
HOUSE BILL 1317

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Taylor, Shea, Overstreet, Condotta, and Hargrove

Read first time 01/23/13. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to elections pertaining to poll-site voting and
2 voting identification requirements; amending RCW 29A.32.241,
3 29A.40.010, and 29A.40.160; adding a new section to chapter 29A.40 RCW;
4 and adding a new chapter to Title 29A RCW.

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

6 NEW SECTION. **Sec. 1.** (1) The intent of this chapter is to set out
7 procedures for poll-site voting in the event an initiative to allow
8 poll-site voting has passed in a county.

9 (2) Any registered voter of any county may submit an initiative to
10 the people to the county auditor to establish poll-site voting in that
11 county. Such initiatives may only be voted upon at a general election.
12 For the initiative to be included on the ballot, signatures from
13 registered voters in the county must be obtained in an amount equal to
14 eight percent of the voters in the county who voted in the last
15 gubernatorial election and must be submitted to the county auditor no
16 later than four months before the general election. The ballot title
17 of an initiative under this section must be "Shall the county authorize
18 poll voting for elections?"

1 (3) Each county must establish procedures and timelines for
2 processing initiatives under this section.

3 NEW SECTION. **Sec. 2.** If an initiative passes pursuant to section
4 1 of this act, the county auditor must issue a press release and
5 provide information on the county web site informing voters that poll-
6 site voting will commence at the next election, and how voters may vote
7 at the polls. The county auditor is encouraged to include information
8 on poll-site voting with any election materials sent to voters.

9 **Sec. 3.** RCW 29A.32.241 and 2011 c 10 s 29 are each amended to read
10 as follows:

11 The local voters' pamphlet shall include but not be limited to the
12 following:

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

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

18 (3) Information on how a person may register to vote and obtain a
19 ballot or, if applicable, vote at the polls;

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

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

30 (6) For partisan primary elections, information on how to vote the
31 applicable ballot format and an explanation that minor political party
32 candidates and independent candidates will appear only on the general
33 election ballot.

34 NEW SECTION. **Sec. 4.** (1) Poll sites must be accessible to elderly
35 and disabled persons.

1 (2) At any special election or primary, the county auditor may
2 combine, unite, or divide precincts for purpose of holding an election.
3 At any general election, the county auditor must report all election
4 returns by individual precinct.

5 (3) Polling sites for the various voting precincts may be located
6 outside the boundaries of the respective precincts when the officers
7 conducting the primary or election deem it feasible. However, such
8 polling sites must be located within a reasonable distance of their
9 respective precincts.

10 (4) At the request of the county auditor, the legislative authority
11 of the county, a municipality, and a special district must make their
12 facilities available for use as polling sites held within that county.
13 Payment for polling sites and any other conditions or obligations
14 regarding these polling sites shall be provided for by contract between
15 the county auditor and the county, municipality, or district.

16 NEW SECTION. **Sec. 5.** A person may not interfere with a voter
17 attempting to vote at a polling site. Interfering with a voter
18 attempting to vote is a violation of RCW 29A.84.510.

19 NEW SECTION. **Sec. 6.** Any voter may take into the voting booth or
20 voting device any printed or written material to assist in casting his
21 or her vote. The voter shall not use this material to electioneer and
22 shall remove the material when he or she leaves the polls or the
23 disability access voting location.

24 NEW SECTION. **Sec. 7.** At any election, general or special, or at
25 any primary, any political party or committee may designate a person
26 other than a precinct election officer, for each polling site to check
27 a list of registered voters of the precinct to determine who has and
28 who has not voted. The lists must be furnished to the party or
29 committee concerned. The county political party central committee
30 chair of any political party may appoint an election observer to
31 observe all the elections procedures at the polling site.

32 NEW SECTION. **Sec. 8.** Ballots may not be used in any polling site
33 or disability access voting location other than those prepared by the
34 county auditor. A voter is not entitled to vote more than once at a

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

5 NEW SECTION. **Sec. 9.** Paper records produced by electronic voting
6 devices are subject to all the requirements of this chapter and chapter
7 29A.60 RCW for ballot handling, preservation, reconciliation, transit
8 to the counting center, and storage. The paper records must be
9 preserved in the same manner and for the same period of time as
10 ballots.

11 NEW SECTION. **Sec. 10.** (1) At the direction of the county auditor,
12 a team or teams of election officers must stop at designated polling
13 sites and pick up the sealed containers of voted, untallied ballots for
14 delivery to the counting center. There may be more than one delivery
15 from each polling site. Two precinct election officials must seal the
16 voted ballots in containers furnished by the county auditor and
17 properly identified with his or her address with uniquely prenumbered
18 seals.

19 (2) At the counting center or the collection stations where the
20 sealed ballot containers are delivered, the county auditor or a
21 designated representative of the county auditor shall receive the
22 sealed ballot containers, record the time, date precinct name or
23 number, and seal number of each ballot container.

24 NEW SECTION. **Sec. 11.** The county auditor must provide in each
25 polling site a sufficient number of voting booths or voting devices
26 along with any supplies necessary to enable the voter to mark or
27 register his or her choices on the ballot and within which the voters
28 may cast their votes in secrecy. Nothing in this act authorizes the
29 state of Washington or counties to transition from the use of paper
30 ballots to electronic voting machines where the voters cast a ballot
31 using an electronic device. However, this does not limit or change the
32 use of technology for disability access voting.

33 NEW SECTION. **Sec. 12.** (1) At all primaries and elections, general

1 or special, in counties that have adopted poll-site voting, the polls
2 must be kept open continuously from seven o'clock a.m. to eight o'clock
3 p.m.

4 (2) All qualified electors who are at the polling site at eight
5 o'clock p.m. shall be allowed to cast their votes.

6 (3) The precinct election officers, immediately before they start
7 to issue ballots or permit a voter to vote, shall announce at the place
8 of voting that the polls for that precinct are open. At eight o'clock
9 p.m., or at the time when all qualified electors at the polling site
10 pursuant to subsection (2) of this section have voted, the precinct
11 election officers shall announce that the polls for that precinct are
12 closed.

13 NEW SECTION. **Sec. 13.** A registered voter may not be allowed to
14 vote in the precinct in which he or she is registered at any election
15 or primary for which that voter has cast a mail ballot. A registered
16 voter who has requested a mail ballot for a primary or special or
17 general election, but chooses to vote at the voter's precinct polling
18 site in that primary or election must cast a provisional ballot. The
19 canvassing board must not count the provisional ballot if it finds that
20 the voter has also voted by mail in that primary or election.

21 NEW SECTION. **Sec. 14.** No later than the day before a primary or
22 election, the county auditor must provide to the election officials at
23 each polling site the following materials:

- 24 (1) Ballots;
25 (2) Precinct list of registered voters;
26 (3) Voting and registration instructions, printed in large type, to
27 be conspicuously displayed at each polling site and permanent
28 registration facility;
29 (4) Accessible voting equipment.

30 NEW SECTION. **Sec. 15.** The precinct election officers for each
31 precinct must meet at the designated polling site at the time set by
32 the county auditor.

33 NEW SECTION. **Sec. 16.** (1) Before opening the polls for a
34 precinct, the voting equipment must be inspected to determine if it has

1 been properly prepared for voting. If the voting equipment is capable
2 of direct tabulation of each voter's choices, the precinct election
3 officers shall verify that no votes have been registered for any issue
4 or office to be voted on at that primary or election. The precinct
5 election officers must periodically examine the voting devices to
6 determine that no one has tampered with the devices.

7 (2) Any ballot box must be carefully examined by election officers
8 to determine that it is empty. The ballot box must then be sealed or
9 locked. The ballot box must not be opened before the poll site is
10 closed on the day of the primary or election.

11 NEW SECTION. **Sec. 17.** (1) A voter must give his or her name, and
12 provide photo identification to the precinct election officer before he
13 or she is allowed to vote.

14 (2) The identification required in this section can be satisfied by
15 providing current and valid photo identification. The following forms
16 of identification are acceptable if the identification includes a
17 photo:

18 (a) A state-issued driver's license or photo identification card;

19 (b) A United States passport;

20 (c) A United States military photo identification card;

21 (d) A student identification card issued by an accredited
22 institution of higher education; or

23 (e) A public assistance identification card issued by a municipal,
24 county, state, or federal government office or agency.

25 (3) A voter who has a religious objection to being photographed may
26 file with the county auditor an affidavit swearing to such religious
27 beliefs and provide a nonpicture form of identification in lieu of
28 providing photo identification.

29 (4) The election officer must verify the identification before the
30 voter signs the poll book and is issued a ballot. If the right of this
31 voter to participate in the primary or election is not challenged, the
32 voter must be issued a ballot. Any individual who does not provide
33 identification as required in this section must be issued a provisional
34 ballot.

35 (5) Once a voter is issued a ballot, the voter shall proceed,
36 without leaving the polling site, to one of the voting booths or voting
37 devices to cast his or her vote.

1 (6) As each voter casts his or her vote, the precinct election
2 officer must insert in the poll books or precinct list of registered
3 voters opposite that voter's name, a notation to credit the voter with
4 having participated in that primary or election. The precinct election
5 officers must record the voter's name so that a separate record is
6 kept.

7 NEW SECTION. **Sec. 18.** At all primaries and elections the flag of
8 the United States must be conspicuously displayed in front of each
9 polling site.

10 NEW SECTION. **Sec. 19.** Provisional ballots must be issued, along
11 with a provisional ballot outer envelope and a security envelope, to
12 voters as appropriate under RCW 29A.04.008. The provisional ballot
13 outer envelope must include a place for the voter's name; registered
14 address, both present and former if applicable; date of birth; reason
15 for the provisional ballot; the precinct number and the precinct
16 polling site at which the voter has voted; and a space for the county
17 auditor to list the disposition of the provisional ballot. The
18 provisional ballot outer envelope must also contain a declaration as
19 required for mail ballots under RCW 29A.40.091; a place for the voter
20 to sign the oath; and a summary of the applicable penalty provisions of
21 this chapter. The voter must vote the provisional ballot in secrecy
22 and, when done, place the provisional ballot in the security envelope,
23 place the security envelope into the outer envelope, and return it to
24 the precinct election official. The election official shall ensure
25 that the required information is completed on the outer envelope, have
26 the voter sign it in the appropriate space, and place the envelope in
27 a secure container. The official must give the voter written
28 information advising him or her how to ascertain whether the vote was
29 counted and, if applicable, the reason why the vote was not counted.

30 NEW SECTION. **Sec. 20.** (1) An individual who votes in an election
31 for federal office as a result of a federal or state court order or any
32 other order extending the time for closing the polls may vote in that
33 election only by casting a provisional ballot. As to court orders
34 extending the time for closing the polls, this section does not apply
35 to any voters who were present in the polling site at the statutory

1 closing time and as a result are permitted to vote under section 10 of
2 this act. This section does not, by itself, authorize any court to
3 order that any individual be permitted to vote or to extend the time
4 for closing the polls, but this section is intended to comply with 42
5 U.S.C. Sec. 15482(c) with regard to federal elections.

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

9 NEW SECTION. **Sec. 21.** (1) At each precinct immediately after the
10 last qualified voter has cast his or her vote, the precinct election
11 officers shall render unusable and secure in a container all unused
12 ballots for that precinct and return them to the county auditor.

13 (2) Immediately after the unused ballots are secure, the precinct
14 election officers shall count the number of voted ballots and make a
15 record, including any discrepancy, between this number and the number
16 of voters who signed the poll book for that precinct or polling site,
17 complete the certifications in the poll book, prepare the ballots for
18 transfer to the counting center, if necessary, and seal the voting
19 devices.

20 NEW SECTION. **Sec. 22.** The precinct list of registered voters for
21 each precinct or group of precincts delivered to the precinct election
22 officers for use on the day of an election held in that precinct shall
23 be returned to the county auditor upon the completion of the count of
24 votes cast in the precinct at that election. While in possession of
25 the county auditor, the precinct lists are open to public inspection
26 under such reasonable rules and regulations as may be prescribed.

27 NEW SECTION. **Sec. 23.** In precincts where poll-site counting
28 devices are used, the election officers, before initializing the device
29 for voting, must proceed as follows:

30 (1) They shall see that the device is placed where it can be
31 conveniently attended by the election officers and operated by voters;

32 (2) They shall see whether the number or other designating mark on
33 the device's seal agrees with the control number provided by the
34 elections department. If they do not agree they shall at once notify

1 the elections department and delay initializing the device. The polls
2 may be opened pending reexamination of the device;

3 (3) If the numbers do agree, they shall proceed to initialize the
4 device and see whether the public counter register "000." If the
5 counter is found to register a number other than "000," one of the
6 election officers must at once set the counter at "000" and confirm
7 that the ballot box is empty;

8 (4) Before processing any ballots through a poll-site ballot
9 counting device, a zero report must be produced. Election officials
10 must verify that no ballots have been run through the counting device
11 and that all vote totals for each office are zero. If the totals are
12 not zero, election officials must either reset the device to zero or
13 contact the elections department to reset the device and allow voting
14 to continue using the auxiliary or emergency device.

15 NEW SECTION. **Sec. 24.** Whenever poll-site ballot counting devices
16 are used, the devices may either be delivered with the supplies
17 required in section 13 of this act, or be delivered to the polling site
18 separately. All poll-site ballot counting devices must be sealed with
19 a unique numbered seal at the time of final preparation and logic and
20 accuracy testing. A log must be made of all seal numbers and device
21 numbers used.

22 NEW SECTION. **Sec. 25.** The programmed memory pack for each poll-
23 site ballot counting device must be sealed into the device during final
24 preparation and logic and accuracy testing. Except in the case of a
25 device breakdown, the memory pack must remain sealed in the device
26 until after the polls have closed and all reports and telephonic or
27 electronic transfer of results are completed. After all reporting is
28 complete, the precinct election officers responsible for transferring
29 the sealed voted ballots under RCW 29A.60.110 shall ensure that the
30 memory pack is returned to the elections department. If the entire
31 poll-site ballot counting device is returned, the memory pack must
32 remain sealed in the device. If the poll-site ballot counting device
33 is to remain at the polling site, the precinct election officer shall
34 break the seal on the device and remove the memory pack and seal and
35 return it along with the irregularly voted ballots and special ballots
36 to the elections department on election day.

1 NEW SECTION. **Sec. 26.** Each poll-site ballot counting device must
2 be programmed to return all blank ballots and overvoted ballots to the
3 voter for private reexamination. The election officer shall take
4 whatever steps are necessary to ensure that the secrecy of the ballot
5 is maintained. The precinct election officer must provide information
6 and instruction on how to properly mark the ballot. The voter may
7 remark the original ballot, may request a new ballot, or may choose to
8 complete a special ballot envelope and return the ballot as a special
9 ballot.

10 NEW SECTION. **Sec. 27.** If a poll-site ballot counting device fails
11 to operate at any time during polling hours voting must continue and
12 the ballots must be deposited for later tabulation in a secure ballot
13 compartment separate from the tabulated ballots.

14 NEW SECTION. **Sec. 28.** A new section is added to chapter 29A.40
15 RCW to read as follows:

16 Valid and current photo identification must be provided to
17 participate in any primary, special election, or general election as
18 follows:

19 (1) Persons voting by mail ballot for the first time, as of the
20 effective date of this section, must provide the required
21 identification before ballots are mailed by the county auditor. The
22 voter may provide the identification at the time of registering to vote
23 or provide the identification to an election official within the county
24 auditor's office at any time prior to the mailing of ballots. If the
25 identification is not provided prior to the time ballots are mailed,
26 the voter must vote in person at a voting center or, if applicable, the
27 polls. A county elections official must make a notation in the voter's
28 file indicating that the required identification was provided and
29 ballots for future elections may be mailed.

30 (2) Persons wishing to vote in person at a voting center must
31 provide current and valid photo identification to an election official
32 before a ballot may be issued. The following forms of identification
33 are acceptable if the identification includes a photo:

- 34 (a) A state-issued driver's license or photo identification card;
- 35 (b) A United States passport;
- 36 (c) A United States military photo identification card;

1 (d) A student identification card issued by an accredited
2 institution of higher education;

3 (e) A public assistance identification card issued by a municipal,
4 county, state, or federal government office or agency.

5 (3) The following are exempt from the requirements of this section:

6 (a) An overseas or service voter who registers to vote pursuant to
7 RCW 29A.04.210; and

8 (b) A voter who has a religious objection to being photographed and
9 has filed an affidavit affirming such religious beliefs with the county
10 auditor and has provided a nonpicture form of identification.

11 **Sec. 29.** RCW 29A.40.010 and 2011 c 10 s 35 are each amended to
12 read as follows:

13 Each registered voter of the state, overseas voter, and service
14 voter (~~shall~~) must automatically be issued a mail ballot for each
15 general election, special election, or primary, unless the county in
16 which the voter resides has implemented poll-site voting and the voter
17 has indicated that he or she will vote at the polls. Overseas voters
18 and service voters are authorized to cast the same ballots, including
19 those for special elections, as a registered voter of the state would
20 receive under this chapter. Each registered voter shall continue to
21 receive a ballot by mail until the death or disqualification of the
22 voter, cancellation of the voter's registration, or placing the voter
23 on inactive status.

24 **Sec. 30.** RCW 29A.40.160 and 2011 c 10 s 43 are each amended to
25 read as follows:

26 (1) Each county auditor shall open a voting center each primary,
27 special election, and general election. The voting center shall be
28 open during business hours during the voting period, which begins
29 eighteen days before, and ends at 8:00 p.m. on the day of, the primary,
30 special election, or general election.

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

35 (3) The voting center must be accessible to persons with

1 disabilities. Each state agency and entity of local government shall
2 permit the use of any of its accessible facilities as voting centers
3 when requested by a county auditor.

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

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

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

19 (7) The county auditor shall require any person desiring to vote at
20 a voting center to (~~either~~) sign a ballot declaration (~~or~~) and
21 provide photo identification consistent with the provisions of section
22 28 of this act.

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

28 (b) The identification must be valid photo identification, such as
29 a driver's license, state identification card, student identification
30 card, tribal identification card, or employer identification card. Any
31 individual who desires to vote in person but cannot provide
32 identification shall be issued a provisional ballot, which shall be
33 accepted if the signature on the declaration matches the signature on
34 the voter's registration record and the voter provides to the election
35 official one of the accepted identifications within five days of the
36 election.

37 (8) Provisional ballots must be accompanied by a declaration and
38 security envelope, as required by RCW 29A.40.091, and space for the

1 voter's name, date of birth, current and former registered address,
2 reason for the provisional ballot, and disposition of the provisional
3 ballot. The voter shall vote and return the provisional ballot at the
4 voting center. The voter must be provided information on how to
5 ascertain whether the provisional ballot was counted and, if
6 applicable, the reason why the vote was not counted.

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

11 (10) If any voter states that he or she is unable to cast his or
12 her votes due to a disability, the voter may designate a person of his
13 or her choice, or two election officers, to enter the voting booth and
14 record the votes as he or she directs.

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

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

23 (13) The county auditor must prevent overflow of each ballot drop
24 box to allow a voter to deposit his or her ballot securely. Ballots
25 must be removed from a ballot drop box by at least two people, with a
26 record kept of the date and time ballots were removed, and the names of
27 people removing them. Ballots from drop boxes must be returned to the
28 counting center in secured transport containers. A copy of the record
29 must be placed in the container, and one copy must be transported with
30 the ballots to the counting center, where the seal number must be
31 verified by the county auditor or a designated representative. All
32 ballot drop boxes must be secured at 8:00 p.m. on the day of the
33 primary, special election, or general election.

34 (14) Any voter who is inside or in line at the voting center at
35 8:00 p.m. on the day of the primary, special election, or general
36 election must be allowed to vote.

37 (15) For each primary, special election, and general election, the
38 county auditor may provide election services at locations in addition

1 to the voting center. The county auditor has discretion to establish
2 which services will be provided at the additional locations, and which
3 days and hours the locations will be open.

4 NEW SECTION. **Sec. 31.** Sections 1, 2, and 4 through 27 of this act
5 constitute a new chapter in Title 29A RCW.

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