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**SENATE BILL 5143**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senator Ericksen

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

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

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

11 **PART I**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 18 PART V

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

22 **PART VII**

23 **ELECTION DAY A STATE HOLIDAY**

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

26 (1) The following are state legal holidays:

27 (a) Sunday;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (5) Whenever any state legal holiday:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **PART VIII**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 This section shall not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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