
HOUSE BILL 1079

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hunt, Green, Darneille, Lias, Reykdal, McCoy, Appleton, Kagi, and Jinkins; by request of Secretary of State

Prefiled 01/07/11. Read first time 01/10/11. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to elections by mail; amending RCW 29A.04.008,
2 29A.04.013, 29A.04.019, 29A.04.031, 29A.04.216, 29A.04.220, 29A.04.235,
3 29A.04.540, 29A.04.580, 29A.04.611, 29A.08.130, 29A.08.140, 29A.08.440,
4 29A.08.620, 29A.08.720, 29A.08.775, 29A.08.810, 29A.08.820, 29A.12.085,
5 29A.12.110, 29A.12.120, 29A.12.160, 29A.16.040, 29A.24.081, 29A.28.061,
6 29A.32.260, 29A.36.115, 29A.36.131, 29A.36.220, 29A.40.010, 29A.40.020,
7 29A.40.050, 29A.40.100, 29A.40.110, 29A.40.130, 29A.46.260, 29A.60.040,
8 29A.60.050, 29A.60.060, 29A.60.080, 29A.60.110, 29A.60.120, 29A.60.160,
9 29A.60.160, 29A.60.170, 29A.60.180, 29A.60.195, 29A.60.200, 29A.60.230,
10 29A.60.235, 29A.68.020, 29A.68.070, 29A.68.080, 29A.84.020, 29A.84.050,
11 29A.84.510, 29A.84.520, 29A.84.530, 29A.84.540, 29A.84.545, 29A.84.550,
12 29A.84.655, and 29A.84.730; reenacting and amending RCW 29A.60.165 and
13 29A.84.680; adding a new section to chapter 29A.44 RCW; adding a new
14 section to chapter 29A.52 RCW; adding a new section to chapter 29A.04
15 RCW; creating a new section; recodifying RCW 29A.46.260; repealing RCW
16 29A.04.049, 29A.04.115, 29A.04.128, 29A.08.430, 29A.12.090, 29A.16.010,
17 29A.16.020, 29A.16.030, 29A.16.060, 29A.16.110, 29A.16.120, 29A.16.130,
18 29A.16.140, 29A.16.150, 29A.16.160, 29A.16.170, 29A.24.151, 29A.24.161,
19 29A.40.030, 29A.40.040, 29A.40.061, 29A.40.061, 29A.40.080, 29A.40.120,
20 29A.40.140, 29A.44.010, 29A.44.020, 29A.44.030, 29A.44.040, 29A.44.045,
21 29A.44.050, 29A.44.060, 29A.44.070, 29A.44.080, 29A.44.090, 29A.44.110,

1 29A.44.120, 29A.44.130, 29A.44.140, 29A.44.150, 29A.44.160, 29A.44.170,
2 29A.44.180, 29A.44.190, 29A.44.201, 29A.44.205, 29A.44.207, 29A.44.210,
3 29A.44.221, 29A.44.225, 29A.44.231, 29A.44.240, 29A.44.250, 29A.44.260,
4 29A.44.265, 29A.44.270, 29A.44.280, 29A.44.290, 29A.44.310, 29A.44.320,
5 29A.44.330, 29A.44.340, 29A.44.350, 29A.44.410, 29A.44.420, 29A.44.430,
6 29A.44.440, 29A.44.450, 29A.44.460, 29A.44.470, 29A.44.480, 29A.44.490,
7 29A.44.500, 29A.44.510, 29A.44.520, 29A.44.530, 29A.46.010, 29A.46.020,
8 29A.46.030, 29A.46.110, 29A.46.120, 29A.46.130, 29A.48.010, 29A.48.020,
9 29A.48.030, 29A.48.040, 29A.48.050, 29A.48.060, 29A.52.311, 29A.52.351,
10 29A.60.030, 29A.84.525, 29A.84.670, 29A.84.670, and 29A.84.740;
11 prescribing penalties; providing effective dates; and providing an
12 expiration date.

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

14 **Sec. 1.** RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read
15 as follows:

16 As used in this title:

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

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

21 (b) A facsimile of the contents of a particular ballot whether
22 printed on a paper ballot or ballot card or as part of a voting machine
23 or voting device;

24 (c) A physical or electronic record of the choices of an individual
25 voter in a particular primary, general election, or special election;
26 or

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

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

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

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

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

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

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

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

19 (d) Any other reason allowed by law;

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

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

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

30 "Canvassing" means the process of examining ballots or groups of
31 ballots, subtotals, and cumulative totals in order to determine the
32 official returns of a primary or general election and includes the
33 tabulation of any votes that were not previously tabulated (~~(at the~~
34 ~~precinct or in a counting center on the day of the primary or~~
35 ~~election))~~).

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

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

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

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

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

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

1 local officers) as provided and required by the laws governing such
2 elections.

3 **Sec. 6.** RCW 29A.04.220 and 2003 c 111 s 135 are each amended to
4 read as follows:

5 The county auditor shall provide public notice of the availability
6 of registration and voting aids, assistance to elderly and disabled
7 persons, and procedures for voting (~~((by absentee ballot))~~) calculated to
8 reach elderly and disabled persons not later than public notice of the
9 closing of registration for a primary or election.

10 **Sec. 7.** RCW 29A.04.235 and 2003 c 111 s 138 are each amended to
11 read as follows:

12 The secretary of state shall ensure that each county auditor is
13 provided with the most recent version of the election laws of the
14 state, as contained in this title. Where amendments have been enacted
15 after the last compilation of the election laws, he or she shall ensure
16 that each county auditor receives a copy of those amendments before the
17 next primary or election. (~~((The county auditor shall ensure that any
18 statutory information necessary for the precinct election officers to
19 perform their duties is supplied to them in a timely manner.))~~)

20 **Sec. 8.** RCW 29A.04.540 and 2009 c 415 s 9 are each amended to read
21 as follows:

22 A person having responsibility for the administration or conduct of
23 elections(~~(, other than precinct election officers,)~~) shall, within
24 eighteen months of undertaking those responsibilities, receive general
25 training regarding the conduct of elections and specific training
26 regarding their responsibilities and duties as prescribed by this title
27 or by rules adopted by the secretary of state under this title.
28 Included among those persons for whom such training is mandatory are
29 the following:

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

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

5 **Sec. 9.** RCW 29A.04.580 and 2003 c 111 s 156 are each amended to
6 read as follows:

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

24 **Sec. 10.** RCW 29A.04.611 and 2009 c 369 s 5 are each amended to
25 read as follows:

26 The secretary of state as chief election officer shall make
27 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
28 with the federal and state election laws to effectuate any provision of
29 this title and to facilitate the execution of its provisions in an
30 orderly, timely, and uniform manner relating to any federal, state,
31 county, city, town, and district elections. To that end the secretary
32 shall assist local election officers by devising uniform forms and
33 procedures.

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

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

1 registration records accepted by driver licensing agents or the
2 department of licensing;

3 (18) The coordination, delivery, and processing of voter
4 registration records accepted by agencies designated by the governor to
5 provide voter registration services;

6 (19) Procedures to receive and distribute voter registration
7 applications by mail;

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

10 (21) Procedures for a voter to change the name under which he or
11 she is registered to vote;

12 (22) Procedures for canceling dual voter registration records and
13 for maintaining records of persons whose voter registrations have been
14 canceled;

15 (23) Procedures for the electronic transfer of voter registration
16 records between county auditors and the office of the secretary of
17 state;

18 (24) Procedures and forms for declarations of candidacy;

19 (25) Procedures and requirements for the acceptance and filing of
20 declarations of candidacy by electronic means;

21 (26) Procedures for the circumstance in which two or more
22 candidates have a name similar in sound or spelling so as to cause
23 confusion for the voter;

24 (27) Filing for office;

25 (28) The order of positions and offices on a ballot;

26 (29) Sample ballots;

27 (30) Independent evaluations of voting systems;

28 (31) The testing, approval, and certification of voting systems;

29 (32) The testing of vote tallying software programming;

30 (33) Standards and procedures to prevent fraud and to facilitate
31 the accurate processing and canvassing of (~~absentee ballots and mail~~)
32 ballots, including standards for the approval and implementation of
33 hardware and software for automated signature verification systems;

34 (34) Standards and procedures to guarantee the secrecy of
35 (~~absentee ballots and mail~~) ballots;

36 (35) Uniformity among the counties of the state in the conduct of
37 (~~absentee voting and mail ballot~~) elections;

1 (36) Standards and procedures to accommodate overseas voters and
2 service voters;

3 (37) The tabulation of paper ballots (~~((before the close of the~~
4 ~~polls))~~);

5 (38) The accessibility of (~~(polling places and registration~~
6 ~~facilities that are accessible to elderly and disabled persons)) voting
7 centers;~~

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

10 (40) Procedures for conducting a statutory recount;

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

15 (42) Procedures for the statistical sampling of signatures for
16 purposes of verifying and canvassing signatures on initiative,
17 referendum, and recall election petitions;

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

20 (44) Deadlines for the filing of ballot titles for referendum bills
21 and constitutional amendments if none have been provided by the
22 legislature;

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

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

28 (47) Procedures for conducting partisan primary elections;

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

32 (49) Standards for voting technology and systems used by the state
33 or any political subdivision to be accessible for individuals with
34 disabilities, including nonvisual accessibility for the blind and
35 visually impaired, in a manner that provides the same opportunity for
36 access and participation, including privacy and independence, as other
37 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 Vote
4 Act (P.L. 107-252);

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

9 (52) Provisions and procedures to implement the state-based
10 administrative complaint procedure as required by the Help America Vote
11 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 **Sec. 11.** RCW 29A.08.130 and 2009 c 369 s 13 are each amended to
17 read as follows:

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

28 **Sec. 12.** RCW 29A.08.140 and 2009 c 369 s 15 are each amended to
29 read as follows:

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

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

35 (b) Register in person at the county auditor's office in his or her

1 county of residence no later than eight days before the day of the
2 primary, special election, or general election. (~~(A person registering
3 under this subsection will be issued an absentee ballot.)~~)

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

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

15 **Sec. 13.** RCW 29A.08.440 and 2009 c 369 s 25 are each amended to
16 read as follows:

17 A registered voter who changes his or her name shall notify the
18 county auditor regarding the name change by submitting a notice clearly
19 identifying the name under which he or she is registered to vote, the
20 voter's new name, and the voter's residence, and providing a signature
21 of the new name, or by submitting a voter registration application.

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

26 **Sec. 14.** RCW 29A.08.620 and 2009 c 369 s 29 are each amended to
27 read as follows:

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

34 (2) The county auditor shall transfer the registration of a voter
35 and send an acknowledgement notice to the new address informing the
36 voter of the transfer if change of address information received by the

1 county auditor from the postal service, the department of licensing, or
2 another agency designated to provide voter registration services
3 indicates that the voter has moved within the county.

4 (3) The county auditor shall place a voter on inactive status and
5 send to all known addresses a confirmation notice and a voter
6 registration application if change of address information received by
7 the county auditor from the postal service, the department of
8 licensing, or another agency designated to provide voter registration
9 services indicates that the voter has moved from one county to another.

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

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

16 (b) Change of address information received from the postal service,
17 the department of licensing, or another state agency designated to
18 provide voter registration services indicates that the voter has moved
19 out of the state.

20 **Sec. 15.** RCW 29A.08.720 and 2009 c 369 s 34 are each amended to
21 read as follows:

22 (1) In the case of voter registration records received through the
23 department of licensing or an agency designated under RCW 29A.08.310,
24 the identity of the office or agency at which any particular individual
25 registered to vote is not available for public inspection and shall not
26 be disclosed to the public. Any record of a particular individual's
27 choice not to register to vote at an office of the department of
28 licensing or a state agency designated under RCW 29A.08.310 is not
29 available for public inspection and any information regarding such a
30 choice by a particular individual shall not be disclosed to the public.

31 (2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060,
32 (~~poll books~~) precinct lists(~~(7)~~) and current lists of registered
33 voters are public records and must be made available for public
34 inspection and copying under such reasonable rules and regulations as
35 the county auditor or secretary of state may prescribe. The county
36 auditor or secretary of state shall promptly furnish current lists of
37 registered voters in his or her possession, at actual reproduction

1 cost, to any person requesting such information. The lists shall not
2 be used for the purpose of mailing or delivering any advertisement or
3 offer for any property, establishment, organization, product, or
4 service or for the purpose of mailing or delivering any solicitation
5 for money, services, or anything of value. However, the lists and
6 labels may be used for any political purpose. The county auditor or
7 secretary of state must provide a copy of RCW 29A.08.740 to the person
8 requesting the material that is released under this section.

9 (3) For the purposes of this section, "political purpose" means a
10 purpose concerned with the support of or opposition to any candidate
11 for any partisan or nonpartisan office or concerned with the support of
12 or opposition to any ballot proposition or issue. "Political purpose"
13 includes, but is not limited to, such activities as the advertising for
14 or against any candidate or ballot measure or the solicitation of
15 financial support.

16 **Sec. 16.** RCW 29A.08.775 and 2005 c 246 s 20 are each amended to
17 read as follows:

18 Only voters who appear on the official statewide voter registration
19 list are eligible to participate in elections. Each county shall
20 maintain a copy of that county's portion of the state list. The county
21 must ensure that voter registration data used for the production,
22 issuance, and processing of (~~poll lists and other lists and mailings~~
23 ~~done~~) ballots in the administration of each election are the same as
24 the official statewide voter registration list.

25 **Sec. 17.** RCW 29A.08.810 and 2006 c 320 s 4 are each amended to
26 read as follows:

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

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

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

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

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

3 (ii) Submit evidence that he or she exercised due diligence to
4 verify that the challenged voter does not reside at the address
5 provided and to attempt to contact the challenged voter to learn the
6 challenged voter's actual residence, including that the challenger
7 personally:

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

11 (B) Visited the residential address provided and contacted persons
12 at the address to determine whether the voter resides at the address
13 and, if not, obtained and submitted with the challenge form a signed
14 affidavit subject to the penalties of perjury from a person who owns or
15 manages property, resides, or is employed at the address provided, that
16 to his or her personal knowledge the challenged voter does not reside
17 at the address as provided on the voter registration;

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

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

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

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

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

28 (2) A person's right to vote may be challenged: By another
29 registered voter or the county prosecuting attorney (~~at any time, or~~
30 ~~by the poll site judge or inspector if the challenge is filed on~~
31 ~~election day regarding a voter who presents himself or herself to vote~~
32 ~~at the poll site)).~~

33 (3) The challenger must file a signed affidavit subject to the
34 penalties of perjury swearing that, to his or her personal knowledge
35 and belief, having exercised due diligence to personally verify the
36 evidence presented, the challenged voter either is not qualified to
37 vote or does not reside at the address given on his or her voter
38 registration record based on one of the reasons allowed in subsection

1 (1) of this section. The challenger must provide the factual basis for
2 the challenge, including any information required by subsection (1)(c)
3 of this section, in the signed affidavit. The challenge may not be
4 based on unsupported allegations or allegations by anonymous third
5 parties. All documents pertaining to the challenge are public records.

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

9 **Sec. 18.** RCW 29A.08.820 and 2006 c 320 s 5 are each amended to
10 read as follows:

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

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

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

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

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

1 **Sec. 19.** RCW 29A.12.085 and 2005 c 242 s 1 are each amended to
2 read as follows:

3 Beginning on January 1, 2006, all direct recording electronic
4 voting devices must produce a paper record of each vote that may be
5 accepted or rejected by the voter before finalizing his or her vote.
6 This record may not be removed from the (~~polling place~~) voting
7 center, and must be human readable without an interface and machine
8 readable for counting purposes. If the device is programmed to display
9 the ballot in multiple languages, the paper record produced must be
10 printed in the language used by the voter. Rejected records must
11 either be destroyed or marked in order to clearly identify the record
12 as rejected. Paper records produced by direct recording electronic
13 voting devices are subject to all the requirements of chapter 29A.60
14 RCW for ballot handling, preservation, reconciliation, transit, and
15 storage. The paper records must be preserved in the same manner and
16 for the same period of time as ballots.

17 **Sec. 20.** RCW 29A.12.110 and 2003 c 111 s 311 are each amended to
18 read as follows:

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

31 **Sec. 21.** RCW 29A.12.120 and 2003 c 111 s 312 are each amended to
32 read as follows:

33 (1) Before each state primary or general election at which voting
34 systems are to be used, the county auditor shall instruct all
35 (~~precinct election officers appointed under RCW 29A.44.410,~~) counting

1 center personnel(~~(, and political party observers designated under RCW~~
2 ~~29A.60.170))~~) in the proper 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 at~~
18 ~~any primary or election at which voting systems are used unless he or~~
19 ~~she has received the required instruction and is qualified to perform~~
20 ~~his or her duties in connection with the voting devices.))~~ No person
21 may work in a counting center at a primary or election at which a vote
22 tallying system is used unless that person has received the required
23 instruction and is qualified to perform his or her duties in connection
24 with the handling and tallying of ballots for that primary or election.
25 (~~(No person may serve as a political party observer unless that person~~
26 ~~has received the required instruction and is familiar with the~~
27 ~~operation of the counting center and the vote tallying system and the~~
28 ~~procedures to be employed to verify the accuracy of the programming for~~
29 ~~that vote tallying system.))~~)

30 **Sec. 22.** RCW 29A.12.160 and 2004 c 267 s 701 are each amended to
31 read as follows:

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

35 (2) (~~(Compliance with this provision in regard to voting technology~~
36 ~~and systems purchased prior to July 27, 2003, shall be achieved at the~~)

1 ~~time of procurement of an upgrade of technology compatible with~~
2 ~~nonvisual voting methods or replacement of existing voting equipment or~~
3 ~~systems.~~

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

6 ~~(4))~~ For purposes of this section, the following definitions
7 apply:

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

10 (b) "Nonvisual" includes synthesized speech, Braille, and other
11 output methods.

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

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

15 **Sec. 23.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to
16 read as follows:

17 The county legislative authority of each county in the state
18 ~~((hereafter formed)) shall((, at their first session,))~~ divide ~~((their~~
19 ~~respective counties))~~ the county into election precincts and establish
20 the boundaries of the precincts. ~~((The county auditor shall thereupon~~
21 ~~designate the voting place for each such precinct or whether the~~
22 ~~precinct is a vote by mail precinct.))~~

23 (1) Precinct boundaries may be altered at any time as long as
24 sufficient time exists prior to a given election for the necessary
25 procedural steps to be honored. Except as permitted under subsection
26 ~~((5))~~ (3) of this section, no precinct ~~((boundaries))~~ changes may be
27 ~~((changed))~~ made during the period starting ~~((on the thirtieth))~~
28 fourteen days prior to the first day for candidates to file for the
29 primary election and ending with the day of the general election.

30 (2) The county legislative authority may establish by ordinance a
31 limitation on the maximum number of active registered voters in each
32 precinct within its jurisdiction. The ~~((limitation may be different~~
33 ~~for precincts based upon the method of voting used for such precincts~~
34 ~~and the))~~ number may be less than the number established by law, but in
35 no case may the number exceed ~~((that authorized by law))~~ two thousand
36 active registered voters.

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

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

9 (5)) The county auditor shall temporarily adjust precinct
10 boundaries when a city or town annexes unincorporated territory to the
11 city or town, or whenever unincorporated territory is incorporated as
12 a city or town. The adjustment must be made as soon as possible after
13 the approval of the annexation or incorporation. The temporary
14 adjustment must be limited to the minimum changes necessary to
15 accommodate the addition of the territory to the city or town, or to
16 establish the eligible voters within the boundaries of the new city or
17 town, and remains in effect only until precinct boundary modifications
18 reflecting the annexation or incorporation are adopted by the county
19 legislative authority.

20 (~~(6) In determining the number of active registered voters for the~~
21 ~~purposes of this section, persons who are ongoing absentee voters under~~
22 ~~RCW 29A.40.040 shall not be counted. Nothing in this subsection may be~~
23 ~~construed as altering the vote tallying requirements of RCW~~
24 ~~29A.60.230.))~~

25 **Sec. 24.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to
26 read as follows:

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

30 (1) Any declaration received by the filing officer by mail before
31 the tenth business day immediately preceding the first day for
32 candidates to file for office shall be returned to the candidate
33 submitting it, together with a notification that the declaration of
34 candidacy was received too early to be processed. The candidate shall
35 then be permitted to resubmit his or her declaration of candidacy
36 during the filing period.

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

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

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

15 The general election laws and laws relating to partisan primaries
16 shall apply to the special primaries and vacancy elections provided for
17 in chapter 29A.28 RCW to the extent that they are not inconsistent with
18 the provisions of these sections. Minor political party and
19 independent candidates may appear only on the general election ballot.
20 Statutory time deadlines relating to availability of (~~absentee~~)
21 ballots, certification, canvassing, and related procedures that cannot
22 be met in a timely fashion may be modified for the purposes of a
23 specific primary or vacancy election under this chapter by the
24 secretary of state through emergency rules adopted under RCW
25 29A.04.611.

26 **Sec. 26.** RCW 29A.32.260 and 2003 c 111 s 818 are each amended to
27 read as follows:

28 As soon as practicable before the primary, special election, or
29 general election, the county auditor, or if applicable, the city clerk
30 of a first-class or code city, as appropriate, shall mail the local
31 voters' pamphlet to every residence in each jurisdiction that has
32 included information in the pamphlet. The county auditor or city
33 clerk, as appropriate, may choose to mail the pamphlet to each
34 registered voter in each jurisdiction that has included information in
35 the pamphlet, if in his or her judgment, a more economical and

1 effective distribution of the pamphlet would result. ((If the county
2 or city chooses to mail the pamphlet to each residence, no notice of
3 election otherwise required by RCW 29A.52.350 need be published.))

4 **Sec. 27.** RCW 29A.36.115 and 2005 c 243 s 3 are each amended to
5 read as follows:

6 All provisional ((and absentee)) ballots must be visually
7 distinguishable from ((each)) other ballots and ((must be either:

8 (1) ~~Printed on colored paper; or~~

9 (2) ~~Imprinted with a bar code for the purpose of identifying the~~
10 ~~ballot as a provisional or absentee ballot. The bar code must not~~
11 ~~identify the voter.~~

12 ~~Provisional and absentee ballots must be~~) incapable of being
13 tabulated by ((~~poll site counting devices~~)) a voting system.

14 **Sec. 28.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to
15 read as follows:

16 After the close of business on the last day for candidates to file
17 for office, the filing officer shall, from among those filings made in
18 person and by mail, determine by lot the order in which the names of
19 those candidates will appear on all ((~~primary, sample, and absentee~~))
20 ballots. The determination shall be done publicly and may be witnessed
21 by the media and by any candidate. If no primary is required for any
22 nonpartisan office under RCW 29A.52.011 or 29A.52.220, or if any
23 independent or minor party candidate files a declaration of candidacy,
24 the names shall appear on the general election ballot in the order
25 determined by lot.

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

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

33 **Sec. 30.** RCW 29A.40.010 and 2009 c 369 s 36 are each amended to
34 read as follows:

1 ~~((Any))~~ Each registered voter of the state ~~((or any))~~, overseas
2 voter ~~((or))~~, and service voter ~~((may vote by absentee))~~ shall
3 automatically be issued a mail ballot ~~((in any))~~ for each general
4 election, special election, or primary ~~((in the manner provided in this~~
5 ~~chapter))~~. Overseas voters and service voters are authorized to cast
6 the same ballots, including those for special elections, as a
7 registered voter of the state would receive under this chapter. Each
8 registered voter shall continue to receive a ballot by mail until the
9 death or disqualification of the voter, cancellation of the voter's
10 registration, or placing the voter on inactive status.

11 **Sec. 31.** RCW 29A.40.020 and 2009 c 369 s 37 are each amended to
12 read as follows:

13 ~~(1) ((Except as otherwise provided by law, a registered voter,~~
14 ~~overseas voter, or service voter desiring to cast an absentee ballot at~~
15 ~~a single election or primary must request the absentee ballot from his~~
16 ~~or her county auditor no earlier than ninety days nor later than the~~
17 ~~day before the election or primary at which the person seeks to vote.~~
18 ~~Except as otherwise provided by law, the request may be made orally in~~
19 ~~person, by telephone, electronically, or in writing. An application or~~
20 ~~request for an absentee ballot made under the authority of a federal~~
21 ~~statute or regulation will be considered and given the same effect as~~
22 ~~a request for an absentee ballot under this chapter.~~

23 ~~(2) A voter requesting an absentee ballot for a primary may also~~
24 ~~request an absentee ballot for the following general election. A~~
25 ~~request by an overseas voter or service voter for an absentee ballot~~
26 ~~for a primary election will be considered as a request for an absentee~~
27 ~~ballot for the following general election.~~

28 ~~(3) In requesting an absentee ballot, the voter shall state the~~
29 ~~address to which the absentee ballot should be sent.))~~ A request for
30 ~~((an absentee))~~ a ballot from an overseas voter or service voter must
31 include the address of the last residence in the state of Washington
32 ~~((and either a written application or the oath on the return envelope~~
33 ~~must include a declaration of the other qualifications of the applicant~~
34 ~~as an elector of this state. A request for an absentee ballot from any~~
35 ~~other voter must state the address at which that voter is currently~~
36 ~~registered to vote in the state of Washington or the county auditor~~

1 shall verify that information from the voter registration records of
2 the county.

3 ~~(4) A request for an absentee ballot from a registered voter who is~~
4 ~~within this state must be made directly to the auditor of the county in~~
5 ~~which the voter is registered. An absentee ballot request from a~~
6 ~~registered voter who is temporarily outside this state or from an~~
7 ~~overseas voter or service voter may be made either to the appropriate~~
8 ~~county auditor or to the secretary of state, who shall promptly forward~~
9 ~~the request to the appropriate county auditor)).~~

10 ((+5)) (2) No person, organization, or association may distribute
11 ~~((absentee ballot applications within this state))~~ any ballot materials
12 that contain a return address other than that of the appropriate county
13 auditor.

14 **Sec. 32.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to
15 read as follows:

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

23 ~~((The application for))~~ A special absentee ballot may not be
24 ~~((filed earlier))~~ issued more than ninety days before the applicable
25 state primary or general election. The special absentee ballot will
26 list the offices and measures, if known, scheduled to appear on the
27 state primary or general election ballot. The voter may use the
28 special absentee ballot to write in the name of any eligible candidate
29 for each office and vote on any measure.

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

35 (3) Write-in votes on special absentee ballots must be counted in
36 the same manner provided by law for the counting of other write-in

1 votes. The county auditor shall process and canvass the special
2 absentee ballots provided under this section in the same manner as
3 other (~~absentee~~) ballots under this chapter and chapter 29A.60 RCW.

4 (4) A voter who requests a special absentee ballot under this
5 section may also request (~~an absentee~~) a regular ballot (~~under RCW~~
6 ~~29A.40.020(4)~~). If the regular absentee ballot is properly voted and
7 returned, the special absentee ballot is void, and the county auditor
8 shall reject it in whole when special absentee ballots are canvassed.

9 **Sec. 33.** RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to
10 read as follows:

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

16 **Sec. 34.** RCW 29A.40.110 and 2009 c 369 s 40 are each amended to
17 read as follows:

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

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

31 (3) (~~Before opening a returned absentee ballot,~~) The canvassing
32 board, or its designated representatives, shall examine the postmark(~~-~~
33 ~~statement,~~) on the return envelope and signature on the (~~return~~
34 ~~envelope that contains the security envelope and absentee ballot~~)
35 declaration before processing the ballot. The ballot must either be
36 received no later than 8:00 p.m. on the day of the primary or election,

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

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

21 **Sec. 35.** RCW 29A.40.130 and 2003 c 111 s 1013 are each amended to
22 read as follows:

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

26 ~~The information from the requests shall be recorded and lists of~~
27 ~~this information shall be available no later than twenty-four hours~~
28 ~~after their receipt.~~

29 ~~This information about absentee voters shall be available according~~
30 ~~to the date of the requests and by legislative district. It shall~~
31 ~~include the name of each applicant, the address and precinct in which~~
32 ~~the voter maintains a voting residence, the date on which an absentee~~
33 ~~ballot was issued to this voter, if applicable, the type of absentee~~
34 ~~ballot, and the address to which the ballot was or is to be mailed, if~~
35 ~~applicable.~~

36 ~~The auditor shall make copies of these records available to the~~
37 ~~public for the actual cost of production or copying))~~ all ballots

1 issued and received. For each primary, special election, or general
2 election, any political party, committee, or person may request a list
3 of all registered voters who have or have not voted. Such requests
4 shall be handled as public records requests pursuant to chapter 42.56
5 RCW.

6 NEW SECTION. Sec. 36. A new section is added to chapter 29A.44
7 RCW to read as follows:

8 (1) Each county auditor shall open a voting center in the county
9 auditor's office each primary, special election, and general election.
10 The voting center shall be open during business hours during the voting
11 period, which begins eighteen days before, and ends at 8:00 p.m. on the
12 day of, the primary, special election, or general election.

13 (2) The voting center must provide voter registration materials,
14 replacement ballots, provisional ballots, disability access voting
15 units, sample ballots, instructions on how to properly vote the ballot,
16 a ballot drop box, and voters' pamphlets, if a voters' pamphlet has
17 been published.

18 (3) The voting center must be accessible to persons with
19 disabilities.

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

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

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

35 (7) Any person desiring to vote at a voting center must either sign
36 a ballot declaration or provide identification.

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

6 (b) The identification must be valid photo identification, such as
7 a driver's license, state identification card, student identification
8 card, tribal identification card, or employer identification card. Any
9 individual who desires to vote in person but cannot provide
10 identification shall be issued a provisional ballot, which shall be
11 accepted if the signature on the declaration matches the signature on
12 the voter's registration record.

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

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

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

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

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

37 (13) The county auditor must prevent overflow of each ballot drop
38 box to allow a voter to deposit his or her ballot securely. Ballots

1 removed from a ballot drop box must be counted, with a record kept of
2 the date, time, number of ballots received, and the name of the person
3 transferring the ballots to secure storage. All ballot drop boxes must
4 be secured at 8:00 p.m. on the day of the primary, special election, or
5 general election.

6 (14) Any voter who is inside or in line at the voting center at
7 8:00 p.m. on the day of the primary, special election, or general
8 election must be allowed to vote.

9 **Sec. 37.** RCW 29A.46.260 and 2010 c 215 s 5 are each amended to
10 read as follows:

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

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

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

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

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

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 NEW SECTION. **Sec. 38.** A new section is added to chapter 29A.52
15 RCW to read as follows:

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

1 the times and dates of any public meetings associated with the
2 election.

3 **Sec. 39.** RCW 29A.60.040 and 2009 c 414 s 2 are each amended to
4 read as follows:

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

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

16 **Sec. 40.** RCW 29A.60.050 and 2005 c 243 s 13 are each amended to
17 read as follows:

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

28 **Sec. 41.** RCW 29A.60.060 and 2003 c 111 s 1506 are each amended to
29 read as follows:

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

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

9 **Sec. 42.** RCW 29A.60.080 and 2004 c 266 s 17 are each amended to
10 read as follows:

11 Except for reopening to make a recanvass, the ~~((registering~~
12 ~~mechanism)) programming of each ~~((mechanical))~~ voting device used in
13 any primary or election shall remain sealed until ten days after the
14 completion of the canvass of that primary or election in that county.
15 ~~((Except where provided by a rule adopted under RCW 29A.04.610, voting~~
16 ~~devices used in a primary or election shall remain sealed until ten~~
17 ~~days after the completion of the canvass of that primary or election in~~
18 ~~that county.))~~~~

19 **Sec. 43.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to
20 read as follows:

21 Immediately after their tabulation, all ballots counted at a ballot
22 counting center must be sealed in containers that identify the primary
23 or election and be retained for at least sixty days or according to
24 federal law, whichever is longer. All ballots ~~((tallied by poll site~~
25 ~~ballot counting devices)) that have been deposited in ballot drop~~
26 ~~locations must be returned to the elections department in sealed ballot~~
27 ~~containers ((on election day)). ((Counties composed entirely of~~
28 ~~islands or portions of counties composed of islands shall collect the~~
29 ~~ballots within twenty four hours of the close of the polls.))~~

30 The ballots ~~((tabulated in poll site ballot counting devices))~~ must
31 be sealed by two ~~((of the election precinct officers at the polling~~
32 ~~place)) people working under the direction of the county auditor, and~~
33 a log of the seal and the names of the people sealing the container
34 must be completed. ~~((One copy of this log must be retained by the~~
35 ~~inspector, one)) A copy of the log must be placed in the ballot~~
36 ~~transfer case, and one copy must be transported with the ballots to the~~

1 elections department, where the seal number must be verified by the
2 county auditor or a designated representative. Ballots may be
3 transported by one election employee if the container is sealed at the
4 ~~((poll))~~ ballot drop location and then verified when returned to the
5 elections department. ~~((Auditors using poll site ballot counting
6 devices may conduct early pickup of counted ballots on election day.))~~

7 In the presence of major party observers who are available, ballots
8 may be removed from the sealed containers at the elections department
9 and consolidated into one sealed container for storage purposes. The
10 containers may only be opened by the canvassing board as part of the
11 canvass, ~~((or))~~ to conduct recounts, ~~((or under))~~ to conduct the random
12 check authorized by RCW 29A.60.170~~((+3))~~, or by order of the superior
13 court in a contest or election dispute. If the canvassing board opens
14 a ballot container, it shall make a full record of the additional
15 tabulation or examination made of the ballots. This record must be
16 added to any other record of the canvassing process in that county.

17 **Sec. 44.** RCW 29A.60.120 and 2003 c 111 s 1512 are each amended to
18 read as follows:

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

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

32 ~~((+3))~~ (2) The returns produced by the vote tallying system, to
33 which have been added the counts of questioned ballots, and write-in
34 votes, ~~((and absentee votes,))~~ constitute the official returns of the
35 primary or election in that county.

1 **Sec. 45.** RCW 29A.60.160 and 2007 c 373 s 1 are each amended to
2 read as follows:

3 (1) Except for an election conducted under the instant runoff
4 voting method for the pilot project authorized by RCW 29A.53.020, the
5 county auditor, as delegated by the county canvassing board, shall
6 process ((absentee)) ballots and canvass the votes cast at that primary
7 or election on a daily basis in counties with a population of seventy-
8 five thousand or more, or at least every third day for counties with a
9 population of less than seventy-five thousand, if the county auditor is
10 in possession of more than five hundred ballots that have yet to be
11 canvassed.

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

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

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

19 **Sec. 46.** RCW 29A.60.160 and 2007 c 373 s 2 are each amended to
20 read as follows:

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

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

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

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

35 **Sec. 47.** RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
36 each reenacted and amended to read as follows:

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

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

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

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

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

32 ~~(ii) Sign a copy of the affidavit provided by the auditor and~~
33 ~~return it to the auditor no later than the day before the certification~~
34 ~~of the primary or election. The voter may enclose with the affidavit~~
35 ~~a photocopy of a valid government or tribal issued identification~~
36 ~~document that includes the voter's current signature. If the signature~~
37 ~~on the copy of the affidavit does not match the signature on file or~~
38 ~~the signature on the copy of the identification document, the voter~~

1 ~~must appear in person and sign a new registration form no later than~~
2 ~~the day before the certification of the primary or election in order~~
3 ~~for the ballot to be counted.))~~

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

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

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

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

24 **Sec. 48.** RCW 29A.60.170 and 2007 c 373 s 3 are each amended to
25 read as follows:

26 (1) At least twenty-eight days prior to any special election,
27 general election, or primary, the county auditor shall request from the
28 chair of the county central committee of each major political party a
29 list of individuals who are willing to serve as observers. The county
30 auditor may delete from the lists names of those persons who indicate
31 to the county auditor that they cannot or do not wish to serve as
32 observers, and names of those persons who, in the judgment of the
33 county auditor, lack the ability to properly serve as observers after
34 training has been made available to them by the auditor.

35 (2) The counting center (~~in a county using voting systems~~) is
36 under the direction of the county auditor and must be (~~observed~~) open
37 to observation by one representative from each major political party,

1 if representatives have been appointed by the respective major
2 political parties and these representatives are present while the
3 counting center is operating. The proceedings must be open to the
4 public, but no persons except those employed and authorized by the
5 county auditor may touch any ballot or ballot container or operate a
6 vote tallying system.

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

16 ~~(3) In counties using poll-site ballot counting devices, the
17 political party observers, upon mutual agreement, may choose as many as
18 three precincts and request that a manual count be made of the number
19 of ballots and the votes cast on any office or issue. The results of
20 this count will be compared to the count of the precinct made by the
21 poll-site ballot counting device. These selections must be made no
22 later than thirty minutes after the close of the polls. The manual
23 count must be completed within forty-eight hours after the close of the
24 polls. The process must take place at a location designated by the
25 county auditor for that purpose. The political party observers must
26 receive timely notice of the time and location, and have the right to
27 be present. However, the process must proceed as scheduled if the
28 observers are unable to attend.~~

29 ~~(4) In counties voting entirely by mail,))~~ (3) A random check of
30 the ballot counting equipment may be conducted upon mutual agreement of
31 the political party observers or at the discretion of the county
32 auditor. The random check procedures must be adopted by the county
33 canvassing board prior to the processing of ballots. The random check
34 process shall involve a comparison of a manual count to the machine
35 count and may involve up to either three precincts or six batches
36 depending on the ballot counting procedures in place in the county.
37 The random check will be limited to one office or issue on the ballots
38 in the precincts or batches that are selected for the check. The

1 selection of the precincts or batches to be checked must be selected
2 according to procedures established by the county canvassing board and
3 the check must be completed no later than forty-eight hours after
4 election day.

5 **Sec. 49.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to
6 read as follows:

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

11 **Sec. 50.** RCW 29A.60.195 and 2005 c 243 s 9 are each amended to
12 read as follows:

13 Before certification of the primary or election, the county auditor
14 must examine and investigate all received provisional ballots to
15 determine whether the ballot can be counted. The auditor shall provide
16 the disposition of the provisional ballot and, if the ballot was not
17 counted, the reason why it was not counted, on a free access system
18 such as a toll-free telephone number, web site, mail, or other means.
19 The auditor must notify the voter in accordance with RCW 29A.60.165
20 when the ~~((envelope))~~ declaration is unsigned or when the signatures do
21 not match.

22 **Sec. 51.** RCW 29A.60.200 and 2003 c 111 s 1520 are each amended to
23 read as follows:

24 Before canvassing the returns of a primary or election, the chair
25 of the county legislative authority or the chair's designee shall
26 administer an oath to the county auditor or the auditor's designee
27 attesting to the authenticity of the information presented to the
28 canvassing board. This oath must be signed by the county auditor or
29 designee and filed with the returns of the primary or election.

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

1 **Sec. 52.** RCW 29A.60.230 and 2003 c 111 s 1523 are each amended to
2 read as follows:

3 ~~((1))~~ Immediately after the official results of a state primary
4 or general election in a county are ascertained, the county auditor or
5 other election officer shall make an abstract of the number of
6 registered voters in each precinct and of all the votes cast in the
7 county at such state primary or general election for and against state
8 measures and for each candidate for federal, state, and legislative
9 office or for any other office which the secretary of state is required
10 by law to canvass. The cumulative report of the election and a copy of
11 the certificate of the election must be transmitted to the secretary of
12 state immediately ~~(, through electronic means and mailed with the~~
13 ~~abstract of votes no later than the next business day following the~~
14 ~~certification by the county canvassing board.~~

15 ~~(2) After each general election, the county auditor or other~~
16 ~~election officer shall provide to the secretary of state a report of~~
17 ~~the number of absentee ballots cast in each precinct for and against~~
18 ~~state measures and for each candidate for federal, state, and~~
19 ~~legislative office or for any other office which the secretary of state~~
20 ~~is required by law to canvass. The report may be included in the~~
21 ~~abstract required by this section or may be transmitted to the~~
22 ~~secretary of state separately, but in no event later than March 31st of~~
23 ~~the year following the election. Absentee ballot results may be~~
24 ~~incorporated into votes cast at the polls for each precinct or may be~~
25 ~~reported separately on a precinct by precinct basis.~~

26 ~~(3) If absentee ballot results are not incorporated into votes cast~~
27 ~~at the polls,~~) The county auditor or other election official may
28 aggregate results from more than one precinct if the auditor, pursuant
29 to rules adopted by the secretary of state, finds that reporting a
30 single precinct's ~~(absentee)~~ ballot results would jeopardize the
31 secrecy of a person's ballot. To the extent practicable, precincts for
32 which ~~(absentee)~~ results are aggregated must be contiguous.

33 **Sec. 53.** RCW 29A.60.235 and 2009 c 369 s 41 are each amended to
34 read as follows:

35 ~~((1))~~ The county auditor shall prepare, make publicly available
36 at the auditor's office or on the auditor's web site, and submit at the

1 time of certification an election reconciliation report that discloses
2 the following information:

- 3 ~~((a) The number of registered voters;~~
- 4 ~~(b) The number of ballots counted;~~
- 5 ~~(c) The number of provisional ballots issued;~~
- 6 ~~(d) The number of provisional ballots counted;~~
- 7 ~~(e) The number of provisional ballots rejected;~~
- 8 ~~(f) The number of absentee ballots issued;~~
- 9 ~~(g) The number of absentee ballots counted;~~
- 10 ~~(h) The number of absentee ballots rejected;~~
- 11 ~~(i) The number of federal write-in ballots counted;~~
- 12 ~~(j) The number of overseas and service ballots issued;~~
- 13 ~~(k) The number of overseas and service ballots counted; and~~
- 14 ~~(l) The number of overseas and service ballots rejected.~~

15 ~~(2) The county auditor shall prepare and make publicly available at~~
16 ~~the auditor's office or on the auditor's web site within thirty days of~~
17 ~~certification a final election reconciliation report that discloses the~~
18 ~~following information:~~

- 19 ~~(a) The number of registered voters;~~
- 20 ~~(b) The total number of voters credited with voting;~~
- 21 ~~(c) The number of poll voters credited with voting;~~
- 22 ~~(d) The number of provisional voters credited with voting;~~
- 23 ~~(e) The number of absentee voters credited with voting;~~
- 24 ~~(f) The number of federal write-in voters credited with voting;~~
- 25 ~~(g) The number of overseas and service voters credited with voting;~~
- 26 ~~(h) The total number of voters credited with voting even though~~

27 ~~their ballots were postmarked after election day and were not counted;~~
28 ~~and~~

- 29 ~~(i))~~ (1) The number of registered voters;
- 30 (2) The number of ballots issued;
- 31 (3) The number of ballots received;
- 32 (4) The number of ballots counted;
- 33 (5) The number of ballots rejected;
- 34 (6) The number of provisional ballots received;
- 35 (7) The number of provisional ballots counted;
- 36 (8) The number of provisional ballots rejected;
- 37 (9) The number of federal write-in ballots received;
- 38 (10) The number of federal write-in ballots counted;

- 1 (11) The number of federal write-in ballots rejected;
2 (12) The number of overseas and service ballots issued;
3 (13) The number of overseas and service ballots counted;
4 (14) The number of overseas and service ballots rejected;
5 (15) The number of voters credited with voting; and
6 (16) Any other information the auditor or secretary of state deems
7 necessary to reconcile the number of ballots counted with the number of
8 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 **Sec. 54.** RCW 29A.68.020 and 2007 c 374 s 4 are each amended to
12 read as follows:

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

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

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

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

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

27 (5) On account of illegal votes.

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

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

30 (ii) A vote cast by a person disqualified under Article VI, section
31 3 of the state Constitution.

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

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

1 **Sec. 55.** RCW 29A.68.070 and 2003 c 111 s 1707 are each amended to
2 read as follows:

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

9 **Sec. 56.** RCW 29A.68.080 and 2003 c 111 s 1708 are each amended to
10 read as follows:

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

17 **Sec. 57.** RCW 29A.84.020 and 2003 c 111 s 2102 are each amended to
18 read as follows:

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

24 **Sec. 58.** RCW 29A.84.050 and 2005 c 243 s 23 are each amended to
25 read as follows:

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

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

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

3 **Sec. 59.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

34 **Sec. 60.** RCW 29A.84.520 and 2003 c 111 s 2122 are each amended to
35 read as follows:

36 Any election officer who does any electioneering ~~((on primary or~~

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

6 **Sec. 61.** RCW 29A.84.530 and 2003 c 111 s 2123 are each amended to
7 read as follows:

8 Deliberately impeding other voters from casting their votes by
9 refusing to leave a voting booth or voting device is a misdemeanor and
10 is subject to the penalties provided in chapter 9A.20 RCW. ((The
11 precinct)) Election officers may provide assistance in the manner
12 provided by ((RCW 29A.44.240)) section 36 of this act to any voter who
13 requests it.

14 **Sec. 62.** RCW 29A.84.540 and 2003 c 111 s 2124 are each amended to
15 read as follows:

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

20 **Sec. 63.** RCW 29A.84.545 and 2005 c 242 s 6 are each amended to
21 read as follows:

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

26 **Sec. 64.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to
27 read as follows:

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

1 **Sec. 65.** RCW 29A.84.655 and 2003 c 111 s 2132 are each amended to
2 read as follows:

3 Any (~~precinct~~) election officer who knowingly permits any voter
4 to cast a second vote at any primary or general or special election, or
5 knowingly permits any person not a qualified voter to vote at any
6 primary or general or special election, is guilty of a class C felony
7 punishable under RCW 9A.20.021.

8 **Sec. 66.** RCW 29A.84.680 and 2003 c 111 s 2136 and 2003 c 53 s 179
9 are each reenacted and amended to read as follows:

10 (1) A person who willfully violates any provision of chapter 29A.40
11 RCW regarding the assertion or declaration of qualifications to receive
12 or cast (~~an absentee~~) a ballot or unlawfully casts a (~~vote by~~
13 ~~absentee~~) ballot is guilty of a class C felony punishable under RCW
14 9A.20.021.

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

18 **Sec. 67.** RCW 29A.84.730 and 2003 c 111 s 2139 are each amended to
19 read as follows:

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

25 (2) A violation of this section is a gross misdemeanor punishable
26 to the same extent as a gross misdemeanor that is punishable under RCW
27 9A.20.021.

28 NEW SECTION. **Sec. 68.** The county auditor of any county that
29 maintained poll sites as of the effective date of this act shall notify
30 by mail each registered poll voter that all future primaries, special
31 elections, and general elections will be conducted by mail.

32 NEW SECTION. **Sec. 69.** The following acts or parts of acts are
33 each repealed:

1 (1) RCW 29A.04.049 (Election board) and 2003 c 111 s 109 & 1986 c
2 167 s 1;
3 (2) RCW 29A.04.115 (Poll-site ballot counting devices) and 2003 c
4 111 s 120;
5 (3) RCW 29A.04.128 (Primary) and 2004 c 271 s 152;
6 (4) RCW 29A.08.430 (Transfer on day of primary, special election,
7 or general election) and 2009 c 369 s 24, 2004 c 267 s 123, & 2003 c
8 111 s 230;
9 (5) RCW 29A.12.090 (Single district and precinct) and 2003 c 111 s
10 309;
11 (6) RCW 29A.16.010 (Intent--Duties of county auditors) and 2004 c
12 267 s 315, 2003 c 111 s 401, 1999 c 298 s 13, 1985 c 205 s 1, & 1979
13 ex.s. c 64 s 1;
14 (7) RCW 29A.16.020 (Alternative polling places or procedures) and
15 2003 c 111 s 402, 1999 c 298 s 15, & 1985 c 205 s 5;
16 (8) RCW 29A.16.030 (Costs for modifications--Alternatives--Election
17 costs) and 2003 c 111 s 403, 1999 c 298 s 20, & 1985 c 205 s 12;
18 (9) RCW 29A.16.060 (Combining or dividing precincts, election
19 boards) and 2003 c 111 s 406;
20 (10) RCW 29A.16.110 (Polling place--May be located outside
21 precinct) and 2003 c 111 s 407 & 1965 c 9 s 29.48.005;
22 (11) RCW 29A.16.120 (Polling place--Use of county, municipality, or
23 special district facilities) and 2003 c 111 s 408;
24 (12) RCW 29A.16.130 (Public buildings as polling places) and 2004
25 c 267 s 316 & 2003 c 111 s 409;
26 (13) RCW 29A.16.140 (Inaccessible polling places--Auditors' list)
27 and 2003 c 111 s 410;
28 (14) RCW 29A.16.150 (Polling places--Accessibility required,
29 exceptions) and 2003 c 111 s 411;
30 (15) RCW 29A.16.160 (Review by and recommendations of disabled
31 voters) and 2003 c 111 s 412;
32 (16) RCW 29A.16.170 (County auditors--Notice of accessibility) and
33 2003 c 111 s 413;
34 (17) RCW 29A.24.151 (Notice of void in candidacy) and 2004 c 271 s
35 163;
36 (18) RCW 29A.24.161 (Filings to fill void in candidacy--How made)
37 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 2003
4 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 (37) RCW 29A.44.120 (Delivery of precinct lists to polls) and 2003
35 c 111 s 1111;
36 (38) RCW 29A.44.130 (Additional supplies for paper ballots) and
37 2003 c 111 s 1112 & 1977 ex.s. c 361 s 82;

1 (39) RCW 29A.44.140 (Voting and registration instructions and
2 information) and 2003 c 111 s 1113;
3 (40) RCW 29A.44.150 (Time for arrival of officers) and 2003 c 111
4 s 1114;
5 (41) RCW 29A.44.160 (Inspection of voting equipment) and 2003 c 111
6 s 1115;
7 (42) RCW 29A.44.170 (Flag) and 2003 c 111 s 1116;
8 (43) RCW 29A.44.180 (Opening the polls) and 2003 c 111 s 1117;
9 (44) RCW 29A.44.190 (Voting devices--Periodic examination) and 2003
10 c 111 s 1118;
11 (45) RCW 29A.44.201 (Issuing ballot to voter--Challenge) and 2004
12 c 271 s 136;
13 (46) RCW 29A.44.205 (Identification required) and 2005 c 243 s 7;
14 (47) RCW 29A.44.207 (Provisional ballots) and 2005 c 243 s 6;
15 (48) RCW 29A.44.210 (Signature required--Procedure if voter unable
16 to sign name) and 2003 c 111 s 1120, 1990 c 59 s 41, 1971 ex.s. c 202
17 s 41, 1967 ex.s. c 109 s 9, 1965 ex.s. c 156 s 5, & 1965 c 9 s
18 29.51.060;
19 (49) RCW 29A.44.221 (Casting vote) and 2004 c 271 s 137;
20 (50) RCW 29A.44.225 (Voter using electronic voting device) and 2005
21 c 242 s 4;
22 (51) RCW 29A.44.231 (Record of participation) and 2004 c 271 s 138;
23 (52) RCW 29A.44.240 (Disabled voters) and 2003 c 111 s 1123, 2003
24 c 53 s 180, 1981 c 34 s 1, 1965 ex.s. c 101 s 17, & 1965 c 9 s
25 29.51.200;
26 (53) RCW 29A.44.250 (Tabulation of paper ballots before close of
27 polls) and 2003 c 111 s 1124 & 1990 c 59 s 54;
28 (54) RCW 29A.44.260 (Voters in polling place at closing time) and
29 2003 c 111 s 1125;
30 (55) RCW 29A.44.265 (Provisional ballot after polls close) and 2004
31 c 267 s 501;
32 (56) RCW 29A.44.270 (Unused ballots) and 2003 c 111 s 1126, 1990 c
33 59 s 52, 1977 ex.s. c 361 s 84, 1965 ex.s. c 101 s 6, & 1965 c 9 s
34 29.54.010;
35 (57) RCW 29A.44.280 (Duties of election officers after unused
36 ballots secure) and 2003 c 111 s 1127 & 1990 c 59 s 53;
37 (58) RCW 29A.44.290 (Return of precinct lists after election--
38 Public records) and 2003 c 111 s 1128;

1 (59) RCW 29A.44.310 (Initialization) and 2003 c 111 s 1129;
2 (60) RCW 29A.44.320 (Delivery and sealing) and 2003 c 111 s 1130;
3 (61) RCW 29A.44.330 (Memory packs) and 2003 c 111 s 1131;
4 (62) RCW 29A.44.340 (Incorrectly marked ballots) and 2003 c 111 s
5 1132;
6 (63) RCW 29A.44.350 (Failure of device) and 2004 c 267 s 320 & 2003
7 c 111 s 1133;
8 (64) RCW 29A.44.410 (Appointment of judges and inspector) and 2003
9 c 111 s 1134, 1991 c 106 s 1, 1983 1st ex.s. c 71 s 7, 1965 ex.s. c 101
10 s 1, & 1965 c 9 s 29.45.010;
11 (65) RCW 29A.44.420 (Appointment of clerks--Party representation--
12 Hour to report) and 2003 c 111 s 1135, 1965 ex.s. c 101 s 2, & 1965 c
13 9 s 29.45.020;
14 (66) RCW 29A.44.430 (Nomination) and 2003 c 111 s 1136, 1991 c 106
15 s 2, 1987 c 295 s 16, 1965 ex.s. c 101 s 3, & 1965 c 9 s 29.45.030;
16 (67) RCW 29A.44.440 (Vacancies--How filled--Inspector's authority)
17 and 2003 c 111 s 1137;
18 (68) RCW 29A.44.450 (One set of precinct election officers,
19 exceptions--Counting board--Receiving board) and 2003 c 111 s 1138,
20 1994 c 223 s 91, 1973 c 102 s 2, 1965 ex.s. c 101 s 4, & 1965 c 9 s
21 29.45.050;
22 (69) RCW 29A.44.460 (Duties--Generally) and 2003 c 111 s 1139;
23 (70) RCW 29A.44.470 (Application to other primaries or elections)
24 and 2003 c 111 s 1140;
25 (71) RCW 29A.44.480 (Inspector as chair--Authority) and 2003 c 111
26 s 1141 & 1965 c 9 s 29.45.070;
27 (72) RCW 29A.44.490 (Oaths of officers required) and 2003 c 111 s
28 1142;
29 (73) RCW 29A.44.500 (Oath of inspectors, form) and 2003 c 111 s
30 1143;
31 (74) RCW 29A.44.510 (Oath of judges, form) and 2003 c 111 s 1144;
32 (75) RCW 29A.44.520 (Oath of clerks, form) and 2003 c 111 s 1145;
33 (76) RCW 29A.44.530 (Compensation) and 2003 c 111 s 1146, 1971
34 ex.s. c 124 s 2, & 1965 c 9 s 29.45.120;
35 (77) RCW 29A.46.010 ("Disability access voting location.") and 2004
36 c 267 s 301;
37 (78) RCW 29A.46.020 ("Disability access voting period.") and 2006
38 c 207 s 5 & 2004 c 267 s 302;

1 (79) RCW 29A.46.030 ("In-person disability access voting.") and
2 2004 c 267 s 303;
3 (80) RCW 29A.46.110 (When allowed--Multiple voting prevention) and
4 2006 c 207 s 6 & 2004 c 267 s 304;
5 (81) RCW 29A.46.120 (Locations and hours) and 2004 c 267 s 305;
6 (82) RCW 29A.46.130 (Compliance with federal and state
7 requirements) and 2004 c 267 s 306;
8 (83) RCW 29A.48.010 (Mail ballot counties and precincts) and 2009
9 c 103 s 1, 2005 c 241 s 1, & 2004 c 266 s 14;
10 (84) RCW 29A.48.020 (Special elections) and 2004 c 266 s 15;
11 (85) RCW 29A.48.030 (Odd-year primaries) and 2003 c 111 s 1203;
12 (86) RCW 29A.48.040 (Depositing ballots--Replacement ballots) and
13 2003 c 111 s 1204, 2001 c 241 s 18, & 1983 1st ex.s. c 71 s 3;
14 (87) RCW 29A.48.050 (Return of voted ballot) and 2006 c 206 s 8 &
15 2003 c 111 s 1205;
16 (88) RCW 29A.48.060 (Ballot contents--Counting) and 2003 c 111 s
17 1206, 2001 c 241 s 20, 1993 c 417 s 5, 1990 c 59 s 76, 1983 1st ex.s.
18 c 71 s 5, & 1967 ex.s. c 109 s 7;
19 (89) RCW 29A.52.311 (Notice of primary) and 2004 c 271 s 145;
20 (90) RCW 29A.52.351 (Notice of election) and 2004 c 271 s 175;
21 (91) RCW 29A.60.030 (Tabulation continuous) and 2004 c 266 s 16 &
22 2003 c 111 s 1503;
23 (92) RCW 29A.84.525 (Electioneering by disability access voting
24 election officer) and 2004 c 267 s 309;
25 (93) RCW 29A.84.670 (Unlawful acts by voters--Penalty) and 2003 c
26 53 s 181 & 1965 c 9 s 29.51.230;
27 (94) RCW 29A.84.670 (Unlawful acts by voters) and 2003 c 111 s 2134
28 & 1965 c 9 s 29.51.230; and
29 (95) RCW 29A.84.740 (Returns and posted copy of results--Tampering
30 with) and 2003 c 111 s 2140.

31 NEW SECTION. **Sec. 70.** RCW 29A.46.260 is recodified as a section
32 in chapter 29A.04 RCW.

33 NEW SECTION. **Sec. 71.** Section 46 of this act takes effect July 1,
34 2013.

1 NEW SECTION. **Sec. 72.** Section 45 of this act expires July 1,
2 2013.

3 NEW SECTION. **Sec. 73.** With the exception of section 46 of this
4 act, this act takes effect January 1, 2012.

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