

# Election Statute Navigator: Washington

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link:

<https://ebenchmark.org/washington/covid/#tracker>.

## Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration)
  - [§ 29A.08.140\(1\)\(b\)](#)
- Voters (other than above) register prior to Election Day
  - [§ 29A.08.140\(1\)\(a\)](#)
- Online registration available – [§ 29A.08.123](#)
  - [See official Washington online registration website](#)
- Registration via mail available – [§ 29A.08.120](#)
- In-Person registration available – [§ 29A.08.310](#)
- Automatic Voter Registration
  - [§ 29A.08.355](#) – Enhanced driver's licenses and identicards
  - [§ 29A.08.357](#) – Application submission
  - [§ 29A.08.359](#) – Procedure, auditor duties, confidentiality
  - [§ 29A.08.362](#) – Health benefit exchange
  - [§ 29A.08.365](#) – Other agencies
  - [§ 29A.08.370](#) – Registration of persons ineligible to vote
  - [§ 29A.08.375](#) – Rule-making authority
- Preregistration allowed
  - [§ 29A.08.170](#) and [§ 29A.08.172](#) – Registration at age sixteen and seventeen
  - [§ 29A.08.174](#) – Registration at age sixteen and seventeen—electronically
- Residency requirement
  - [§ 29A.08.112](#) – Voters without traditional residential addresses
- Prior conviction eligibility – [§ 29A.08.520](#)
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote [§ 29A.08.515](#)
- Voter list maintenance guidelines
  - [§ 29A.08.125](#) – Database of voter registration records
  - [§ 29A.08.610-640](#)
- Other:
  - [§ 29A.08.510](#) – The registrations of deceased voters may be canceled from voter registration lists

## State Absentee, Early, and Mail Voting

- Per [§ 29A.40.010](#), 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
- No-excuse absentee/mail voting – [§ 29A.40.010](#)
  - All mail elections
- Absentee/Mail ballot verification details
  - [§ 29A.40.091](#) – Envelopes, declaration, and instructions
  - [§ 29A.40.110](#) – Processing incoming ballots
  - [§ 29A.60.165](#) – Unsigned ballot declarations
- State allows voters to correct signature discrepancies
  - Wash. Admin. Code – [434-261-050](#)
- Deadline by which election official must receive absentee/mailed ballots – [§ 29A.40.091\(4\)](#)
- State accepts postmarked ballots that arrive after election day – [§ 29A.40.091\(4\)](#)
- State is required to provide secrecy sleeve for absentee/mail ballot – [§ 29A.40.091\(1\)](#)
- Absentee/Mail ballot processing and counting procedures
  - [§ 29A.40.110](#) – Processing incoming ballots
- Ballots are reported separately from precinct totals
  - [§ 29A.60.070](#) – Counties must produce cumulative and precinct returns
- Spoiling/Replacement/Correction ballot restrictions
  - [§ 29A.40.070](#) – Date ballots mailed—replacement ballots
- Other:
  - [§ 29A.40.020\(1\)](#) – A request for a ballot from an overseas voter or service voter must include the address of the last residence in the state of Washington
  - [§ 29A.40.050](#) – Special ballots
  - [§ 29A.40.091\(3\)](#) – 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. 3406

## In-Person Voter ID

- ID requirements – [§ 29A.40.160\(9\)](#)
- Photo ID not required – [§ 29A.40.160\(9\)](#)
- Options for voters without – ID [§ 29A.40.160\(9\)\(b\)](#)
  - 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

## Provisional Voting

- Provisional ballot availability
  - [§ 29A.40.160\(14\)](#) – 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
- Time allotted to determine the status of provisional ballot – [§ 29A.60.190](#)
- Provisional ballot rejection reasons
  - [Wash. Admin. Code § 434-262-032](#)
- Other:
  - [§ 29A.40.160\(10\)](#) – 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.
  - [§ 29A.60.195](#) – The auditor must notify the voter in accordance with – [§ 29A.60.165](#) when the declaration is unsigned or when the signatures do not match

## Polling Place

- Polling Place availability and requirements
  - [§ 29A.16.040](#) – Boundaries may be altered
  - [§ 29A.16.050](#) – Restrictions on boundaries—designation by number
- Electioneering or campaigning restrictions – [§ 29A.84.510](#)
- Rules governing poll observers
  - [§ 29A.40.100](#) – General
  - [§ 29A.60.170](#) – List of observers in counting
- Police presence
  - [§ 29A.84.510\(2\)](#) – Any sheriff, deputy sheriff, or municipal law enforcement officer shall stop the prohibited activity, and may arrest any person engaging in the prohibited activity
- Other:
  - [§ 29A.12.160](#) – Blind or visually impaired voter accessibility
  - [§ 29A.40.160\(11\)](#) – Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center
  - [§ 29A.40.160\(12\)](#) – If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs

- [§ 29A.40.160\(15\)](#) – Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote
- [§ 29A.60.180](#) – Each registered voter casting a valid ballot will be credited with voting on his or her voter registration record

## State Emergency Rules and How Elections are Affected

- The director shall maintain a copy of the continuity of operations plan for election operations for each county that has a plan available
  - [§ 38.52.030](#)

## Counting Rules

- Voting system requirements
  - [§ 29A.12.005](#) – Definition
  - [§ 29A.12.020](#) – Inspection and test by secretary of state
  - [§ 29A.12.040](#) – Independent evaluation
  - [§ 29A.12.080](#) – Requirements for approval
  - [§ 29A.12.101](#) – Requirements of tallying systems for approval
  - [§ 29A.12.180](#) – Disclosure of security breaches by manufacturer or distributor
- Counting procedures
  - [§ 29A.60.010](#) – Canvass
  - [§ 29A.60.021](#) – Write-in voting—counting
  - [§ 29A.60.040](#) – Rejection of ballots or parts—write-in votes
  - [§ 29A.60.050](#) – Questions on validity—rejection—preservation and return
  - [§ 29A.60.060](#) – Results after closing
  - [§ 29A.60.120](#) – Counting ballots—official returns
  - [§ 29A.60.160](#) – Ballots—processing, canvassing
  - [§ 29A.60.195](#) – Provisional ballots
  - [§ 29A.60.210](#) – Recanvass
- Other:
  - [§ 29A.60.100](#) – Votes cast by stickers or printed labels are not valid for any purpose and shall be rejected. Votes cast by sticker or label shall not affect the validity of other offices or issues on the voter’s ballot
  - [§ 29A.60.125](#) – Damaged ballots
  - [§ 29A.60.165](#) – Unsigned ballot declarations

## Contest/Protest, Recount Rules

- Challenging a candidate or elective public officer
  - [§ 29A.56.110](#) – Initial proceedings—statement—contents—verification—definitions
  - [§ 29A.68.020](#) – Causes for

- Challenging a voter
  - [§ 29A.08.810](#) – Basis—who may challenge—duties
  - [§ 29A.08.820](#) – Times—hearings—treatment of challenged ballots
  - [§ 29A.08.835](#) – Publishing voter challenged on internet
  - [§ 29A.08.840](#) – Auditor duties—dismissal—notification—hearings—counting or cancellation
  - [§ 29A.08.850](#) – Challenge of registration
- Automatic recount
  - [§ 29A.64.021](#) – Mandatory
  - [§ 29A.64.050](#) – When a partial recount of votes cast for an office or issue changes the result of the election, the canvassing board or the secretary of state, if the office or issue is being recounted at his or her direction, shall order a complete recount of all ballots cast for the office or issue for the jurisdiction in question
- Contest/Protest recount
  - [§ 29A.64.011](#) – Application—requirements
- Other:
  - [§ 29A.64.041](#) – Procedure—request to stop—observers