U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

Information Supplied By	
Name	Stuart Holmes
Title	Election Information System Supervisor
Office/Agency Name	Office of the Secretary of State Elections Division
Address 1	520 Union Ave SE
Address 2	
City	Olympia
State	Washington
Zip Code	98501
E-mail Address	stuart.holmes@sos.wa.gov
Telephone (area Code and number)	360-725-5794
Fax Number (area code and number)	360-664-4619

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See "Statewide Standards on What Is A Vote."
http://www.sos.wa.gov/_assets/elections/Statewide-Standards-on-What-is-a-Vote.pdfWashington Administrative Code [WAC] 434-261-086 Statewide standards on what is a vote.. –
(g) Overvotes. Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted. An exception is write-in votes for a candidate already printed on the ballot, as provided in (i) of this subsection.
WAC 434-261-005 Definitions. –
(6) "Overvote" is votes cast for more than the permissible number of selections allowed in a race or measure. An overvoted race or measure does not count in the final tally of that race or measure. Example of an overvote would be voting for two candidates in a single race with the instruction, "vote for one."
WAC 434-230-015 Ballots and instructions.
... (3) Instructions that accompany a ballot must: ...

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See "Statewide Standards on What Is A Vote."
http://www.sos.wa.gov/_assets/elections/Statewide-Standards-on-What-is-a-Vote.pdf

WAC 434-261-005 Definitions.
(7) "Undervote" is no selections made for a race or measure.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not defined in statute.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

WAC 434-230-015 Ballots and instructions.
… (3) Instructions that accompany a ballot must: …
… (f) Explain how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

WAC 434-261-005 Definitions.
(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

RCW29A.04.008(5) "Provisional ballot" means a ballot issued to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the Help America Vote Act, including but not limited to the following:
(a) The voter's name does not appear in the list of registered voters for the county;
(b) There is an indication in the voter registration system that the voter has already voted in that primary, special election, or general election, but the voter wishes to vote again;
(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;
(d) Any other reason allowed by law;

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Washington State is entirely 'vote by mail'. Every registered voter is mailed a ballot.

RCW 29A.40.010
Ballots by mail.
Each active registered voter of the state, overseas voter, and service voter shall automatically be issued a mail ballot for each general election, special election, or primary. Overseas voters and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter. Each active registered voter shall continue to receive a ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status

RCW 29A.40.050
Special ballots.
(1) County auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The early voting period opens 18 days before every election when the county auditor mails ballots. Any voter may return a ballot during this period, or vote on an accessible voting unit.

RCW 29A.40.160
Voting centers.
(1) Each county auditor shall open a voting center each primary, special election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election, or general election.
(2) The voting center must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.
(3) The voting center must be accessible to persons with disabilities. Each state agency and entity of local government

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

RCW 29A.08.615 Registered voters are divided into two categories, "active" and "inactive." All registered voters are classified as active, unless assigned to inactive status by the county auditor.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

RCW 29A.08.620
Change of address information for mail ballots — Assignment of voter to inactive status — Confirmation notice.
(3) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved from one county to another.
(4) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:
(a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or
(b) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

BALLOT.
RCW 29A.04.008(1) "Ballot" means, as the context implies, either:
(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;
(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;
(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or
(d) The physical document on which the voter's choices are to be recorded;

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The entire state is vote by mail, so all laws have been updated to take the referral to Poll Sites out of the law.

2016 Response:

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Hybrid. 39 counties each have one of three voter registration systems that communicate with the state VRDB.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Within seconds. When an update is made to a record in the local voter registration system, that update is transmitted immediately after it is saved in the system.

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Inactive voter means inactive address. The lack of voting does not move a voter to inactive status.
See definition of "Inactive Voter" above (RCW 29A.08.620)

RCW 29A.08.630. The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:
(1) Notifies the auditor of a change of address;
(2) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or
(3) Votes or attempts to vote in a primary, special election, or general election. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

The process is no different for UOCAVA voters.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

WAC 434-324-040 (2) If the applicant provided a Washington driver's license number or state identification card number, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of his or her Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

In June of 2012, Washington State became a member of ERIC – the Electronic Registration Information Center. ERIC is a not-for-profit corporation that operates an interstate data matching center comparing information on eligible voters from multiple official data sources, and reports back to states on registrants who have moved or died, had other changes to their voting eligibility or voted more than once in an election. Members also receive information on unregistered individuals who may be eligible to vote, allowing members to more efficiently reach out to these individuals.

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

We do not use NCOA at the state level. Our state's membership in ERIC will help with this because ERIC will use NCOA data.

Having a predominantly vote by mail system forces us – and at the same time enables us - to keep addresses clean. Counties are required to use change of address information from the postal service.

RCW 29A.08.620 Change of address information for mail ballots — Assignment of voter to inactive status — Confirmation notice.
(1) Each county auditor must request change of address information from the postal service for all mail ballots.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See cancellation info above (RCW 29A.08.520).
In 2009, the felony laws were amended to only include individuals incarcerated, or under the supervision of the Department of Corrections. Once a felon is no longer incarcerated or under the supervision of the DOC, they are free to register to vote.

RCW 29A.08.520 Felony conviction — Provisional and permanent restoration of voting rights (as amended by 2009 c 325). –
For a felony conviction in a Washington state court, the right to vote is provisionally restored as long as the person is not under the authority of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is restored as

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Second state in the nation (behind Arizona) to allow submission of voter registration information over the Internet. RCW 29A.08.123. We also have our registration forms posted online for printing and mailing. Voters can also confirm that they are registered, or submit an address change, using an interactive program on the Secretary of State's website called "MyVote."

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All counties are entirely vote by mail and tabulate ballots centrally. All counties have at least one electronic voting unit for accessible voting.

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

"All votes centrally tabulated are tabulated to the appropriate precinct. We can produce all election results by precinct.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

All votes are reported by precinct.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA ballots are processed just like other vote by mail ballots, except that UOCAVA ballots can be received up to the day before county certification day and still be counted. Counties report UOCAVA ballot statistics within the capabilities of their election management systems.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Washington allows no excuse absentee voting. All counties currently conduct all elections by mail.

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. Counties must make at least one accessible voting unit (AVU) available in the county for the disability access voting period – 18 days before the election through Election Day. Any voter can come in person to the auditor's office and vote on an AVU.
The ballots are counted at a central location. These votes are reported with other results, and are not necessarily segregated, although we ask each county to report how many votes were cast on AVUs during the election. (less than 1%)

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes, all counties use a vote-by-mail system.

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. Provisional Ballots are most commonly issue when the voter is at a voting center outside of their own county. That ballot would be forwarded to the appropriate county and votes are counted in the races for which the voter is eligible to vote.

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

RCW 29A.60.185 Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of results of votes cast on the direct recording electronic voting devices used in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or one direct recording electronic voting device, whichever is greater, and, for each device, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices selected for audit, the paper records must be tabulated manually; on the remaining devices, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit.
RCW 29A.60.170
List of observers — Counting center, direction and observation of proceedings — Manual count of certain precincts.
(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.
(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

RCW 29A.12.120
Counting center personnel — Instruction, requirements.
(1) Before each state primary or general election at which voting systems are to be used, the county auditor shall instruct all counting center personnel who will operate a voting system in the proper conduct of their voting system duties.
(2) The county auditor may waive instructional requirements for counting center personnel who have previously received instruction and who have served for a sufficient length of time to be fully qualified to perform their duties. The county auditor shall keep a record of each person who has received instruction and is qualified to serve at the subsequent primary or election.
(3) No person may work in a counting center at a primary or election at which a vote tallying system is used unless that person has received the required instruction and is qualified to perform his or her duties in connection with the handling and tallying of ballots for that primary or election.

2016 Response:

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Our state certified tabulation systems identify and record over-votes and under-votes.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

RCW 29A.40.160
Voting centers.
…
(7) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.
(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.
(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.
(8) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A signature is needed on a declaration -
RCW 29A.40.091
Envelopes, declaration, and instructions (as amended by 2011 c 10).
(1) The county auditor shall send each voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return ((it)) the ballot to the county auditor.

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A signature is the only ID required for UOCAVA voters. RCW 29A.40.091
(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

RCW 29A.40.100
Observers.
County auditors must request that observers be appointed by the major political parties to be present during the processing of ballots at the counting center. County auditors have discretion to also request that observers be appointed by any campaigns or organizations. The absence of the observers will not prevent the processing of ballots if the county auditor has requested their presence.

WAC 434-261-020
Political party observers.
Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.
Prior to processing ballots for a primary or election, the county auditor shall notify the major political parties in writing of the maximum number of official observers allowed to observe ballot processing and the date ballot processing begins. Where more than one observer is appointed, the political party shall designate one of the observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.
Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.
Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

2016 Response:

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – Washington 2016 Responses

B3. RCW 29A.08.630

Return of inactive voter to active status — Cancellation of registration.

The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

(1) Notifies the auditor of a change of address;

(2) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

(3) Votes or attempts to vote in a primary, special election, or general election. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

RCW 29A.08.635. Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be canceled.

RCW 29A.08.640.

(1) If the response to the confirmation notice from the voter indicates that the voter has moved within the county, the auditor shall transfer the voter's registration and send the voter an acknowledgment notice.

(2) If the response from the voter indicates that the voter moved out of the county, but within the state, the auditor shall cancel the voter's registration and notify the county auditor of the voter's new county of residence.

(3) If the response from the voter indicates that the voter has left the state, the auditor shall cancel the voter's registration on the official state voter registration list.

RCW 29A.08.510

Death.

The registrations of deceased voters may be canceled from voter registration lists as follows:

(1) Periodically, the registrar of vital statistics of the state shall prepare a list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the list to the secretary of state. The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters.

(2) In addition, each county auditor may also use government agencies and newspaper obituary articles as a source of information for identifying deceased voters and canceling a registration. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the information in the cancellation records.

(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration from the official state voter registration list.

RCW 29A.08.515 Upon receiving official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, under chapter 11.88 RCW, if the incapacitated person is a registered voter in the county, the county auditor shall cancel the incapacitated person's voter registration.

RCW 29A.08.520

RCW 29A.08.520

Felony conviction — Provisional and permanent restoration of voting rights (as amended by 2009 c 325).

(1) ((Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on a felon list and the statewide voter registration list)) For a felony conviction in a Washington state court, the right to vote is provisionally restored as long as the person is not under the authority of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is restored as long as the person is no longer incarcerated.

(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.

(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.

(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) of this section. If a registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The ((canceling authority)) secretary of state or county auditor shall send to the person at his or her last known voter registration address and at the department of corrections, if the person is under the authority of the department, a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote ((once all terms of sentencing have been completed)) and reregistering. ((If the person does not respond within thirty days, the registration must be canceled.)) To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

(((2))) (6) The right to vote may be permanently restored by((, for each felony conviction,)) one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

(7) For the purposes of this section, a person is under the authority of the department of corrections if the person is:

(a) Serving a sentence of confinement in the custody of the department of corrections; or

(b) Subject to community custody as defined in RCW 9.94A.030.

C5. See definition for PROVISIONAL BALLOT above.

Also:

RCW 29A.08.625 (2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

RCW 29A.40.160

Voting centers.

…

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

…

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

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

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

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

…

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

…

WAC 434-324-076 Voter registration updates.

(2) If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county issues the voter a ballot before the transfer is processed and the voter votes the ballot issued by the previous county, the previous county must treat the voted ballot as if it is a provisional ballot and forward it to the voter's new county. The previous county does not need to forward the ballot if none of the races or issues on the voted ballot from the previous county is on a ballot in the voter's new county. If any races or issues on the ballot from the old county are applicable to the voter's residential address in the new county, the votes on those races and issues should only be counted by the new county if the voter does not vote and return a ballot issued by the new county.

D2a. Registering to vote

RCW 29A.08.010

Minimum information required for voter registration.

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

(a) Name;

(b) Residential address;

(c) Date of birth;

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

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

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence. A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned to the voter's residence.

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

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

RCW 29A.08.107

Applicant information for registration — Provisional registration — Exception.

(1) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant match the information maintained by the Washington department of licensing or the social security administration, and the applicant provided all information required by RCW 29A.08.010, the applicant must be registered to vote.

(2) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant do not match the information maintained by the Washington department of licensing or the social security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a social security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or one of the following forms of alternate identification:

(a) Valid photo identification;

(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;

(c) A copy of a current utility bill;

(d) A current bank statement;

(e) A copy of a current government check;

(f) A copy of a current paycheck; or

(g) A government document, other than a voter registration card, that shows both the name and address of the voter.

(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a social security number that matches the information maintained by the Washington department of licensing or the social security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to registered.

(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

(5) The requirements of this section do not apply to an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to a registered voter transferring his or her registration.

E1. These sections of our procedures were changed since the last federal election.

434-263-040

Processing of complaint.

(1) The secretary may process the complaint in any of the following ways:

(a) The secretary may dismiss the complaint, and issue a final determination, if it:

(i) Does not comply with WAC 434-263-020;

(ii) Does not, on its face, allege a violation of Title III; or

(iii) Alleges a claim for which relief cannot be granted, or for which a remedy is not available;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings;

(c) The secretary may resolve the matter informally by agreeing to implement a remedy or corrective action; or

(d) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary must respond within thirty days of the filing of the complaint to acknowledge receipt and explain how the complaint will be processed consistent with subsection (1) of this section.

(3) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-263-040, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-040, filed 7/27/04, effective 8/27/04.]

434-263-050

Brief adjudicative proceeding.

(1) The secretary shall designate a person to act as a presiding officer of a brief adjudicative hearing. A presiding officer may be:

(a) The assistant or deputy secretary;

(b) The director of elections;

(c) An assistant director of the elections division;

(d) Any county auditor; or

(e) An administrative law judge.

The presiding officer shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

(a) In person at a convenient location;

(b) By conference telephone call; or

(c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-263-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-050, filed 7/27/04, effective 8/27/04.]

434-263-060

Initial determination and remedies.

(1) The presiding officer shall render a written initial decision within seventy days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote or ballot, or the invalidation, cancellation, or delay of any primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-263-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-060, filed 7/27/04, effective 8/27/04.]

434-263-080

Alternative dispute resolution.

(1) If a final determination is not rendered within ninety days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-263-080, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-080, filed 7/27/04, effective 8/27/04.]

434-263-090

Publication.

All final determinations pursuant to WAC 434-263-070 shall be posted on the secretary's web site for at least ninety days.

[Statutory Authority: RCW 29A.04.611. 08-05-120, § 434-263-090, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-090, filed 7/27/04, effective 8/27/04.]