

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5079

Chapter 6, Laws of 2019

66th Legislature
2019 Regular Session

NATIVE AMERICANS--VOTING

EFFECTIVE DATE: July 28, 2019

Passed by the Senate March 8, 2019
Yeas 45 Nays 3

KAREN KEISER

President of the Senate

Passed by the House March 5, 2019
Yeas 95 Nays 3

FRANK CHOPP

Speaker of the House of Representatives

Approved March 14, 2019 3:40 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5079** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 15, 2019

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5079

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators McCoy, Billig, Cleveland, Conway, Frockt, Hunt, Kuderer, Saldaña, and Van De Wege)

READ FIRST TIME 02/01/19.

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.

36 (4) A federally recognized tribe may designate one or more tribal
37 government buildings to serve as a residential address or mailing
38 address or both for voters living on an Indian reservation or on
39 Indian lands. However, a voter may not use a tribally designated

1 building as the voter's residential address if the building is in a
2 different precinct than where the voter lives.

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

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

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

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

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

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

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

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

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

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

37 (2) A federally recognized tribe may request that the governor
38 designate one or more state facilities or state-funded facilities or

1 programs that are located on the lands of the requesting Indian tribe
2 or that are substantially engaged in providing services to Indian
3 tribes, as selected by the tribe, to provide voter registration
4 services. This provision does not alter the state's obligations under
5 the national voter registration act.

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

9 ((+3)) (4) The secretary of state shall design and provide a
10 standard notice informing the public of the availability of voter
11 registration, which notice shall be posted in each state agency where
12 such services are available.

13 ((+4)) (5) Each institution of higher education shall put in
14 place an active prompt on its course registration web site, or
15 similar web site that students actively and regularly use, that, if
16 selected, will link the student to the secretary of state's voter
17 registration web site. The prompt must ask the student if he or she
18 wishes to register to vote.

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

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

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

36 (3) At the request of a federally recognized Indian tribe with a
37 reservation in the county, the county auditor must establish at least
38 one ballot drop box on the Indian reservation on a site selected by
39 the tribe that is accessible to the county auditor by a public road.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~(16))~~ 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 ~~((17))~~ (16) For each primary, special election, and general
32 election, the county auditor may provide election services at
33 locations in addition to the voting center. The county auditor has
34 discretion to establish which services will be provided at the
35 additional locations, and which days and hours the locations will be
36 open ~~(, except that the county auditor must establish a minimum of
37 one ballot drop box per fifteen thousand registered voters in the
38 county and a minimum of one ballot drop box in each city, town, and
39 census-designated place in the county with a post office))~~.

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

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

7 (2) A person or federally recognized tribal government may bring
8 a civil action for declaratory or injunctive relief with respect to
9 RCW 29A.08.112(3), 29.08.310(2), or section 5 (3) and (4) of this
10 act, in the superior court of the county in which the violation is
11 alleged to have occurred if:

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

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

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

Passed by the Senate March 8, 2019.
Passed by the House March 5, 2019.
Approved by the Governor March 14, 2019.
Filed in Office of Secretary of State March 15, 2019.

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