
SENATE BILL 5079

State of Washington

66th Legislature

2019 Regular Session

By Senator McCoy

Prefiled 01/04/19.

1 AN ACT Relating to enacting the Native American voting rights act
2 of Washington; amending RCW 29A.08.010, 29A.08.112, 29A.08.123,
3 29A.08.310, and 29A.40.160; adding a new section to chapter 29A.40
4 RCW; and adding a new section to chapter 29A.84 RCW.

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

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

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

11 (a) Name;

12 (b) Residential address;

13 (c) Date of birth;

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

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

18 (2) The residential address provided must identify the actual
19 physical residence of the voter in Washington, as defined in RCW
20 29A.04.151, with detail sufficient to allow the voter to be assigned
21 to the proper precinct and to locate the voter to confirm his or her

1 residence for purposes of verifying qualification to vote under
2 Article VI, section 1 of the state Constitution. A residential
3 address may be either a traditional address or a nontraditional
4 address. A traditional address consists of a street number and name,
5 optional apartment number or unit number, and city or town, as
6 assigned by a local government, which serves to identify the parcel
7 or building of residence and the unit if a multiunit residence. A
8 nontraditional address consists of a narrative description of the
9 location of the voter's residence, and may be used when a traditional
10 address has not been assigned or affixed to the voter's residence or
11 when a voter resides on an Indian reservation or Indian lands,
12 pursuant to the conditions in RCW 29A.08.112.

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

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

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

20 (1) No person registering to vote, who meets all the
21 qualifications of a registered voter in the state of Washington,
22 shall be disqualified because he or she lacks a traditional
23 residential address. A voter who lacks a traditional residential
24 address will be registered and assigned to a precinct based on the
25 location provided.

26 (2) For the purposes of this section, a voter who resides in a
27 shelter, park, motor home, marina, unmarked home, or other
28 identifiable location that the voter deems to be his or her residence
29 lacks a traditional address. A voter who registers under this section
30 must provide a valid mailing address, and must still meet the
31 requirement in Article VI, section 1 of the state Constitution that
32 he or she live in the area for at least thirty days before the
33 election.

34 (3) A nontraditional residential address may be used when a voter
35 resides on an Indian reservation or on Indian lands. The address of a
36 tribally designated building that is a ballot pickup and collection
37 location under section 5(4) of this act may serve as the residential
38 address and mailing address for voters living on Indian lands if the
39 tribally designated building is in the same precinct as the voter. If

1 the designated tribal government building is not in the same precinct
2 as the voter, the voter may use the designated tribal government
3 building as a mailing address and may separately designate the
4 voter's appropriate precinct through a nontraditional address.

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

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

11 (1) A person who has a valid Washington state driver's license
12 ~~((\oplus))~~, state identification card, or tribal identification may
13 submit a voter registration application electronically on the
14 secretary of state's web site. A person who has a valid tribal
15 identification card may submit a voter registration electronically on
16 the secretary of state's web site if the secretary of state is able
17 to obtain a copy of the applicant's signature from the federal
18 government or the tribal government.

19 (2) The applicant must attest to the truth of the information
20 provided on the application by affirmatively accepting the
21 information as true.

22 (3) The applicant must affirmatively assent to use of his or her
23 driver's license ~~((\oplus))~~, state identification card, or tribal
24 identification card signature for voter registration purposes.

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

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

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

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

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

1 (2) At the request of an Indian tribe, the governor shall
2 designate any state facility or state-funded facility or program that
3 is located on the lands of the requesting Indian tribe or that is
4 substantially engaged in providing services to Indian tribes to
5 provide voter registration services. This provision does not alter
6 the state's obligations under the national voter registration act.

7 (3) Each state agency designated shall provide voter registration
8 services for employees and the public within each office of that
9 agency.

10 ~~((3))~~ (4) The secretary of state shall design and provide a
11 standard notice informing the public of the availability of voter
12 registration, which notice shall be posted in each state agency where
13 such services are available.

14 ~~((4))~~ (5) Each institution of higher education shall put in
15 place an active prompt on its course registration web site, or
16 similar web site that students actively and regularly use, that, if
17 selected, will link the student to the secretary of state's voter
18 registration web site. The prompt must ask the student if he or she
19 wishes to register to vote.

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

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

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

37 (3) At the request of an Indian tribe with a reservation in the
38 county, the county auditor must establish at least one ballot drop
39 box on the Indian reservation on a site selected by the tribe.

1 (4) An Indian tribe may designate at least one building as a
2 ballot pickup and collection location at no cost to the tribe. The
3 county auditor of the county in which the building is located must
4 collect ballots from that location in compliance with the procedures
5 in subsection (1) of this section.

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

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

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

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

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

18 (c) For each presidential general election, at a voting center in
19 each city in the county with a population of one hundred thousand or
20 greater, which does not have a voting center as required in (a) or
21 (b) of this subsection. A voting center opened pursuant to this
22 subsection (2) is not required to be open on the Sunday before the
23 presidential election.

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

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

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

38 (6) Each voting center must provide at least one voting unit
39 certified by the secretary of state that provides access to

1 individuals who are blind or visually impaired, enabling them to vote
2 with privacy and independence.

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

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

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

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

22 (b) The identification must be valid photo identification, such
23 as a driver's license, state identification card, student
24 identification card, tribal identification card, or employer
25 identification card. A tribal identification card is not required to
26 include a residential address or an expiration date to be considered
27 valid. Any individual who desires to vote in person but cannot
28 provide identification shall be issued a provisional ballot, which
29 shall be accepted if the signature on the declaration matches the
30 signature on the voter's registration record.

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

39 (11) Any voter may take printed or written material into the
40 voting device to assist in casting his or her vote. The voter shall

1 not use this material to electioneer and shall remove it when he or
2 she leaves the voting center.

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

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

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

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

26 ~~(16))~~ Any voter who is inside or in line at the voting center at
27 8:00 p.m. on the day of the primary, special election, or general
28 election must be allowed to vote.

29 ~~((17))~~ (16) For each primary, special election, and general
30 election, the county auditor may provide election services at
31 locations in addition to the voting center. The county auditor has
32 discretion to establish which services will be provided at the
33 additional locations, and which days and hours the locations will be
34 open ~~(, except that the county auditor must establish a minimum of
35 one ballot drop box per fifteen thousand registered voters in the
36 county and a minimum of one ballot drop box in each city, town, and
37 census-designated place in the county with a post office))~~.

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

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

5 (2) A person or tribal government may bring a civil action for
6 declaratory or injunctive relief with respect to RCW 29A.08.112(3),
7 29A.08.310(2), or section 5 (3) and (4) of this act, in the superior
8 court of the county in which the violation is alleged to have
9 occurred if:

10 (a) In the case of a violation that occurs more than one hundred
11 twenty days before an election, that person or tribal government
12 provides notice of the violation to the secretary of state, the
13 violation remains, and ninety days or more have passed since the
14 secretary of state has received the written notice;

15 (b) In the case of a violation that occurs one hundred twenty
16 days or fewer before an election, that person or tribal government
17 provides notice of the violation to the secretary of state, the
18 violation remains and twenty days or more have passed since the
19 secretary of state has received the written notice; or

20 (c) In the case of a violation that occurs thirty days or fewer
21 before an election, without providing notice of the violation to the
22 secretary of state.

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