
SUBSTITUTE HOUSE BILL 2539

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on State Government (originally sponsored by Representatives Anderson, Veloria, Dunshee, Johanson, Pruitt, King, Conway and Springer; by request of Secretary of State)

Read first time 02/04/94.

1 AN ACT Relating to voting; amending RCW 29.01.006, 29.04.040,
2 29.04.070, 29.04.100, 29.04.110, 29.07.010, 29.07.025, 29.07.070,
3 29.07.080, 29.07.090, 29.07.100, 29.07.115, 29.07.120, 29.07.130,
4 29.07.140, 29.07.170, 29.07.180, 29.07.260, 29.07.270, 29.07.300,
5 29.07.400, 29.07.410, 29.08.010, 29.08.050, 29.08.060, 29.10.020,
6 29.10.040, 29.10.051, 29.10.090, 29.10.100, 29.36.120, 29.36.121,
7 29.36.122, 29.48.010, and 46.20.205; reenacting and amending RCW
8 29.10.180; adding a new section to chapter 10.64 RCW; adding a new
9 section to chapter 29.04 RCW; adding new sections to chapter 29.07 RCW;
10 adding new sections to chapter 29.10 RCW; repealing RCW 29.07.015,
11 29.07.020, 29.07.050, 29.07.060, 29.07.065, 29.07.095, 29.07.105,
12 29.10.095, and 29.10.080; prescribing penalties; and providing an
13 effective date.

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

15 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.64 RCW
16 to read as follows:

17 Within fourteen days of the entry of a judgment of conviction of an
18 individual for a felony, the clerk of the court shall send a notice of
19 the conviction including the full name of the defendant and his or her

1 residential address to the county auditor or custodian of voting
2 records in the county of the defendant's residence.

3 **Sec. 2.** RCW 29.01.006 and 1990 c 59 s 2 are each amended to read
4 as follows:

5 As used in this title:

6 (1) "Ballot" means, as the context implies, either:

7 (a) The issues and offices to be voted upon in a jurisdiction or
8 portion of a jurisdiction at a particular primary, general election, or
9 special election;

10 (b) A facsimile of the contents of a particular ballot whether
11 printed on a paper ballot or ballot card or as part of a voting machine
12 or voting device;

13 (c) A physical or electronic record of the choices of an individual
14 voter in a particular primary, general election, or special election;
15 or

16 (d) The physical document on which the voter's choices are to be
17 recorded;

18 (2) "Paper ballot" means a piece of paper on which the ballot for
19 a particular election or primary has been printed, on which a voter may
20 record his or her choices for any candidate or for or against any
21 measure, and that is to be tabulated manually;

22 (3) "Ballot card" means any type of card or piece of paper of any
23 size on which a voter may record his or her choices for any candidate
24 and for or against any measure and that is to be tabulated on a vote
25 tallying system;

26 (4) "Sample ballot" means a printed facsimile of all the issues and
27 offices on the ballot in a jurisdiction and is intended to give voters
28 notice of the issues, offices, and candidates that are to be voted on
29 at a particular primary, general election, or special election;

30 (5) "Special ballot" means a ballot issued to a voter at the
31 polling place on election day by the precinct election board, for one
32 of the following reasons:

33 (a) The voter's name does not appear in the poll book;

34 (b) There is an indication in the poll book that the voter has
35 requested an absentee ballot, but the voter wishes to vote at the
36 polling place;

37 (c) There is a question on the part of the voter concerning the
38 issues or candidates on which the voter is qualified to vote.

1 **Sec. 3.** RCW 29.04.040 and 1986 c 167 s 2 are each amended to read
2 as follows:

3 (1) No paper ballot precinct may contain more than three hundred
4 active registered voters. The county legislative authority may divide,
5 alter, or combine precincts so that, whenever practicable, over-
6 populated precincts shall contain no more than two hundred fifty active
7 registered voters in anticipation of future growth.

8 (2) Precinct boundaries may be altered at any time as long as
9 sufficient time exists prior to a given election for the necessary
10 procedural steps to be honored. Except as permitted under subsection
11 (5) of this section, no precinct boundaries may be changed during the
12 period starting on the thirtieth day prior to the first day for
13 candidates to file for the primary election and ending with the day of
14 the general election.

15 (3) Precincts in which voting machines or electronic voting devices
16 are used may contain as many as nine hundred active registered voters,
17 but there shall be at least one voting machine or device for each three
18 hundred active registered voters or major fraction thereof when a state
19 primary or general election is held in an even-numbered year. In
20 determining the number of active registered voters for the purposes of
21 this subsection, persons who are ongoing absentee voters shall not be
22 counted.

23 (4) On petition of twenty-five or more voters resident more than
24 ten miles from any place of election, the county legislative authority
25 shall establish a separate voting precinct therefor.

26 (5) The county auditor shall temporarily adjust precinct boundaries
27 when a city annexes county territory to the city. The adjustment shall
28 be made as soon as possible after the approval of the annexation. The
29 temporary adjustment shall be limited to the minimum changes necessary
30 to accommodate the addition of the territory to the city and shall
31 remain in effect only until precinct boundary modifications reflecting
32 the annexation are adopted by the county legislative authority.

33 The county legislative authority may establish by ordinance a
34 limitation on the maximum number of active registered voters in each
35 precinct within its jurisdiction. The limitation may be different for
36 precincts based upon the method of voting used for such precincts and
37 the number may be less than the number established by law, but in no
38 case may the number exceed that authorized by law.

1 The county legislative authority of each county in the state
2 hereafter formed shall, at their first session, divide their respective
3 counties into election precincts with two hundred fifty active
4 registered voters or less and establish the boundaries of the
5 precincts. The county auditor shall thereupon designate the voting
6 place for each such precinct.

7 **Sec. 4.** RCW 29.04.070 and 1965 c 9 s 29.04.070 are each amended to
8 read as follows:

9 The secretary of state through ((his)) the election division shall
10 be the chief election officer for all federal, state, county, city,
11 town, and district elections and it shall be his or her duty to keep
12 records of such elections held in the state and to make such records
13 available to the public upon request, and to coordinate those state
14 election activities required by federal law.

15 **Sec. 5.** RCW 29.04.100 and 1975-'76 2nd ex.s. c 46 s 1 are each
16 amended to read as follows:

17 (1) In the case of voter registration records received through the
18 department of licensing, the identity of the office at which any
19 particular individual registered to vote is not available for public
20 inspection and shall not be disclosed to the public. In the case of
21 voter registration records received through an agency designated under
22 section 26 of this act, the identity of the agency at which any
23 particular individual registered to vote is not available for public
24 inspection and shall not be disclosed to the public. Any record of a
25 particular individual's choice not to register to vote at an office of
26 the department of licensing or a state agency designated under section
27 26 of this act is not available for public inspection and any
28 information regarding such a choice by a particular individual shall
29 not be disclosed to the public.

30 (2) All poll books or current lists of registered voters, except
31 original voter registration forms or their images, shall be public
32 records and be made available for inspection under such reasonable
33 rules and regulations as the county auditor may prescribe. The county
34 auditor shall promptly furnish current lists or mailing labels of
35 registered voters in his or her possession, at actual reproduction
36 cost, to any person requesting such information: PROVIDED, That such
37 lists and labels shall not be used for the purpose of mailing or

1 delivering any advertisement or offer for any property, establishment,
2 organization, product, or service or for the purpose of mailing or
3 delivering any solicitation for money, services, or anything of value:
4 PROVIDED, HOWEVER, That such lists and labels may be used for any
5 political purpose. (~~In the case of political subdivisions which
6 encompass portions of more than one county, the request may be directed
7 to the secretary of state who shall contact the appropriate county
8 auditors and arrange for the timely delivery of the requested
9 information.~~)

10 **Sec. 6.** RCW 29.04.110 and 1973 1st ex.s. c 111 s 3 are each
11 amended to read as follows:

12 Except original voter registration forms or their images, a
13 reproduction of any form of data storage, in the custody of the county
14 auditor, (~~for~~) including poll books and precinct lists of registered
15 voters, (~~including~~) magnetic tapes or discs, punched cards, and any
16 other form of storage of such books and lists, shall at the written
17 request of any person be furnished to him or her by the county auditor
18 pursuant to such reasonable rules and regulations as the county auditor
19 may prescribe, and at a cost equal to the county's actual cost in
20 reproducing such form of data storage. Any data contained in a form of
21 storage furnished under this section shall not be used for the purpose
22 of mailing or delivering any advertisement or offer for any property,
23 establishment, organization, product or service or for the purpose of
24 mailing or delivering any solicitation for money, services or anything
25 of value: PROVIDED, HOWEVER, That such data may be used for any
26 political purpose. Whenever the county auditor furnishes any form of
27 data storage under this section, he or she shall also furnish the
28 person receiving the same with a copy of RCW 29.04.120.

29 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.04 RCW
30 to read as follows:

31 Each county auditor shall maintain for at least two years and shall
32 make available for public inspection and copying all records concerning
33 the implementation of programs and activities conducted for the purpose
34 of insuring the accuracy and currency of official lists of eligible
35 voters. These records must include lists of the names and addresses of
36 all persons to whom notices are sent and information concerning whether
37 or not each person has responded to the notices. These records must

1 contain lists of all persons removed from the list of eligible voters
2 and the reasons why the voters were removed.

3 **Sec. 8.** RCW 29.07.010 and 1984 c 211 s 3 are each amended to read
4 as follows:

5 (1) In all counties, the county auditor shall be the chief
6 registrar of voters for every precinct within the county. (~~He or she~~
7 ~~shall~~) The auditor may appoint a (~~deputy registrar~~) registration
8 assistant for each precinct or group of precincts and shall appoint
9 city or town clerks as (~~deputy registrars~~) registration assistants to
10 assist in registering persons residing in cities, towns, and rural
11 precincts within the county.

12 (2) In addition, the auditor (~~shall~~) may appoint a (~~deputy~~
13 ~~registrar~~) registration assistant for each common school. (~~A deputy~~
14 ~~registrar in a common school shall be a school official or school~~
15 ~~employee.~~) The auditor (~~shall~~) may appoint a (~~deputy registrar~~)
16 registration assistant for each fire station (~~that he or she finds is~~
17 ~~convenient to the public for registration purposes and is adequately~~
18 ~~staffed so that registration would not be a great inconvenience for the~~
19 ~~fire station personnel. A fire station appointee shall be a person~~
20 ~~employed at the station)). All common schools, fire stations, and
21 public libraries shall make voter registration application forms
22 available to the public.~~

23 (3) (~~The auditor shall also appoint deputy registrars to provide~~
24 ~~voter registration services for each state office providing voter~~
25 ~~registration under RCW 29.07.025.~~

26 (~~A deputy registrar shall~~) A registration assistant must be a
27 registered voter. Except for city and town clerks, each (~~registrar~~
28 ~~shall~~) registration assistant holds office at the pleasure of the
29 county auditor.

30 (~~(+5)~~) (4) The county auditor shall be the custodian of the
31 official registration records of (~~each precinct within~~) that county.

32 NEW SECTION. **Sec. 9.** A new section is added to chapter 29.07 RCW
33 to read as follows:

34 "Information required for voter registration" means the minimum
35 information provided on a voter registration application that is
36 required by the county auditor in order to place a voter registration
37 applicant on the voter registration rolls. This information includes

1 the applicant's name, complete residence address, date of birth, and a
2 signature attesting to the truth of the information provided on the
3 application. All other information supplied is ancillary and not to be
4 used as grounds for not registering an applicant to vote.

5 **Sec. 10.** RCW 29.07.025 and 1984 c 211 s 2 are each amended to read
6 as follows:

7 (1) (~~The director or chief administrative officer of~~) Each state
8 agency designated under section 26 of this act shall provide voter
9 registration services for employees and the public within each office
10 of that agency (~~which is convenient to the public for registration~~
11 ~~purposes except where, or during such times as, the director or officer~~
12 ~~finds that there would be a great inconvenience to the public or to the~~
13 ~~operation of the agency due to inadequate staff time for this~~
14 ~~purpose~~)).

15 (2) The secretary of state shall design and provide a standard
16 notice informing the public of the availability of voter registration,
17 which notice shall be posted in each state agency where such services
18 are available.

19 (3) The secretary of state shall design and provide standard voter
20 registration forms for use by these state agencies.

21 **Sec. 11.** RCW 29.07.070 and 1990 c 143 s 7 are each amended to read
22 as follows:

23 Except as provided under RCW 29.07.260, an applicant for voter
24 registration shall (~~provide a voter registrar with~~) complete an
25 application providing the following information concerning his or her
26 qualifications as a voter in this state:

27 (1) The address of the last former registration of the applicant as
28 a voter in the state;

29 (2) The applicant's full name;

30 (3) The applicant's date of birth;

31 (4) The address of the applicant's residence for voting purposes;

32 (5) The mailing address of the applicant if that address is not the
33 same as the address in subsection (4) of this section;

34 (6) The sex of the applicant;

35 (7) A declaration that the applicant is a citizen of the United
36 States; and

1 (8) Any other information that the secretary of state determines is
2 necessary to establish the identity of the applicant and prevent
3 duplicate or fraudulent voter registrations.

4 This information shall be recorded on a single registration form to
5 be prescribed by the secretary of state.

6 If the applicant fails to provide the information required for
7 voter registration, the auditor shall send the applicant a verification
8 notice. The auditor shall not register the applicant until the
9 required information is provided. If a verification notice is returned
10 as undeliverable or the applicant fails to respond to the notice within
11 forty-five days, the auditor shall not register the applicant to vote.

12 The following warning shall appear in a conspicuous place on the
13 voter registration form:

14 "If you knowingly (~~((providing))~~) provide false information on this
15 voter registration form or knowingly (~~((making))~~) make a false
16 declaration about your qualifications for voter registration (~~((is))~~) you
17 will have committed a class C felony that is punishable by imprisonment
18 for up to five years, or by a fine (~~((not to exceed))~~) of up to ten
19 thousand dollars, or (~~((by))~~) both (~~((such))~~) imprisonment and fine."

20 **Sec. 12.** RCW 29.07.080 and 1990 c 143 s 8 are each amended to read
21 as follows:

22 For voter registrations executed under (~~((this section))~~) RCW
23 29.07.070, the (~~((registrar))~~) registrant shall (~~((require the applicant~~
24 ~~to))~~) sign the following oath:

25 "I declare that the facts (~~((relating to my qualifications as a~~
26 ~~voter recorded))~~) on this voter registration form are true. I am a
27 citizen of the United States, I am not presently denied my civil rights
28 as a result of being convicted of (~~((an infamous crime))~~) a felony, I
29 will have lived in Washington at this (~~((state, county, and precinct))~~)
30 address for thirty days immediately (~~((preceding))~~) before the next
31 election at which I (~~((offer to))~~) vote, and I will be at least eighteen
32 years (~~((of age at the time of voting))~~) old when I vote."

33 (~~((The registration officer shall attest and date this oath in the~~
34 ~~following form:~~

35 "~~Subscribed and sworn to before me this day of,~~
36 ~~19. . ., Registration Officer."))~~

1 **Sec. 13.** RCW 29.07.090 and 1973 1st ex.s. c 21 s 5 are each
2 amended to read as follows:

3 At the time of registering ~~((any))~~, a voter~~((, each registration~~
4 ~~officer))~~ shall ~~((require him to))~~ sign his or her name upon a
5 signature card ~~((containing spaces for his surname))~~ to be transmitted
6 to the secretary of state. The voter shall also provide his or her
7 first name followed by ~~((his given))~~ the last name or names and the
8 name of the county ~~((and city or town, with post office and street~~
9 ~~address, and the name or number of the precinct,))~~ in which ~~((the~~
10 voter)) he or she is registered.

11 **Sec. 14.** RCW 29.07.100 and 1971 ex.s. c 202 s 13 are each amended
12 to read as follows:

13 ~~((Registration officers in incorporated))~~ In cities and towns,
14 clerks shall ~~((keep their respective offices open for registration of~~
15 ~~voters during the days and hours when the same are open for the~~
16 ~~transaction of public business: PROVIDED, That in cities of the first~~
17 ~~class, the county auditor shall establish on a permanent basis at least~~
18 ~~one registration office in each legislative district that lies wholly~~
19 ~~or partially within the city limits by appointing persons as deputy~~
20 ~~registrars who may register any eligible elector of such city.~~

21 Each such deputy registrar, except for city and town clerks, shall
22 hold office at the pleasure of the county auditor and shall maintain a
23 fixed place, conveniently located, for the registration of voters but
24 nothing in this section shall preclude door to door registration
25 including registration from a portable office as in a trailer)) provide
26 voter registration assistance during the normal business hours of the
27 office.

28 **Sec. 15.** RCW 29.07.115 and 1971 ex.s. c 202 s 23 are each amended
29 to read as follows:

30 A person or organization collecting voter registration application
31 forms must transmit the forms to the secretary of state or a designee
32 at least once weekly~~((, the deputy registrars shall transmit all~~
33 ~~registration records properly completed to the county auditor))~~.

34 **Sec. 16.** RCW 29.07.120 and 1971 ex.s. c 202 s 16 are each amended
35 to read as follows:

1 On each Monday next following the registration of any voter each
2 county auditor shall transmit all cards required by RCW 29.07.090
3 (~~which have been executed and~~) received in (~~his~~) the auditor's
4 office during the prior week to the secretary of state for filing (~~in~~
5 ~~his office. Each lot must be accompanied by the certificate of the~~
6 ~~registrar that the cards so transmitted are the original cards, that~~
7 ~~they were signed by the voters whose names appear thereon and that the~~
8 ~~voters are registered in the precincts and from the addresses shown~~
9 ~~thereon)). The secretary of state may exempt a county auditor who is
10 providing electronic voter registration and electronic voter signature
11 information to the secretary of state from the requirements of this
12 section.~~

13 **Sec. 17.** RCW 29.07.130 and 1991 c 81 s 21 are each amended to read
14 as follows:

15 (1) The cards required by RCW 29.07.090 shall be kept on file in
16 the office of the secretary of state in such manner as will be most
17 convenient for, and for the sole purpose of, checking initiative and
18 referendum petitions. The secretary may maintain an automated file of
19 voter registration information for any county or counties in lieu of
20 filing or maintaining these voter registration cards if the automated
21 file includes all of the information from the cards including, but not
22 limited to, a retrievable facsimile of the signature of each voter of
23 that county or counties. Such an automated file may be used only for
24 the purpose authorized for the use of the cards.

25 (2) The county auditor shall have custody of the voter registration
26 records for each county. The original voter registration form, as
27 established by RCW 29.07.070, shall be filed alphabetically without
28 regard to precinct and shall be considered confidential and unavailable
29 for public inspection and copying. An automated file of all registered
30 voters shall be maintained pursuant to RCW 29.07.220. An auditor may
31 maintain the automated file in lieu of filing or maintaining the
32 original voter registration forms if the automated file includes all of
33 the information from the original voter registration forms including,
34 but not limited to, a retrievable facsimile of each voter's signature.

35 (3) The following information contained in voter registration
36 records or files regarding a voter or a group of voters is available
37 for public inspection and copying: The voter's name, gender, voting
38 record, date of registration, and registration number. The address of

1 a registered voter or addresses of a group of voters are available for
2 public inspection and copying except to the extent that the address of
3 a particular voter is not so available under RCW 42.17.310(1)(bb). The
4 political jurisdictions within which a voter or group of voters reside
5 are also available for public inspection and copying except that the
6 political jurisdictions within which a particular voter resides are not
7 available for such inspection and copying if the address of the voter
8 is not so available under RCW 42.17.310(1)(bb). No other information
9 from voter registration records or files is available for public
10 inspection or copying.

11 **Sec. 18.** RCW 29.07.140 and 1990 c 143 s 9 are each amended to read
12 as follows:

13 (1) The secretary of state shall specify by rule the ~~((form))~~
14 format of ((the)) all voter registration ((records required under RCW
15 29.07.070 and 29.07.260)) applications. These ~~((forms))~~ applications
16 shall be compatible with existing voter registration records. An
17 applicant for voter registration shall be required to complete only one
18 ~~((form))~~ application and to provide the required information other than
19 his or her signature no more than one time. These ~~((forms))~~
20 applications shall also contain information for the voter to transfer
21 his or her registration.

22 Any application format specified by the secretary for use in
23 registering to vote in state and local elections shall satisfy the
24 requirements of the National Voter Registration Act of 1993 (P.L. 103-
25 31) for registering to vote in federal elections.

26 (2) The secretary of state shall adopt by rule a uniform data
27 format for transferring voter registration records on machine-readable
28 media.

29 (3) All registration ~~((forms))~~ applications required under RCW
30 29.07.070 and 29.07.260 shall be produced and furnished by the
31 secretary of state to the county auditors and the department of
32 licensing.

33 (4) The secretary of state shall produce and distribute any
34 instructional material and other supplies needed to implement RCW
35 29.07.260 through 29.07.300 and 46.20.155.

36 (5) Any notice or statement that must be provided under the
37 National Voter Registration Act of 1993 (P.L. 103-31) to prospective
38 registrants concerning registering to vote in federal elections shall

1 also be provided to prospective registrants concerning registering to
2 vote under this title in state and local elections as well as federal
3 elections.

4 **Sec. 19.** RCW 29.07.170 and 1971 ex.s. c 202 s 21 are each amended
5 to read as follows:

6 ~~((Immediately))~~ Upon closing ~~((his))~~ of the registration files
7 preceding an election, the county auditor shall ~~((insert therein his~~
8 ~~certificate as to the authenticity thereof. He shall then))~~ deliver
9 the ~~((registration records for each precinct thus certified))~~ precinct
10 lists of registered voters to the inspector or one of the judges
11 ~~((thereof at the proper))~~ of each precinct or group of precincts
12 located at the polling place before the polls open.

13 **Sec. 20.** RCW 29.07.180 and 1971 ex.s. c 202 s 22 are each amended
14 to read as follows:

15 The ~~((registration records of))~~ precinct list of registered voters
16 for each precinct or group of precincts delivered to the precinct
17 election officers for use on the day of an election held in that
18 precinct shall be returned by them to the county auditor upon the
19 completion of the count of the votes cast in the precinct at that
20 election. While in possession of the county auditor they shall be open
21 to public inspection under such reasonable rules and regulations as may
22 be prescribed therefor.

23 **Sec. 21.** RCW 29.07.260 and 1990 c 143 s 1 are each amended to read
24 as follows:

25 (1) A person may register to vote or transfer a voter registration
26 when he or she applies for or renews a driver's license or
27 identification card under chapter 46.20 RCW.

28 (2) To register to vote or transfer a voter registration under this
29 section, the applicant shall provide the following:

30 (a) His or her full name;

31 (b) Whether the address in the driver's license file is the same as
32 his or her residence for voting purposes;

33 (c) The address of the residence for voting purposes if it is
34 different from the address in the driver's license file;

35 (d) His or her mailing address if it is not the same as the address
36 in (c) of this subsection;

1 (e) Additional information on the (~~physical~~) geographic location
2 of that voting residence if it is only identified by route or box;

3 (f) The last address at which he or she was registered to vote in
4 this state;

5 (g) A declaration that he or she is a citizen of the United States;
6 and

7 (h) Any other information that the secretary of state determines is
8 necessary to establish the identity of the applicant and to prevent
9 duplicate or fraudulent voter registrations.

10 (3) The following warning shall appear in a conspicuous place on
11 the voter registration form:

12 "If you knowingly (~~providing~~) provide false information on this
13 voter registration form or knowingly (~~making~~) make a false
14 declaration about your qualifications for voter registration (~~is~~) you
15 will have committed a class C felony that is punishable by imprisonment
16 for up to five years, or by a fine (~~not to exceed~~) of up to ten
17 thousand dollars, or (~~by~~) both (~~such~~) imprisonment and fine."

18 (4) The applicant shall sign a portion of the form that can be used
19 as an initiative signature card for the verification of petition
20 signatures by the secretary of state and shall sign and attest to the
21 following oath:

22 "I declare that the facts (~~relating to my qualifications as a~~
23 ~~voter recorded~~) on this voter registration form are true. I am a
24 citizen of the United States, I am not presently denied my civil rights
25 as a result of being convicted of (~~an infamous crime~~) a felony, I
26 will have lived in (~~this state, county, and precinct~~) Washington at
27 this address for thirty days (~~immediately preceding~~) before the next
28 election at which I (~~offer to~~) vote, and I will be at least eighteen
29 years (~~of age at the time of voting~~) old when I vote."

30 (5) The driver licensing agent shall record that the applicant has
31 requested to register to vote or transfer a voter registration.

32 **Sec. 22.** RCW 29.07.270 and 1990 c 143 s 2 are each amended to read
33 as follows:

34 (1) The secretary of state shall provide for the voter registration
35 forms submitted under RCW 29.07.260 to be collected from each driver's

1 licensing facility (~~at least once each week~~) within five days of
2 their completion.

3 (2) The department of licensing shall produce and transmit to the
4 secretary of state a machine-readable file containing the following
5 information from the records of each individual who requested a voter
6 registration or transfer at a driver's license facility during each
7 period for which forms are transmitted under subsection (1) of this
8 section: The name, address, date of birth, and sex of the applicant
9 and the driver's license number, the date on which the application for
10 voter registration or transfer was submitted, and the location of the
11 office at which the application was submitted.

12 (3) The department of licensing shall provide information on all
13 persons changing their address on change of address forms submitted to
14 the department unless the voter has indicated that the address change
15 is not for voting purposes. This information will be transmitted to
16 the secretary of state each week in a machine-readable file containing
17 the following information on persons changing their address: The name,
18 address, date of birth, and sex of the applicant, the applicant's
19 driver's license number, the applicant's former address, the county
20 code for the applicant's former address, and the date that the request
21 for address change was received.

22 (4) The secretary of state shall forward this information to the
23 appropriate county each week. When the information indicates that the
24 voter has moved within the county, the county auditor shall use the
25 change of address information to transfer the voter's registration and
26 send the voter an acknowledgement notice of the transfer. If the
27 information indicates that the new address is outside the voter's
28 original county, the county auditor shall send the voter a registration
29 by mail form at the voter's new address and advise the voter of the
30 need to reregister in the new county. The auditor shall then place the
31 voter on inactive status.

32 **Sec. 23.** RCW 29.07.300 and 1990 c 143 s 5 are each amended to read
33 as follows:

34 (1) The secretary of state shall deliver the files and lists of
35 voter registration information produced under RCW 29.07.290 to the
36 county auditors no later than ten days after the date on which that
37 information was to be transmitted under RCW 29.07.270(1). The county

1 auditor shall process these records in the same manner as voter
2 registrations executed under RCW 29.07.080.

3 (2) If a registrant has indicated on the voter registration
4 application form that he or she is registered to vote in another county
5 in Washington but has also provided an address within the auditor's
6 county that is for voter registration purposes, the auditor shall send,
7 on behalf of the registrant, a registration cancellation notice to the
8 auditor of that other county and the auditor receiving the notice shall
9 cancel the registrant's voter registration in that other county. If
10 the registrant has indicated on the form that he or she is registered
11 to vote within the county but has provided a new address within the
12 county that is for voter registration purposes, the auditor shall
13 transfer the voter's registration.

14 **Sec. 24.** RCW 29.07.400 and 1991 c 81 s 11 are each amended to read
15 as follows:

16 If any ((~~registrar or deputy registrar~~)) county auditor or
17 registration assistant:

18 (1) Willfully neglects or refuses to perform any duty required by
19 law in connection with the registration of voters; or

20 (2) Willfully neglects or refuses to perform such duty in the
21 manner required by voter registration law; or

22 (3) Enters or causes or permits to be entered on the voter
23 registration records the name of any person in any other manner or at
24 any other time than as prescribed by voter registration law or enters
25 or causes or permits to be entered on such records the name of any
26 person not entitled to be thereon; or

27 (4) Destroys, mutilates, conceals, changes, or alters any
28 registration record in connection therewith except as authorized by
29 voter registration law,

30 he or she is guilty of a gross misdemeanor punishable to the same
31 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

32 **Sec. 25.** RCW 29.07.410 and 1991 c 81 s 12 are each amended to read
33 as follows:

34 Any person who:

35 (1) Knowingly provides false information on an application for
36 voter registration under any provision of this title;

1 (2) Knowingly makes or attests to a false declaration as to his or
2 her qualifications as a voter;

3 (3) Knowingly causes or permits himself or herself to be registered
4 using the name of another person;

5 (4) Knowingly causes himself or herself to be registered under two
6 or more different names; ((or))

7 (5) Knowingly causes himself or herself to be registered in two or
8 more counties;

9 (6) Offers to pay another person to assist in registering voters,
10 where payment is based on a fixed amount of money per voter
11 registration;

12 (7) Accepts payment for assisting in registering voters, where
13 payment is based on a fixed amount of money per voter registration; or

14 (8) Knowingly causes any person to be registered or causes any
15 registration to be transferred or canceled except as authorized under
16 this title,
17 is guilty of a class C felony punishable under RCW 9A.20.021.

18 NEW SECTION. Sec. 26. A new section is added to chapter 29.07 RCW
19 to read as follows:

20 The governor, in consultation with the secretary of state, shall
21 designate agencies to provide voter registration services in compliance
22 with federal statutes.

23 NEW SECTION. Sec. 27. A new section is added to chapter 29.07 RCW
24 to read as follows:

25 (1) A person may register to vote or transfer a voter registration
26 when he or she applies for service or assistance and with each renewal,
27 recertification, or change of address at agencies designated under
28 section 26 of this act.

29 (2) A prospective applicant shall initially be offered a form
30 adopted by the secretary of state that is designed to determine whether
31 the person wishes to register to vote. The form must comply with all
32 applicable state and federal statutes regarding content.

33 The form shall also contain a box that may be checked by the
34 applicant to indicate that he or she declines to register.

35 If the person indicates an interest in registering or has made no
36 indication as to a desire to register or not register to vote, the

1 person shall be given a mail-in voter registration application or a
2 prescribed agency application as provided by section 28 of this act.

3 NEW SECTION. **Sec. 28.** A new section is added to chapter 29.07 RCW
4 to read as follows:

5 (1) The secretary of state shall prescribe the method of voter
6 registration for each designated agency. The agency shall use either
7 the state voter registration by mail form with a separate declination
8 form for the applicant to indicate that he or she declines to register
9 at this time, or the agency may use a separate form approved for use by
10 the secretary of state.

11 (2) The person providing service at the agency shall offer voter
12 registration services to every client whenever he or she applies for
13 service or assistance and with each renewal, recertification, or change
14 of address. The person providing service shall give the applicant the
15 same level of assistance with the voter registration application as is
16 offered to fill out the agency's forms and documents.

17 (3) If an agency uses a computerized application process, it may,
18 in consultation with the secretary of state, develop methods to
19 capture simultaneously the information required for voter registration
20 during a person's computerized application process.

21 (4) Each designated agency shall provide for the voter registration
22 application forms to be collected from each agency office at least once
23 each week. The agency shall then forward the application forms to the
24 secretary of state each week. The secretary of state shall forward the
25 forms to the county in which the applicant has registered to vote no
26 later than ten days after the date on which the forms were received by
27 the secretary of state.

28 NEW SECTION. **Sec. 29.** A new section is added to chapter 29.07 RCW
29 to read as follows:

30 The secretary of state shall:

31 (1) Coordinate with the designated agencies and county auditors on
32 the implementation of sections 27 and 28 of this act;

33 (2) Adopt rules governing the delivery and processing of voter
34 registration application forms submitted under sections 27 and 28 of
35 this act and ensuring the integrity of the voter registration process
36 and of the integrity and confidentiality of data on registered voters
37 collected under sections 27 and 28 of this act.

1 **Sec. 30.** RCW 29.08.010 and 1993 c 434 s 1 are each amended to read
2 as follows:

3 The definitions set forth in this section apply throughout this
4 chapter, unless the context clearly requires otherwise((7)).

5 (1) "By mail" means delivery of a completed original voter
6 registration ~~((form))~~ application by mail((7)) or by personal
7 delivery(~~(, or by courier to a county auditor)~~). The secretary of
8 state, in consultation with the county auditors, may adopt rules to
9 develop a process to receive and distribute these applications.

10 (2) For voter registration applicants, "date of mailing" means the
11 date of the postal cancellation on the voter registration application.
12 This date will also be used as the date of application for the purpose
13 of meeting the registration cutoff deadline. If the postal
14 cancellation date is illegible then the date of receipt by the
15 elections official is considered the date of application. If an
16 application is received by the elections official by the close of
17 business on the fifth day after the cutoff date for voter registration
18 and the postal cancellation date is illegible, the application will be
19 considered to have arrived by the cutoff date for voter registration.

20 **Sec. 31.** RCW 29.08.050 and 1993 c 434 s 5 are each amended to read
21 as follows:

22 In addition to the information required under RCW 29.07.070, when
23 registering to vote by mail under this chapter, the applicant shall
24 sign a portion of the form that can be used as an initiative signature
25 card for the verification of petition signatures by the secretary of
26 state and shall sign and attest to the following oath: "I declare that
27 the facts ~~((relating to my qualifications as a voter recorded))~~ on this
28 voter registration form are true. I am a citizen of the United States,
29 I am not presently denied my civil rights as a result of being
30 convicted of ~~((an infamous crime))~~ a felony, I will have lived in
31 ~~((this state, county, and precinct))~~ Washington at this address for
32 thirty days immediately ((preceding)) before the next election at which
33 I ((offer to)) vote, and I will be at least eighteen years ((of age at
34 the time of voting)) old when I vote."

35 The voter registration by mail form shall provide, in a conspicuous
36 place, the following warning: "If you knowingly ((providing)) provide
37 false information on this voter registration form or knowingly
38 ((making)) make a false declaration about your qualifications for voter

1 registration ((is)) you will have committed a class C felony that is
2 punishable by imprisonment for up to five years, or by a fine ((not to
3 exceed)) of up to ten thousand dollars, or ((by)) both ((such))
4 imprisonment and fine."

5 **Sec. 32.** RCW 29.08.060 and 1993 c 434 s 6 are each amended to read
6 as follows:

7 (1) On receipt of an application for voter registration under this
8 chapter, the county auditor shall review the application to determine
9 whether the information supplied is complete. An application that
10 contains the applicant's name, complete valid residence address, date
11 of birth, and signature attesting to the truth of the information
12 provided on the application is complete. If it is not complete, the
13 auditor shall promptly ((send)) mail a verification notice of the
14 deficiency to the applicant. This verification notice shall require
15 the applicant to provide the missing information. If the verification
16 notice is not returned by the applicant or is returned as undeliverable
17 the auditor shall not place the name of the applicant on the county
18 voter list. If the applicant provides the required information, the
19 applicant shall be registered to vote as of the date of mailing of the
20 original voter registration application.

21 (2) If the information is complete, the applicant is considered to
22 be registered to vote as of the date of ((the application's postmark.
23 If there is no postmark or if the postmark is illegible, the applicant
24 is registered on the date the complete and correct application was
25 received by the auditor)) mailing. The auditor shall record the
26 appropriate precinct identification, taxing district identification,
27 and date of registration on the voter's record. Within forty-five days
28 after the receipt of an application but no later than seven days before
29 the next primary, special election, or general election, the auditor
30 shall send to the applicant, by first class mail, ((a voter
31 registration card)) an acknowledgement notice identifying the
32 registrant's precinct and containing such other information as may be
33 required by the secretary of state. The postal service shall be
34 instructed not to forward a voter registration card to any other
35 address and to return to the auditor any card which is not deliverable.
36 If the applicant has indicated that he or she is registered to vote in
37 another county in Washington but has also provided an address within
38 the auditor's county that is for voter registration purposes, the

1 auditor shall send, on behalf of the registrant, a registration
2 cancellation notice to the auditor of that other county and the auditor
3 receiving the notice shall cancel the registrant's voter registration
4 in that other county. If the registrant has indicated on the form that
5 he or she is registered to vote within the county but has provided a
6 new address within the county that is for voter registration purposes,
7 the auditor shall transfer the voter's registration.

8 (3) If ~~((a voter registration))~~ an acknowledgement notice card is
9 properly mailed as required by this section to the address listed by
10 the ~~((applicant))~~ voter as being the ~~((applicant's))~~ voter's mailing
11 address and the ~~((card))~~ notice is subsequently returned to the auditor
12 by the postal service as being undeliverable to the ~~((applicant))~~ voter
13 at that address, the auditor shall ~~((immediately cancel the voter~~
14 ~~registration of the applicant. The auditor shall))~~ promptly send the
15 ~~((applicant))~~ voter a confirmation notice ~~((and explanation of the~~
16 ~~cancellation, and a registration application form. The postal service~~
17 ~~shall be requested to forward this notice as applicable))~~. The auditor
18 shall place the voter's registration on inactive status pending a
19 response from the voter to the confirmation notice.

20 NEW SECTION. Sec. 33. A new section is added to chapter 29.10 RCW
21 to read as follows:

22 The definitions set forth in this section apply throughout this
23 chapter, unless the context clearly requires otherwise.

24 (1) "Verification notice" means a notice sent by the county auditor
25 to a voter registration applicant and is used to verify or collect
26 information about the applicant in order to complete the registration.

27 (2) "Acknowledgement notice" means a notice sent by nonforwardable
28 mail by the county auditor to a registered voter to acknowledge a voter
29 registration transaction, which can include initial registration,
30 transfer, or reactivation of an inactive registration. An
31 acknowledgement notice may be a voter registration card.

32 (3) "Confirmation notice" means a notice sent to a registered voter
33 by first class forwardable mail at the address indicated on the voter's
34 permanent registration record and to any other address at which the
35 county auditor could reasonably expect mail to be received by the voter
36 in order to confirm the voter's residence address. The confirmation
37 notice must be designed so that the voter may update his or her current
38 residence address.

1 NEW SECTION. Sec. 34. A new section is added to chapter 29.10 RCW
2 to read as follows:

3 Registered voters are divided into two categories, "active" and
4 "inactive." All registered voters are classified as active, unless
5 assigned to inactive status by the county auditor.

6 **Sec. 35.** RCW 29.10.020 and 1991 c 81 s 23 are each amended to read
7 as follows:

8 To maintain a valid voter registration, a registered voter who
9 changes his or her residence from one address to another within the
10 same county shall(~~(, to maintain a valid voter registration,)~~) transfer
11 his or her registration to the new address in one of the following
12 ways: (1) Sending to the county auditor a signed request stating the
13 voter's present address (~~(and precinct)~~) and the address (~~(and~~
14 ~~precinct)~~) from which the voter was last registered; (2) appearing in
15 person before the auditor and signing such a request; (3) transferring
16 the registration in the manner provided by RCW 29.10.170; or (4)
17 telephoning the county auditor to transfer the registration. The
18 telephone call transferring a registration by telephone must be
19 received by the auditor before the precinct registration files are
20 closed to new registrations for the next primary or special or general
21 election in which the voter participates.

22 The secretary of state (~~(shall)~~) may adopt rules facilitating the
23 transfer of a registration by telephone authorized by this section.
24 (~~(The rules shall include, but need not be limited to, those~~
25 ~~establishing the form which must be signed by a voter subsequent to~~
26 ~~transferring a registration by telephone.)~~)

27 **Sec. 36.** RCW 29.10.040 and 1991 c 81 s 24 are each amended to read
28 as follows:

29 (~~(Except as provided in RCW 29.10.170,)~~) A registered voter who
30 changes his or her residence from one county to another county, shall
31 be required to register anew. Before registering anew, the voter shall
32 sign an authorization to cancel his or her present registration. The
33 authorization shall be on a form prescribed by the secretary of state
34 by rule. The authorization shall be forwarded promptly to the county
35 auditor of the county in which the voter was previously registered.
36 The county auditor of the county where the previous registration was
37 made shall cancel the registration of the voter if it appears that the

1 signatures in the registration record and on the cancellation
2 authorization form were made by the same person.

3 **Sec. 37.** RCW 29.10.051 and 1991 c 81 s 25 are each amended to read
4 as follows:

5 To maintain a valid voter registration, a person who changes his or
6 her name shall notify the county auditor regarding the name change in
7 one of the following ways: (1) By sending the auditor a notice clearly
8 identifying the name under which he or she is registered to vote, the
9 voter's new name, and the voter's residence. Such a notice must be
10 signed by the voter using both this former name and the voter's new
11 name; (2) by appearing in person before the auditor or a (~~deputy~~
12 ~~registrar~~) registration assistant and signing such a change-of-name
13 notice; (~~or~~) (3) by signing such a change-of-name notice at the
14 voter's precinct polling place on the day of a primary or special or
15 general election; (4) by properly executing a name change on a mail-in
16 registration application or a prescribed state agency application.

17 A properly registered voter who files a change-of-name notice at
18 the voter's precinct polling place during a primary or election and who
19 desires to vote at that primary or election shall sign the poll book
20 using the voter's former and new names in the same manner as is
21 required for the change-of-name notice.

22 The secretary of state may adopt rules facilitating the
23 implementation of this section.

24 NEW SECTION. **Sec. 38.** A new section is added to chapter 29.10 RCW
25 to read as follows:

26 (1) A county auditor shall assign a registered voter to inactive
27 status and shall send the voter a confirmation notice if any of the
28 following documents are returned by the postal service as
29 undeliverable:

- 30 (a) An acknowledgement of registration;
- 31 (b) An acknowledgement of transfer to a new address;
- 32 (c) A vote-by-mail ballot, absentee ballot, or application for a
33 ballot;
- 34 (d) Notification to a voter after precinct reassignment;
- 35 (e) Notification to serve on jury duty; or
- 36 (f) Any other document other than a confirmation notice, required
37 by statute, to be mailed by the county auditor to the voter.

1 (2) A county auditor shall also assign a registered voter to
2 inactive status and shall send the voter a confirmation notice:

3 (a) Whenever change of address information received from the
4 department of licensing under RCW 29.07.270, or by any other agency
5 designated to provide voter registration services under section 26 of
6 this act, indicates that the voter has moved to an address outside the
7 county; or

8 (b) If the auditor receives postal change of address information
9 under RCW 29.10.180, indicating that the voter has moved out of the
10 county.

11 NEW SECTION. **Sec. 39.** A new section is added to chapter 29.10 RCW
12 to read as follows:

13 The county auditor shall return an inactive voter to active voter
14 status if, during the period beginning on the date the voter was
15 assigned to inactive status and ending on the day of the second general
16 election for federal office that occurs after the date that the voter
17 was sent a confirmation notice, the voter: Notifies the auditor of a
18 change of address within the county; responds to a confirmation notice
19 with information that the voter continues to reside at the registration
20 address; votes or attempts to vote in a primary or a special or general
21 election and resides within the county; or signs any petition
22 authorized by statute for which the signatures are required by law to
23 be verified by the county auditor. If the inactive voter fails to
24 provide such a notice or take such an action within that period, the
25 auditor shall cancel the person's voter registration.

26 NEW SECTION. **Sec. 40.** A new section is added to chapter 29.10 RCW
27 to read as follows:

28 (1) Except as otherwise specified by this title, registered voters
29 include those assigned to active and inactive status by the county
30 auditor.

31 (2) Election officials shall not include inactive voters in the
32 count of registered voters for the purpose of dividing precincts,
33 creating vote-by-mail precincts, determining voter turnout, or other
34 purposes in law for which the determining factor is the number of
35 registered voters.

1 **Sec. 41.** RCW 29.10.090 and 1983 c 110 s 1 are each amended to read
2 as follows:

3 The local registrar of vital statistics in cities of the first
4 class shall submit monthly to the county auditor a list of the names
5 and addresses, if known, of all persons over eighteen years of age who
6 have died.

7 The registrar of vital statistics of the state shall supply such
8 monthly lists for each county of the state, exclusive of cities of the
9 first class, to the county auditor thereof. The county auditors shall
10 compare such lists with the registration records and cancel the
11 registrations of deceased voters. The county auditor may also use
12 newspaper obituary articles as a source of information in order to
13 cancel a voter's registration. The auditor must verify the identity of
14 the voter by matching the voter's date of birth or an address. The
15 auditor shall record the date and source of the obituary in the
16 cancellation records.

17 In addition to the above manner of canceling registration records
18 of deceased voters, any registered voter may sign a statement, subject
19 to the penalties of perjury, to the effect that to his or her personal
20 knowledge or belief another registered voter is deceased. This
21 statement may be filed with (~~any registration officer and the deputy~~
22 ~~registrar shall promptly forward such statement to~~) the county
23 auditor. Upon the receipt of such signed statement, the county auditor
24 shall cancel the registration records concerned and so notify the
25 secretary of state. Upon receipt of such notice, the secretary of
26 state shall in turn cancel his or her copy of said registration record.

27 The secretary of state as chief elections officer shall cause such
28 form to be designed to carry out the provisions of this section. The
29 county auditors shall have such forms available for public use.
30 Further, each such public officer having jurisdiction of an election
31 shall make available a reasonable supply of such forms for the use of
32 the precinct election officers at each polling place on the day of an
33 election.

34 NEW SECTION. **Sec. 42.** A new section is added to chapter 29.10 RCW
35 to read as follows:

36 Upon receiving official notice of a person's conviction of a felony
37 in either state or federal court, if the convicted person is a

1 registered voter in the county, the county auditor shall cancel the
2 defendant's voter registration.

3 **Sec. 43.** RCW 29.10.100 and 1971 ex.s. c 202 s 31 are each amended
4 to read as follows:

5 On the Monday next following the ~~((transfer or))~~ cancellation of
6 the registration of any voter or the change of name of a voter, each
7 county auditor must certify to all ~~((transfers or))~~ cancellations or
8 name changes made during the prior week to the secretary of state. The
9 certificate shall set forth the name of each voter whose registration
10 has been ~~((transferred or))~~ canceled or whose name was changed, and the
11 county, city or town, and precinct in which ~~((he))~~ the voter was
12 registered ~~((and, in case of a transfer, also the name of the county~~
13 ~~and city or town, the name or number of the precinct and the post~~
14 ~~office address (including street and number) to which the registration~~
15 ~~of the voter was transferred))~~.

16 **Sec. 44.** RCW 29.10.180 and 1993 c 434 s 10 and 1993 c 417 s 8 are
17 each reenacted and amended to read as follows:

18 In addition to the case-by-case maintenance required under sections
19 38 and 39 of this act, the county auditor shall establish a general
20 program of voter registration list maintenance. This program must be
21 applied uniformly throughout the county and must be nondiscriminatory
22 in its application. Any program established must be completed not
23 later than ninety days before the date of a primary or general election
24 for federal office. The county may fulfill its obligations under this
25 section in one of the following ways:

26 (1) The county auditor may enter into one or more contracts with
27 the United States postal service, or its licensee, which permit the
28 auditor to use postal service change-of-address information. If the
29 auditor ~~((finds that information received under such a contract gives~~
30 ~~the appearance))~~ receives change of address information from the United
31 States postal service that indicates that a voter has changed his or
32 her residence address~~((, the auditor shall notify the voter concerning~~
33 ~~the requirements of state and federal laws governing voter registration~~
34 ~~and residence))~~ within the county, the auditor shall transfer the
35 registration of that voter and send an acknowledgement notice of the
36 transfer to the new address. If the auditor receives postal change of
37 address information indicating that the voter has moved out of the

1 county, the auditor shall send a confirmation notice to the voter, send
2 the voter a registration-by-mail form at the voter's new address, and
3 advise the voter of the need to reregister in the new county. The
4 auditor shall place the voter's registration on inactive status;

5 ~~(2) ((Whenever any vote by mail ballot, notification to voters~~
6 ~~following reprecincting of the county, notification to voters of~~
7 ~~selection to serve on jury duty, notification under subsection (1) of~~
8 ~~this section, or voter identification card other than a voter~~
9 ~~identification card issued under RCW 29.08.060 is returned by the~~
10 ~~postal service as undeliverable, the county auditor shall, in every~~
11 ~~instance, inquire into the validity of the registration of that voter.~~

12 ~~(3) The county auditor shall initiate his or her inquiry by~~
13 ~~sending, by first class mail, a written notice to the challenged voter~~
14 ~~at the address indicated on the voter's permanent registration record~~
15 ~~and to any other address at which the county auditor could reasonably~~
16 ~~expect mail to be received by the voter. The county auditor shall not~~
17 ~~request any restriction on the forwarding of such notice by the postal~~
18 ~~service. The notice shall contain the nature of the inquiry and~~
19 ~~provide a suitable form for reply. The notice shall also contain a~~
20 ~~warning that the county auditor must receive a response within ninety~~
21 ~~days from the date of mailing the notice of inquiry in a case resulting~~
22 ~~from a returned vote by mail ballot or forty five days from the date of~~
23 ~~mailing in all other cases or the individual's voter registration will~~
24 ~~be canceled.~~

25 ~~(4) The voter, in person or in writing, may state that the~~
26 ~~information on the permanent voter registration record is correct or~~
27 ~~may request a change in the address information on the permanent~~
28 ~~registration record no later than the ninetieth day or forty fifth day,~~
29 ~~as appropriate, after the date of mailing the inquiry.~~

30 ~~(5) Upon the timely receipt of a response signed by the voter, the~~
31 ~~county auditor shall consider the inquiry satisfied and will make any~~
32 ~~address corrections requested by the voter on the permanent~~
33 ~~registration record. The county auditor shall cancel the registration~~
34 ~~of a voter who fails to respond to the notice of inquiry within ninety~~
35 ~~days after the date of mailing the notice in a case resulting from a~~
36 ~~returned vote by mail ballot, or, in all other cases, within forty five~~
37 ~~days after the date of mailing.~~

38 ~~(6) The county auditor shall notify any voter whose registration~~
39 ~~has been canceled by sending, by first class mail, a written notice to~~

1 the address indicated on the voter's permanent registration record and
2 to any other address to which the original inquiry was sent. Upon
3 receipt of a satisfactory voter response, the auditor shall reinstate
4 the voter.

5 (7) A voter whose registration has been canceled under this section
6 and who offers to vote at the next ensuing election shall be issued a
7 questioned ballot. Upon receipt of such a questioned ballot the
8 auditor shall investigate the circumstances surrounding the original
9 cancellation. If he or she determines that the cancellation was in
10 error, the voter's registration shall be immediately reinstated, and
11 the voter's questioned ballot shall be counted. If the original
12 cancellation was not in error, the voter shall be afforded the
13 opportunity to reregister at his or her correct address, and the
14 voter's questioned ballot shall not be counted.) A direct,
15 nonforwardable, first-class, return if undeliverable, address
16 correction requested, mailing to every registered voter within the
17 county. If address correction information for a voter is received by
18 the county auditor after this mailing, the auditor shall place that
19 voter on inactive status and shall send to the voter a confirmation
20 notice;

21 (3) Any other method approved by the secretary of state.

22 NEW SECTION. Sec. 45. A new section is added to chapter 29.10 RCW
23 to read as follows:

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

31 NEW SECTION. Sec. 46. A new section is added to chapter 29.10 RCW
32 to read as follows:

33 If the response to the confirmation notice provides the county
34 auditor with the information indicating that the voter has moved within
35 the county, the auditor shall transfer the voter's registration. If
36 the response indicates that the voter has left the county, the auditor
37 shall cancel the voter's registration.

1 NEW SECTION. **Sec. 47.** A new section is added to chapter 29.10 RCW
2 to read as follows:

3 (1) A voter whose registration has been made inactive under this
4 chapter and who offers to vote at an ensuing election before two
5 federal elections have been held shall be allowed to vote a regular
6 ballot and the voter's registration restored to active status.

7 (2) A voter whose registration has been properly canceled under
8 this chapter shall vote a special ballot. The voter shall mark the
9 special ballot in secrecy, the ballot shall be placed in a security
10 envelope, the security envelope placed in a special ballot envelope,
11 and the reasons for the use of the special ballot noted.

12 (3) Upon receipt of such a voted special ballot the auditor shall
13 investigate the circumstances surrounding the original cancellation.
14 If he or she determines that the cancellation was in error, the voter's
15 registration shall be immediately reinstated, and the voter's special
16 ballot shall be counted. If the original cancellation was not in
17 error, the voter shall be afforded the opportunity to reregister at his
18 or her correct address, and the voter's special ballot shall not be
19 counted.

20 **Sec. 48.** RCW 29.36.120 and 1993 c 417 s 1 are each amended to read
21 as follows:

22 At any primary or election, general or special, the county auditor
23 may, in any precinct having fewer than two hundred active registered
24 voters at the time of closing of voter registration as provided in RCW
25 29.07.160, conduct the voting in that precinct by mail ballot. For any
26 precinct having fewer than two hundred active registered voters where
27 voting at a primary or a general election is conducted by mail ballot,
28 the county auditor shall, not less than fifteen days prior to the date
29 of that primary or general election, mail or deliver to each active and
30 inactive registered voter within that precinct a notice that the voting
31 in that precinct will be by mail ballot, an application form for a mail
32 ballot, and a postage prepaid envelope, preaddressed to the issuing
33 officer. A mail ballot shall be issued to each voter who returns a
34 properly executed application to the county auditor no later than the
35 day of that primary or general election. (~~Such application is valid~~)
36 For all subsequent mail ballot elections in that precinct the
37 application is valid so long as the voter remains active and qualified
38 to vote.

1 At any nonpartisan special election not being held in conjunction
2 with a state primary or general election, the county, city, town, or
3 district requesting the election pursuant to RCW 29.13.010 or 29.13.020
4 may also request that the election be conducted by mail ballot. The
5 county auditor may honor the request or may determine that the election
6 is not to be conducted by mail ballot. The decision of the county
7 auditor in this regard is final.

8 In no instance shall any special election be conducted by mail
9 ballot in any precinct with two hundred or more active registered
10 voters if candidates for partisan office are to be voted upon.

11 For all special elections not being held in conjunction with a
12 state primary or state general election where voting is conducted by
13 mail ballot, the county auditor shall, not less than fifteen days prior
14 to the date of such election, mail or deliver to each active registered
15 voter a mail ballot and an envelope, preaddressed to the issuing
16 officer. The auditor shall send each inactive voter either a ballot or
17 an application to receive a ballot. The auditor shall determine which
18 of the two is to be sent. If the inactive voter returns a voted
19 ballot, the ballot shall be counted and the voter's status restored to
20 active. If the inactive voter completes and returns an application, a
21 ballot shall be sent and the voter's status restored to active.

22 **Sec. 49.** RCW 29.36.121 and 1993 c 417 s 2 are each amended to read
23 as follows:

24 (1) At any nonpartisan special election not being held in
25 conjunction with a state primary or general election, the county, city,
26 town, or district requesting the election pursuant to RCW 29.13.010 or
27 29.13.020 may also request that the election be conducted by mail
28 ballot. The county auditor may honor the request or may determine that
29 the election is not to be conducted by mail ballot. The decision of
30 the county auditor in this regard is final.

31 (2) In an odd-numbered year, the county auditor may conduct by mail
32 ballot a primary or a special election concurrently with the primary:

33 (a) For any office or ballot measure of a special purpose district
34 which is entirely within the county;

35 (b) For any office or ballot measure of a special purpose district
36 which lies in the county and one or more other counties if the auditor
37 first secures the concurrence of the county auditors of those other
38 counties to conduct the primary in this manner district-wide; and

1 (c) For any ballot measure or nonpartisan office of a county, city,
2 or town if the auditor first secures the concurrence of the legislative
3 authority of the county, city, or town involved.

4 A primary in an odd-numbered year may not be conducted by mail
5 ballot in any precinct with two hundred or more active registered
6 voters if a partisan office or state office or state ballot measure is
7 to be voted upon at that primary in the precinct.

8 (3) For all special elections not being held in conjunction with a
9 state primary or state general election where voting is conducted by
10 mail ballot, the county auditor shall, not less than fifteen days
11 before the date of such election, mail or deliver to each registered
12 voter a mail ballot and an envelope, preaddressed to the issuing
13 officer. The county auditor shall notify an election jurisdiction for
14 which a primary is to be held that the primary will be conducted by
15 mail ballot.

16 (4) To the extent they are not inconsistent with subsections (1)
17 through (3) of this section, the laws governing the conduct of mail
18 ballot special elections apply to nonpartisan primaries conducted by
19 mail ballot.

20 **Sec. 50.** RCW 29.36.122 and 1993 c 417 s 3 are each amended to read
21 as follows:

22 For any special election conducted by mail, the county auditor
23 shall send a mail ballot with a return identification envelope to each
24 active registered voter of the district in which the special election
25 is being conducted not sooner than the twenty-fifth day before the date
26 of the election and not later than the fifteenth day before the date of
27 the election. The envelope in which the ballot is mailed must clearly
28 indicate that the ballot is not to be forwarded and is to be returned
29 to the sender with return postage guaranteed. The auditor shall send
30 an application to receive a ballot to all inactive voters of the
31 district. Upon receipt of a completed application the auditor shall
32 send a ballot and restore the voter's status to active.

33 **Sec. 51.** RCW 29.48.010 and 1990 c 59 s 35 are each amended to read
34 as follows:

35 The county auditor shall provide in each polling place a sufficient
36 number of voting booths or voting devices along with any supplies
37 necessary to enable the voter to mark or register his or her choices on

1 the ballot and within which the voters may cast their votes in secrecy.
2 Where paper ballots are used for voting, the number of voting booths
3 shall be at least one for every fifty active registered voters in the
4 precinct.

5 **Sec. 52.** RCW 46.20.205 and 1989 c 337 s 6 are each amended to read
6 as follows:

7 Whenever any person after applying for or receiving a driver's
8 license or identicard moves from the address named in the application
9 or in the license or identicard issued to him or her or when the name
10 of a licensee or holder of an identicard is changed by marriage or
11 otherwise, the person shall within ten days thereafter notify the
12 department in writing on a form provided by the department of his or
13 her old and new addresses or of such former and new names and of the
14 number of any license then held by him or her. The written
15 notification is the exclusive means by which the address of record
16 maintained by the department concerning the licensee or identicard
17 holder may be changed. The form must contain a place for the person to
18 indicate that the address change is not for voting purposes. The
19 department of licensing shall notify the secretary of state by the
20 means described in RCW 29.07.270(3) of all change of address
21 information received by means of this form except information on
22 persons indicating that the change is not for voting purposes. Any
23 notice regarding the cancellation, suspension, revocation, probation,
24 or nonrenewal of the driver's license, driving privilege, or identicard
25 mailed to the address of record of the licensee or identicard holder is
26 effective notwithstanding the licensee's or identicard holder's failure
27 to receive the notice.

28 NEW SECTION. **Sec. 53.** The following acts or parts of acts are
29 each repealed:

- 30 (1) RCW 29.07.015 and 1985 c 205 s 15;
31 (2) RCW 29.07.020 and 1971 ex.s. c 202 s 5 & 1965 c 9 s 29.07.020;
32 (3) RCW 29.07.050 and 1971 ex.s. c 202 s 7 & 1965 c 9 s 29.07.050;
33 (4) RCW 29.07.060 and 1973 1st ex.s. c 21 s 1, 1971 ex.s. c 202 s
34 8, & 1965 c 9 s 29.07.060;
35 (5) RCW 29.07.065 and 1986 c 167 s 4 & 1973 1st ex.s. c 21 s 2;
36 (6) RCW 29.07.095 and 1973 1st ex.s. c 21 s 6, 1971 ex.s. c 202 s
37 12, & 1965 c 9 s 29.07.095;

1 (7) RCW 29.07.105 and 1971 ex.s. c 202 s 14 & 1965 c 9 s 29.07.105;
2 and

3 (8) RCW 29.10.095 and 1971 ex.s. c 202 s 30 & 1965 c 9 s 29.10.095.

4 NEW SECTION. **Sec. 54.** RCW 29.10.080 and 1977 ex.s. c 361 s 27,
5 1971 ex.s. c 202 s 28, 1967 ex.s. c 109 s 3, & 1965 c 9 s 29.10.080 are
6 each repealed.

7 NEW SECTION. **Sec. 55.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 56.** Sections 1 through 3, 7, 10 through 12, 21,
12 22, 25, 27, 28, 31 through 34, 37 through 40, 42, 44 through 52, and 54
13 of this act take effect January 1, 1995.

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