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By Representatives G. Hunt, Taylor, Muri, Zeiger, Griffey, Shea, Scott, Van Werven, Buys, and Haler

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 NEW SECTION. **Sec. 8.** Ballots may not be used in any polling
30 site or disability access voting location other than those prepared
31 by the county auditor. A voter is not entitled to vote more than once
32 at a primary or a general or special election, except that if a voter
33 incorrectly marks a ballot, he or she may return it and be issued a
34 new ballot. The election officers shall void the incorrectly marked
35 ballot and return it to the county auditor.

1 o'clock p.m., or at the time when all qualified electors at the
2 polling site pursuant to subsection (2) of this section have voted,
3 the precinct election officers shall announce that the polls for that
4 precinct are closed.

5 NEW SECTION. **Sec. 13.** A registered voter may not be allowed to
6 vote in the precinct in which he or she is registered at any election
7 or primary for which that voter has cast a mail ballot. A registered
8 voter who has requested a mail ballot for a primary or special or
9 general election, but chooses to vote at the voter's precinct polling
10 site in that primary or election must cast a provisional ballot. The
11 canvassing board must not count the provisional ballot if it finds
12 that the voter has also voted by mail in that primary or election.

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

- 16 (1) Ballots;
- 17 (2) Precinct list of registered voters;
- 18 (3) Voting and registration instructions, printed in large type,
19 to be conspicuously displayed at each polling site and permanent
20 registration facility;
- 21 (4) Accessible voting equipment.

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

25 NEW SECTION. **Sec. 16.** (1) Before opening the polls for a
26 precinct, the voting equipment must be inspected to determine if it
27 has been properly prepared for voting. If the voting equipment is
28 capable of direct tabulation of each voter's choices, the precinct
29 election officers shall verify that no votes have been registered for
30 any issue or office to be voted on at that primary or election. The
31 precinct election officers must periodically examine the voting
32 devices to determine that no one has tampered with the devices.

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

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

4 (2) The identification required in this section can be satisfied
5 by providing current and valid photo identification. The following
6 forms of identification are acceptable if the identification includes
7 a photo:

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

9 (b) A United States passport;

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

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

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

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

19 (4) The election officer must verify the identification before
20 the voter signs the poll book and is issued a ballot. If the right of
21 this voter to participate in the primary or election is not
22 challenged, the voter must be issued a ballot. Any individual who
23 does not provide identification as required in this section must be
24 issued a provisional ballot.

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

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

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

37 NEW SECTION. **Sec. 19.** Provisional ballots must be issued, along
38 with a provisional ballot outer envelope and a security envelope, to

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

20 NEW SECTION. **Sec. 20.** (1) An individual who votes in an
21 election for federal office as a result of a federal or state court
22 order or any other order extending the time for closing the polls may
23 vote in that election only by casting a provisional ballot. As to
24 court orders extending the time for closing the polls, this section
25 does not apply to any voters who were present in the polling site at
26 the statutory closing time and as a result are permitted to vote
27 under section 10 of this act. This section does not, by itself,
28 authorize any court to order that any individual be permitted to vote
29 or to extend the time for closing the polls, but this section is
30 intended to comply with 42 U.S.C. Sec. 15482(c) with regard to
31 federal elections.

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

35 NEW SECTION. **Sec. 21.** (1) At each precinct immediately after
36 the last qualified voter has cast his or her vote, the precinct
37 election officers shall render unusable and secure in a container all

1 unused ballots for that precinct and return them to the county
2 auditor.

3 (2) Immediately after the unused ballots are secure, the precinct
4 election officers shall count the number of voted ballots and make a
5 record, including any discrepancy, between this number and the number
6 of voters who signed the poll book for that precinct or polling site,
7 complete the certifications in the poll book, prepare the ballots for
8 transfer to the counting center, if necessary, and seal the voting
9 devices.

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

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

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

24 (2) They shall see whether the number or other designating mark
25 on the device's seal agrees with the control number provided by the
26 elections department. If they do not agree they shall at once notify
27 the elections department and delay initializing the device. The polls
28 may be opened pending reexamination of the device;

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

34 (4) Before processing any ballots through a poll-site ballot
35 counting device, a zero report must be produced. Election officials
36 must verify that no ballots have been run through the counting device
37 and that all vote totals for each office are zero. If the totals are
38 not zero, election officials must either reset the device to zero or

1 contact the elections department to reset the device and allow voting
2 to continue using the auxiliary or emergency device.

3 NEW SECTION. **Sec. 24.** Whenever poll-site ballot counting
4 devices are used, the devices may either be delivered with the
5 supplies required in section 13 of this act, or be delivered to the
6 polling site separately. All poll-site ballot counting devices must
7 be sealed with a unique numbered seal at the time of final
8 preparation and logic and accuracy testing. A log must be made of all
9 seal numbers and device numbers used.

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

26 NEW SECTION. **Sec. 26.** Each poll-site ballot counting device
27 must be programmed to return all blank ballots and overvoted ballots
28 to the voter for private reexamination. The election officer shall
29 take whatever steps are necessary to ensure that the secrecy of the
30 ballot is maintained. The precinct election officer must provide
31 information and instruction on how to properly mark the ballot. The
32 voter may remark the original ballot, may request a new ballot, or
33 may choose to complete a special ballot envelope and return the
34 ballot as a special ballot.

35 NEW SECTION. **Sec. 27.** If a poll-site ballot counting device
36 fails to operate at any time during polling hours voting must

1 continue and the ballots must be deposited for later tabulation in a
2 secure ballot compartment separate from the tabulated ballots.

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

5 Valid and current photo identification must be provided to
6 participate in any primary, special election, or general election as
7 follows:

8 (1) Persons voting by mail ballot for the first time, as of the
9 effective date of this section, must provide the required
10 identification before ballots are mailed by the county auditor. The
11 voter may provide the identification at the time of registering to
12 vote or provide the identification to an election official within the
13 county auditor's office at any time prior to the mailing of ballots.
14 If the identification is not provided prior to the time ballots are
15 mailed, the voter must vote in person at a voting center or, if
16 applicable, the polls. A county elections official must make a
17 notation in the voter's file indicating that the required
18 identification was provided and ballots for future elections may be
19 mailed.

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

- 24 (a) A state-issued driver's license or photo identification card;
- 25 (b) A United States passport;
- 26 (c) A United States military photo identification card;
- 27 (d) A student identification card issued by an accredited
28 institution of higher education;
- 29 (e) A public assistance identification card issued by a
30 municipal, county, state, or federal government office or agency.

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

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

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

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

3 Each active registered voter of the state, overseas voter, and
4 service voter (~~shall~~) must automatically be issued a mail ballot
5 for each general election, special election, or primary, unless the
6 county in which the voter resides has implemented poll-site voting
7 and the voter has indicated that he or she will vote at the polls.

8 Overseas voters and service voters are authorized to cast the same
9 ballots, including those for special elections, as a registered voter
10 of the state would receive under this chapter. Each active registered
11 voter shall continue to receive a ballot by mail until the death or
12 disqualification of the voter, cancellation of the voter's
13 registration, or placing the voter on inactive status.

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

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

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

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

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

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

37 (6) Before opening the voting center, the voting equipment shall
38 be inspected to determine if it has been properly prepared for
39 voting. If the voting equipment is capable of direct tabulation of

1 each voter's choices, the county auditor shall verify that no votes
2 have been registered for any issue or office, and that the device has
3 been sealed with a unique numbered seal at the time of final
4 preparation and logic and accuracy testing. A log must be made of all
5 device numbers and seal numbers.

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

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

15 (b) The identification must be valid photo identification, such
16 as a driver's license, state identification card, student
17 identification card, tribal identification card, or employer
18 identification card. Any individual who desires to vote in person but
19 cannot provide identification shall be issued a provisional ballot,
20 which shall be accepted if the signature on the declaration matches
21 the signature on the voter's registration record and the voter
22 provides to the election official one of the accepted identifications
23 within five days of the election.

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

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

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

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

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

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

20 (14) Any voter who is inside or in line at the voting center at
21 8:00 p.m. on the day of the primary, special election, or general
22 election must be allowed to vote.

23 (15) For each primary, special election, and general election,
24 the county auditor may provide election services at locations in
25 addition to the voting center. The county auditor has discretion to
26 establish which services will be provided at the additional
27 locations, and which days and hours the locations will be open.

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

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