

ESSB 5079 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED AS AMENDED 03/05/2019

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

3 **"Sec. 1.** RCW 29A.08.010 and 2009 c 369 s 6 are each amended to
4 read as follows:

5 (1) The minimum information provided on a voter registration
6 application that is required in order to place a voter registration
7 applicant on the voter registration rolls includes:

8 (a) Name;

9 (b) Residential address;

10 (c) Date of birth;

11 (d) A signature attesting to the truth of the information
12 provided on the application; and

13 (e) A check or indication in the box confirming the individual is
14 a United States citizen.

15 (2) The residential address provided must identify the actual
16 physical residence of the voter in Washington, as defined in RCW
17 29A.04.151, with detail sufficient to allow the voter to be assigned
18 to the proper precinct and to locate the voter to confirm his or her
19 residence for purposes of verifying qualification to vote under
20 Article VI, section 1 of the state Constitution. A residential
21 address may be either a traditional address or a nontraditional
22 address. A traditional address consists of a street number and name,
23 optional apartment number or unit number, and city or town, as
24 assigned by a local government, which serves to identify the parcel
25 or building of residence and the unit if a multiunit residence. A
26 nontraditional address consists of a narrative description of the
27 location of the voter's residence, and may be used when a traditional
28 address has not been assigned or affixed to the voter's residence or
29 when a voter resides on an Indian reservation or Indian lands,
30 pursuant to the conditions in RCW 29A.08.112.

31 (3) All other information supplied is ancillary and not to be
32 used as grounds for not registering an applicant to vote.

1 (4) Modification of the language of the official Washington state
2 voter registration form by the voter will not be accepted and will
3 cause the rejection of the registrant's application.

4 **Sec. 2.** RCW 29A.08.112 and 2006 c 320 s 3 are each amended to
5 read as follows:

6 (1) No person registering to vote, who meets all the
7 qualifications of a registered voter in the state of Washington,
8 shall be disqualified because he or she lacks a traditional
9 residential address. A voter who lacks a traditional residential
10 address will be registered and assigned to a precinct based on the
11 location provided.

12 (2) For the purposes of this section, a voter who resides in a
13 shelter, park, motor home, marina, unmarked home, or other
14 identifiable location that the voter deems to be his or her residence
15 lacks a traditional address. A voter who registers under this section
16 must provide a valid mailing address, and must still meet the
17 requirement in Article VI, section 1 of the state Constitution that
18 he or she live in the area for at least thirty days before the
19 election.

20 (3) A nontraditional residential address may be used when a voter
21 resides on an Indian reservation or on Indian lands.

22 (4) A federally recognized tribe may designate one or more tribal
23 government buildings to serve as a residential address or mailing
24 address or both for voters living on an Indian reservation or on
25 Indian lands. However, a voter may not use a tribally designated
26 building as the voter's residential address if the building is in a
27 different precinct than where the voter lives.

28 (5) A person who has a traditional residential address and does
29 not reside on an Indian reservation or on Indian lands must use that
30 address for voter registration purposes and is not eligible to
31 register under this section.

32 **Sec. 3.** RCW 29A.08.123 and 2007 c 157 s 1 are each amended to
33 read as follows:

34 (1) A person who has a valid Washington state driver's license
35 (~~(e)~~), state identification card, or tribal identification may
36 submit a voter registration application electronically on the
37 secretary of state's web site. A person who has a valid tribal
38 identification card may submit a voter registration electronically on

1 the secretary of state's web site if the secretary of state is able
2 to obtain a copy of the applicant's signature from the federal
3 government or the tribal government.

4 (2) The applicant must attest to the truth of the information
5 provided on the application by affirmatively accepting the
6 information as true.

7 (3) The applicant must affirmatively assent to use of his or her
8 driver's license ~~((or))~~, state identification card, or tribal
9 identification card signature for voter registration purposes.

10 (4) A voter registration application submitted electronically is
11 otherwise considered a registration by mail.

12 (5) For each electronic application, the secretary of state must
13 obtain a digital copy of the applicant's driver's license or state
14 identification card signature from the department of licensing or
15 tribal identification issuing authority.

16 (6) The secretary of state may employ additional security
17 measures to ensure the accuracy and integrity of voter registration
18 applications submitted electronically.

19 **Sec. 4.** RCW 29A.08.310 and 2009 c 369 s 19 are each amended to
20 read as follows:

21 (1) The governor, in consultation with the secretary of state,
22 shall designate agencies to provide voter registration services in
23 compliance with federal statutes.

24 (2) A federally recognized tribe may request that the governor
25 designate one or more state facilities or state-funded facilities or
26 programs that are located on the lands of the requesting Indian tribe
27 or that are substantially engaged in providing services to Indian
28 tribes, as selected by the tribe, to provide voter registration
29 services. This provision does not alter the state's obligations under
30 the national voter registration act.

31 (3) Each state agency designated shall provide voter registration
32 services for employees and the public within each office of that
33 agency.

34 ~~((3))~~ (4) The secretary of state shall design and provide a
35 standard notice informing the public of the availability of voter
36 registration, which notice shall be posted in each state agency where
37 such services are available.

38 ~~((4))~~ (5) Each institution of higher education shall put in
39 place an active prompt on its course registration web site, or

1 similar web site that students actively and regularly use, that, if
2 selected, will link the student to the secretary of state's voter
3 registration web site. The prompt must ask the student if he or she
4 wishes to register to vote.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.40
6 RCW to read as follows:

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

18 (2) The county auditor must establish a minimum of one ballot
19 drop box per fifteen thousand registered voters in the county and a
20 minimum of one ballot drop box in each city, town, and census-
21 designated place in the county with a post office.

22 (3) At the request of a federally recognized Indian tribe with a
23 reservation in the county, the county auditor must establish at least
24 one ballot drop box on the Indian reservation on a site selected by
25 the tribe.

26 (4) A federally recognized Indian tribe may designate at least
27 one building as a ballot pickup and collection location at no cost to
28 the tribe. The county auditor of the county in which the building is
29 located must collect ballots from that location in compliance with
30 the procedures in subsection (1) of this section.

31 **Sec. 6.** RCW 29A.40.160 and 2018 c 112 s 4 are each amended to
32 read as follows:

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

1 (2) Each county auditor shall register voters in person at each
2 of the following locations in the county:

3 (a) At the county auditor's office;

4 (b) At the division of elections, if located in a separate city
5 from the county auditor's office; and

6 (c) For each presidential general election, at a voting center in
7 each city in the county with a population of one hundred thousand or
8 greater, which does not have a voting center as required in (a) or
9 (b) of this subsection. A voting center opened pursuant to this
10 subsection (2) is not required to be open on the Sunday before the
11 presidential election.

12 (3) Voting centers shall be located in public buildings or
13 buildings that are leased by a public entity including, but not
14 limited to, libraries.

15 (4) Each voting center, and at least one of the other locations
16 designated by the county auditor to allow voters to register in
17 person pursuant to RCW 29A.08.140(1)(b), must provide voter
18 registration materials, ballots, provisional ballots, disability
19 access voting units, sample ballots, instructions on how to properly
20 vote the ballot, a ballot drop box, and voters' pamphlets, if a
21 voters' pamphlet has been published.

22 (5) Each voting center must be accessible to persons with
23 disabilities. Each state agency and entity of local government shall
24 permit the use of any of its accessible facilities as voting centers
25 when requested by a county auditor.

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

30 (7) No person may interfere with a voter attempting to vote in a
31 voting center. Interfering with a voter attempting to vote is a
32 violation of RCW 29A.84.510.

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

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

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

9 (b) The identification must be valid photo identification, such
10 as a driver's license, state identification card, student
11 identification card, tribal identification card, or employer
12 identification card. A tribal identification card is not required to
13 include a residential address or an expiration date to be considered
14 valid under this section. Any individual who desires to vote in
15 person but cannot provide identification shall be issued a
16 provisional ballot, which shall be accepted if the signature on the
17 declaration matches the signature on the voter's registration record.

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

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

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

34 (13) No voter is entitled to vote more than once at a primary,
35 special election, or general election. If a voter incorrectly marks a
36 ballot, he or she may be issued a replacement ballot.

37 (14) A voter who has already returned a ballot but requests to
38 vote at a voting center shall be issued a provisional ballot. The
39 canvassing board shall not count the provisional ballot if it finds

1 that the voter has also voted a regular ballot in that primary,
2 special election, or general election.

3 ~~(15) ((The county auditor must prevent overflow of each ballot~~
4 ~~drop box to allow a voter to deposit his or her ballot securely.~~

5 ~~Ballots must be removed from a ballot drop box by at least two~~
6 ~~people, with a record kept of the date and time ballots were removed,~~

7 ~~and the names of people removing them. Ballots from drop boxes must~~
8 ~~be returned to the counting center in secured transport containers. A~~

9 ~~copy of the record must be placed in the container, and one copy must~~
10 ~~be transported with the ballots to the counting center, where the~~

11 ~~seal number must be verified by the county auditor or a designated~~
12 ~~representative. All ballot drop boxes must be secured at 8:00 p.m. on~~

13 ~~the day of the primary, special election, or general election.~~

14 ~~(16))~~ Any voter who is inside or in line at the voting center at
15 8:00 p.m. on the day of the primary, special election, or general
16 election must be allowed to vote.

17 ~~((17))~~ (16) For each primary, special election, and general
18 election, the county auditor may provide election services at
19 locations in addition to the voting center. The county auditor has
20 discretion to establish which services will be provided at the
21 additional locations, and which days and hours the locations will be
22 open(~~, except that the county auditor must establish a minimum of~~

23 ~~one ballot drop box per fifteen thousand registered voters in the~~

24 ~~county and a minimum of one ballot drop box in each city, town, and~~

25 ~~census-designated place in the county with a post office)).~~

26 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.84
27 RCW to read as follows:

28 (1) The attorney general may bring a civil action for such
29 declaratory or injunctive relief as is necessary to carry out the
30 provisions of section 5 (3) and (4) of this act in the superior court
31 of the county in which the violation is alleged to have occurred.

32 (2) A person or federally recognized tribal government may bring
33 a civil action for declaratory or injunctive relief with respect to
34 RCW 29A.08.112(3), 29.08.310(2), or section 5 (3) and (4) of this
35 act, in the superior court of the county in which the violation is
36 alleged to have occurred if:

37 (a) In the case of a violation that occurs more than one hundred
38 twenty days before an election, that person or tribal government
39 provides notice of the violation to the secretary of state, the

1 violation remains, and ninety days or more have passed since the
2 secretary of state has received the written notice;

3 (b) In the case of a violation that occurs one hundred twenty
4 days or fewer before an election, that person or tribal government
5 provides notice of the violation to the secretary of state, the
6 violation remains and twenty days or more have passed since the
7 secretary of state has received the written notice; or

8 (c) In the case of a violation that occurs thirty days or fewer
9 before an election, without providing notice of the violation to the
10 secretary of state."

EFFECT: Allows a tribe to choose a tribal government building that is not a ballot pickup and collection location to be used as an address for voter registration, and allows the tribe to choose that a designated building may be used for only residential address purposes or only mailing address purposes. Allows a tribe to request that the governor designate a state-funded facility or program located on tribal lands or that provides tribal services to provide voter registration services, and clarifies that the tribe may choose which facilities. Allows for civil actions to enforce the voter registration services provision.

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