

ESSB 5124 - H AMD 462

By Representative Taylor

FAILED 03/25/2011

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

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

6 As used in this title:

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

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

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

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

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

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

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

27

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

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

11 (a) The voter's name does not appear in the (~~poll book~~) list of  
12 registered voters for the county;

13 (b) There is an indication in the (~~poll book that the voter has~~  
14 ~~requested an absentee ballot, but the voter wishes to vote at the~~  
15 ~~polling place~~) voter registration system that the voter has already  
16 voted in that primary, special election, or general election, but the  
17 voter wishes to vote again;

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

20 (d) Any other reason allowed by law;

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

26 (7) "Nonpartisan ballot" means a primary election ballot that  
27 lists all nonpartisan races and ballot measures to be voted on at that  
28 primary.

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

32 "Canvassing" means the process of examining ballots or groups of  
33 ballots, subtotals, and cumulative totals in order to determine the  
34 official returns of a primary or general election and includes the

1 tabulation of any votes that were not previously tabulated (~~at the~~  
2 ~~precinct or in a counting center on the day of the primary or~~  
3 ~~election~~)).

4  
5 **Sec. 3.** RCW 29A.04.019 and 2003 c 111 s 104 are each amended to  
6 read as follows:

7 "Counting center" means the facility or facilities designated by  
8 the county auditor to count and canvass (~~mail~~) ballots(~~, absentee~~  
9 ~~ballots, and polling place ballots that are transferred to a central~~  
10 ~~site to be counted, rather than being counted by a poll site ballot~~  
11 ~~counting device, on the day of a primary or election~~)).

12  
13 **Sec. 4.** RCW 29A.04.031 and 2003 c 111 s 106 are each amended to  
14 read as follows:

15 For registered voters voting by (~~absentee or~~) mail (~~ballot~~),  
16 "date of mailing" means the date of the postal cancellation on the  
17 envelope in which the ballot is returned to the election official by  
18 whom it was issued. For all (~~nonregistered absentee~~) service and  
19 overseas voters, "date of mailing" means the date stated by the voter  
20 on the (~~envelope in which the ballot is returned to the election~~  
21 ~~official by whom it was issued~~) declaration.

22  
23 **Sec. 5.** RCW 29A.04.037 and 2010 c 161 s 1103 are each amended to  
24 read as follows:

25 "Disabled voter" means any registered voter who qualifies for  
26 special parking privileges under RCW 46.19.010, or who is defined as  
27 blind under RCW 74.18.020, or who qualifies to require assistance with  
28 voting under (~~RCW 29A.44.240~~) section 43 of this act.

29  
30 **Sec. 6.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
31 read as follows:

32 The county auditor of each county shall be ex officio the  
33 supervisor of all primaries and elections, general or special, and it  
34 shall be the county auditor's duty to provide places for holding such

1 primaries and elections; (~~to appoint the precinct election officers~~  
2 ~~and to provide for their compensation;~~) to provide the supplies and  
3 materials necessary for the conduct of elections (~~to the precinct~~  
4 ~~election officers~~); and to publish and post notices of calling such  
5 primaries and elections in the manner provided by law. The notice of  
6 a primary held in an even-numbered year must indicate that the office  
7 of precinct committee officer will be on the ballot. The auditor  
8 shall also apportion to each city, town, or district, and to the state  
9 of Washington in the odd-numbered year, its share of the expense of  
10 such primaries and elections. This section does not apply to general  
11 or special elections for any city, town, or district that is not  
12 subject to RCW 29A.04.321 and 29A.04.330, but all such elections must  
13 be held and conducted at the time, in the manner, and by the officials  
14 (with such notice, requirements for filing for office, and  
15 certifications by local officers) as provided and required by the laws  
16 governing such elections.

17

18 **Sec. 7.** RCW 29A.04.220 and 2003 c 111 s 135 are each amended to  
19 read as follows:

20 The county auditor shall provide public notice of the availability  
21 of registration and voting aids, assistance to elderly and disabled  
22 persons, and procedures for voting (~~by absentee ballot~~) calculated  
23 to reach elderly and disabled persons not later than public notice of  
24 the closing of registration for a primary or election.

25

26 **Sec. 8.** RCW 29A.04.235 and 2003 c 111 s 138 are each amended to  
27 read as follows:

28 The secretary of state shall ensure that each county auditor is  
29 provided with the most recent version of the election laws of the  
30 state, as contained in this title. Where amendments have been enacted  
31 after the last compilation of the election laws, he or she shall  
32 ensure that each county auditor receives a copy of those amendments  
33 before the next primary or election. (~~The county auditor shall~~  
34 ~~ensure that any statutory information necessary for the precinct~~

1 ~~election officers to perform their duties is supplied to them in a~~  
2 ~~timely manner.))~~

3  
4 **Sec. 9.** RCW 29A.04.255 and 2004 c 266 s 5 are each amended to  
5 read as follows:

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

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

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

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

1       **Sec. 10.** RCW 29A.04.470 and 2004 c 267 s 203 are each amended to  
2 read as follows:

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

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

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

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

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

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

28       (d) Development and production of ~~((poll))~~ election worker  
29 ~~((recruitment and))~~ training materials;

30       (e) Voter education programs;

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

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

34       (h) Training for local election officials.

1       **Sec. 11.** RCW 29A.04.540 and 2009 c 415 s 9 are each amended to  
2 read as follows:

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

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

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

20  
21       **Sec. 12.** RCW 29A.04.580 and 2003 c 111 s 156 are each amended to  
22 read as follows:

23       The county auditor may designate any person who has been certified  
24 under this chapter, other than the auditor, to participate in a review  
25 conducted in the county under this chapter. Each county auditor and  
26 canvassing board shall cooperate fully during an election review by  
27 making available to the reviewing staff any material requested by the  
28 staff. The reviewing staff shall have full access to (~~(ballot pages,~~  
29 ~~absentee voting materials, any other election material normally kept~~  
30 ~~in a secure environment after the election, and other requested)) the  
31 county's election material. If ballots are reviewed by the staff,  
32 they shall be reviewed in the presence of the canvassing board or its  
33 designees. Ballots shall not leave the custody of the canvassing  
34 board. During the review and after its completion, the review staff~~

1 may make appropriate recommendations to the county auditor or  
2 canvassing board, or both, to bring the county into compliance with  
3 the training required under this chapter, and the laws or rules of the  
4 state of Washington, to safeguard election material or to preserve the  
5 integrity of the elections process.

6

7 **Sec. 13.** RCW 29A.04.611 and 2009 c 369 s 5 are each amended to  
8 read as follows:

9 The secretary of state as chief election officer shall make  
10 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
11 with the federal and state election laws to effectuate any provision  
12 of this title and to facilitate the execution of its provisions in an  
13 orderly, timely, and uniform manner relating to any federal, state,  
14 county, city, town, and district elections. To that end the secretary  
15 shall assist local election officers by devising uniform forms and  
16 procedures.

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

- 20 (1) The maintenance of voter registration records;
- 21 (2) The preparation, maintenance, distribution, review, and filing  
22 of precinct maps;
- 23 (3) Standards for the design, layout, and production of ballots;
- 24 (4) The examination and testing of voting systems for  
25 certification;
- 26 (5) The source and scope of independent evaluations of voting  
27 systems that may be relied upon in certifying voting systems for use  
28 in this state;
- 29 (6) Standards and procedures for the acceptance testing of voting  
30 systems by counties;
- 31 (7) Standards and procedures for testing the programming of vote  
32 tallying software for specific primaries and elections;

33

34



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

4 (9) Standards and procedures to ensure the accurate tabulation and  
5 canvassing of ballots;

6 (10) Consistency among the counties of the state in the  
7 preparation of ballots, the operation of vote tallying systems, and  
8 the canvassing of primaries and elections;

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

12 (12) The use of substitute devices or means of voting when a  
13 voting device (~~at the polling place~~) is found to be defective, the  
14 counting of votes cast on the defective device, the counting of votes  
15 cast on the substitute device, and the documentation that must be  
16 submitted to the county auditor regarding such circumstances;

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

19 (14) The acceptance and filing of documents via electronic  
20 (~~facsimile~~) transmission;

21 (15) Voter registration applications and records;

22 (16) The use of voter registration information in the conduct of  
23 elections;

24 (17) The coordination, delivery, and processing of voter  
25 registration records accepted by driver licensing agents or the  
26 department of licensing;

27 (18) The coordination, delivery, and processing of voter  
28 registration records accepted by agencies designated by the governor  
29 to provide voter registration services;

30 (19) Procedures to receive and distribute voter registration  
31 applications by mail;

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

34

- 1 (21) Procedures for a voter to change the name under which he or  
2 she is registered to vote;
- 3 (22) Procedures for canceling dual voter registration records and  
4 for maintaining records of persons whose voter registrations have been  
5 canceled;
- 6 (23) Procedures for the electronic transfer of voter registration  
7 records between county auditors and the office of the secretary of  
8 state;
- 9 (24) Procedures and forms for declarations of candidacy;
- 10 (25) Procedures and requirements for the acceptance and filing of  
11 declarations of candidacy by electronic means;
- 12 (26) Procedures for the circumstance in which two or more  
13 candidates have a name similar in sound or spelling so as to cause  
14 confusion for the voter;
- 15 (27) Filing for office;
- 16 (28) The order of positions and offices on a ballot;
- 17 (29) Sample ballots;
- 18 (30) Independent evaluations of voting systems;
- 19 (31) The testing, approval, and certification of voting systems;
- 20 (32) The testing of vote tallying software programming;
- 21 (33) Standards and procedures to prevent fraud and to facilitate  
22 the accurate processing and canvassing of (~~absentee ballots and~~  
23 ~~mail~~) ballots, including standards for the approval and  
24 implementation of hardware and software for automated signature  
25 verification systems;
- 26 (34) Standards and procedures to guarantee the secrecy of  
27 (~~absentee ballots and mail~~) ballots;
- 28 (35) Uniformity among the counties of the state in the conduct of  
29 (~~absentee voting and mail ballot~~) elections;
- 30 (36) Standards and procedures to accommodate overseas voters and  
31 service voters;
- 32 (37) The tabulation of paper ballots (~~before the close of the~~  
33 ~~polls~~);

34

1 (38) The accessibility of (~~polling places and registration~~  
2 ~~facilities that are accessible to elderly and disabled persons~~)  
3 voting centers;

4 (39) The aggregation of precinct results if reporting the results  
5 of a single precinct could jeopardize the secrecy of a person's  
6 ballot;

7 (40) Procedures for conducting a statutory recount;

8 (41) Procedures for filling vacancies in congressional offices if  
9 the general statutory time requirements for availability of  
10 (~~absentee~~) ballots, certification, canvassing, and related  
11 procedures cannot be met;

12 (42) Procedures for the statistical sampling of signatures for  
13 purposes of verifying and canvassing signatures on initiative,  
14 referendum, and recall election petitions;

15 (43) Standards and deadlines for submitting material to the office  
16 of the secretary of state for the voters' pamphlet;

17 (44) Deadlines for the filing of ballot titles for referendum  
18 bills and constitutional amendments if none have been provided by the  
19 legislature;

20 (45) Procedures for the publication of a state voters' pamphlet;

21 (46) Procedures for conducting special elections regarding nuclear  
22 waste sites if the general statutory time requirements for  
23 availability of (~~absentee~~) ballots, certification, canvassing, and  
24 related procedures cannot be met;

25 (47) Procedures for conducting partisan primary elections;

26 (48) Standards and procedures for the proper conduct of voting  
27 (~~during the early voting period to provide accessibility for the~~  
28 ~~blind or visually impaired~~) on accessible voting devices;

29 (49) Standards for voting technology and systems used by the state  
30 or any political subdivision to be accessible for individuals with  
31 disabilities, including nonvisual accessibility for the blind and  
32 visually impaired, in a manner that provides the same opportunity for  
33 access and participation, including privacy and independence, as other  
34 voters;

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

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

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

12 (53) Facilitating the payment of local government grants to local  
13 government election officers or vendors; and

14 (54) Standards for the verification of signatures on (~~absentee,~~  
15 ~~mail, and provisional~~) ballot (~~envelopes~~) declarations.

16  
17 **Sec. 14.** RCW 29A.08.130 and 2009 c 369 s 13 are each amended to  
18 read as follows:

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

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

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

34  
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1 (a) Submit a registration application no later than twenty-nine  
2 days before the day of the primary, special election, or general  
3 election; or

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

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

15 ((3) Prior to each primary and general election, the county  
16 auditor shall give notice of the registration deadlines by one  
17 publication in a newspaper of general circulation in the county at  
18 least thirty-five days before the primary or general election.))

19  
20 **Sec. 16.** RCW 29A.08.440 and 2009 c 369 s 25 are each amended to  
21 read as follows:

22 A registered voter who changes his or her name shall notify the  
23 county auditor regarding the name change by submitting a notice  
24 clearly identifying the name under which he or she is registered to  
25 vote, the voter's new name, and the voter's residence, and providing a  
26 signature of the new name, or by submitting a voter registration  
27 application.

28 ((A properly registered voter who files a change of name notice at  
29 the voter's precinct polling place during a primary or election and  
30 who desires to vote at that primary or election shall sign the poll  
31 book using the voter's former and new names.))

32  
33 **Sec. 17.** RCW 29A.08.620 and 2009 c 369 s 29 are each amended to  
34 read as follows:

1 (1) Each county auditor must request change of address information  
2 from the postal service for all ((absentee and)) mail ballots. ((A  
3 voter who votes at the polls must be mailed an election-related  
4 document, with change of address information requested, at least once  
5 every two years and at least ninety days prior to the date of a  
6 primary or general election for federal office.))

7 (2) The county auditor shall transfer the registration of a voter  
8 and send an acknowledgement notice to the new address informing the  
9 voter of the transfer if change of address information received by the  
10 county auditor from the postal service, the department of licensing,  
11 or another agency designated to provide voter registration services  
12 indicates that the voter has moved within the county.

13 (3) The county auditor shall place a voter on inactive status and  
14 send to all known addresses a confirmation notice and a voter  
15 registration application if change of address information received by  
16 the county auditor from the postal service, the department of  
17 licensing, or another agency designated to provide voter registration  
18 services indicates that the voter has moved from one county to  
19 another.

20 (4) The county auditor shall place a voter on inactive status and  
21 send to all known addresses a confirmation notice if any of the  
22 following occur:

23 (a) Any document mailed by the county auditor to a voter is  
24 returned by the postal service as undeliverable without address  
25 correction information; or

26 (b) Change of address information received from the postal  
27 service, the department of licensing, or another state agency  
28 designated to provide voter registration services indicates that the  
29 voter has moved out of the state.

30  
31 **Sec. 18.** RCW 29A.08.720 and 2009 c 369 s 34 are each amended to  
32 read as follows:

33 (1) In the case of voter registration records received through the  
34 department of licensing or an agency designated under RCW 29A.08.310,

1 the identity of the office or agency at which any particular  
2 individual registered to vote is not available for public inspection  
3 and shall not be disclosed to the public. Any record of a particular  
4 individual's choice not to register to vote at an office of the  
5 department of licensing or a state agency designated under RCW  
6 29A.08.310 is not available for public inspection and any information  
7 regarding such a choice by a particular individual shall not be  
8 disclosed to the public.

9 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,  
10 (~~(poll books)~~) precinct lists(~~(7)~~) and current lists of registered  
11 voters are public records and must be made available for public  
12 inspection and copying under such reasonable rules and regulations as  
13 the county auditor or secretary of state may prescribe. The county  
14 auditor or secretary of state shall promptly furnish current lists of  
15 registered voters in his or her possession, at actual reproduction  
16 cost, to any person requesting such information. The lists shall not  
17 be used for the purpose of mailing or delivering any advertisement or  
18 offer for any property, establishment, organization, product, or  
19 service or for the purpose of mailing or delivering any solicitation  
20 for money, services, or anything of value. However, the lists and  
21 labels may be used for any political purpose. The county auditor or  
22 secretary of state must provide a copy of RCW 29A.08.740 to the person  
23 requesting the material that is released under this section.

24 (3) For the purposes of this section, "political purpose" means a  
25 purpose concerned with the support of or opposition to any candidate  
26 for any partisan or nonpartisan office or concerned with the support  
27 of or opposition to any ballot proposition or issue. "Political  
28 purpose" includes, but is not limited to, such activities as the  
29 advertising for or against any candidate or ballot measure or the  
30 solicitation of financial support.

31  
32 **Sec. 19.** RCW 29A.08.775 and 2005 c 246 s 20 are each amended to  
33 read as follows:

1 Only voters who appear on the official statewide voter  
2 registration list are eligible to participate in elections. Each  
3 county shall maintain a copy of that county's portion of the state  
4 list. The county must ensure that voter registration data used for  
5 the production, issuance, and processing of (~~poll lists and other~~  
6 ~~lists and mailings done~~) ballots in the administration of each  
7 election are the same as the official statewide voter registration  
8 list.

9

10 **Sec. 20.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to  
11 read as follows:

12 (1) Registration of a person as a voter is presumptive evidence of  
13 his or her right to vote. A challenge to the person's right to vote  
14 must be based on personal knowledge of one of the following:

15 (a) The challenged voter has been convicted of a felony and the  
16 voter's civil rights have not been restored;

17 (b) The challenged voter has been judicially declared ineligible  
18 to vote due to mental incompetency;

19 (c) The challenged voter does not live at the residential address  
20 provided, in which case the challenger must either:

21 (i) Provide the challenged voter's actual residence on the  
22 challenge form; or

23 (ii) Submit evidence that he or she exercised due diligence to  
24 verify that the challenged voter does not reside at the address  
25 provided and to attempt to contact the challenged voter to learn the  
26 challenged voter's actual residence, including that the challenger  
27 personally:

28 (A) Sent a letter with return service requested to the challenged  
29 voter's residential address provided, and to the challenged voter's  
30 mailing address, if provided;

31 (B) Visited the residential address provided and contacted persons  
32 at the address to determine whether the voter resides at the address  
33 and, if not, obtained and submitted with the challenge form a signed  
34 affidavit subject to the penalties of perjury from a person who owns



1 or manages property, resides, or is employed at the address provided,  
2 that to his or her personal knowledge the challenged voter does not  
3 reside at the address as provided on the voter registration;

4 (C) Searched local telephone directories, including online  
5 directories, to determine whether the voter maintains a telephone  
6 listing at any address in the county;

7 (D) Searched county auditor property records to determine whether  
8 the challenged voter owns any property in the county; and

9 (E) Searched the statewide voter registration database to  
10 determine if the voter is registered at any other address in the  
11 state;

12 (d) The challenged voter will not be eighteen years of age by the  
13 next election; or

14 (e) The challenged voter is not a citizen of the United States.

15 (2) A person's right to vote may be challenged(~~(+)~~) by another  
16 registered voter or the county prosecuting attorney (~~(at any time, or~~  
17 ~~by the poll site judge or inspector if the challenge is filed on~~  
18 ~~election day regarding a voter who presents himself or herself to vote~~  
19 ~~at the poll site)~~).

20 (3) The challenger must file a signed affidavit subject to the  
21 penalties of perjury swearing that, to his or her personal knowledge  
22 and belief, having exercised due diligence to personally verify the  
23 evidence presented, the challenged voter either is not qualified to  
24 vote or does not reside at the address given on his or her voter  
25 registration record based on one of the reasons allowed in subsection  
26 (1) of this section. The challenger must provide the factual basis  
27 for the challenge, including any information required by subsection  
28 (1)(c) of this section, in the signed affidavit. The challenge may  
29 not be based on unsupported allegations or allegations by anonymous  
30 third parties. All documents pertaining to the challenge are public  
31 records.

32 (4) Challenges based on a felony conviction under RCW 29A.08.520  
33 must be heard according to RCW 29A.08.520 and rules adopted by the  
34 secretary of state.

1       **Sec. 21.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to  
2 read as follows:

3       (1) Challenges initiated by a registered voter against a voter who  
4 registered to vote less than sixty days before the election, or who  
5 changed residence less than sixty days before the election without  
6 transferring his or her registration, must be filed not later than ten  
7 days before any primary or election, general or special, or within ten  
8 days of the voter being added to the voter registration database,  
9 whichever is later, at the office of the appropriate county auditor.  
10 Challenges initiated by a registered voter (~~(against any other voter)~~)  
11 or county prosecuting attorney must be filed not later than forty-five  
12 days before the election. (~~(Challenges initiated by the office of the~~  
13 ~~county prosecuting attorney must be filed in the same manner as~~  
14 ~~challenges initiated by a registered voter.)~~)

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

20       (b) If the challenge is filed before the challenged voter's ballot  
21 is received, the ballot must be treated as a challenged ballot. (~~(A~~  
22 ~~challenged ballot received at a polling place must be placed in a~~  
23 ~~sealed envelope separate from other voted ballots.)~~)

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

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

29  
30       **Sec. 22.** RCW 29A.12.085 and 2005 c 242 s 1 are each amended to  
31 read as follows:

32       Beginning on January 1, 2006, all direct recording electronic  
33 voting devices must produce a paper record of each vote that may be  
34 accepted or rejected by the voter before finalizing his or her vote.

1 This record may not be removed from the (~~polling place~~) voting  
2 center, and must be human readable without an interface and machine  
3 readable for counting purposes. If the device is programmed to  
4 display the ballot in multiple languages, the paper record produced  
5 must be printed in the language used by the voter. Rejected records  
6 must either be destroyed or marked in order to clearly identify the  
7 record as rejected. Paper records produced by direct recording  
8 electronic voting devices are subject to all the requirements of  
9 chapter 29A.60 RCW for ballot handling, preservation, reconciliation,  
10 transit, and storage. The paper records must be preserved in the same  
11 manner and for the same period of time as ballots.

12  
13 **Sec. 23.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to  
14 read as follows:

15 In preparing a voting device for a primary or election, a record  
16 shall be made of the (~~ballot format~~) programming installed in each  
17 device (~~and the precinct or portion of a precinct for which that~~  
18 ~~device has been prepared~~). Except where provided by a rule adopted  
19 under RCW (~~29A.04.610~~) 29A.04.611, after being prepared for a  
20 primary or election, each device shall be sealed with a uniquely  
21 numbered seal (~~and provided to the inspector of the appropriate~~  
22 ~~polling place~~). The programmed memory pack for each voting device  
23 must be sealed into the device during final preparation and logic and  
24 accuracy testing. Except in the case of a device breakdown or error  
25 in programming, the memory pack must remain sealed in the device until  
26 after 8:00 p.m. on the day of the primary, special election, or  
27 general election.

28  
29 **Sec. 24.** RCW 29A.12.120 and 2003 c 111 s 312 are each amended to  
30 read as follows:

31 (1) Before each state primary or general election at which voting  
32 systems are to be used, the county auditor shall instruct all  
33 (~~precinct election officers appointed under RCW 29A.44.410,~~)  
34 counting center personnel(~~, and political party observers designated~~

1 ~~under RCW 29A.60.170))~~ who will operate a voting system in the proper  
2 conduct of their voting system duties.

3 (2) The county auditor may waive instructional requirements for  
4 (~~precinct election officers,~~) counting center personnel(~~,~~ and  
5 ~~political party observers~~) who have previously received instruction  
6 and who have served for a sufficient length of time to be fully  
7 qualified to perform their duties. The county auditor shall keep a  
8 record of each person who has received instruction and is qualified to  
9 serve at the subsequent primary or election.

10 (3) (~~As compensation for the time spent in receiving instruction,~~  
11 ~~each precinct election officer who qualifies and serves at the~~  
12 ~~subsequent primary or election shall receive an additional two hours~~  
13 ~~compensation, to be paid at the same time and in the same manner as~~  
14 ~~compensation is paid for services on the day of the primary or~~  
15 ~~election.~~

16 ~~(4) Except for the appointment of a precinct election officer to~~  
17 ~~fill a vacancy under RCW 29A.44.440, no inspector or judge may serve~~  
18 ~~at any primary or election at which voting systems are used unless he~~  
19 ~~or she has received the required instruction and is qualified to~~  
20 ~~perform his or her duties in connection with the voting devices.))~~ No  
21 person may work in a counting center at a primary or election at which  
22 a vote tallying system is used unless that person has received the  
23 required instruction and is qualified to perform his or her duties in  
24 connection with the handling and tallying of ballots for that primary  
25 or election. (~~No person may serve as a political party observer~~  
26 ~~unless that person has received the required instruction and is~~  
27 ~~familiar with the operation of the counting center and the vote~~  
28 ~~tallying system and the procedures to be employed to verify the~~  
29 ~~accuracy of the programming for that vote tallying system.))~~

30  
31 **Sec. 25.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to  
32 read as follows:

33  
34

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

4 (2) (~~Compliance with this provision in regard to voting~~  
5 ~~technology and systems purchased prior to July 27, 2003, shall be~~  
6 ~~achieved at the time of procurement of an upgrade of technology~~  
7 ~~compatible with nonvisual voting methods or replacement of existing~~  
8 ~~voting equipment or systems.~~

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

11 ~~— (4))~~ For purposes of this section, the following definitions  
12 apply:

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

15 (b) "Nonvisual" includes synthesized speech, Braille, and other  
16 output methods.

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

19 (~~(5) This section does not apply to voting by absentee ballot.~~)  
20

21 **Sec. 26.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to  
22 read as follows:

23 The county legislative authority of each county in the state  
24 (~~hereafter formed~~) shall (~~, at their first session,~~) divide (~~their~~  
25 ~~respective counties~~) the county into election precincts and establish  
26 the boundaries of the precincts. (~~The county auditor shall thereupon~~  
27 ~~designate the voting place for each such precinct or whether the~~  
28 ~~precinct is a vote by mail precinct.~~)

29 (1) Precinct boundaries may be altered at any time as long as  
30 sufficient time exists prior to a given election for the necessary  
31 procedural steps to be honored. Except as permitted under subsection  
32 (~~(5)~~) (3) of this section, no precinct (~~boundaries~~) changes may be  
33 (~~changed~~) made during the period starting (~~on the thirtieth~~)  
34

1 fourteen days prior to the first day for candidates to file for the  
2 primary election and ending with the day of the general election.

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

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

15 ~~— (4) On petition of twenty five or more voters resident more than~~  
16 ~~ten miles from any polling site, the county legislative authority~~  
17 ~~shall establish a separate voting precinct therefor.~~

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

29 ~~((6) In determining the number of active registered voters for~~  
30 ~~the purposes of this section, persons who are ongoing absentee voters~~  
31 ~~under RCW 29A.40.040 shall not be counted. Nothing in this subsection~~  
32 ~~may be construed as altering the vote tallying requirements of RCW~~  
33 ~~29A.60.230.))~~

34

1       **Sec. 27.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
2 read as follows:

3       Any candidate may mail his or her declaration of candidacy for an  
4 office to the filing officer. Such declarations of candidacy shall be  
5 processed by the filing officer in the following manner:

6       (1) Any declaration received by the filing officer by mail before  
7 the tenth business day immediately preceding the first day for  
8 candidates to file for office shall be returned to the candidate  
9 submitting it, together with a notification that the declaration of  
10 candidacy was received too early to be processed. The candidate shall  
11 then be permitted to resubmit his or her declaration of candidacy  
12 during the filing period.

13       (2) Any properly executed declaration of candidacy received by  
14 mail on or after the tenth business day immediately preceding the  
15 first day for candidates to file for office and before the close of  
16 business on the last day of the filing period shall be included with  
17 filings made in person during the filing period. (~~In partisan and  
18 judicial elections the filing officer shall determine by lot the order  
19 in which the names of those candidates shall appear upon sample and  
20 absentee primary ballots.~~)

21       (3) Any declaration of candidacy received by the filing officer  
22 after the close of business on the last day for candidates to file for  
23 office shall be rejected and returned to the candidate attempting to  
24 file it.

25  
26       **Sec. 28.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
27 read as follows:

28       The general election laws and laws relating to partisan primaries  
29 shall apply to the special primaries and vacancy elections provided  
30 for in chapter 29A.28 RCW to the extent that they are not inconsistent  
31 with the provisions of these sections. Minor political party and  
32 independent candidates may appear only on the general election ballot.  
33 Statutory time deadlines relating to availability of (~~absentee~~)  
34 ballots, certification, canvassing, and related procedures that cannot

1 be met in a timely fashion may be modified for the purposes of a  
2 specific primary or vacancy election under this chapter by the  
3 secretary of state through emergency rules adopted under RCW  
4 29A.04.611.

5  
6 **Sec. 29.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
7 read as follows:

8 The local voters' pamphlet shall include but not be limited to the  
9 following:

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

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

15 (3) Information on how a person may register to vote and obtain  
16 ~~((an absentee))~~ a ballot;

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

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

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

31  
32 **Sec. 30.** RCW 29A.32.260 and 2003 c 111 s 818 are each amended to  
33 read as follows:

34  
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1 As soon as practicable before the primary, special election, or  
2 general election, the county auditor, or if applicable, the city clerk  
3 of a first-class or code city, as appropriate, shall mail the local  
4 voters' pamphlet to every residence in each jurisdiction that has  
5 included information in the pamphlet. The county auditor or city  
6 clerk, as appropriate, may choose to mail the pamphlet to each  
7 registered voter in each jurisdiction that has included information in  
8 the pamphlet, if in his or her judgment, a more economical and  
9 effective distribution of the pamphlet would result. ~~((If the county  
10 or city chooses to mail the pamphlet to each residence, no notice of  
11 election otherwise required by RCW 29A.52.350 need be published.))~~

12  
13 **Sec. 31.** RCW 29A.36.115 and 2005 c 243 s 3 are each amended to  
14 read as follows:

15 All provisional ~~((and absentee))~~ ballots must be visually  
16 distinguishable from ~~((each))~~ other ballots and ~~((must be either:~~  
17 ~~——(1) Printed on colored paper; or~~  
18 ~~——(2) Imprinted with a bar code for the purpose of identifying the~~  
19 ~~ballot as a provisional or absentee ballot. The bar code must not~~  
20 ~~identify the voter.~~  
21 ~~——Provisional and absentee ballots must be))~~ incapable of being  
22 tabulated by ~~((poll site counting devices))~~ a voting system.

23  
24 **Sec. 32.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
25 read as follows:

26 After the close of business on the last day for candidates to file  
27 for office, the filing officer shall, from among those filings made in  
28 person and by mail, determine by lot the order in which the names of  
29 those candidates will appear on all ~~((primary, sample, and absentee))~~  
30 ballots. The determination shall be done publicly and may be  
31 witnessed by the media and by any candidate. If no primary is  
32 required for any nonpartisan office under RCW 29A.52.011 or  
33 29A.52.220, or if any independent or minor party candidate files a  
34

1 declaration of candidacy, the names shall appear on the general  
2 election ballot in the order determined by lot.

3

4 **Sec. 33.** RCW 29A.36.161 and 2010 c 32 s 1 are each amended to  
5 read as follows:

6 (1) On the top of each ballot must be printed clear and concise  
7 instructions directing the voter how to mark the ballot, including  
8 write-in votes. On the top of each primary ballot must be printed the  
9 instructions required by this chapter.

10 (2) The ballot must have a clear delineation between the ballot  
11 instructions and the first ballot measure or office through the use of  
12 white space, illustration, shading, color, symbol, font size, or bold  
13 type. The secretary of state shall establish standards for ballot  
14 design and layout consistent with this section and RCW 29A.04.611.

15 (3) The questions of adopting constitutional amendments or any  
16 other state measure authorized by law to be submitted to the voters at  
17 that election must appear after the instructions and before any  
18 offices.

19 (4) In a year that president and vice president appear on the  
20 general election ballot, the names of candidates for president and  
21 vice president for each political party must be grouped together with  
22 a single response position for a voter to indicate his or her choice.

23 (5) On a general election ballot, the candidate or candidates of  
24 the major political party that received the highest number of votes  
25 from the electors of this state for the office of president of the  
26 United States at the last presidential election must appear first  
27 following the appropriate office heading. The candidate or candidates  
28 of the other major political parties will follow according to the  
29 votes cast for their nominees for president at the last presidential  
30 election, and independent candidates and the candidate or candidates  
31 of all other parties will follow in the order of their qualification  
32 with the secretary of state.

33

34

1 ~~((6) All paper ballots and ballot cards used at a polling place~~  
2 ~~must be sequentially numbered in such a way to permit removal of such~~  
3 ~~numbers without leaving any identifying marks on the ballot.))~~

4  
5 **Sec. 34.** RCW 29A.36.220 and 2003 c 111 s 922 are each amended to  
6 read as follows:

7 The cost of printing and mailing ballots, ~~((ballot cards))~~  
8 envelopes, and instructions ~~((and the delivery of this material to the~~  
9 ~~precinct election officers))~~ shall be an election cost that shall be  
10 borne as determined under RCW 29A.04.410 and 29A.04.420, as  
11 appropriate.

12  
13 **Sec. 35.** RCW 29A.40.010 and 2009 c 369 s 36 are each amended to  
14 read as follows:

15 ~~((Any))~~ Each registered voter of the state ~~((or any))~~, overseas  
16 voter ~~((or))~~, and service voter ~~((may vote by absentee))~~ shall  
17 automatically be issued a mail ballot ~~((in any))~~ for each general  
18 election, special election, or primary ~~((in the manner provided in~~  
19 ~~this chapter))~~. Overseas voters and service voters are authorized to  
20 cast the same ballots, including those for special elections, as a  
21 registered voter of the state would receive under this chapter. Each  
22 registered voter shall continue to receive a ballot by mail until the  
23 death or disqualification of the voter, cancellation of the voter's  
24 registration, or placing the voter on inactive status.

25  
26 **Sec. 36.** RCW 29A.40.020 and 2009 c 369 s 37 are each amended to  
27 read as follows:

28 (1) ~~((Except as otherwise provided by law, a registered voter,~~  
29 ~~overseas voter, or service voter desiring to cast an absentee ballot~~  
30 ~~at a single election or primary must request the absentee ballot from~~  
31 ~~his or her county auditor no earlier than ninety days nor later than~~  
32 ~~the day before the election or primary at which the person seeks to~~  
33 ~~vote. Except as otherwise provided by law, the request may be made~~  
34 ~~orally in person, by telephone, electronically, or in writing. An~~

1 ~~application or request for an absentee ballot made under the authority~~  
2 ~~of a federal statute or regulation will be considered and given the~~  
3 ~~same effect as a request for an absentee ballot under this chapter.~~

4 ~~— (2) A voter requesting an absentee ballot for a primary may also~~  
5 ~~request an absentee ballot for the following general election.— A~~  
6 ~~request by an overseas voter or service voter for an absentee ballot~~  
7 ~~for a primary election will be considered as a request for an absentee~~  
8 ~~ballot for the following general election.~~

9 ~~— (3) In requesting an absentee ballot, the voter shall state the~~  
10 ~~address to which the absentee ballot should be sent.)) A request for~~  
11 ~~((an absentee)) a ballot from an overseas voter or service voter must~~  
12 ~~include the address of the last residence in the state of Washington~~  
13 ~~((and either a written application or the oath on the return envelope~~  
14 ~~must include a declaration of the other qualifications of the~~  
15 ~~applicant as an elector of this state.— A request for an absentee~~  
16 ~~ballot from any other voter must state the address at which that voter~~  
17 ~~is currently registered to vote in the state of Washington or the~~  
18 ~~county auditor shall verify that information from the voter~~  
19 ~~registration records of the county.~~

20 ~~— (4) A request for an absentee ballot from a registered voter who~~  
21 ~~is within this state must be made directly to the auditor of the~~  
22 ~~county in which the voter is registered.— An absentee ballot request~~  
23 ~~from a registered voter who is temporarily outside this state or from~~  
24 ~~an overseas voter or service voter may be made either to the~~  
25 ~~appropriate county auditor or to the secretary of state, who shall~~  
26 ~~promptly forward the request to the appropriate county auditor)).~~

27 ~~((+5))~~ (2) No person, organization, or association may distribute  
28 ~~((absentee ballot applications within this state))~~ any ballot  
29 materials that contain a return address other than that of the  
30 appropriate county auditor.

31  
32 **Sec. 37.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to  
33 read as follows:  
34

1 (1) (~~As provided in this section,~~) County auditors shall provide  
2 special absentee ballots to be used for state primary or state general  
3 elections. An auditor shall provide a special absentee ballot only to  
4 a registered voter who completes an application stating that she or he  
5 will be unable to vote and return a regular (~~absentee~~) ballot by  
6 normal mail delivery within the period provided for regular  
7 (~~absentee~~) ballots.

8 (~~The application for~~) A special absentee ballot may not be  
9 (~~filed earlier~~) requested more than ninety days before the  
10 applicable state primary or general election. The special absentee  
11 ballot will list the offices and measures, if known, scheduled to  
12 appear on the state primary or general election ballot. The voter may  
13 use the special absentee ballot to write in the name of any eligible  
14 candidate for each office and vote on any measure.

15 (2) (~~With any special absentee ballot issued under this~~  
16 ~~section,~~) The county auditor shall include a listing of any  
17 candidates who have filed before the time of the application for  
18 offices that will appear on the ballot at that primary or election and  
19 a list of any issues that have been referred to the ballot before the  
20 time of the application.

21 (3) Write-in votes on special absentee ballots must be counted in  
22 the same manner provided by law for the counting of other write-in  
23 votes. The county auditor shall process and canvass the special  
24 absentee ballots provided under this section in the same manner as  
25 other (~~absentee~~) ballots under this chapter and chapter 29A.60 RCW.

26 (4) A voter who requests a special absentee ballot under this  
27 section may also request (~~an absentee~~) a regular ballot (~~under RCW~~  
28 ~~29A.40.020(4)~~). If the regular absentee ballot is properly voted and  
29 returned, the special absentee ballot is void, and the county auditor  
30 shall reject it in whole when special absentee ballots are canvassed.

31  
32 **Sec. 38.** RCW 29A.40.070 and 2006 c 344 s 13 are each amended to  
33 read as follows:

1 (1) Except where a recount or litigation (~~((under RCW 29A.68.011))~~)  
2 is pending, the county auditor (~~((shall have sufficient absentee~~  
3 ~~ballots available for absentee voters of that county, other than~~  
4 ~~overseas voters and service voters, at least twenty days before any~~  
5 ~~primary, general election, or special election. The county auditor))~~)  
6 must mail (~~((absentee))~~) ballots to each voter (~~((for whom the county~~  
7 ~~auditor has received a request nineteen days before the primary or~~  
8 ~~election))~~) at least eighteen days before (~~((the))~~) each primary or  
9 election, and as soon as possible for all subsequent registration  
10 changes. (~~((For a request for an absentee ballot received after the~~  
11 ~~nineteenth day before the primary or election, the county auditor~~  
12 ~~shall make every effort to mail ballots within one business day, and~~  
13 ~~shall mail the ballots within two business days.))~~)

14 (2) (~~((At least thirty days before any primary, general election,~~  
15 ~~or special election, the county auditor shall mail ballots to all~~  
16 ~~overseas and service voters.))~~) Except where a recount or litigation  
17 is pending, the county auditor must mail ballots to each service and  
18 overseas voter at least thirty days before each primary or election. A  
19 request for a ballot made by an overseas or service voter after that  
20 day must be processed immediately.

21 (3) A registered voter may obtain a replacement ballot if the  
22 ballot is destroyed, spoiled, lost, or not received by the voter. The  
23 voter may obtain the ballot by telephone request, by mail,  
24 electronically, or in person. The county auditor shall keep a record  
25 of each request for a replacement ballot.

26 (4) Each county auditor shall certify to the office of the  
27 secretary of state the dates the ballots (~~((prescribed in subsection~~  
28 ~~(1) of this section were available and))~~) were mailed, or the reason  
29 and date the ballots will be mailed if the ballots were not mailed  
30 timely.

31 (~~((4) If absentee ballots will not be available or mailed as~~  
32 ~~prescribed in subsection (1) of this section, the county auditor shall~~  
33 ~~immediately certify to the office of the secretary of state when~~  
34 ~~absentee ballots will be available and mailed. Copies of this~~

1 ~~certification must be provided to the county canvassing board, the~~  
2 ~~press, jurisdictions with issues on the ballot in the election, and~~  
3 ~~any candidates.~~

4 ~~— (5) If absentee ballots were not available or mailed as prescribed~~  
5 ~~in subsection (1) of this section, for a reason other than a recount~~  
6 ~~or litigation, the county auditor, in consultation with the~~  
7 ~~certification and training program of the office of the secretary of~~  
8 ~~state, shall submit a report to the office of the secretary of state~~  
9 ~~outlining why the deadline was missed and what corrective actions will~~  
10 ~~be taken in future elections to ensure that absentee ballots are~~  
11 ~~available and mailed as prescribed in subsection (1) of this section.~~

12 ~~— (6)) Failure to ((have absentee ballots available and mailed))~~  
13 ~~mail ballots as prescribed in ((subsection (1) of)) this section does~~  
14 ~~not by itself provide a basis for an election contest or other legal~~  
15 ~~challenge to the results of a primary, general election, or special~~  
16 ~~election.~~

17  
18 **Sec. 39.** RCW 29A.40.091 and 2010 c 125 s 1 are each amended to  
19 read as follows:

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

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

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

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

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

32 ~~— If the county auditor chooses to forward ballots, he or she must~~  
33 ~~include with the ballot a clear explanation of the qualifications~~  
34 ~~necessary to vote in that election and must also advise a voter with~~



1 ~~questions about his or her eligibility to contact the county auditor.~~  
2 ~~This explanation may be provided on the ballot envelope, on an~~  
3 ~~enclosed insert, or printed directly on the ballot itself. If the~~  
4 ~~information is not included, the envelope must clearly indicate that~~  
5 ~~the ballot is not to be forwarded and that return postage is~~  
6 ~~guaranteed)).~~

7

8       **Sec. 40.** RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to  
9 read as follows:

10       County auditors must request that observers be appointed by the  
11 major political parties to be present during the processing of  
12 ~~((absentee))~~ ballots at the counting center. County auditors have  
13 discretion to also request that observers be appointed by any  
14 campaigns or organizations. The absence of the observers will not  
15 prevent the processing of ~~((absentee))~~ ballots if the county auditor  
16 has requested their presence.

17

18       **Sec. 41.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to  
19 read as follows:

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

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

33       (3) ~~((Before opening a returned absentee ballot,))~~ The canvassing  
34 board, or its designated representatives, shall examine the

1 ~~postmark((~~statement~~))~~ on the return envelope and signature on the  
2 ~~((return envelope that contains the security envelope and absentee~~  
3 ~~ballot))~~ declaration before processing the ballot. The ballot must  
4 either be received no later than 8:00 p.m. on the day of the primary  
5 or election, or must be postmarked no later than the day of the  
6 primary or election. All personnel assigned to verify signatures must  
7 receive training on statewide standards for signature verification.  
8 Personnel shall verify that the voter's signature on the ~~((return~~  
9 ~~envelope))~~ ballot declaration is the same as the signature of that  
10 voter in the registration files of the county. Verification may be  
11 conducted by an automated verification system approved by the  
12 secretary of state. For any absentee ballot, a variation between the  
13 signature of the voter on the ~~((return envelope))~~ ballot declaration  
14 and the signature of that voter in the registration files due to the  
15 substitution of initials or the use of common nicknames is permitted  
16 so long as the surname and handwriting are clearly the same.

17 (4) ~~((For registered voters casting absentee ballots))~~ If the  
18 postmark is missing or illegible, the date on the ~~((return envelope))~~  
19 ballot declaration to which the voter has attested determines the  
20 validity, as to the time of voting, for that ~~((absentee))~~ ballot ~~((if~~  
21 ~~the postmark is missing or is illegible))~~. For overseas voters and  
22 service voters, the date on the ~~((return envelope))~~ declaration to  
23 which the voter has attested determines the validity, as to the time  
24 of voting, for that ~~((absentee))~~ ballot.

25  
26 **Sec. 42.** RCW 29A.40.130 and 2003 c 111 s 1013 are each amended to  
27 read as follows:

28 Each county auditor shall maintain in his or her office, open for  
29 public inspection, a record of ~~((the requests he or she has received~~  
30 ~~for absentee ballots under this chapter.~~

31 ~~— The information from the requests shall be recorded and lists of~~  
32 ~~this information shall be available no later than twenty four hours~~  
33 ~~after their receipt.~~

34 ~~— This information about absentee voters shall be available~~

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

7 ~~— The auditor shall make copies of these records available to the~~  
8 ~~public for the actual cost of production or copying)) all voters~~  
9 ~~issued a ballot and all voters who returned a ballot. For each~~  
10 ~~primary, special election, or general election, any political party,~~  
11 ~~committee, or person may request a list of all registered voters who~~  
12 ~~have or have not voted. Such requests shall be handled as public~~  
13 ~~records requests pursuant to chapter 42.56 RCW.~~

14

15 NEW SECTION. **Sec. 43.** A new section is added to chapter 29A.44  
16 RCW to read as follows:

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

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

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

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

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

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

12 (7) The county auditor shall require any person desiring to vote  
13 at a voting center to must either sign a ballot declaration or provide  
14 identification.

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

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

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

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

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

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

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

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

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

32 (15) For each primary, special election, and general election, the  
33 county auditor may provide election services at locations in addition  
34 to the voting center. The county auditor has discretion to establish

1 which services will be provided at the additional locations, and which  
2 days and hours the locations will be open.

3  
4 **Sec. 44.** RCW 29A.46.260 and 2010 c 215 s 5 are each amended to  
5 read as follows:

6 (1) The legislature finds that the elimination of polling places  
7 resulting from the transition to vote by mail creates barriers that  
8 restrict the ability of many voters with disabilities from achieving  
9 the independence and privacy in voting provided by the accessible  
10 voting devices required under the help America vote act. Counties  
11 (~~adopting a vote by mail system~~) must take appropriate steps to  
12 mitigate these impacts and to address the obligation to provide voters  
13 with disabilities an equal opportunity to vote independently and  
14 privately, to the extent that this can be achieved without incurring  
15 undue administrative and financial burden.

16 (2) Each county shall establish and maintain an advisory committee  
17 that includes persons with diverse disabilities and persons with  
18 expertise in providing accommodations for persons with disabilities.  
19 The committee shall assist election officials in developing a plan to  
20 identify and implement changes to improve the accessibility of  
21 elections for voters with disabilities. The plan shall include  
22 recommendations for the following:

23 (a) The number of (~~polling places~~) voting centers that will be  
24 maintained in order to ensure that people with disabilities have  
25 reasonable access to accessible voting devices, and a written  
26 explanation for how the determination was made;

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

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

33  
34

1 (d) Transportation of voting devices to locations convenient for  
2 voters with disabilities in order to ensure reasonable access for  
3 voters with disabilities; and

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

6 Counties must update the plan at least annually. The election  
7 review staff of the secretary of state shall review and evaluate the  
8 plan in conformance with the review procedure identified in RCW  
9 29A.04.570.

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

14

15 NEW SECTION. **Sec. 45.** A new section is added to chapter 29A.52  
16 RCW to read as follows:

17 Notice for any state, county, district, or municipal primary or  
18 election, whether special or general, must be given by the county  
19 auditor between five and fifteen days prior to the deadline for mail-  
20 in registrations. The notice must be published in one or more  
21 newspapers of general circulation and must contain, at a minimum, the  
22 last date to register online or through the mail, the last date to  
23 transfer or update an existing registration, the last date to register  
24 in person for first-time voters, information on where a person can  
25 register, the type of election, the date of the election, how a voter  
26 can obtain a ballot, a list of all jurisdictions involved in the  
27 election, including positions and short titles for ballot measures  
28 appearing on the ballot, and the times and dates of any public  
29 meetings associated with the election. The notice shall also include  
30 where additional information regarding the election may be obtained.  
31 This is the only notice required for a state, county, district, or  
32 municipal primary or special or general election. If the county or  
33 city chooses to mail a local voters' pamphlet as described in RCW  
34 29A.32.210 to each residence, the notice required in this section need

1 only include the last date to register online or through the mail, the  
2 last date to transfer or update an existing registration, the last  
3 date to register in person for first-time voters, information on where  
4 a person can register, and the times and dates of any public meetings  
5 associated with the election.

6

7 **Sec. 46.** RCW 29A.56.490 and 2003 c 111 s 1438 are each amended to  
8 read as follows:

9 The election officials shall count and determine the number of  
10 votes cast for each individual; and shall also count and determine the  
11 aggregate number of votes cast for all candidates whose names appear  
12 under each of the respective headings. Where more than the required  
13 number have been voted for, the ballot must be rejected. ((The  
14 figures determined by the various counts must be entered in the poll  
15 books of the respective precincts.)) The vote must be canvassed in  
16 each county by the county canvassing board, and certificate of results  
17 must within fifteen days after the election be transmitted to the  
18 secretary of state. Upon receiving the certificate, the secretary of  
19 state may require precinct returns ((or poll books)) from any county  
20 ((precinct to)) be forwarded for the secretary's examination.

21 Where a district embraces precincts of more than one county, the  
22 secretary of state shall combine the votes from all the precincts  
23 included in each district. The delegates elected in each district  
24 will be the number of candidates corresponding to the number of state  
25 representatives from the district, who receive the highest number of  
26 votes in the group (either "for" or "against") that received an  
27 aggregate number of votes for all candidates in the group greater than  
28 the aggregate number of votes for all the candidates in the other  
29 group. The secretary of state shall issue certificates of election to  
30 the delegates so elected.

31

32 **Sec. 47.** RCW 29A.60.040 and 2009 c 414 s 2 are each amended to  
33 read as follows:

34



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

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

12  
13 **Sec. 48.** RCW 29A.60.050 and 2005 c 243 s 13 are each amended to  
14 read as follows:

15 Whenever the (~~(precinct election officers or the)~~) counting center  
16 personnel have a question about the validity of a ballot or the votes  
17 for an office or issue that they are unable to resolve, they shall  
18 prepare and sign a concise record of the facts in question or dispute.  
19 These ballots shall be delivered to the canvassing board for  
20 processing. A ballot is not considered rejected until the canvassing  
21 board has rejected the ballot individually, or the ballot was included  
22 in a batch or on a report of ballots that was rejected in its entirety  
23 by the canvassing board. All ballots shall be preserved in the same  
24 manner as valid ballots for that primary or election.

25  
26 **Sec. 49.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to  
27 read as follows:

28 After the close of the (~~(polls, counties employing poll-site~~  
29 ~~ballot counting devices may telephonically or electronically transmit~~  
30 ~~the accumulated tally for each device to a central reporting location.~~  
31 ~~Before making a telephonic or electronic transmission the precinct~~  
32 ~~election officer must create a printed record of the results of the~~  
33 ~~election for that poll site. During the canvassing period the results~~  
34 ~~transmitted telephonically or electronically must be considered~~

1 ~~unofficial until a complete reconciliation of the results has been~~  
2 ~~performed. This reconciliation may be accomplished by a direct~~  
3 ~~loading of)) voting center at 8:00 p.m., the county auditor must~~  
4 ~~directly load the results from ((the)) any direct recording electronic~~  
5 ~~memory pack into the central accumulator((, or a comparison of the~~  
6 ~~report produced at the poll site on election night with the results~~  
7 ~~received by the central accumulating device)).~~

8  
9 **Sec. 50.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to  
10 read as follows:

11 Immediately after their tabulation, all ballots counted at a  
12 ballot counting center must be sealed in containers that identify the  
13 primary or election and be retained for at least sixty days or  
14 according to federal law, whichever is longer. ~~((All ballots tallied~~  
15 ~~by poll site ballot counting devices must be returned to the elections~~  
16 ~~department in sealed ballot containers on election day. Counties~~  
17 ~~composed entirely of islands or portions of counties composed of~~  
18 ~~islands shall collect the ballots within twenty-four hours of the~~  
19 ~~close of the polls.~~

20 ~~Ballots tabulated in poll site ballot counting devices must be~~  
21 ~~sealed by two of the election precinct officers at the polling place,~~  
22 ~~and a log of the seal and the names of the people sealing the~~  
23 ~~container must be completed. One copy of this log must be retained by~~  
24 ~~the inspector, one a copy must be placed in the ballot transfer case,~~  
25 ~~and one copy must be transported with the ballots to the elections~~  
26 ~~department, where the seal number must be verified by the county~~  
27 ~~auditor or a designated representative. Ballots may be transported by~~  
28 ~~one election employee if the container is sealed at the poll and then~~  
29 ~~verified when returned to the elections department. Auditors using~~  
30 ~~poll site ballot counting devices may conduct early pickup of counted~~  
31 ~~ballots on election day. ))~~

32 In the presence of major party observers who are available,  
33 ballots may be removed from the sealed containers at the elections  
34 department and consolidated into one sealed container for storage

1 purposes. The containers may only be opened by the canvassing board  
2 as part of the canvass, or to conduct recounts, or under RCW  
3 29A.60.170(3), or by order of the superior court in a contest or  
4 election dispute. If the canvassing board opens a ballot container,  
5 it shall make a full record of the additional tabulation or  
6 examination made of the ballots. This record must be added to any  
7 other record of the canvassing process in that county.

8

9 **Sec. 51.** RCW 29A.60.120 and 2003 c 111 s 1512 are each amended to  
10 read as follows:

11 ~~(1) ((The ballots picked up from the precincts during the polling~~  
12 ~~hours may be counted only at the counting center before the polls have~~  
13 ~~closed. Election returns from the count of these ballots must be held~~  
14 ~~in secrecy until the polls have been closed.~~

15 ~~— (2) Upon breaking the seals and opening the ballot containers from~~  
16 ~~the precincts,))~~ All voted ballots must be manually inspected for  
17 damage, write-in votes, and incorrect or incomplete marks. If it is  
18 found that any ballot is damaged so that it cannot properly be counted  
19 by the vote tallying system, a true duplicate copy must be made of the  
20 damaged ballot in the presence of witnesses and substituted for the  
21 damaged ballot. All damaged ballots must be kept by the county  
22 auditor until sixty days after the primary or election or according to  
23 federal law, whichever is longer.

24 ~~((+3))~~ (2) The returns produced by the vote tallying system, to  
25 which have been added the counts of questioned ballots, and write-in  
26 votes, ~~((and absentee votes,))~~ constitute the official returns of the  
27 primary or election in that county.

28

29 **Sec. 52.** RCW 29A.60.160 and 2007 c 373 s 1 are each amended to  
30 read as follows:

31 (1) Except for an election conducted under the instant runoff  
32 voting method for the pilot project authorized by RCW 29A.53.020, the  
33 county auditor, as delegated by the county canvassing board, shall  
34 process ~~((absentee))~~ ballots and canvass the votes cast at that

1 primary or election on a daily basis in counties with a population of  
2 seventy- five thousand or more, or at least every third day for  
3 counties with a population of less than seventy-five thousand, if the  
4 county auditor is in possession of more than five hundred ballots that  
5 have yet to be canvassed.

6 (2) Saturdays, Sundays, and legal holidays are not counted for  
7 purposes of this section.

8 (3) In order to protect the secrecy of a ballot, the county  
9 auditor may use discretion to decide when to process absentee ballots  
10 and canvass the votes.

11 (4) Tabulation results must be made available to the public  
12 immediately upon completion of the canvass.

13

14 **Sec. 53.** RCW 29A.60.160 and 2007 c 373 s 2 are each amended to  
15 read as follows:

16 (1) The county auditor, as delegated by the county canvassing  
17 board, shall process (~~absentee~~) ballots and canvass the votes cast  
18 at that primary or election on a daily basis in counties with a  
19 population of seventy-five thousand or more, or at least every third  
20 day for counties with a population of less than seventy-five thousand,  
21 if the county auditor is in possession of more than five hundred  
22 ballots that have yet to be canvassed.

23 (2) Saturdays, Sundays, and legal holidays are not counted for  
24 purposes of this section.

25 (3) In order to protect the secrecy of a ballot, the county  
26 auditor may use discretion to decide when to process absentee ballots  
27 and canvass the votes.

28 (4) Tabulation results must be made available to the public  
29 immediately upon completion of the canvass.

30

31 **Sec. 54.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are  
32 each reenacted and amended to read as follows:

33 (1) If the voter neglects to sign the (~~outside envelope of an~~  
34 ~~absentee or provisional~~)) ballot declaration, the auditor shall notify

1 the voter by first-class mail and advise the voter of the correct  
2 procedures for completing the unsigned (~~((affidavit))~~) declaration. If  
3 the (~~((absentee))~~) ballot is received within three business days of the  
4 final meeting of the canvassing board, or the voter has been notified  
5 by first-class mail and has not responded at least three business days  
6 before the final meeting of the canvassing board, then the auditor  
7 shall attempt to notify the voter by telephone, using the voter  
8 registration record information. (~~((In order for the ballot to be  
9 counted, the voter must either:~~

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

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

15 (2)(a) If the handwriting of the signature on (~~((an absentee or  
16 provisional ballot envelope))~~) a ballot declaration is not the same as  
17 the handwriting of the signature on the registration file, the auditor  
18 shall notify the voter by first-class mail, enclosing a copy of the  
19 (~~((envelope affidavit))~~) declaration, and advise the voter of the  
20 correct procedures for updating his or her signature on the voter  
21 registration file. If the (~~((absentee or provisional))~~) ballot is  
22 received within three business days of the final meeting of the  
23 canvassing board, or the voter has been notified by first-class mail  
24 and has not responded at least three business days before the final  
25 meeting of the canvassing board, then the auditor shall attempt to  
26 notify the voter by telephone, using the voter registration record  
27 information. (~~((In order for the ballot to be counted, the voter must  
28 either:~~

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

31 ~~—— (ii) Sign a copy of the affidavit provided by the auditor and  
32 return it to the auditor no later than the day before the  
33 certification of the primary or election. The voter may enclose with  
34 the affidavit a photocopy of a valid government or tribal issued~~

1 ~~identification document that includes the voter's current signature.~~  
2 ~~If the signature on the copy of the affidavit does not match the~~  
3 ~~signature on file or the signature on the copy of the identification~~  
4 ~~document, the voter must appear in person and sign a new registration~~  
5 ~~form no later than the day before the certification of the primary or~~  
6 ~~election in order for the ballot to be counted.))~~

7 (b) If the signature on ((~~an absentee or provisional ballot~~  
8 ~~envelope~~)) a ballot declaration is not the same as the signature on  
9 the registration file because the name is different, the ballot may be  
10 counted as long as the handwriting is clearly the same. The auditor  
11 shall send the voter a change-of-name form under RCW 29A.08.440 and  
12 direct the voter to complete the form.

13 (c) If the signature on ((~~an absentee or provisional ballot~~  
14 ~~envelope~~)) a ballot declaration is not the same as the signature on  
15 the registration file because the voter used initials or a common  
16 nickname, the ballot may be counted as long as the surname and  
17 handwriting are clearly the same.

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

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

27  
28 **Sec. 55.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to  
29 read as follows:

30 (1) At least twenty-eight days prior to any special election,  
31 general election, or primary, the county auditor shall request from  
32 the chair of the county central committee of each major political  
33 party a list of individuals who are willing to serve as observers.  
34 The county auditor has discretion to also request observers from any

1 campaign or organization. The county auditor may delete from the lists  
2 names of those persons who indicate to the county auditor that they  
3 cannot or do not wish to serve as observers, and names of those  
4 persons who, in the judgment of the county auditor, lack the ability  
5 to properly serve as observers after training has been made available  
6 to them by the auditor.

7 (2) The counting center ((in a county using voting systems)) is  
8 under the direction of the county auditor and must be ((observed))  
9 open to observation by one representative from each major political  
10 party, if representatives have been appointed by the respective major  
11 political parties and these representatives are present while the  
12 counting center is operating. The proceedings must be open to the  
13 public, but no persons except those employed and authorized by the  
14 county auditor may touch any ballot or ballot container or operate a  
15 vote tallying system.

16 ~~((2) In counties in which ballots are not counted at the polling~~  
17 ~~place, the official political party observers, upon mutual agreement,~~  
18 ~~may request that a precinct be selected at random on receipt of the~~  
19 ~~ballots from the polling place and that a manual count be made of the~~  
20 ~~number of ballots and of the votes cast on any office or issue. The~~  
21 ~~ballots for that precinct must then be counted by the vote tallying~~  
22 ~~system, and this result will be compared to the results of the manual~~  
23 ~~count. This may be done as many as three times during the tabulation~~  
24 ~~of ballots on the day of the primary or election.~~

25 ~~— (3) In counties using poll site ballot counting devices, the~~  
26 ~~political party observers, upon mutual agreement, may choose as many~~  
27 ~~as three precincts and request that a manual count be made of the~~  
28 ~~number of ballots and the votes cast on any office or issue. The~~  
29 ~~results of this count will be compared to the count of the precinct~~  
30 ~~made by the poll site ballot counting device. These selections must~~  
31 ~~be made no later than thirty minutes after the close of the polls.~~  
32 ~~The manual count must be completed within forty eight hours after the~~  
33 ~~close of the polls. The process must take place at a location~~  
34 ~~designated by the county auditor for that purpose. The political~~

1 ~~party observers must receive timely notice of the time and location,~~  
2 ~~and have the right to be present. However, the process must proceed~~  
3 ~~as scheduled if the observers are unable to attend.~~

4 ~~— (4) In counties voting entirely by mail,))~~ (3) A random check of  
5 the ballot counting equipment may be conducted upon mutual agreement  
6 of the political party observers or at the discretion of the county  
7 auditor. The random check procedures must be adopted by the county  
8 canvassing board prior to the processing of ballots. The random check  
9 process shall involve a comparison of a manual count to the machine  
10 count and may involve up to either three precincts or six batches  
11 depending on the ballot counting procedures in place in the county.  
12 The random check will be limited to one office or issue on the ballots  
13 in the precincts or batches that are selected for the check. The  
14 selection of the precincts or batches to be checked must be selected  
15 according to procedures established by the county canvassing board and  
16 the check must be completed no later than forty-eight hours after  
17 election day.

18  
19 **Sec. 56.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to  
20 read as follows:

21 Each registered voter casting ~~((an absentee))~~ a valid ballot will  
22 be credited with voting on his or her voter registration record.  
23 ~~((Absentee ballots must be retained for the same length of time and in~~  
24 ~~the same manner as ballots cast at the precinct polling places.))~~

25  
26 **Sec. 57.** RCW 29A.60.190 and 2006 c 344 s 16 are each amended to  
27 read as follows:

28 (1) Except as provided by subsection (3) of this section, fifteen  
29 days after a primary or special election and twenty-one days after a  
30 general election, the county canvassing board shall complete the  
31 canvass and certify the results. Each ~~((absentee))~~ ballot that was  
32 returned before ~~((the closing of the polls))~~ 8:00 p.m. on the day of  
33 the special election, general election, or primary, and each  
34 ~~((absentee))~~ ballot bearing a postmark on or before the date of the



1 ((~~primary or~~)) special election, general election, or primary and  
2 received on or before the date on which the primary or election is  
3 certified, must be included in the canvass report.

4 (2) At the request of a caucus of the state legislature, the  
5 county auditor shall transmit copies of all unofficial returns of  
6 state and legislative primaries or elections prepared by or for the  
7 county canvassing board to either the secretary of the senate or the  
8 chief clerk of the house of representatives.

9 (3) On or before the thirtieth day after an election conducted  
10 under the instant runoff voting method for the pilot project  
11 authorized by RCW 29A.53.020, the canvassing board shall complete the  
12 canvass and certify the results.

13

14 **Sec. 58.** RCW 29A.60.190 and 2006 c 344 s 17 are each amended to  
15 read as follows:

16 (1) Fifteen days after a primary or special election and twenty-  
17 one days after a general election, the county canvassing board shall  
18 complete the canvass and certify the results. Each ((~~absentee~~))  
19 ballot that was returned before ((~~the closing of the polls~~)) 8:00 p.m.  
20 on the day of the special election, general election, or primary, and  
21 each ((~~absentee~~)) ballot bearing a postmark on or before the date of  
22 the ((~~primary or~~)) special election, general election, or primary and  
23 received on or before the date on which the primary or election is  
24 certified, must be included in the canvass report.

25 (2) At the request of a caucus of the state legislature, the  
26 county auditor shall transmit copies of all unofficial returns of  
27 state and legislative primaries or elections prepared by or for the  
28 county canvassing board to either the secretary of the senate or the  
29 chief clerk of the house of representatives.

30

31 **Sec. 59.** RCW 29A.60.195 and 2005 c 243 s 9 are each amended to  
32 read as follows:

33 Before certification of the primary or election, the county  
34 auditor must examine and investigate all received provisional ballots

1 to determine whether the ballot can be counted. The auditor shall  
2 provide the disposition of the provisional ballot and, if the ballot  
3 was not counted, the reason why it was not counted, on a free access  
4 system such as a toll-free telephone number, web site, mail, or other  
5 means. The auditor must notify the voter in accordance with RCW  
6 29A.60.165 when the (~~envelope~~) declaration is unsigned or when the  
7 signatures do not match.

8  
9 **Sec. 60.** RCW 29A.60.200 and 2003 c 111 s 1520 are each amended to  
10 read as follows:

11 Before canvassing the returns of a primary or election, the chair  
12 of the county legislative authority or the chair's designee shall  
13 administer an oath to the county auditor or the auditor's designee  
14 attesting to the authenticity of the information presented to the  
15 canvassing board. This oath must be signed by the county auditor or  
16 designee and filed with the returns of the primary or election.

17 The county canvassing board shall proceed to verify the results  
18 from the (~~precincts and the absentee~~) ballots received. The board  
19 shall execute a certificate of the results of the primary or election  
20 signed by all members of the board or their designees. Failure to  
21 certify the returns, if they can be ascertained with reasonable  
22 certainty, is a crime under RCW 29A.84.720.

23  
24 **Sec. 61.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to  
25 read as follows:

26 (~~(1)~~) Immediately after the official results of a state primary  
27 or general election in a county are ascertained, the county auditor or  
28 other election officer shall make an abstract of the number of  
29 registered voters in each precinct and of all the votes cast in the  
30 county at such state primary or general election for and against state  
31 measures and for each candidate for federal, state, and legislative  
32 office or for any other office which the secretary of state is  
33 required by law to canvass. The cumulative report of the election and  
34 a copy of the certificate of the election must be transmitted to the

1 secretary of state immediately(~~(, through electronic means and mailed~~  
2 ~~with the abstract of votes no later than the next business day~~  
3 ~~following the certification by the county canvassing board.~~

4 ~~— (2) After each general election, the county auditor or other~~  
5 ~~election officer shall provide to the secretary of state a report of~~  
6 ~~the number of absentee ballots cast in each precinct for and against~~  
7 ~~state measures and for each candidate for federal, state, and~~  
8 ~~legislative office or for any other office which the secretary of~~  
9 ~~state is required by law to canvass. The report may be included in~~  
10 ~~the abstract required by this section or may be transmitted to the~~  
11 ~~secretary of state separately, but in no event later than March 31st~~  
12 ~~of the year following the election. Absentee ballot results may be~~  
13 ~~incorporated into votes cast at the polls for each precinct or may be~~  
14 ~~reported separately on a precinct by precinct basis.~~

15 ~~— (3) If absentee ballot results are not incorporated into votes~~  
16 ~~east at the polls,))~~ The county auditor or other election official may  
17 aggregate results from more than one precinct if the auditor, pursuant  
18 to rules adopted by the secretary of state, finds that reporting a  
19 single precinct's ((~~absentee~~)) ballot results would jeopardize the  
20 secrecy of a person's ballot. To the extent practicable, precincts  
21 for which ((~~absentee~~)) results are aggregated must be contiguous.

22  
23 **Sec. 62.** RCW 29A.60.235 and 2009 c 369 s 41 are each amended to  
24 read as follows:

25 ((~~(1)~~)) The county auditor shall prepare, make publicly available  
26 at the auditor's office or on the auditor's web site, and submit at  
27 the time of certification an election reconciliation report that  
28 discloses the following information:

- 29 ((~~(a) The number of registered voters;~~
- 30 ~~— (b) The number of ballots counted;~~
- 31 ~~— (c) The number of provisional ballots issued;~~
- 32 ~~— (d) The number of provisional ballots counted;~~
- 33 ~~— (e) The number of provisional ballots rejected;~~
- 34 ~~— (f) The number of absentee ballots issued;~~

~~1 (g) The number of absentee ballots counted;~~  
~~2 (h) The number of absentee ballots rejected;~~  
~~3 (i) The number of federal write-in ballots counted;~~  
~~4 (j) The number of overseas and service ballots issued;~~  
~~5 (k) The number of overseas and service ballots counted; and~~  
~~6 (l) The number of overseas and service ballots rejected.~~  
~~7 (2) The county auditor shall prepare and make publicly available~~  
~~8 at the auditor's office or on the auditor's web site within thirty~~  
~~9 days of certification a final election reconciliation report that~~  
~~10 discloses the following information:~~  
~~11 (a) The number of registered voters;~~  
~~12 (b) The total number of voters credited with voting;~~  
~~13 (c) The number of poll voters credited with voting;~~  
~~14 (d) The number of provisional voters credited with voting;~~  
~~15 (e) The number of absentee voters credited with voting;~~  
~~16 (f) The number of federal write-in voters credited with voting;~~  
~~17 (g) The number of overseas and service voters credited with~~  
~~18 voting;~~  
~~19 (h) The total number of voters credited with voting even though~~  
~~20 their ballots were postmarked after election day and were not counted;~~  
~~21 and~~  
~~22 (i)) (1) The number of registered voters;~~  
~~23 (2) The number of ballots issued;~~  
~~24 (3) The number of ballots received;~~  
~~25 (4) The number of ballots counted;~~  
~~26 (5) The number of ballots rejected;~~  
~~27 (6) The number of provisional ballots issued;~~  
~~28 (7) The number of provisional ballots received;~~  
~~29 (8) The number of provisional ballots counted;~~  
~~30 (9) The number of provisional ballots rejected;~~  
~~31 (10) The number of federal write-in ballots received;~~  
~~32 (11) The number of federal write-in ballots counted;~~  
~~33 (12) The number of federal write-in ballots rejected;~~  
~~34~~

- 1 (13) The number of overseas and service ballots issued;  
2 (14) The number of overseas and service ballots received  
3 (15) The number of overseas and service ballots counted;  
4 (16) The number of overseas and service ballots rejected;  
5 (17) The number of voters credited with voting; and  
6 (18) Any other information the auditor or secretary of state deems  
7 necessary to reconcile the number of ballots counted with the number  
8 of voters credited with voting.

9 ~~((3) The county auditor may also prepare such reports for~~  
10 ~~jurisdictions located, in whole or in part, in the county.))~~

11  
12 **Sec. 63.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to  
13 read as follows:

14 (1) At the time and place established for a recount, the  
15 canvassing board or its duly authorized representatives, in the  
16 presence of all witnesses who may be in attendance, shall open the  
17 sealed containers containing the ballots to be recounted, and shall  
18 recount the votes for the offices or issues for which the recount has  
19 been ordered. Ballots shall be handled only by the members of the  
20 canvassing board or their duly authorized representatives.

21 ~~((Witnesses shall be permitted to observe the ballots and the~~  
22 ~~process of tabulating the votes, but they shall not be permitted to~~  
23 ~~handle the ballots.))~~ The canvassing board shall not permit the  
24 tabulation of votes for any nomination, election, or issue other than  
25 the ones for which a recount was applied for or required.

26 (2) At any time before the ballots from all of the precincts  
27 listed in the application for the recount have been recounted, the  
28 applicant may file with the board a written request to stop the  
29 recount.

30 (3) The recount may be observed by persons representing the  
31 candidates affected by the recount or the persons representing both  
32 sides of an issue that is being recounted. Witnesses shall be  
33 permitted to observe the ballots and the process of tabulating the  
34 votes, but they shall not be permitted to handle the ballots. The

1 observers may not make a record of the names, addresses, or other  
2 information on the ballots, (~~(poll books)~~) declarations, (~~(or~~  
3 ~~applications for absentee ballots)~~) or lists of voters unless  
4 authorized by the superior court. The secretary of state or county  
5 auditor may limit the number of observers to not less than two on each  
6 side if, in his or her opinion, a greater number would cause undue  
7 delay or disruption of the recount process.

8

9 **Sec. 64.** RCW 29A.68.020 and 2007 c 374 s 4 are each amended to  
10 read as follows:

11 Any of the following causes may be asserted by a registered voter  
12 to challenge the right to assume office of a candidate declared  
13 elected to that office:

14 (1) For misconduct on the part of any member of any precinct  
15 election board involved therein;

16 (2) Because the person whose right is being contested was not at  
17 the time the person was declared elected eligible to that office;

18 (3) Because the person whose right is being contested was previous  
19 to the election convicted of a felony by a court of competent  
20 jurisdiction, the conviction not having been reversed nor the person's  
21 civil rights restored after the conviction;

22 (4) Because the person whose right is being contested gave a bribe  
23 or reward to a voter or to an (~~(inspector or judge of)~~) election  
24 officer for the purpose of procuring the election, or offered to do  
25 so;

26 (5) On account of illegal votes.

27 (a) Illegal votes include but are not limited to the following:

28 (i) More than one vote cast by a single voter;

29 (ii) A vote cast by a person disqualified under Article VI,  
30 section 3 of the state Constitution.

31 (b) Illegal votes do not include votes cast by improperly  
32 registered voters who were not properly challenged under RCW  
33 29A.08.810 and 29A.08.820.

34 All election contests must proceed under RCW 29A.68.011.

1       **Sec. 65.** RCW 29A.68.070 and 2003 c 111 s 1707 are each amended to  
2 read as follows:

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

10

11       **Sec. 66.** RCW 29A.68.080 and 2003 c 111 s 1708 are each amended to  
12 read as follows:

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

19

20       **Sec. 67.** RCW 29A.84.020 and 2003 c 111 s 2102 are each amended to  
21 read as follows:

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

27

28       **Sec. 68.** RCW 29A.84.050 and 2005 c 243 s 23 are each amended to  
29 read as follows:

30       (1) A person who knowingly destroys, alters, defaces, conceals, or  
31 discards a completed voter registration form or signed ~~((absentee or~~  
32 ~~provisional ballot signature affidavit))~~ ballot declaration is guilty  
33 of a gross misdemeanor. This section does not apply to ~~((+1))~~ (a)  
34 the voter who completed the ~~((voter registration))~~ form or

1 declaration, or ~~((+2))~~ (b) a county auditor ~~((or registration~~  
2 ~~assistant))~~ who acts as authorized by ~~((voter registration))~~ law.

3 (2) Any person who intentionally fails to return another person's  
4 completed voter registration form or signed ballot declaration to the  
5 proper state or county elections office by the applicable deadline is  
6 guilty of a gross misdemeanor.

7  
8 **Sec. 69.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to  
9 read as follows:

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

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

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

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

19 (d) Engage in any practice which interferes with the freedom of  
20 voters to exercise their franchise or disrupts the administration of  
21 the ~~((polling place))~~ voting center.

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

28 (3) ~~((No person may:~~

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

31 ~~— (b) Solicit any voter to show his or her ballot.~~

32 ~~— (4) No person other than an inspector or judge of election may~~  
33 ~~receive from any voter a voted ballot or deliver a blank ballot to~~  
34 ~~such elector.~~



1 ~~—(5))~~) Any violation of this section is a gross misdemeanor,  
2 punishable to the same extent as a gross misdemeanor that is  
3 punishable under RCW 9A.20.021, and the person convicted may be  
4 ordered to pay the costs of prosecution.

5  
6 **Sec. 70.** RCW 29A.84.520 and 2003 c 111 s 2122 are each amended to  
7 read as follows:

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

14  
15 **Sec. 71.** RCW 29A.84.530 and 2003 c 111 s 2123 are each amended to  
16 read as follows:

17 Deliberately impeding other voters from casting their votes by  
18 refusing to leave a voting booth or voting device is a misdemeanor and  
19 is subject to the penalties provided in chapter 9A.20 RCW. (~~The~~  
20 ~~precinct~~) Election officers may provide assistance in the manner  
21 provided by ((RCW 29A.44.240)) section 43 of this act to any voter who  
22 requests it.

23  
24 **Sec. 72.** RCW 29A.84.540 and 2003 c 111 s 2124 are each amended to  
25 read as follows:

26 Any person who, without lawful authority, removes a ballot from a  
27 (~~polling place~~) voting center or ballot drop location is guilty of a  
28 gross misdemeanor punishable to the same extent as a gross misdemeanor  
29 that is punishable under RCW 9A.20.021.

30  
31 **Sec. 73.** RCW 29A.84.545 and 2005 c 242 s 6 are each amended to  
32 read as follows:

33 Anyone who, without authorization, removes from a (~~polling~~  
34 ~~place~~) voting center a paper record produced by (~~an~~) a direct

1 recording electronic voting device is guilty of a class C felony  
2 punishable under RCW 9A.20.021.

3  
4 **Sec. 74.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to  
5 read as follows:

6 Any person who willfully defaces, removes, or destroys any of the  
7 supplies or materials that the person knows are intended both for use  
8 in a (~~polling place~~) voting center and for enabling a voter to  
9 prepare his or her ballot is guilty of a class C felony punishable  
10 under RCW 9A.20.021.

11  
12 **Sec. 75.** RCW 29A.84.655 and 2003 c 111 s 2132 are each amended to  
13 read as follows:

14 Any (~~precinct~~) election officer (~~who knowingly permits any~~  
15 ~~voter to cast a second vote at any primary or general or special~~  
16 ~~election, or knowingly permits any person not a qualified voter to~~  
17 ~~vote at any primary or general or special election~~) who intentionally  
18 tabulates or causes to be tabulated, through any act of omission, an  
19 invalid ballot when the person has actual knowledge that the ballot is  
20 invalid, is guilty of a class C felony punishable under RCW 9A.20.021.

21  
22 **Sec. 76.** RCW 29A.84.680 and 2003 c 111 s 2136 and 2003 c 53 s 179  
23 are each reenacted and amended to read as follows:

24 (1) A person who willfully violates any provision of chapter  
25 29A.40 RCW regarding the assertion or declaration of qualifications to  
26 receive or cast (~~an absentee~~) a ballot or unlawfully casts a (~~vote~~  
27 ~~by absentee~~) ballot is guilty of a class C felony punishable under  
28 RCW 9A.20.021.

29 (2) Except as provided in this chapter, a person who willfully  
30 violates any other provision of chapter 29A.40 RCW is guilty of a  
31 misdemeanor.

32  
33 **Sec. 77.** RCW 29A.84.730 and 2003 c 111 s 2139 are each amended to  
34 read as follows:

1 (1) In any location in which ballots are counted, no person  
2 authorized by law to be present while votes are being counted may  
3 divulge any results of the count of the ballots at any time prior to  
4 (~~the closing of the polls for that~~) 8:00 p.m. on the day of the  
5 primary or special or general election.

6 (2) A violation of this section is a gross misdemeanor punishable  
7 to the same extent as a gross misdemeanor that is punishable under RCW  
8 9A.20.021.

9  
10 **Sec. 78.** RCW 27.12.370 and 2006 c 344 s 19 are each amended to  
11 read as follows:

12 The county legislative authority or authorities shall by  
13 resolution call a special election to be held in such city or town at  
14 the next special election date according to RCW 29A.04.321, and shall  
15 cause notice of such election to be given as provided for in (~~RCW~~  
16 ~~29A.52.351~~) section 45 of this act.

17 The election on the annexation of the city or town into the  
18 library district shall be conducted by the auditor of the county or  
19 counties in which the city or town is located in accordance with the  
20 general election laws of the state and the results thereof shall be  
21 canvassed by the canvassing board of the county or counties. No  
22 person shall be entitled to vote at such election unless he or she is  
23 registered to vote in said city or town for at least thirty days  
24 preceding the date of the election. The ballot proposition shall be  
25 in substantially the following form:

26  
27 "Shall the city or town of  
28 . . . . . be annexed to and be  
29 a part of . . . . . library  
30 district?  
31 YES .....   
32 NO .....

33  
34

1 If a majority of the persons voting on the proposition shall vote  
2 in favor thereof, the city or town shall thereupon be annexed and  
3 shall be a part of such library district.

4  
5 **Sec. 79.** RCW 36.83.110 and 1996 c 292 s 4 are each amended to  
6 read as follows:

7 Any registered voter residing within the boundaries of the road  
8 and bridge service district may file a referendum petition to call an  
9 election to retain any or all commissioners. Any referendum petition  
10 to call such election shall be filed with the county auditor no later  
11 than one year before the end of a commissioner's term. Within ten  
12 days of the filing of a petition, the county auditor shall confer with  
13 the petitioner concerning form and style of the petition, issue an  
14 identification number for the petition, and write a ballot title for  
15 the measure. The ballot title shall be posed as a question: "Shall  
16 (name of commissioner) be retained as a road and bridge service  
17 district commissioner?" and the question shall be posed separately for  
18 each commissioner. The petitioner shall be notified of the  
19 identification number and ballot title within this ten-day period.

20 After this notification, the petitioner shall have thirty days in  
21 which to secure on petition forms the signatures of not less than  
22 twenty-five percent of the registered voters residing within the  
23 boundaries of the service district and file the signed petitions with  
24 the county auditor. Each petition form shall contain the ballot  
25 title. The county auditor shall verify the sufficiency of the  
26 signatures on the petitions. If sufficient valid signatures are  
27 properly submitted, the county auditor shall submit the referendum  
28 measure to the registered voters residing in the service district in a  
29 special election no later than one hundred twenty days after the  
30 signed petition has been filed with the county auditor. (~~The special~~  
31 ~~election may be conducted by mail ballot as provided for in \*chapter~~  
32 ~~29.36 RCW.~~))

33 The office of any commissioner for whom there is not a majority  
34 vote to retain shall be declared vacant.

1       **Sec. 80.** RCW 36.93.030 and 2006 c 344 s 28 are each amended to  
2 read as follows:

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

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

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

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

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

21       After receipt of a valid petition for the establishment of a  
22 boundary review board, the county legislative authority shall submit  
23 the question of whether a boundary review board should be established  
24 to the electorate at the next primary or general election according to  
25 RCW 29A.04.321. Notice of the election shall be given as provided in  
26 (~~RCW 29A.52.351~~) section 45 of this act and shall include a clear  
27 statement of the proposal to be submitted.

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

31  
32       **Sec. 81.** RCW 40.24.060 and 2008 c 18 s 4 are each amended to read  
33 as follows:

34  
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1 ((A program participant who is otherwise qualified to vote may  
2 register as an ongoing absentee voter under RCW 29A.40.040.)) The  
3 county auditor shall ((transmit the absentee)) mail a ballot to  
4 ((the)) a program participant qualified and registered to vote at the  
5 mailing address provided. Neither the name nor the address of a  
6 program participant shall be included in any list of registered voters  
7 available to the public.

8  
9 **Sec. 82.** RCW 52.04.071 and 2009 c 115 s 2 are each amended to  
10 read as follows:

11 The county legislative authority or authorities shall by  
12 resolution call a special election to be held in the city, partial  
13 city as set forth in RCW 52.04.061(2), or town and in the fire  
14 protection district at the next date according to RCW 29A.04.321, and  
15 shall cause notice of the election to be given as provided for in  
16 ((RCW 29A.52.351)) section 45 of this act.

17 The election on the annexation of the city, partial city as set  
18 forth in RCW 52.04.061(2), or town into the fire protection district  
19 shall be conducted by the auditor of the county or counties in which  
20 the city, partial city as set forth in RCW 52.04.061(2), or town and  
21 the fire protection district are located in accordance with the  
22 general election laws of the state. The results thereof shall be  
23 canvassed by the canvassing board of the county or counties. No  
24 person is entitled to vote at the election unless he or she is a  
25 qualified elector in the city, partial city as set forth in RCW  
26 52.04.061(2), or town or unless he or she is a qualified elector  
27 within the boundaries of the fire protection district. The ballot  
28 proposition shall be in substantially the following form:

29  
30 "Shall the city, partial city as set forth in RCW 52.04.061(2), or  
31 town of . . . . . be annexed to and be a part of . . . . . fire  
32 protection district?

33  
34 YES . . . . .

1 NO . . . . . "

2

3 If a majority of the persons voting on the proposition in the  
4 city, partial city as set forth in RCW 52.04.061(2), or town and a  
5 majority of the persons voting on the proposition in the fire  
6 protection district vote in favor thereof, the city, partial city as  
7 set forth in RCW 52.04.061(2), or town shall be annexed and shall be a  
8 part of the fire protection district.

9

10 **Sec. 83.** RCW 85.38.125 and 1991 c 349 s 15 are each amended to  
11 read as follows:

12 (1) If a special district has less than five hundred qualified  
13 voters, then the special district must contract with the county  
14 auditor to conduct the special district elections. ~~((The county  
15 auditor has the discretion as to whether to conduct the election by  
16 mail.))~~

17 (2) If a special district has at least five hundred qualified  
18 voters, the special district may ~~((contract with the county auditor to  
19 staff the voting site during the election or))~~ contract with the  
20 county auditor to conduct the election~~((by mail))~~. A special  
21 district with at least five hundred qualified voters may also choose  
22 to conduct its own elections. A special district that conducts its  
23 own elections must enter into an agreement with the county auditor  
24 that specifies the responsibilities of both parties.

25 ~~((3) If the county auditor conducts a special district election  
26 by mail, then the provisions of \*chapter 29.36 RCW which govern  
27 elections by mail, except for the requirements of \*\*RCW 29.36.120,  
28 shall apply.))~~

29

30 **Sec. 84.** RCW 90.72.040 and 1997 c 447 s 20 are each amended to  
31 read as follows:

32 (1) The county legislative authority may create a shellfish  
33 protection district on its own motion or by submitting the question to  
34 the voters of the proposed district and obtaining the approval of a

1 majority of those voting. The boundaries of the district shall be  
2 determined by the legislative authority. The legislative authority  
3 may create more than one district. A district may include any area or  
4 areas within the county, whether incorporated or unincorporated.  
5 Counties shall coordinate and cooperate with cities, towns, and water-  
6 related special districts within their boundaries in establishing  
7 shellfish protection districts and carrying out shellfish protection  
8 programs. Where a portion of the proposed district lies within an  
9 incorporated area, the county shall develop procedures for the  
10 participation of the city or town in the determination of the  
11 boundaries of the district and the administration of the district,  
12 including funding of the district's programs. The legislative  
13 authority of more than one county may by agreement provide for the  
14 creation of a district including areas within each of those counties.  
15 County legislative authorities are encouraged to coordinate their  
16 plans and programs to protect shellfish growing areas, especially  
17 where shellfish growing areas are located within the boundaries of  
18 more than one county. The legislative authority or authorities  
19 creating a district may abolish a shellfish protection district on its  
20 or their own motion or by submitting the question to the voters of the  
21 district and obtaining the approval of a majority of those voting.

22 (2) If the county legislative authority creates a shellfish  
23 protection district by its own motion, any registered voter residing  
24 within the boundaries of the shellfish protection district may file a  
25 referendum petition to repeal the ordinance that created the district.  
26 Any referendum petition to repeal the ordinance creating the shellfish  
27 protection district shall be filed with the county auditor within  
28 seven days of passage of the ordinance. Within ten days of the filing  
29 of a petition, the county auditor shall confer with the petitioner  
30 concerning form and style of the petition, issue an identification  
31 number for the petition, and write a ballot title for the measure.  
32 The ballot title shall be posed as a question so that an affirmative  
33 answer to the question and an affirmative vote on the measure results  
34 in creation of the shellfish protection district and a negative answer



1 to the question and a negative vote on the measure results in the  
2 shellfish protection district not being created. The petitioner shall  
3 be notified of the identification number and ballot title within this  
4 ten-day period.

5 After this notification, the petitioner shall have thirty days in  
6 which to secure on petition forms the signatures of not less than  
7 twenty-five percent of the registered voters residing within the  
8 boundaries of the shellfish protection district and file the signed  
9 petitions with the county auditor. Each petition form shall contain  
10 the ballot title and full text of the measure to be referred. The  
11 county auditor shall verify the sufficiency of the signatures on the  
12 petitions. If sufficient valid signatures are properly submitted, the  
13 county auditor shall submit the referendum measure to the registered  
14 voters residing in the shellfish protection district in a special  
15 election no later than one hundred twenty days after the signed  
16 petition has been filed with the county auditor. ((The special  
17 election may be conducted by mail ballot as provided for in \*chapter  
18 ~~29.36 RCW.~~))

19 (3) The county legislative authority shall not impose fees, rates,  
20 or charges for shellfish protection district programs upon properties  
21 on which fees, rates, or charges are imposed under chapter 36.89 or  
22 36.94 RCW for substantially the same programs and services.

23  
24 NEW SECTION. **Sec. 85.** The county auditor of any county that  
25 maintained poll sites as of the effective date of this act shall  
26 notify by mail each registered poll voter that all future primaries,  
27 special elections, and general elections will be conducted by mail.

28  
29 NEW SECTION. **Sec. 86.** The following acts or parts of acts are  
30 each repealed:

31 (1) RCW 29A.04.049 (Election board) and 2003 c 111 s 109 & 1986 c  
32 167 s 1;

33 (2) RCW 29A.04.115 (Poll-site ballot counting devices) and 2003 c  
34 111 s 120;

1 (3) RCW 29A.04.128 (Primary) and 2004 c 271 s 152;  
2 (4) RCW 29A.08.430 (Transfer on day of primary, special election,  
3 or general election) and 2009 c 369 s 24, 2004 c 267 s 123, & 2003 c  
4 111 s 230;  
5 (5) RCW 29A.12.090 (Single district and precinct) and 2003 c 111 s  
6 309;  
7 (6) RCW 29A.16.010 (Intent--Duties of county auditors) and 2004 c  
8 267 s 315, 2003 c 111 s 401, 1999 c 298 s 13, 1985 c 205 s 1, & 1979  
9 ex.s. c 64 s 1;  
10 (7) RCW 29A.16.020 (Alternative polling places or procedures) and  
11 2003 c 111 s 402, 1999 c 298 s 15, & 1985 c 205 s 5;  
12 (8) RCW 29A.16.030 (Costs for modifications--Alternatives--  
13 Election costs) and 2003 c 111 s 403, 1999 c 298 s 20, & 1985 c 205 s  
14 12;  
15 (9) RCW 29A.16.060 (Combining or dividing precincts, election  
16 boards) and 2003 c 111 s 406;  
17 (10) RCW 29A.16.110 (Polling place--May be located outside  
18 precinct) and 2003 c 111 s 407 & 1965 c 9 s 29.48.005;  
19 (11) RCW 29A.16.120 (Polling place--Use of county, municipality,  
20 or special district facilities) and 2003 c 111 s 408;  
21 (12) RCW 29A.16.130 (Public buildings as polling places) and 2004  
22 c 267 s 316 & 2003 c 111 s 409;  
23 (13) RCW 29A.16.140 (Inaccessible polling places--Auditors' list)  
24 and 2003 c 111 s 410;  
25 (14) RCW 29A.16.150 (Polling places--Accessibility required,  
26 exceptions) and 2003 c 111 s 411;  
27 (15) RCW 29A.16.160 (Review by and recommendations of disabled  
28 voters) and 2003 c 111 s 412;  
29 (16) RCW 29A.16.170 (County auditors--Notice of accessibility) and  
30 2003 c 111 s 413;  
31 (17) RCW 29A.24.151 (Notice of void in candidacy) and 2004 c 271 s  
32 163;  
33 (18) RCW 29A.24.161 (Filings to fill void in candidacy--How made)  
34 and 2004 c 271 s 164;

1 (19) RCW 29A.40.030 (Request on behalf of family member) and 2003  
2 c 111 s 1003;  
3 (20) RCW 29A.40.040 (Ongoing status--Request--Termination) and  
4 2003 c 111 s 1004;  
5 (21) RCW 29A.40.061 (Issuance of ballot and other materials) and  
6 2009 c 369 s 38 & 2004 c 271 s 134;  
7 (22) RCW 29A.40.061 (Issuance of ballot and other materials) and  
8 2009 c 415 s 6 & 2004 c 271 s 134;  
9 (23) RCW 29A.40.080 (Delivery of ballot, qualifications for) and  
10 2003 c 111 s 1008;  
11 (24) RCW 29A.40.120 (Report of count) and 2003 c 111 s 1012;  
12 (25) RCW 29A.40.140 (Challenges) and 2006 c 320 s 8 & 2003 c 111 s  
13 1014;  
14 (26) RCW 29A.44.010 (Interference with voter prohibited) and 2003  
15 c 111 s 1101;  
16 (27) RCW 29A.44.020 (List of who has and who has not voted) and  
17 2003 c 111 s 1102, 1977 ex.s. c 361 s 83, & 1965 c 9 s 29.51.125;  
18 (28) RCW 29A.44.030 (Taking papers into voting booth) and 2004 c  
19 267 s 317 & 2003 c 111 s 1103;  
20 (29) RCW 29A.44.040 (Official ballots--Vote only once--Incorrectly  
21 marked ballots) and 2004 c 267 s 318 & 2003 c 111 s 1104;  
22 (30) RCW 29A.44.045 (Electronic voting devices--Paper records) and  
23 2005 c 242 s 2;  
24 (31) RCW 29A.44.050 (Ballot pick up, delivery, and transportation)  
25 and 2003 c 111 s 1105;  
26 (32) RCW 29A.44.060 (Voting booths) and 2003 c 111 s 1106;  
27 (33) RCW 29A.44.070 (Opening and closing polls) and 2003 c 111 s  
28 1107;  
29 (34) RCW 29A.44.080 (Polls open continuously--Announcement of  
30 closing) and 2003 c 111 s 1108;  
31 (35) RCW 29A.44.090 (Double voting prohibited) and 2003 c 111 s  
32 1109, 1987 c 346 s 13, & 1965 c 9 s 29.36.050;  
33 (36) RCW 29A.44.110 (Delivery of supplies) and 2003 c 111 s 1110;  
34

1 (37) RCW 29A.44.120 (Delivery of precinct lists to polls) and 2003  
2 c 111 s 1111;  
3 (38) RCW 29A.44.130 (Additional supplies for paper ballots) and  
4 2003 c 111 s 1112 & 1977 ex.s. c 361 s 82;  
5 (39) RCW 29A.44.140 (Voting and registration instructions and  
6 information) and 2003 c 111 s 1113;  
7 (40) RCW 29A.44.150 (Time for arrival of officers) and 2003 c 111  
8 s 1114;  
9 (41) RCW 29A.44.160 (Inspection of voting equipment) and 2003 c  
10 111 s 1115;  
11 (42) RCW 29A.44.170 (Flag) and 2003 c 111 s 1116;  
12 (43) RCW 29A.44.180 (Opening the polls) and 2003 c 111 s 1117;  
13 (44) RCW 29A.44.190 (Voting devices--Periodic examination) and  
14 2003 c 111 s 1118;  
15 (45) RCW 29A.44.201 (Issuing ballot to voter--Challenge) and 2004  
16 c 271 s 136;  
17 (46) RCW 29A.44.205 (Identification required) and 2005 c 243 s 7;  
18 (47) RCW 29A.44.207 (Provisional ballots) and 2005 c 243 s 6;  
19 (48) RCW 29A.44.210 (Signature required--Procedure if voter unable  
20 to sign name) and 2003 c 111 s 1120, 1990 c 59 s 41, 1971 ex.s. c 202  
21 s 41, 1967 ex.s. c 109 s 9, 1965 ex.s. c 156 s 5, & 1965 c 9 s  
22 29.51.060;  
23 (49) RCW 29A.44.221 (Casting vote) and 2004 c 271 s 137;  
24 (50) RCW 29A.44.225 (Voter using electronic voting device) and  
25 2005 c 242 s 4;  
26 (51) RCW 29A.44.231 (Record of participation) and 2004 c 271 s  
27 138;  
28 (52) RCW 29A.44.240 (Disabled voters) and 2003 c 111 s 1123, 2003  
29 c 53 s 180, 1981 c 34 s 1, 1965 ex.s. c 101 s 17, & 1965 c 9 s  
30 29.51.200;  
31 (53) RCW 29A.44.250 (Tabulation of paper ballots before close of  
32 polls) and 2003 c 111 s 1124 & 1990 c 59 s 54;  
33 (54) RCW 29A.44.260 (Voters in polling place at closing time) and  
34 2003 c 111 s 1125;

1 (55) RCW 29A.44.265 (Provisional ballot after polls close) and  
2 2004 c 267 s 501;

3 (56) RCW 29A.44.270 (Unused ballots) and 2003 c 111 s 1126, 1990 c  
4 59 s 52, 1977 ex.s. c 361 s 84, 1965 ex.s. c 101 s 6, & 1965 c 9 s  
5 29.54.010;

6 (57) RCW 29A.44.280 (Duties of election officers after unused  
7 ballots secure) and 2003 c 111 s 1127 & 1990 c 59 s 53;

8 (58) RCW 29A.44.290 (Return of precinct lists after election--  
9 Public records) and 2003 c 111 s 1128;

10 (59) RCW 29A.44.310 (Initialization) and 2003 c 111 s 1129;

11 (60) RCW 29A.44.320 (Delivery and sealing) and 2003 c 111 s 1130;

12 (61) RCW 29A.44.330 (Memory packs) and 2003 c 111 s 1131;

13 (62) RCW 29A.44.340 (Incorrectly marked ballots) and 2003 c 111 s  
14 1132;

15 (63) RCW 29A.44.350 (Failure of device) and 2004 c 267 s 320 &  
16 2003 c 111 s 1133;

17 (64) RCW 29A.44.410 (Appointment of judges and inspector) and 2003  
18 c 111 s 1134, 1991 c 106 s 1, 1983 1st ex.s. c 71 s 7, 1965 ex.s. c  
19 101 s 1, & 1965 c 9 s 29.45.010;

20 (65) RCW 29A.44.420 (Appointment of clerks--Party representation--  
21 Hour to report) and 2003 c 111 s 1135, 1965 ex.s. c 101 s 2, & 1965 c  
22 9 s 29.45.020;

23 (66) RCW 29A.44.430 (Nomination) and 2003 c 111 s 1136, 1991 c 106  
24 s 2, 1987 c 295 s 16, 1965 ex.s. c 101 s 3, & 1965 c 9 s 29.45.030;

25 (67) RCW 29A.44.440 (Vacancies--How filled--Inspector's authority)  
26 and 2003 c 111 s 1137;

27 (68) RCW 29A.44.450 (One set of precinct election officers,  
28 exceptions--Counting board--Receiving board) and 2003 c 111 s 1138,  
29 1994 c 223 s 91, 1973 c 102 s 2, 1965 ex.s. c 101 s 4, & 1965 c 9 s  
30 29.45.050;

31 (69) RCW 29A.44.460 (Duties--Generally) and 2003 c 111 s 1139;

32 (70) RCW 29A.44.470 (Application to other primaries or elections)  
33 and 2003 c 111 s 1140;

34

1 (71) RCW 29A.44.480 (Inspector as chair--Authority) and 2003 c 111  
2 s 1141 & 1965 c 9 s 29.45.070;

3 (72) RCW 29A.44.490 (Oaths of officers required) and 2003 c 111 s  
4 1142;

5 (73) RCW 29A.44.500 (Oath of inspectors, form) and 2003 c 111 s  
6 1143;

7 (74) RCW 29A.44.510 (Oath of judges, form) and 2003 c 111 s 1144;

8 (75) RCW 29A.44.520 (Oath of clerks, form) and 2003 c 111 s 1145;

9 (76) RCW 29A.44.530 (Compensation) and 2003 c 111 s 1146, 1971  
10 ex.s. c 124 s 2, & 1965 c 9 s 29.45.120;

11 (77) RCW 29A.46.010 ("Disability access voting location.") and  
12 2004 c 267 s 301;

13 (78) RCW 29A.46.020 ("Disability access voting period.") and 2006  
14 c 207 s 5 & 2004 c 267 s 302;

15 (79) RCW 29A.46.030 ("In-person disability access voting.") and  
16 2004 c 267 s 303;

17 (80) RCW 29A.46.110 (When allowed--Multiple voting prevention) and  
18 2006 c 207 s 6 & 2004 c 267 s 304;

19 (81) RCW 29A.46.120 (Locations and hours) and 2004 c 267 s 305;

20 (82) RCW 29A.46.130 (Compliance with federal and state  
21 requirements) and 2004 c 267 s 306;

22 (83) RCW 29A.48.010 (Mail ballot counties and precincts) and 2009  
23 c 103 s 1, 2005 c 241 s 1, & 2004 c 266 s 14;

24 (84) RCW 29A.48.020 (Special elections) and 2004 c 266 s 15;

25 (85) RCW 29A.48.030 (Odd-year primaries) and 2003 c 111 s 1203;

26 (86) RCW 29A.48.040 (Depositing ballots--Replacement ballots) and  
27 2003 c 111 s 1204, 2001 c 241 s 18, & 1983 1st ex.s. c 71 s 3;

28 (87) RCW 29A.48.050 (Return of voted ballot) and 2006 c 206 s 8 &  
29 2003 c 111 s 1205;

30 (88) RCW 29A.48.060 (Ballot contents--Counting) and 2003 c 111 s  
31 1206, 2001 c 241 s 20, 1993 c 417 s 5, 1990 c 59 s 76, 1983 1st ex.s.  
32 c 71 s 5, & 1967 ex.s. c 109 s 7;

33 (89) RCW 29A.52.311 (Notice of primary) and 2004 c 271 s 145;

34 (90) RCW 29A.52.351 (Notice of election) and 2004 c 271 s 175;

1 (91) RCW 29A.60.030 (Tabulation continuous) and 2004 c 266 s 16 &  
2 2003 c 111 s 1503;

3 (92) RCW 29A.60.080 (Sealing of voting devices-Exceptions) and  
4 2004 c 266 s 17;

5 (93) RCW 29A.84.525 (Electioneering by disability access voting  
6 election officer) and 2004 c 267 s 309;

7 (94) RCW 29A.84.670 (Unlawful acts by voters--Penalty) and 2003 c  
8 53 s 181 & 1965 c 9 s 29.51.230;

9 (95) RCW 29A.84.670 (Unlawful acts by voters) and 2003 c 111 s  
10 2134 & 1965 c 9 s 29.51.230; and

11 (96) RCW 29A.84.740 (Returns and posted copy of results--Tampering  
12 with) and 2003 c 111 s 2140.

13

14 NEW SECTION. **Sec. 87.** RCW 29A.46.260 is recodified as a section  
15 in chapter 29A.04 RCW.

16

17 NEW SECTION. **Sec. 88.** Sections 53 and 58 of this act take effect  
18 July 1, 2013.

19

20 NEW SECTION. **Sec. 89.** Sections 52 and 57 of this act expire July  
21 1, 2013."

22

23 Correct the title.

24

25

EFFECT: Retains the ability of counties to continue to offer  
poll site voting while conforming laws to a policy of voting by  
mail.

--- END ---