
SENATE BILL 5143

State of Washington

67th Legislature

2021 Regular Session

By Senators Ericksen, Fortunato, Padden, and Schoesler

Read first time 01/12/21. Referred to Committee on State Government & Elections.

1 AN ACT Relating to creating the free and fair elections act of
2 2021; amending RCW 29A.40.160, 29A.40.180, 29A.40.010, 29A.40.070,
3 29A.40.091, 1.16.050, 29A.04.321, and 29A.04.330; adding a new
4 section to chapter 29A.04 RCW; adding new sections to chapter 29A.08
5 RCW; adding new sections to chapter 29A.40 RCW; adding a new chapter
6 to Title 29A RCW; creating a new section; repealing RCW 29A.08.140;
7 and prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** This act may be known and cited as the
10 free and fair elections act of 2021.

11 **PART I**

12 **ELIMINATION OF VOTE BY MAIL AND RETURN TO POLLING PLACE VOTING**

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04
14 RCW to read as follows:

15 "Polling place voting" means voting conducted at polling places
16 for precincts.

17 NEW SECTION. **Sec. 3.** (1) Counties must establish polling place
18 voting in each precinct within the county.

1 (2) If no polling place facilities are available within a
2 precinct, precinct election officers must work with county election
3 officers to establish an alternate polling place outside the
4 precinct. However, the alternate facility must be located within a
5 reasonable distance of the voting precinct.

6 NEW SECTION. **Sec. 4.** Upon establishing polling place voting
7 pursuant to section 3 of this act, the county election officers must
8 provide pertinent information regarding polling place locations and
9 voting procedures to county voters.

10 NEW SECTION. **Sec. 5.** Polling places must be accessible to
11 elderly and disabled persons.

12 NEW SECTION. **Sec. 6.** A person may not interfere with a voter
13 attempting to vote at a polling place. Interfering with a voter
14 attempting to vote is a violation of RCW 29A.84.510.

15 NEW SECTION. **Sec. 7.** Any voter may take into the voting booth
16 or voting device any printed or written material to assist in casting
17 his or her vote. A voter must not use this material to electioneer
18 and must remove the material when he or she leaves the polling place.

19 NEW SECTION. **Sec. 8.** At any election or primary, a political
20 party may designate a person, other than a precinct election officer,
21 for each polling place to check a list of registered voters of the
22 precinct to determine who has and who has not voted. The county
23 central committee chair of a political party may appoint election
24 observers to observe elections at polling places.

25 NEW SECTION. **Sec. 9.** Ballots may not be used in any polling
26 place other than those prepared by the county election officer. A
27 voter is not entitled to vote more than once at a primary or
28 election, except that if a voter incorrectly marks a ballot, he or
29 she may return it and be issued a new ballot. Precinct election
30 officers shall void incorrectly marked ballots and return them to the
31 county election officer.

32 NEW SECTION. **Sec. 10.** Paper records produced by electronic
33 voting devices are subject to all the requirements of this chapter

1 and chapter 29A.60 RCW for ballot handling, preservation,
2 reconciliation, transit to the counting center, and storage. Paper
3 records must be preserved in the same manner and for the same period
4 as ballots.

5 NEW SECTION. **Sec. 11.** (1) At the direction of the county
6 election officer, designated election officers must stop at
7 designated polling places and pick up sealed containers of voted,
8 untallied ballots for delivery to the counting center. Two precinct
9 election officers must seal the voted ballots in containers furnished
10 by the county election officer and properly identified with uniquely
11 prenumbered seals.

12 (2) At the counting center where sealed ballot containers are
13 delivered, the county election officer or a designated representative
14 must receive the sealed ballot containers, record the time, date,
15 precinct name or number, and seal number of each ballot container.

16 NEW SECTION. **Sec. 12.** The county election officer must provide
17 in each polling place a sufficient number of voting booths or voting
18 devices along with any supplies necessary to enable voters to mark or
19 register their choices on ballots and cast their votes in secrecy.

20 NEW SECTION. **Sec. 13.** (1) During election day for all primaries
21 and elections, polling places must be kept open continuously from
22 7:00 a.m. to 8:00 p.m.

23 (2) All qualified electors who are at polling places at eight
24 o'clock p.m. must be allowed to cast their votes.

25 (3) The precinct election officers, immediately before they start
26 to issue ballots or permit a voter to vote, shall announce that the
27 polling place for that precinct is open. At 8:00 p.m., or at the time
28 when all qualified electors at the polling place pursuant to
29 subsection (2) of this section have voted, the precinct election
30 officers shall announce that the polling place for that precinct is
31 closed.

32 NEW SECTION. **Sec. 14.** A registered voter may not be allowed to
33 vote in the precinct in which he or she is registered at any election
34 or primary for which that voter has cast an absentee ballot. A
35 registered voter who has requested an absentee ballot for a primary
36 or election, but chooses to vote at the voter's precinct polling

1 place in that primary or election, must cast a provisional ballot.
2 The canvassing board must not count a provisional ballot if it finds
3 that the voter has also voted by mail in that primary or election.

4 NEW SECTION. **Sec. 15.** No later than the day before a primary or
5 election, the county election officer must provide to precinct
6 election officers at each polling place the following materials:

- 7 (1) Ballots;
- 8 (2) Precinct list of registered voters;
- 9 (3) Voting and registration instructions, printed in large type,
10 to be conspicuously displayed at each polling place; and
- 11 (4) Accessible voting equipment.

12 NEW SECTION. **Sec. 16.** Precinct election officers for each
13 precinct must meet at designated polling places at the time set by
14 the county election officer.

15 NEW SECTION. **Sec. 17.** (1) Before opening the polling place for
16 a precinct, the voting equipment must be inspected to determine if it
17 has been properly prepared for voting. If the voting equipment is
18 capable of direct tabulation of each voter's choices, the precinct
19 election officers shall verify that no votes have been registered for
20 any issue or office to be voted on at that primary or election. The
21 precinct election officers must periodically examine the voting
22 devices to determine that no one has tampered with the devices.

23 (2) Any ballot box must be carefully examined by election
24 officers to determine that it is empty. The ballot box must then be
25 sealed or locked. The ballot box must not be opened before the
26 polling place is closed on the day of the primary or election.

27 NEW SECTION. **Sec. 18.** At all primaries and elections, the flag
28 of the United States must be conspicuously displayed in front of each
29 polling place.

30 NEW SECTION. **Sec. 19.** Any voting equipment approved by the
31 office of the secretary of state for voting in a polling place must
32 be capable of producing a paper record with a manual audit capacity
33 for the system.

1 NEW SECTION. **Sec. 20.** Sections 3 through 19 of this act
2 constitute a new chapter in Title 29A RCW.

3 **PART II**

4 **PICTURE ID REQUIREMENT TO VOTE**

5 NEW SECTION. **Sec. 21.** A new section is added to chapter 29A.08
6 RCW to read as follows:

7 (1) Any person desiring to vote at any primary or election is
8 required to provide identification to the election officer before
9 signing the poll book. The identification required in this section
10 can be satisfied by providing a valid photo identification, such as a
11 driver's license or state identification card, student identification
12 card, or tribal identification card, or a voter's voter
13 identification issued by a county election officer.

14 (2) Any individual who desires to vote in person but cannot
15 provide identification as required by this section must be issued a
16 provisional ballot.

17 (3) The secretary of state may adopt rules to carry out this
18 section.

19 **PART III**

20 **FREE VOTER ID PROGRAM**

21 NEW SECTION. **Sec. 22.** A new section is added to chapter 29A.08
22 RCW to read as follows:

23 (1) Each county auditor shall provide at least one place in the
24 county at which it accepts applications for and issues Washington
25 voter identification cards to registered Washington electors, which
26 are under state law valid only for purposes of voter identification
27 under section 21 of this act and available only to registered
28 electors of this state. No fee may be charged or collected for the
29 application for or issuance of a Washington voter identification
30 card.

31 (2) No person is eligible for a Washington voter identification
32 card if such person has a valid unexpired driver's license or
33 identification card issued under chapter 46.20 RCW.

34 (3) The Washington voter identification card must be captioned
35 "WASHINGTON VOTER IDENTIFICATION CARD" and must contain a prominent
36 statement that under Washington law it is valid only as

1 identification for voting purposes. The Washington voter
2 identification card must be laminated, must contain a digital color
3 photograph of the applicant, and must include the following
4 information:

- 5 (a) Full legal name;
- 6 (b) Address of residence;
- 7 (c) Date of birth;
- 8 (d) Date identification card was issued;
- 9 (e) Sex;
- 10 (f) Height;
- 11 (g) Weight;
- 12 (h) Eye color;

13 (i) County where the identification card was issued, including a
14 county number to be assigned for each county by the secretary of
15 state; and

16 (j) Such other information or identification as required by rule
17 of the secretary of state.

18 (4) The application for a Washington voter identification card
19 must elicit the information required under subsection (3) of this
20 section and such other information as may be required by the
21 secretary of state. The application must be signed and affirmed by
22 the applicant. It is a misdemeanor for any applicant to make a false
23 statement or knowingly conceal a material fact or otherwise commit a
24 fraud in an application for a Washington voter identification card.

25 (5) The following information must be presented and verified
26 before a Washington voter identification card is issued:

- 27 (a) A photo identity document, or a nonphoto identity document
28 which includes the applicant's full legal name and date of birth;
- 29 (b) Documentation showing the person's date of birth;
- 30 (c) Evidence that the person is registered to vote in Washington;
- 31 and
- 32 (d) Documentation showing the person's name and address of
33 principal residence.

34 (6) A Washington voter identification card remains valid so long
35 as a person resides in the same county and remains qualified to vote.
36 It is the duty of a person who moves his or her residence within the
37 state outside of the county in which a Washington voter
38 identification card was issued to surrender his or her card to the
39 auditor of the county of his or her new residence; and such person
40 may, after such surrender, apply for and receive a new card if such

1 person is otherwise eligible under this section. It is the duty of a
2 person who moves his or her residence outside the state or who ceases
3 to be qualified to vote to surrender his or her card to the county
4 auditor by which it was issued.

5 (7) The secretary of state shall provide each county auditor with
6 the necessary equipment, forms, supplies, and training for the
7 production of the Washington voter identification cards and shall
8 maintain such equipment.

9 (8) The secretary of state may adopt rules for the implementation
10 of this section.

11 **PART IV**
12 **EARLY POLL VOTING**

13 **Sec. 23.** RCW 29A.40.160 and 2019 c 6 s 6 are each amended to
14 read as follows:

15 (1) Each county auditor shall open a voting center each primary,
16 special election, and general election. The voting center shall be
17 open during business hours during the voting period, which begins
18 ~~((eighteen days before,))~~ at 8:00 a.m. and ends at 8:00 p.m. on the
19 two Saturdays and Sunday before and the day of, the primary, special
20 election, or general election. Voting at a voting center may only be
21 conducted during the voting period.

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

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

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

27 (c) For each presidential general election, at a voting center in
28 each city in the county with a population of one hundred thousand or
29 greater, which does not have a voting center as required in (a) or
30 (b) of this subsection. ~~((A voting center opened pursuant to this~~
31 ~~subsection (2) is not required to be open on the Sunday before the~~
32 ~~presidential election.))~~

33 (3) Voting centers shall be located in public buildings or
34 buildings that are leased by a public entity including, but not
35 limited to, libraries. Centers established per this section must be
36 geographically located so as to provide all voters in the county an
37 equal opportunity to cast a ballot, insofar as practicable.

1 (4) Each voting center, and at least one of the other locations
2 designated by the county auditor to allow voters to register in
3 person pursuant to ((~~RCW 29A.08.140(1)(b)~~)) section 32 of this act,
4 must provide voter registration materials, ballots, provisional
5 ballots, disability access voting units, sample ballots, instructions
6 on how to properly vote the ballot, a ballot drop box, and voters'
7 pamphlets, if a voters' pamphlet has been published.

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

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

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

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

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

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

35 (b) The identification must be valid photo identification, such
36 as a driver's license, state identification card, student
37 identification card, tribal identification card, or employer
38 identification card. A tribal identification card is not required to
39 include a residential address or an expiration date to be considered
40 valid under this section. Any individual who desires to vote in

1 person but cannot provide identification shall be issued a
2 provisional ballot, which shall be accepted if the signature on the
3 declaration matches the signature on the voter's registration record.

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

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

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

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

23 (14) A voter who has already returned a ballot but requests to
24 vote at a voting center shall be issued a provisional ballot. The
25 canvassing board shall not count the provisional ballot if it finds
26 that the voter has also voted a regular ballot in that primary,
27 special election, or general election.

28 (15) Any voter who is inside or in line at the voting center at
29 8:00 p.m. on the day of the primary, special election, or general
30 election must be allowed to vote.

31 (16) For each primary, special election, and general election,
32 the county auditor may provide election services at locations in
33 addition to the voting center. The county auditor has discretion to
34 establish which services will be provided at the additional
35 locations, and which days and hours the locations will be open.

36 **Sec. 24.** RCW 29A.40.180 and 2020 c 208 s 10 are each amended to
37 read as follows:

38 (1) Each state university, regional university, and The Evergreen
39 State College as defined in RCW 28B.10.016 and each higher education

1 campus as defined in RCW 28B.45.012 shall open a nonpartisan student
2 engagement hub on its campus(~~(. The student engagement hub may be~~
3 ~~open during business hours beginning eight days before, and ending at~~
4 ~~8:00 p.m. on the day of, the general election)) during the voting
5 period provided in RCW 29A.40.160(1). All student engagement hubs
6 must allow students to download their exact ballot from an online
7 portal. Upon request of the student government organization to the
8 administration and the county auditor, the student engagement hub at
9 a state university, regional university, or The Evergreen State
10 College as defined in RCW 28B.10.016 must allow voters to register in
11 person pursuant to (~~RCW 29A.08.140(1)(b))~~) section 32 of this act
12 and provide voter registration materials and ballots.~~

13 (2) Each institution shall contract with the county auditor for
14 the operation of a student engagement hub under this section.

15 (3) Student engagement hubs are not voting centers as outlined in
16 RCW 29A.40.160 and must be operated in a manner that avoids partisan
17 influence or electioneering.

18 PART V

19 ABSENTEE VOTING, INCLUDING REQUIREMENT THAT ABSENTEE 20 BALLOTS BE RETURNED BY ELECTION DAY

21 **Sec. 25.** RCW 29A.40.010 and 2013 c 11 s 47 are each amended to
22 read as follows:

23 (1) Each active registered voter of the state, overseas voter,
24 and service voter ((shall automatically be issued)) may request a
25 mail ballot for each general election, special election, or primary.
26 Overseas voters and service voters are authorized to cast the same
27 ballots, including those for special elections, as a registered voter
28 of the state would receive under this chapter. ((Each active
29 registered voter shall continue to receive a ballot by mail until the
30 death or disqualification of the voter, cancellation of the voter's
31 registration, or placing the voter on inactive status.))

32 (2) Except as otherwise provided by law, a registered voter,
33 overseas voter, or service voter desiring to cast an absentee ballot
34 at a single election or primary must request the absentee ballot from
35 his or her county auditor no later than ninety days nor earlier than
36 the day before the election or primary at which the person seeks to
37 vote. Except as otherwise provided by law, the request may be made in
38 person, electronically, or in writing. Applications must include a

1 copy of a valid photo identification as described in section 21 of
2 this act. An application or request for an absentee ballot made under
3 the authority of a federal statute or regulation will be considered
4 and given the same effect as a request for an absentee ballot under
5 this chapter.

6 (3) (a) A voter requesting an absentee ballot for a primary may
7 also request an absentee ballot for the following general election. A
8 request by an overseas voter or service voter for an absentee ballot
9 for a primary election will be considered as a request for an
10 absentee ballot for the following general election.

11 (b) A voter requesting an absentee ballot for a special election
12 may also request an absentee ballot for the following primary and
13 general election. A request by an overseas voter or service voter for
14 an absentee ballot for a special election will be considered as a
15 request for an absentee ballot for the following primary and general
16 election.

17 (4) In requesting an absentee ballot, the voter shall state the
18 address to which the absentee ballot should be sent. A request for an
19 absentee ballot from an overseas voter or service voter must include
20 the address of the last residence in the state of Washington and
21 either a written application or the oath on the return envelope must
22 include a declaration of the other qualifications of the applicant as
23 an elector of this state. A request for an absentee ballot from any
24 other voter must state the address at which that voter is currently
25 registered to vote in the state of Washington or the county auditor
26 shall verify that information from the voter registration records of
27 the county.

28 (5) A request for an absentee ballot from a registered voter who
29 is within this state must be made directly to the auditor of the
30 county to which the voter is registered. An absentee ballot request
31 from a registered voter who is temporarily outside this state or from
32 an overseas voter or service voter may be made either to the
33 appropriate county auditor or to the secretary of state, who shall
34 promptly forward the request to the appropriate county auditor.

35 **Sec. 26.** RCW 29A.40.070 and 2013 c 11 s 48 are each amended to
36 read as follows:

37 (1) Except where a recount or litigation is pending, the county
38 auditor must mail ballots to each voter who has requested an absentee
39 ballot under this chapter at least eighteen days before each primary

1 or election, and as soon as possible for all subsequent registration
2 changes.

3 (2) Except where a recount or litigation is pending, the county
4 auditor must mail ballots to each service and overseas voter who has
5 requested an absentee ballot under this chapter at least thirty days
6 before each special election, and at least forty-five days before
7 each primary or general election, or any special election that
8 involves federal office. A request for a ballot made by an overseas
9 or service voter after that day must be processed immediately.

10 (3) A registered voter may obtain a replacement ballot if the
11 ballot is destroyed, spoiled, lost, or not received by the voter. The
12 voter may obtain the ballot by telephone request, by mail,
13 electronically, or in person. The county auditor shall keep a record
14 of each request for a replacement ballot.

15 (4) Each county auditor shall certify to the office of the
16 secretary of state the dates the ballots were mailed, or the reason
17 and date the ballots will be mailed if the ballots were not mailed
18 timely.

19 (5) Failure to mail ballots as prescribed in this section does
20 not by itself provide a basis for an election contest or other legal
21 challenge to the results of a primary, general election, or special
22 election.

23 **Sec. 27.** RCW 29A.40.091 and 2020 c 12 s 1 are each amended to
24 read as follows:

25 (1) The county auditor shall send each voter who has requested an
26 absentee ballot under this chapter a ballot, a security envelope in
27 which to conceal the ballot after voting, a larger envelope in which
28 to return the security envelope, a declaration that the voter must
29 sign, and instructions on how to obtain information about the
30 election, how to mark the ballot, and how to return the ballot to the
31 county auditor. The calendar date of the election must be prominently
32 displayed in bold type, twenty-point font or larger, on the envelope
33 sent to the voter containing the ballot and other materials listed in
34 this subsection:

- 35 (a) For all general elections in 2020 and after;
- 36 (b) For all primary elections in 2021 and after; and
- 37 (c) For all elections in 2022 and after.

38 (2) The voter must swear under penalty of perjury that he or she
39 meets the qualifications to vote, and has not voted in any other

1 jurisdiction at this election. The declaration must clearly inform
2 the voter that it is illegal to vote if he or she is not a United
3 States citizen; it is illegal to vote if he or she has been convicted
4 of a felony and has not had his or her voting rights restored; and it
5 is illegal to cast a ballot or sign a ballot declaration on behalf of
6 another voter. The ballot materials must provide space for the voter
7 to sign the declaration, indicate the date on which the ballot was
8 voted, and include a telephone number.

9 (3) For overseas and service voters, the signed declaration
10 constitutes the equivalent of a voter registration. Return envelopes
11 for overseas and service voters must enable the ballot to be returned
12 postage free if mailed through the United States postal service,
13 United States armed forces postal service, or the postal service of a
14 United States foreign embassy under 39 U.S.C. 3406.

15 (4) The voter must be instructed to (~~either~~) return the ballot
16 to the county auditor no later than 8:00 p.m. the day of the election
17 or primary(~~(, or mail the ballot to the county auditor with a~~
18 ~~postmark no later than the day of the election or primary)~~). Return
19 envelopes for all election ballots must include prepaid postage.
20 Service and overseas voters must be provided with instructions and a
21 privacy sheet for returning the ballot and signed declaration by fax
22 or email. (~~A voted ballot and signed declaration returned by fax or~~
23 ~~email must be received by 8:00 p.m. on the day of the election or~~
24 ~~primary.)~~)

25 (5) The county auditor's name may not appear on the security
26 envelope, the return envelope, or on any voting instructions or
27 materials included with the ballot if he or she is a candidate for
28 office during the same year.

29 (6) For purposes of this section, "prepaid postage" means any
30 method of return postage paid by the county or state.

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

33 (1) Each county auditor shall maintain in his or her office, open
34 for public inspection, a record of the requests he or she has
35 received for absentee ballots under this chapter.

36 (2) The information from the requests must be recorded and lists
37 of this information must be available no later than twenty-four hours
38 after their receipt.

1 (3) This information about absentee voters must be available
2 according to the date of the requests and by legislative district. It
3 must include the name of each applicant, the address and precinct in
4 which the voter maintains a voting residence, the date on which an
5 absentee ballot was issued to this voter, if applicable, the type of
6 absentee ballot, and the address to which the ballot was or is to be
7 mailed, if applicable.

8 (4) The auditor shall make copies of these records available to
9 the public for the actual cost of production and copying.

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

12 The qualifications of any absentee voter may be challenged before
13 the voted ballot is received. The canvassing board has the authority
14 to determine the legality of any absentee ballot challenged under
15 this section. Challenged ballots must be handled in accordance with
16 chapter 29A.08 RCW.

17 NEW SECTION. **Sec. 30.** A new section is added to chapter 29A.40
18 RCW to read as follows:

19 The information on the envelopes or instructions for overseas
20 voters and service voters must explain that:

21 (1) Return postage is free if the ballot is mailed through the
22 United States postal service, United States armed forces postal
23 service, or the postal service of a United States foreign embassy;

24 (2) The date of the signature is considered the date of mailing;

25 (3) The envelope must be signed by election day;

26 (4) The signed declaration on the envelope is the equivalent of
27 voter registration;

28 (5) A voter may fax a voted ballot and the accompanying envelope
29 if the voter agrees to waive secrecy. The ballot will be counted if
30 the original documents are received before the certification of the
31 election; and

32 (6) A voter may obtain a ballot via electronic mail, which the
33 voter may print out, vote, and return by mail. In order to facilitate
34 the electronic acquisition of ballots by overseas and service voters,
35 the ballot instructions must include the web site of the office of
36 the secretary of state.

1 NEW SECTION. **Sec. 31.** A new section is added to chapter 29A.40
2 RCW to read as follows:

3 (1) A person who knowingly collects voted or unvoted absentee
4 ballots from another person is guilty of a class C felony punishable
5 under RCW 9A.20.021. An election official, a United States postal
6 service worker, or any other person who is allowed by law to transmit
7 United States mail is deemed not to have collected an early ballot if
8 the official, worker, or other person is engaged in official duties.

9 (2) This section does not apply to a:

10 (a) Family member;

11 (b) Household member; or

12 (c) Caregiver, of the voter.

13 (3) For the purposes of this section:

14 (a) "Caregiver" means a person who provides medical or health
15 care assistance to the voter in a residence, nursing care
16 institution, hospice facility, assisted living center, assisted
17 living facility, assisted living home, residential care institution,
18 adult day health care facility, or adult foster care home.

19 (b) "Collects" means to gain possession or control of an early
20 ballot.

21 (c) "Family member" means a person who is related to the voter by
22 blood, marriage, adoption, or legal guardianship.

23 (d) "Household member" means a person who resides at the same
24 residence as the voter.

25 **PART VI**

26 **VOTER REGISTRATION DEADLINES**

27 NEW SECTION. **Sec. 32.** A new section is added to chapter 29A.08
28 RCW to read as follows:

29 (1) In order to vote in any primary, special election, or general
30 election, a person who is not registered to vote in Washington must
31 submit a registration application that is physically or
32 electronically received by an election official no later than the
33 close of business 14 days before the day of the primary, special
34 election, or general election.

35 (2) (a) In order to change a residence address for voting in any
36 primary, special election, or general election, a person who is
37 already registered to vote in Washington may update his or her
38 registration by:

1 (i) Submitting an address change using a registration application
2 or making notification via any non-in-person method that is received
3 by election officials no later than the close of business 14 days
4 before the day of the primary, special election, or general election;
5 or

6 (ii) Appearing in person, at a county auditor's office, the
7 division of elections if in a separate city from the county auditor's
8 office, a voting center, or other location designated by the county
9 auditor, no later than the close of business 14 days before the day
10 of the primary, special election, or general election to be in effect
11 for that primary, special election, or general election.

12 (b) A registered voter who fails to update his or her residential
13 address by this deadline may vote according to his or her previous
14 registration address.

15 (3) To register or update a voting address in person at a county
16 auditor's office, a voting center, or other location designated by
17 the county auditor, a person must appear in person at a county
18 auditor's office, a voting center, or other location designated by
19 the county auditor at a time when the facility is open and complete
20 the voter registration application by providing the information
21 required by RCW 29A.08.010.

22 **PART VII**

23 **ELECTION DAY A STATE HOLIDAY**

24 **Sec. 33.** RCW 1.16.050 and 2020 c 74 s 2 are each amended to read
25 as follows:

26 (1) The following are state legal holidays:

27 (a) Sunday;

28 (b) The first day of January, commonly called New Year's Day;

29 (c) The third Monday of January, celebrated as the anniversary of
30 the birth of Martin Luther King, Jr.;

31 (d) The third Monday of February, to be known as Presidents' Day
32 and celebrated as the anniversary of the births of Abraham Lincoln
33 and George Washington;

34 (e) The last Monday of May, commonly known as Memorial Day;

35 (f) The fourth day of July, the anniversary of the Declaration of
36 Independence;

37 (g) The first Monday in September, to be known as Labor Day;

1 (h) The Tuesday immediately following the first Monday in
2 November, to be known as Election Day;

3 (i) The eleventh day of November, to be known as Veterans' Day;

4 ~~((i))~~ (j) The fourth Thursday in November, to be known as
5 Thanksgiving Day;

6 ~~((j))~~ (k) The Friday immediately following the fourth Thursday
7 in November, to be known as Native American Heritage Day; and

8 ~~((k))~~ (l) The twenty-fifth day of December, commonly called
9 Christmas Day.

10 (2) Employees of the state and its political subdivisions, except
11 employees of school districts and except those nonclassified
12 employees of institutions of higher education who hold appointments
13 or are employed under contracts to perform services for periods of
14 less than twelve consecutive months, are entitled to one paid holiday
15 per calendar year in addition to those specified in this section.
16 Each employee of the state or its political subdivisions may select
17 the day on which the employee desires to take the additional holiday
18 provided for in this section after consultation with the employer
19 pursuant to guidelines to be promulgated by rule of the appropriate
20 personnel authority, or in the case of local government by ordinance
21 or resolution of the legislative authority.

22 (3) Employees of the state and its political subdivisions,
23 including employees of school districts and those nonclassified
24 employees of institutions of higher education who hold appointments
25 or are employed under contracts to perform services for periods of
26 less than twelve consecutive months, are entitled to two unpaid
27 holidays per calendar year for a reason of faith or conscience or an
28 organized activity conducted under the auspices of a religious
29 denomination, church, or religious organization. This includes
30 employees of public institutions of higher education, including
31 community colleges, technical colleges, and workforce training
32 programs. The employee may select the days on which the employee
33 desires to take the two unpaid holidays after consultation with the
34 employer pursuant to guidelines to be promulgated by rule of the
35 appropriate personnel authority, or in the case of local government
36 by ordinance or resolution of the legislative authority. If an
37 employee prefers to take the two unpaid holidays on specific days for
38 a reason of faith or conscience, or an organized activity conducted
39 under the auspices of a religious denomination, church, or religious
40 organization, the employer must allow the employee to do so unless

1 the employee's absence would impose an undue hardship on the employer
2 or the employee is necessary to maintain public safety. Undue
3 hardship shall have the meaning established in rule by the office of
4 financial management under RCW 43.41.109.

5 (4) If any of the state legal holidays specified in this section
6 are also federal legal holidays but observed on different dates, only
7 the state legal holidays are recognized as a paid legal holiday for
8 employees of the state and its political subdivisions. However, for
9 port districts and the law enforcement and public transit employees
10 of municipal corporations, either the federal or the state legal
11 holiday is recognized as a paid legal holiday, but in no case may
12 both holidays be recognized as a paid legal holiday for employees.

13 (5) Whenever any state legal holiday:

14 (a) Other than Sunday, falls upon a Sunday, the following Monday
15 is the legal holiday; or

16 (b) Falls upon a Saturday, the preceding Friday is the legal
17 holiday.

18 (6) Nothing in this section may be construed to have the effect
19 of adding or deleting the number of paid holidays provided for in an
20 agreement between employees and employers of political subdivisions
21 of the state or as established by ordinance or resolution of the
22 local government legislative authority.

23 (7) The legislature declares that the following days are
24 recognized as provided in this subsection, but may not be considered
25 legal holidays for any purpose:

26 (a) The thirteenth day of January, recognized as Korean-American
27 day;

28 (b) The twelfth day of October, recognized as Columbus day;

29 (c) The ninth day of April, recognized as former prisoner of war
30 recognition day;

31 (d) The twenty-sixth day of January, recognized as Washington
32 army and air national guard day;

33 (e) The seventh day of August, recognized as purple heart
34 recipient recognition day;

35 (f) The second Sunday in October, recognized as Washington state
36 children's day;

37 (g) The sixteenth day of April, recognized as Mother Joseph day;

38 (h) The fourth day of September, recognized as Marcus Whitman
39 day;

1 (i) The seventh day of December, recognized as Pearl Harbor
2 remembrance day;

3 (j) The twenty-seventh day of July, recognized as national Korean
4 war veterans armistice day;

5 (k) The nineteenth day of February, recognized as civil liberties
6 day of remembrance;

7 (l) The nineteenth day of June, recognized as Juneteenth, a day
8 of remembrance for the day the slaves learned of their freedom;

9 (m) The thirtieth day of March, recognized as welcome home
10 Vietnam veterans day;

11 (n) The eleventh day of January, recognized as human trafficking
12 awareness day;

13 (o) The thirty-first day of March, recognized as Cesar Chavez
14 day;

15 (p) The tenth day of April, recognized as Dolores Huerta day;

16 (q) The fourth Saturday of September, recognized as public lands
17 day; and

18 (r) The eighteenth day of December, recognized as blood donor
19 day.

20 **PART VIII**

21 **DATE OF LEVIES AND NONEMERGENCY BOND MEASURES**

22 **Sec. 34.** RCW 29A.04.321 and 2015 c 146 s 1 are each amended to
23 read as follows:

24 (1) All state, county, city, town, and district general elections
25 for the election of federal, state, legislative, judicial, county,
26 city, town, and district officers, and for the submission to the
27 voters of the state, county, city, town, or district of any measure
28 for their adoption and approval or rejection, shall be held on the
29 first Tuesday after the first Monday of November, in the year in
30 which they may be called. A statewide general election shall be held
31 on the first Tuesday after the first Monday of November of each year.
32 However, the statewide general election held in odd-numbered years
33 shall be limited to (a) city, town, and district general elections as
34 provided for in RCW 29A.04.330, or as otherwise provided by law; (b)
35 the election of federal officers for the remainder of any unexpired
36 terms in the membership of either branch of the Congress of the
37 United States; (c) the election of state and county officers for the
38 remainder of any unexpired terms of offices created by or whose

1 duties are described in Article II, section 15, Article III, sections
2 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of
3 the state Constitution and RCW 2.06.080; (d) the election of county
4 officers in any county governed by a charter containing provisions
5 calling for general county elections at this time; and (e) the
6 approval or rejection of state measures, including proposed
7 constitutional amendments, matters pertaining to any proposed
8 constitutional convention, initiative measures and referendum
9 measures proposed by the electorate, referendum bills, and any other
10 matter provided by the legislature for submission to the electorate.

11 (2) A county legislative authority may call a special county
12 election by presenting a resolution to the county auditor prior to
13 the proposed election date. A special election called by the county
14 legislative authority shall be held on ~~((one of the following dates
15 as decided by such governing body:~~

16 ~~(a) The second Tuesday in February;~~

17 ~~(b) The fourth Tuesday in April;~~

18 ~~(c) The))~~ either the day of the primary as specified by RCW
19 29A.04.311(~~(~~+~~)~~) or

20 ~~((~~(d) The))~~ the first Tuesday after the first Monday in November.~~

21 (3) ~~((A resolution calling for a special election on a date set
22 forth in subsection (2) (a) and (b) of this section must be presented
23 to the county auditor at least sixty days prior to the election
24 date.))~~ A resolution calling for a special election on ~~((a date set
25 forth in subsection (2) (c) of this section))~~ the day of the primary
26 must be presented to the county auditor no later than the Friday
27 immediately before the first day of regular candidate filing. A
28 resolution calling for a special election on ~~((a date set forth in
29 subsection (2) (d) of this section))~~ the day of the general election
30 must be presented to the county auditor no later than the day of the
31 primary.

32 (4) ~~((In addition to the dates set forth in subsection (2) (a)
33 through (d) of this section, a))~~ A special election to validate an
34 excess levy or bond issue may be called at any time to meet the needs
35 resulting from fire, flood, earthquake, or other act of God. Such
36 county special election shall be noticed and conducted in the manner
37 provided by law.

38 (5) This section shall supersede the provisions of any and all
39 other statutes, whether general or special in nature, having
40 different dates for such city, town, and district elections, the

1 purpose of this section being to establish mandatory dates for
2 holding elections. This section shall not be construed as fixing the
3 time for holding primary elections, or elections for the recall of
4 any elective public officer.

5 **Sec. 35.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to
6 read as follows:

7 (1) All city, town, and district general elections shall be held
8 throughout the state of Washington on the first Tuesday following the
9 first Monday in November in the odd-numbered years.

10 This section shall not apply to:

11 (a) Elections for the recall of any elective public officer;

12 (b) Public utility districts, conservation districts, or district
13 elections at which the ownership of property within those districts
14 is a prerequisite to voting, all of which elections shall be held at
15 the times prescribed in the laws specifically applicable thereto;

16 (c) Consolidation proposals as provided for in RCW 28A.315.235
17 and nonhigh capital fund aid proposals as provided for in chapter
18 28A.540 RCW; and

19 (d) Special flood control districts consisting of three or more
20 counties.

21 (2) The county auditor, as ex officio supervisor of elections,
22 upon request in the form of a resolution of the governing body of a
23 city, town, or district, presented to the auditor prior to the
24 proposed election date, shall call a special election in such city,
25 town, or district, and for the purpose of such special election he or
26 she may combine, unite, or divide precincts. Such a special election
27 shall be held on ~~((one of the following dates as decided by the~~
28 ~~governing body:~~

29 ~~(a) The second Tuesday in February;~~

30 ~~(b) The fourth Tuesday in April;~~

31 ~~(c) The~~) either the day of the primary election as specified by
32 RCW 29A.04.311 ~~((~~†~~))~~ or

33 ~~((~~d~~))~~ the first Tuesday after the first Monday in November.

34 (3) ~~((A resolution calling for a special election on a date set~~
35 ~~forth in subsection (2) (a) and (b) of this section must be presented~~
36 ~~to the county auditor at least sixty days prior to the election~~
37 ~~date.))~~ A resolution calling for a special election on ~~((a date set~~
38 ~~forth in subsection (2) (c) of this section))~~ the day of the primary
39 must be presented to the county auditor no later than the Friday

1 immediately before the first day of regular candidate filing. A
2 resolution calling for a special election on (~~(a date set forth in~~
3 ~~subsection (2)(d) of this section)~~) the day of the general election
4 must be presented to the county auditor no later than the day of the
5 primary.

6 (4) (~~In addition to subsection (2)(a) through (d) of this~~
7 ~~section, a)~~) A special election to validate an excess levy or bond
8 issue may be called at any time to meet the needs resulting from
9 fire, flood, earthquake, or other act of God, except that no special
10 election may be held between the first day for candidates to file for
11 public office and the last day to certify the returns of the general
12 election other than as provided in (~~subsection (2)(c) and (d) of~~)
13 this section. Such special election shall be conducted and notice
14 thereof given in the manner provided by law.

15 (5) This section shall supersede the provisions of any and all
16 other statutes, whether general or special in nature, having
17 different dates for such city, town, and district elections, the
18 purpose of this section being to establish mandatory dates for
19 holding elections.

20 NEW SECTION. **Sec. 36.** RCW 29A.08.140 (Voter registration
21 deadlines) and 2020 c 208 s 22, 2019 c 391 s 4, 2018 c 112 s 1, 2011
22 c 10 s 15, 2009 c 369 s 15, 2006 c 97 s 1, 2004 c 267 s 112, & 2003 c
23 111 s 212 are each repealed.

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