
HOUSE BILL 1190

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By Representatives Anderson, Reams, Wang, Rust, J. Kohl, Thibaudeau, G. Cole, Appelwick, Leonard, Johanson and Pruitt

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1 AN ACT Relating to voter registration; amending RCW 29.10.180;
2 adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** Any elector of this state may register to
6 vote by affidavit, that is, by filing an affidavit of voter
7 registration under this chapter with the county auditor of the county
8 in which the elector is a resident.

9 NEW SECTION. **Sec. 2.** The secretary of state shall adopt by rule
10 the affidavit form or forms which may be used by electors to register
11 to vote by affidavit. The form shall: Require the registering elector
12 to provide the information required in section 3 of this act; instruct
13 the elector to sign a portion of the form that can be used as an
14 initiative signature card for the verification of petition signatures
15 by the secretary of state; and instruct the elector to sign and attest
16 to the following oath: "I declare that the facts relating to my
17 qualifications as a voter recorded on this voter registration form are
18 true. I am a citizen of the United States, I am not presently denied

1 my civil rights as a result of being convicted of an infamous crime, I
2 will have lived in this state, county, and precinct thirty days
3 immediately preceding the next election at which I offer to vote, and
4 I will be at least eighteen years of age at the time of voting." The
5 oath shall be a part of the affidavit.

6 The affidavit form shall provide, in a conspicuous place, the
7 following warning: "Knowingly providing false information on this
8 voter registration form or knowingly making a false declaration about
9 your qualifications for registration is a class C felony punishable by
10 imprisonment for up to five years, or by a fine not to exceed ten
11 thousand dollars, or by both such imprisonment and fine."

12 The secretary shall develop the form in consultation with the
13 county auditors.

14 NEW SECTION. **Sec. 3.** A person registering to vote by affidavit
15 shall provide, in the affidavit, the information required under RCW
16 29.07.070 and his or her driver's license number from a valid
17 Washington state driver's license.

18 If the person does not have a valid Washington state driver's
19 license, the person shall provide his or her social security number.

20 If the person does not have a valid Washington state driver's
21 license or a social security number, the person shall provide the
22 number from his or her valid Washington state identicard.

23 If the person does not provide the information required in this
24 section, the county auditor shall not process the person's registration
25 by affidavit form until the information is provided.

26 NEW SECTION. **Sec. 4.** (1) To register to vote under this chapter,
27 an elector shall file a completed and signed affidavit form with the
28 county auditor by mail, personal delivery, courier, or other delivery
29 to the auditor. On receipt of such an affidavit, the county auditor
30 shall review the affidavit to determine whether the information
31 supplied is complete. If it is not, the auditor shall promptly send
32 notice of the deficiency to the person identified as the applicant for
33 registration in the affidavit. If the information is complete, the
34 person is registered as of the date of the affidavit's postmark. If
35 there is no postmark or if the postmark is illegible, the person is
36 registered on the date the completed affidavit was received by the
37 auditor. The auditor shall record the appropriate precinct

1 identification, taxing district identification, and date of
2 registration on the voter's record. Within forty-five days after the
3 receipt of an affidavit but, for an affidavit filed before the closing
4 of precinct registration files under RCW 29.07.160, no later than seven
5 days before the next primary, special election, or general election,
6 the auditor shall send to the person, by first class mail, a voter
7 registration card identifying the registrant's precinct and containing
8 such other information as may be required by the secretary of state.
9 The postal service shall be instructed not to forward a voter
10 registration card to any other address and to return to the auditor any
11 card which is not deliverable.

12 (2) If a voter registration card is properly mailed as required by
13 this section to the address listed by the person as being the person's
14 mailing address and the card is subsequently returned to the auditor by
15 the postal service as being undeliverable to that person at that
16 address, the voter registration of the person shall be immediately
17 canceled. The auditor shall promptly send the person a notice and
18 explanation of the cancellation, and a registration application form.
19 The postal service shall be requested to forward this notice as
20 applicable.

21 (3) The provisions of RCW 29.07.160 regarding the closing of
22 precinct registration files applies to registrations made under this
23 chapter.

24 NEW SECTION. **Sec. 5.** In addition to satisfying the requirements
25 of section 2 of this act, each affidavit form adopted by the secretary
26 of state shall be designed to permit the elector to register to vote or
27 both to register to vote and to cancel a previous voter registration in
28 this state by filing just one affidavit. Each form shall require the
29 person using it to provide the required information, other than his or
30 her signature, no more than once. The form shall contain instructions
31 on its use, a notification of filing deadlines, the warning specified
32 in section 2 of this act, and space for the county auditor to enter the
33 voter's precinct identification, taxing district identification, and
34 registration number.

35 The secretary of state shall develop the affidavit forms in
36 consultation with the county auditors and shall furnish copies of the
37 forms to the county auditors without cost to the counties.

1 A replica of the affidavit form may be used by an elector to
2 register to vote under this chapter. Examples of such replicas
3 include, but are not limited to: A photocopy of a form supplied by the
4 secretary of state; and a replica of the form which is printed in a
5 newspaper, telephone book, or other printed material.

6 NEW SECTION. **Sec. 6.** The county auditor is responsible for the
7 conduct of voter registration under this chapter within the county.
8 The county auditor shall keep a supply of the affidavit forms provided
9 under this chapter in his or her office at all times for distribution
10 by political parties and others interested in assisting in voter
11 registration, and shall make every effort to make these forms generally
12 available to the public. The auditor shall provide the affidavit forms
13 to city and town clerks, state offices, schools, fire stations, and any
14 other locations considered appropriate by the auditor for extending
15 registration opportunities to all areas of the county. After the
16 initial distribution of registration affidavit forms to a given
17 location, a representative designated by the official in charge of that
18 location shall notify the auditor of the need for additional voter
19 registration supplies.

20 NEW SECTION. **Sec. 7.** A person who knowingly provides false
21 information on an affidavit for voter registration or who knowingly
22 makes a false declaration about the person's qualifications for
23 registration is guilty of a class C felony punishable under RCW
24 9A.20.021.

25 NEW SECTION. **Sec. 8.** Registering to vote by affidavit under this
26 chapter is an alternative to registering to vote in person, in the
27 presence of a voter registrar or deputy registrar. The provisions of
28 this title regarding registering persons to vote which are found
29 outside of this chapter apply to registering voters under this chapter
30 to the extent that those provisions are not inconsistent with the
31 provisions or purpose of this chapter.

32 An elector who wishes to register to vote, but who does not wish to
33 use the procedures established by this chapter or who cannot provide or
34 does not wish to provide the driver's license, social security, or
35 identicard information required under section 3 of this act, may

1 register in the presence of a registrar or deputy registrar under
2 chapter 29.07 RCW.

3 **Sec. 9.** RCW 29.10.180 and 1991 c 363 s 31 are each amended to read
4 as follows:

5 (1) The county auditor may enter one or more contracts with the
6 United States postal service, or its licensee, which permit the auditor
7 to use postal service change-of-address information. If the auditor
8 finds that information received under such a contract gives the
9 appearance that a voter has changed his or her residence address, the
10 auditor shall notify the voter concerning the requirements of state and
11 federal laws governing voter registration and residence.

12 (2) Whenever any vote-by-mail ballot, notification to voters
13 following reprecincting of the county, notification to voters of
14 selection to serve on jury duty, notification under subsection (1) of
15 this section, or (~~initial~~) voter identification card other than a
16 voter identification card issued under section 4 of this act is
17 returned by the postal service as undeliverable, the county auditor
18 shall, in every instance, inquire into the validity of the registration
19 of that voter.

20 (3) The county auditor shall initiate his or her inquiry by
21 sending, by first-class mail, a written notice to the challenged voter
22 at the address indicated on the voter's permanent registration record
23 and to any other address at which the county auditor could reasonably
24 expect mail to be received by the voter. The county auditor shall not
25 request any restriction on the forwarding of such notice by the postal
26 service. The notice shall contain the nature of the inquiry and
27 provide a suitable form for reply. The notice shall also contain a
28 warning that the county auditor must receive a response within forty-
29 five days from the date of mailing or the individual's voter
30 registration will be canceled.

31 (4) The voter, in person or in writing, may state that the
32 information on the permanent voter registration record is correct or
33 may request a change in the address information on the permanent
34 registration record no later than the forty-fifth day after the date of
35 mailing the inquiry.

36 (5) Upon the timely receipt of a response signed by the voter, the
37 county auditor shall consider the inquiry satisfied and will make any
38 address corrections requested by the voter on the permanent

1 registration record. The county auditor shall cancel the registration
2 of a voter who fails to respond to the notice of inquiry within forty-
3 five days after the date of mailing.

4 (6) The county auditor shall notify any voter whose registration
5 has been canceled by sending, by first class mail, a written notice to
6 the address indicated on the voter's permanent registration record and
7 to any other address to which the original inquiry was sent. Upon
8 receipt of a satisfactory voter response, the auditor shall reinstate
9 the voter.

10 (7) A voter whose registration has been canceled under this section
11 and who offers to vote at the next ensuing election shall be issued a
12 questioned ballot. Upon receipt of such a questioned ballot the
13 auditor shall investigate the circumstances surrounding the original
14 cancellation. If he or she determines that the cancellation was in
15 error, the voter's registration shall be immediately reinstated, and
16 the voter's questioned ballot shall be counted. If the original
17 cancellation was not in error, the voter shall be afforded the
18 opportunity to reregister at his or her correct address, and the
19 voter's questioned ballot shall not be counted.

20 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act shall
21 constitute a new chapter in Title 29 RCW.

22 NEW SECTION. **Sec. 11.** RCW 29.07.040 and 1971 ex.s. c 202 s 6 &
23 1965 c 9 s 29.07.040 are each repealed.

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