
31 in a polling place or voting center and for enabling a voter to prepare  
32 his or her ballot is guilty of a class C felony punishable under RCW  
33 9A.20.021.



1 (1) There is hereby created and established in each county with a  
2 population of two hundred ten thousand or more a board to be known and  
3 designated as a "boundary review board".

4 (2) A boundary review board may be created and established in any  
5 other county in the following manner:

6 (a) The county legislative authority may, by majority vote, adopt  
7 a resolution establishing a boundary review board; or

8 (b) A petition seeking establishment of a boundary review board  
9 signed by qualified electors residing in the county equal in number to  
10 at least five percent of the votes cast in the county at the last  
11 county general election may be filed with the county auditor.

12 Upon the filing of such a petition, the county auditor shall  
13 examine the same and certify to the sufficiency of the signatures  
14 thereon. No person may withdraw his or her name from a petition after  
15 it has been filed with the auditor. Within thirty days after the  
16 filing of such petition, the county auditor shall transmit the same to  
17 the county legislative authority, together with his or her certificate  
18 of sufficiency.

19 After receipt of a valid petition for the establishment of a  
20 boundary review board, the county legislative authority shall submit  
21 the question of whether a boundary review board should be established  
22 to the electorate at the next primary or general election according to  
23 RCW 29A.04.321. Notice of the election shall be given as provided in  
24 ((~~RCW 29A.52.351~~)) section 27 of this act and shall include a clear  
25 statement of the proposal to be submitted.

26 If a majority of the persons voting on the proposition shall vote  
27 in favor of the establishment of the boundary review board, such board  
28 shall thereupon be deemed established.

29 **Sec. 44.** RCW 52.04.071 and 2009 c 115 s 2 are each amended to read  
30 as follows:

31 The county legislative authority or authorities shall by resolution  
32 call a special election to be held in the city, partial city as set  
33 forth in RCW 52.04.061(2), or town and in the fire protection district  
34 at the next date according to RCW 29A.04.321, and shall cause notice of  
35 the election to be given as provided for in ((~~RCW 29A.52.351~~)) section  
36 27 of this act.

1 The election on the annexation of the city, partial city as set  
2 forth in RCW 52.04.061(2), or town into the fire protection district  
3 shall be conducted by the auditor of the county or counties in which  
4 the city, partial city as set forth in RCW 52.04.061(2), or town and  
5 the fire protection district are located in accordance with the general  
6 election laws of the state. The results thereof shall be canvassed by  
7 the canvassing board of the county or counties. No person is entitled  
8 to vote at the election unless he or she is a qualified elector in the  
9 city, partial city as set forth in RCW 52.04.061(2), or town or unless  
10 he or she is a qualified elector within the boundaries of the fire  
11 protection district. The ballot proposition shall be in substantially  
12 the following form:

13 "Shall the city, partial city as set forth in RCW 52.04.061(2), or  
14 town of . . . . . be annexed to and be a part of . . . . . fire  
15 protection district?

16 YES . . . . .

17 NO . . . . . "

18 If a majority of the persons voting on the proposition in the city,  
19 partial city as set forth in RCW 52.04.061(2), or town and a majority  
20 of the persons voting on the proposition in the fire protection  
21 district vote in favor thereof, the city, partial city as set forth in  
22 RCW 52.04.061(2), or town shall be annexed and shall be a part of the  
23 fire protection district.

24 NEW SECTION. **Sec. 45.** RCW 29A.46.260 is recodified as a section  
25 in chapter 29A.04 RCW."

**SSB 5124** - S AMD

By Senators Carrell, Kastama, Roach, Becker

**NOT ADOPTED 03/04/2011**

26 On page 1, line 1 of the title, after "mail;" strike the remainder  
27 of the title and insert "amending RCW 29A.04.008, 29A.04.013,  
28 29A.04.031, 29A.04.037, 29A.04.216, 29A.04.235, 29A.04.255, 29A.04.470,

1 29A.04.540, 29A.04.580, 29A.04.611, 29A.08.130, 29A.08.140, 29A.08.820,  
2 29A.12.085, 29A.12.110, 29A.12.120, 29A.12.160, 29A.16.040, 29A.32.260,  
3 29A.36.220, 29A.40.091, 29A.40.100, 29A.40.110, 29A.46.260, 29A.60.040,  
4 29A.60.050, 29A.68.070, 29A.68.080, 29A.84.020, 29A.84.050, 29A.84.510,  
5 29A.84.520, 29A.84.530, 29A.84.540, 29A.84.545, 29A.84.550, 29A.84.655,  
6 27.12.370, 36.93.030, and 52.04.071; reenacting and amending RCW  
7 29A.60.165; adding a new section to chapter 29A.44 RCW; adding a new  
8 section to chapter 29A.52 RCW; adding a new section to chapter 29A.04  
9 RCW; recodifying RCW 29A.46.260; and prescribing penalties."

EFFECT: Removes the requirement that all counties conduct elections by mail. Restores the option of poll voting.

--- END ---