

SSB 6419 - H COMM AMD  
By Committee on Appropriations

ADOPTED 03/03/2004

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I

4 STATEWIDE VOTER REGISTRATION DATA BASE

5 NEW SECTION. **Sec. 101.** (1) The office of the secretary of state  
6 shall create and maintain a statewide voter registration data base.  
7 This data base must be a single, uniform, official, centralized,  
8 interactive computerized statewide voter registration list defined,  
9 maintained, and administered at the state level that contains the name  
10 and registration information of every legally registered voter in the  
11 state and assigns a unique identifier to each legally registered voter  
12 in the state.

13 (2) The computerized list must serve as the single system for  
14 storing and maintaining the official list of registered voters  
15 throughout the state.

16 (3) The computerized list must contain the name and registration  
17 information of every legally registered voter in the state.

18 (4) Under the computerized list, a unique identifier is assigned to  
19 each legally registered voter in the state.

20 (5) The computerized list must be coordinated with other agency  
21 data bases within the state, including but not limited to the  
22 department of corrections, the department of licensing, and the  
23 department of health.

24 (6) Any election officer in the state, including any local election  
25 officer, may obtain immediate electronic access to the information  
26 contained in the computerized list.

27 (7) All voter registration information obtained by any local  
28 election officer in the state must be electronically entered into the

1 computerized list on an expedited basis at the time the information is  
2 provided to the local officer.

3 (8) The chief state election officer shall provide support, as may  
4 be required, so that local election officers are able to enter  
5 information as described in subsection (3) of this section.

6 (9) The computerized list serves as the official voter registration  
7 list for the conduct of all elections.

8 (10) The secretary of state has data authority on all voter  
9 registration data.

10 (11) The voter registration data base must be designed to  
11 accomplish at a minimum, the following:

12 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);

13 (b) Identify duplicate voter registrations;

14 (c) Identify suspected duplicate voters;

15 (d) Screen against the department of corrections data base to aid  
16 in the cancellation of voter registration of felons;

17 (e) Provide up-to-date signatures of voters for the purposes of  
18 initiative signature checking;

19 (f) Provide for a comparison between the voter registration data  
20 base and the department of licensing change of address data base;

21 (g) Provide online access for county auditors with the goal of real  
22 time duplicate checking and update capabilities; and

23 (h) Provide for the cancellation of voter registration for persons  
24 who have moved to other states and surrendered their Washington state  
25 drivers' licenses.

26 **Sec. 102.** RCW 29A.08.010 and 2003 c 111 s 201 are each amended to  
27 read as follows:

28 As used in this chapter: "Information required for voter  
29 registration" means the minimum information provided on a voter  
30 registration application that is required by the county auditor in  
31 order to place a voter registration applicant on the voter registration  
32 rolls. This information includes the applicant's name, complete  
33 residence address, date of birth, ~~((and))~~ Washington state driver's  
34 license number, Washington state identification card, or the last four  
35 digits of the applicant's social security number, a signature attesting  
36 to the truth of the information provided on the application, and a

1 check or indication in the box confirming the individual is a United  
2 States citizen. If the individual does not have a driver's license or  
3 social security number the registrant must be issued a unique voter  
4 registration number and placed on the voter registration rolls. All  
5 other information supplied is ancillary and not to be used as grounds  
6 for not registering an applicant to vote. Modification of the language  
7 of the official Washington state voter registration form by the voter  
8 will not be accepted and will cause the rejection of the registrant's  
9 application.

10 **Sec. 103.** RCW 29A.08.020 and 2003 c 111 s 204 are each amended to  
11 read as follows:

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

14 (1) "By mail" means delivery of a completed original voter  
15 registration application by mail (~~(or by personal delivery)~~) to the  
16 office of the secretary of state.

17 (2) For voter registration applicants, "date of mailing" means the  
18 date of the postal cancellation on the voter registration application.  
19 This date will also be used as the date of application for the purpose  
20 of meeting the registration cutoff deadline. If the postal  
21 cancellation date is illegible then the date of receipt by the  
22 elections official is considered the date of application. If an  
23 application is received by the elections official by the close of  
24 business on the fifth day after the cutoff date for voter registration  
25 and the postal cancellation date is illegible, the application will be  
26 considered to have arrived by the cutoff date for voter registration.

27 **Sec. 104.** RCW 29A.08.030 and 2003 c 111 s 203 are each amended to  
28 read as follows:

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

31 (1) "Verification notice" means a notice sent by the county auditor  
32 or secretary of state to a voter registration applicant and is used to  
33 verify or collect information about the applicant in order to complete  
34 the registration.

1 (2) "Acknowledgement notice" means a notice sent by nonforwardable  
2 mail by the county auditor or secretary of state to a registered voter  
3 to acknowledge a voter registration transaction, which can include  
4 initial registration, transfer, or reactivation of an inactive  
5 registration. An acknowledgement notice may be a voter registration  
6 card.

7 (3) "Confirmation notice" means a notice sent to a registered voter  
8 by first class forwardable mail at the address indicated on the voter's  
9 permanent registration record and to any other address at which the  
10 county auditor or secretary of state could reasonably expect mail to be  
11 received by the voter in order to confirm the voter's residence  
12 address. The confirmation notice must be designed so that the voter  
13 may update his or her current residence address.

14 **Sec. 105.** RCW 29A.08.105 and 2003 c 111 s 205 are each amended to  
15 read as follows:

16 (1) In compliance with the Help America Vote Act (P.L. 107-252),  
17 the centralized statewide voter registration list maintained by the  
18 secretary of state is the official list of eligible voters for all  
19 elections.

20 (2) In all counties, the county auditor shall be the chief  
21 registrar of voters for every precinct within the county. The auditor  
22 may appoint registration assistants to assist in registering persons  
23 residing in the county. Each registration assistant holds office at  
24 the pleasure of the county auditor and must be a registered voter.

25 ~~((2) The county auditor shall be the custodian of the official~~  
26 ~~registration records of the county.))~~

27 (3) The county auditor shall ensure that mail-in voter registration  
28 application forms are readily available to the public at locations to  
29 include but not limited to the elections office, and all common  
30 schools, fire stations, and public libraries.

31 NEW SECTION. **Sec. 106.** (1) The secretary of state must review the  
32 information provided by each voter registration applicant to ensure  
33 that either the driver's license number or the last four digits of the  
34 social security number match the information maintained by the

1 Washington department of licensing or the social security  
2 administration. If a match cannot be made the secretary of state must  
3 correspond with the applicant to resolve the discrepancy.

4 (2) If the applicant fails to respond to any correspondence  
5 required in this section to confirm information provided on a voter  
6 registration application, within thirty days the secretary of state  
7 shall forward the application to the appropriate county auditor for  
8 document storage.

9 (3) Only after the secretary of state has confirmed that an  
10 applicant's driver's license number or the last four digits of the  
11 applicant's social security number match existing records with the  
12 Washington department of licensing or the social security  
13 administration or determined that the applicant does not have either a  
14 driver's license number or social security number may the applicant be  
15 placed on the official list of registered voters.

16 **Sec. 107.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to  
17 read as follows:

18 (1) On receipt of an application for voter registration (~~under~~  
19 ~~this chapter~~)), the county auditor shall review the application to  
20 determine whether the information supplied is complete. An application  
21 (~~that~~) is considered complete only if it contains the applicant's  
22 name, complete valid residence address, date of birth, and signature  
23 attesting to the truth of the information provided (~~on the application~~  
24 ~~is complete~~) and an indication the license information or social  
25 security number has been confirmed by the secretary of state. If it is  
26 not complete, the auditor shall promptly mail a verification notice of  
27 the deficiency to the applicant. This verification notice shall  
28 require the applicant to provide the missing information. If the  
29 verification notice is not returned by the applicant or is returned as  
30 undeliverable the auditor shall not place the name of the applicant on  
31 the county voter list. If the applicant provides the required verified  
32 information, the applicant shall be registered to vote as of the date  
33 of mailing of the original voter registration application.

34 (2) In order to prevent duplicate registration records, all  
35 complete voter registration applications must be screened against  
36 existing voter registration records in the official statewide voter

1 registration list. If a match of an existing record is found in the  
2 official list the record must be updated with the new information  
3 provided on the application. If the new information indicates that the  
4 voter has changed his or her county of residence, the application must  
5 be forwarded to the voter's new county of residence for processing. If  
6 the new information indicates that the voter remains in the same county  
7 of residence or if the applicant is a new voter the application must be  
8 processed by the county of residence.

9 (3) If the information required in subsection (1) of this section  
10 is complete, the applicant is considered to be registered to vote as of  
11 the date of mailing. The auditor shall record the appropriate precinct  
12 identification, taxing district identification, and date of  
13 registration on the voter's record in the state voter registration  
14 list. Within forty-five days after the receipt of an application but  
15 no later than seven days before the next primary, special election, or  
16 general election, the auditor shall send to the applicant, by first  
17 class mail, an acknowledgement notice identifying the registrant's  
18 precinct and containing such other information as may be required by  
19 the secretary of state. The postal service shall be instructed not to  
20 forward a voter registration card to any other address and to return to  
21 the auditor any card which is not deliverable. ~~((If the applicant has~~  
22 ~~indicated that he or she is registered to vote in another county in~~  
23 ~~Washington but has also provided an address within the auditor's county~~  
24 ~~that is for voter registration purposes, the auditor shall send, on~~  
25 ~~behalf of the registrant, a registration cancellation notice to the~~  
26 ~~auditor of that other county and the auditor receiving the notice shall~~  
27 ~~cancel the registrant's voter registration in that other county.)) If  
28 the registrant has indicated on the form that he or she is registered  
29 to vote within the county but has provided a new address within the  
30 county that is for voter registration purposes, the auditor shall  
31 transfer the voter's registration.~~

32 ~~((+3+))~~ (4) If an acknowledgement notice card is properly mailed as  
33 required by this section to the address listed by the voter as being  
34 the voter's mailing address and the notice is subsequently returned to  
35 the auditor by the postal service as being undeliverable to the voter  
36 at that address, the auditor shall promptly send the voter a

1 confirmation notice. The auditor shall place the voter's registration  
2 on inactive status pending a response from the voter to the  
3 confirmation notice.

4 **Sec. 108.** RCW 29A.08.115 and 2003 c 111 s 207 are each amended to  
5 read as follows:

6 ~~((Every registration assistant shall keep registration supplies at  
7 his or her usual place of residence or usual place of business.))~~ A  
8 person or organization collecting voter registration application forms  
9 must transmit the forms to the secretary of state or a designee at  
10 least once weekly.

11 **Sec. 109.** RCW 29A.08.120 and 2003 c 111 s 208 are each amended to  
12 read as follows:

13 Any elector of this state may register to vote by mail under this  
14 ~~((chapter))~~ title.

15 **Sec. 110.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to  
16 read as follows:

17 Each county auditor shall maintain a computer file containing ~~((the  
18 records))~~ a copy of each record of all registered voters within the  
19 county contained on the official statewide voter registration list for  
20 that county. ~~((The auditor may provide for the establishment and  
21 maintenance of such files by private contract or through interlocal  
22 agreement as provided by chapter 39.34 RCW.))~~ The computer file must  
23 include, but not be limited to, each voter's last name, first name,  
24 middle initial, date of birth, residence address, gender, date of  
25 registration, applicable taxing district and precinct codes, and the  
26 last date on which the individual voted. The county auditor shall  
27 subsequently record each consecutive date upon which the individual has  
28 voted and retain ~~((at least the last five))~~ all such consecutive dates.  
29 ~~((If the voter has not voted at least five times since establishing his  
30 or her current registration record, only the available dates will be  
31 included.))~~

32 **Sec. 111.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to  
33 read as follows:

1       The county auditor shall acknowledge each new voter registration or  
2 transfer by providing or sending the voter a card identifying his or  
3 her current precinct and containing such other information as may be  
4 prescribed by the secretary of state. When a person who has previously  
5 registered to vote in ~~((a jurisdiction))~~ another state applies for  
6 voter registration ~~((in a new jurisdiction))~~, the person shall provide  
7 on the registration form, all information needed to cancel any previous  
8 registration. ~~((The county auditor shall forward any information  
9 pertaining to the voter's prior voter registration to the county where  
10 the voter was previously registered, so that registration may be  
11 canceled. If the prior voter registration is in another state, the))~~  
12 Notification must be made to the state elections office of ~~((that))~~ the  
13 applicant's previous state of registration. A county auditor receiving  
14 official information that a voter has registered to vote in another  
15 ~~((jurisdiction))~~ state shall immediately cancel that voter's  
16 registration on the official state voter registration list.

17       **Sec. 112.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to  
18 read as follows:

19       The registration files of all precincts shall be closed against  
20 original registration or transfers for thirty days immediately  
21 preceding every primary, special election, and general election to be  
22 held in such precincts.

23       The county auditor shall give notice of the closing of the precinct  
24 files for original registration and transfer and notice of the special  
25 registration and voting procedure provided by RCW 29A.08.145 by one  
26 publication in a newspaper of general circulation in the county at  
27 least five days before the closing of the precinct files.

28       No person may vote at any primary, special election, or general  
29 election in a precinct polling place unless he or she has registered to  
30 vote at least thirty days before that primary or election and appears  
31 on the official statewide voter registration list. If a person,  
32 otherwise qualified to vote in the state, county, and precinct in which  
33 he or she applies for registration, does not register at least thirty  
34 days before any primary, special election, or general election, he or  
35 she may register and vote by absentee ballot for that primary or  
36 election under RCW 29A.08.145.



1       **Sec. 113.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to  
2 read as follows:

3       This section establishes a special procedure which an elector may  
4 use to register to vote or transfer a voter registration by changing  
5 his or her address during the period beginning after the closing of  
6 registration for voting at the polls under RCW 29A.08.140 and ending on  
7 the fifteenth day before a primary, special election, or general  
8 election. A qualified elector in the ((~~county~~)) state may register to  
9 vote or change his or her registration address in person in the office  
10 of the county auditor or at a voter registration location specifically  
11 designated for this purpose by the county auditor of the county in  
12 which the applicant resides, and apply for an absentee ballot for that  
13 primary or election. The auditor or registration assistant shall  
14 register that individual in the manner provided in this chapter. The  
15 application for an absentee ballot executed by the newly registered or  
16 transferred voter for the primary or election that follows the  
17 execution of the registration shall be promptly transmitted to the  
18 auditor with the completed voter registration form.

19       **Sec. 114.** RCW 29A.08.155 and 2003 c 111 s 215 are each amended to  
20 read as follows:

21       To compensate counties with fewer than ten thousand registered  
22 voters at the time of the most recent state general election for  
23 unrecoverable costs incident to the maintenance of voter registration  
24 records on electronic data processing systems, the secretary of state  
25 shall, in June of each year, pay such counties an amount equal to  
26 ((~~thirty cents~~)) one dollar for each registered voter in the county at  
27 the time of the most recent state general election, as long as funds  
28 provided for elections by the Help America Vote Act of 2002 (P.L. 107-  
29 252) are available.

30       **Sec. 115.** RCW 29A.08.220 and 2003 c 111 s 217 are each amended to  
31 read as follows:

32       (1) The secretary of state shall specify by rule the format of all  
33 voter registration applications. These applications shall be  
34 compatible with existing voter registration records. An applicant for  
35 voter registration shall be required to complete only one application

1 and to provide the required information other than his or her signature  
2 no more than one time. These applications shall also contain  
3 information for the voter to transfer his or her registration.

4 Any application format specified by the secretary for use in  
5 registering to vote in state and local elections shall satisfy the  
6 requirements of the National Voter Registration Act of 1993 (P.L. 103-  
7 31) and the Help America Vote Act of 2002 (P.L. 107-252) for  
8 registering to vote in federal elections.

9 ~~((The secretary of state shall adopt by rule a uniform data  
10 format for transferring voter registration records on machine-readable  
11 media.~~

12 ~~(3))~~ All registration applications required under RCW 29A.08.210  
13 and 29A.08.340 shall be produced and furnished by the secretary of  
14 state to the county auditors and the department of licensing.

15 ~~((4) The secretary of state shall produce and distribute any  
16 instructional material and other supplies needed to implement RCW  
17 29A.08.340 and 46.20.155.~~

18 ~~(5) Any notice or statement that must be provided under the  
19 National Voter Registration Act of 1993 (P.L. 103-31) to prospective  
20 registrants concerning registering to vote in federal elections shall  
21 also be provided to prospective registrants concerning registering to  
22 vote under this title in state and local elections as well as federal  
23 elections.))~~

24 **Sec. 116.** RCW 29A.08.240 and 2003 c 111 s 219 are each amended to  
25 read as follows:

26 (1) Until January 1, 2006, at the time of registering, a voter  
27 shall sign his or her name upon a signature card to be transmitted to  
28 the secretary of state. The voter shall also provide his or her first  
29 name followed by the last name or names and the name of the county in  
30 which he or she is registered. Once each week the county auditor shall  
31 transmit all such cards to the secretary of state. The secretary of  
32 state may exempt a county auditor who is providing electronic voter  
33 registration and electronic voter signature information to the  
34 secretary of state from the requirements of this section.

35 (2) This section expires January 1, 2006.

1       **Sec. 117.** RCW 29A.08.250 and 2003 c 111 s 220 are each amended to  
2 read as follows:

3       The secretary of state shall furnish registration forms necessary  
4 to carry out the registration of voters as provided by this chapter  
5 without cost to the respective counties. All voter registration forms  
6 must include clear and conspicuous language, designed to draw an  
7 applicant's attention, stating that the applicant must be a United  
8 States citizen in order to register to vote. Voter registration  
9 application forms must also contain a space for the applicant to  
10 provide his or her driver's license number or the last four digits of  
11 his or her social security number as well as check boxes intended to  
12 allow the voter to indicate age and United States citizenship  
13 eligibility under the Help America Vote Act of 2002 (P.L. 107-252).

14       **Sec. 118.** RCW 29A.08.260 and 2003 c 111 s 221 are each amended to  
15 read as follows:

16       The county auditor shall distribute forms by which a person may  
17 register to vote by mail and (~~cancel~~) transfer any previous  
18 registration in this state. The county auditor shall keep a supply of  
19 voter registration forms in his or her office at all times for  
20 political parties and others interested in assisting in voter  
21 registration, and shall make every effort to make these forms generally  
22 available to the public. The county auditor shall provide voter  
23 registration forms to city and town clerks, state offices, schools,  
24 fire stations, and any other locations considered appropriate by the  
25 auditor or secretary of state for extending registration opportunities  
26 to all areas of the county. After the initial distribution of voter  
27 registration forms to a given location, a representative designated by  
28 the official in charge of that location shall notify the county auditor  
29 of the need for additional voter registration supplies.

30       **Sec. 119.** RCW 29A.08.320 and 2003 c 111 s 223 are each amended to  
31 read as follows:

32       (1) A person may register to vote or transfer a voter registration  
33 when he or she applies for service or assistance and with each renewal,  
34 recertification, or change of address at agencies designated under RCW  
35 (~~(29.07.420)~~) 29A.08.310.

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

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

8 If the person indicates an interest in registering or has made no  
9 indication as to a desire to register or not register to vote, the  
10 person shall be given a mail-in voter registration application or a  
11 prescribed agency application as provided by RCW 29A.08.330.

12 **Sec. 120.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to  
13 read as follows:

14 (1) The secretary of state shall provide for the voter registration  
15 forms submitted under RCW 29A.08.340 to be collected from each driver's  
16 licensing facility within five days of their completion.

17 (2) The department of licensing shall produce and transmit to the  
18 secretary of state a machine-readable file containing the following  
19 information from the records of each individual who requested a voter  
20 registration or transfer at a driver's license facility during each  
21 period for which forms are transmitted under subsection (1) of this  
22 section: The name, address, date of birth, gender of the applicant,  
23 the driver's license number, the date on which the application for  
24 voter registration or transfer was submitted, and the location of the  
25 office at which the application was submitted.

26 (3) The voter registration forms from the driver's licensing  
27 facilities must be forwarded to the county in which the applicant has  
28 registered to vote no later than ten days after the date on which the  
29 forms were to be collected.

30 (4) For a voter registration application where the address for  
31 voting purposes is different from the address in the machine-readable  
32 file received from the department of licensing, the secretary of state  
33 shall amend the record of that application in the machine-readable file  
34 to reflect the county in which the applicant has registered to vote.

35 (5) The secretary of state shall sort the records in the machine-  
36 readable file according to the county in which the applicant registered

1 to vote and produce a file of voter registration transactions for each  
2 county. The records of each county may be transmitted on or through  
3 whatever medium the county auditor determines will best facilitate the  
4 incorporation of these records into the existing voter registration  
5 files of that county.

6 (6) The secretary of state shall produce a list of voter  
7 registration transactions for each county and transmit a copy of this  
8 list to that county with each file of voter registration transactions  
9 no later than ten days after the date on which that information was to  
10 be transmitted under subsection (1) of this section.

11 ~~((7) If a registrant has indicated on the voter registration  
12 application form that he or she is registered to vote in another county  
13 in Washington but has also provided an address within the auditor's  
14 county that is for voter registration purposes, the auditor shall send,  
15 on behalf of the registrant, a registration cancellation notice to the  
16 auditor of that other county and the auditor receiving the notice shall  
17 cancel the registrant's voter registration in that other county. If  
18 the registrant has indicated on the form that he or she is registered  
19 to vote within the county but has provided a new address within the  
20 county that is for voter registration purposes, the auditor shall  
21 transfer the voter's registration.))~~

22 **Sec. 121.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to  
23 read as follows:

24 (1) The department of licensing shall provide information on all  
25 persons changing their address on change of address forms submitted to  
26 the department unless the voter has indicated that the address change  
27 is not for voting purposes. This information will be transmitted to  
28 the secretary of state each week in a machine-readable file containing  
29 the following information on persons changing their address: The name,  
30 address, date of birth, gender of the applicant, the applicant's  
31 driver's license number, the applicant's former address, the county  
32 code for the applicant's former address, and the date that the request  
33 for address change was received.

34 (2) The secretary of state shall forward this information to the  
35 appropriate county each week. When the information indicates that the  
36 voter has moved (~~within the county~~), the county auditor shall use the

1 change of address information to transfer the voter's registration and  
2 send the voter an acknowledgement notice of the transfer. (~~If the~~  
3 ~~information indicates that the new address is outside the voter's~~  
4 ~~original county, the county auditor shall send the voter a registration~~  
5 ~~by mail form at the voter's new address and advise the voter of the~~  
6 ~~need to reregister in the new county. The auditor shall then place the~~  
7 ~~voter on inactive status.))~~

8 **Sec. 122.** RCW 29A.08.420 and 2003 c 111 s 229 are each amended to  
9 read as follows:

10 A registered voter who changes his or her residence from one county  
11 to another county (~~, shall be required to register anew. The voter~~  
12 ~~shall sign an authorization to cancel his or her current registration.~~  
13 ~~An authorization to cancel a voter's registration must be forwarded~~  
14 ~~promptly to the county auditor of the county in which the voter was~~  
15 ~~previously registered)) must do so in writing using a prescribed voter  
16 registration form. The county auditor of the voter's new county  
17 (~~where the previous registration was made shall cancel the~~  
18 ~~registration of the voter if it appears that the signatures in the~~  
19 ~~registration record and on the cancellation authorization form were~~  
20 ~~made by the same person)) shall transfer the voter's registration from  
21 the county of the previous registration.~~~~

22 **Sec. 123.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to  
23 read as follows:

24 (1) A person who is registered to vote in this state may transfer  
25 his or her voter registration on the day of a special or general  
26 election or primary under the following procedures:

27 (a) The voter may complete, at the polling place, a voter  
28 registration (~~(transfer)~~) form designed by the secretary of state and  
29 supplied by the county auditor; or

30 (b) For a change within the county, the voter may write in his or  
31 her new residential address in the precinct list of registered voters.

32 The county auditor shall determine which of these two procedures  
33 are to be used in the county or may determine that both procedures are  
34 to be available to voters for use in the county.

1 (2) A voter who transfers his or her registration in the manner  
2 authorized by this section shall vote in the precinct in which he or  
3 she was previously registered.

4 (3) The auditor shall, within (~~ninety~~) sixty days, mail to each  
5 voter who has transferred a registration under this section (~~a~~), an  
6 acknowledgement notice (~~of~~) detailing his or her current precinct and  
7 polling place.

8 **Sec. 124.** RCW 29A.08.510 and 2003 c 111 s 232 are each amended to  
9 read as follows:

10 In addition to case-by-case maintenance under RCW 29A.08.620 and  
11 29A.08.630 and the general program of maintenance of voter registration  
12 lists under RCW 29A.08.605, deceased voters will be canceled from voter  
13 registration lists as follows:

14 (1) (~~Every month~~) Periodically, the registrar of vital statistics  
15 of the state shall prepare a (~~separate~~) list of persons who resided  
16 in each county, for whom a death certificate was transmitted to the  
17 registrar and was not included on a previous list, and shall supply the  
18 (~~appropriate~~) list to (~~each county auditor~~) the secretary of state.

19 (~~A county auditor~~) The secretary of state shall compare this list  
20 with the registration records and cancel the registrations of deceased  
21 voters within at least forty-five days before the next primary or  
22 election (~~held in the county after the auditor receives the list~~).

23 (2) In addition, (~~the~~) each county auditor may also use newspaper  
24 obituary articles as a source of information in order to cancel a  
25 voter's registration from the official state voter registration list.  
26 The auditor must verify the identity of the voter by matching the  
27 voter's date of birth or an address. The auditor shall record the date  
28 and source of the obituary in the cancellation records.

29 (3) In addition, any registered voter may sign a statement, subject  
30 to the penalties of perjury, to the effect that to his or her personal  
31 knowledge or belief another registered voter is deceased. This  
32 statement may be filed with the county auditor or the secretary of  
33 state. Upon the receipt of such signed statement, the county auditor  
34 or the secretary of state shall cancel the registration records  
35 concerned (~~and so notify the secretary of state~~) from the official  
36 state voter registration list.

1        NEW SECTION.    **Sec. 125.** Upon receiving official notice that a  
2 court has imposed a guardianship for an incapacitated person and has  
3 determined that the person is incompetent for the purpose of rationally  
4 exercising the right to vote, under chapter 11.88 RCW, if the  
5 incapacitated person is a registered voter in the county, the county  
6 auditor shall cancel the incapacitated person's voter registration.

7        **Sec. 126.** RCW 29A.08.520 and 2003 c 111 s 233 are each amended to  
8 read as follows:

9        Upon receiving official notice of a person's conviction of a felony  
10 in either state or federal court, if the convicted person is a  
11 registered voter in the county, the county auditor shall cancel the  
12 defendant's voter registration. Additionally, the secretary of state  
13 in conjunction with the department of corrections shall arrange for a  
14 periodic comparison of a list of known felons with the statewide voter  
15 registration list. If a person is found on the department of  
16 corrections felon list and the statewide voter registration list, the  
17 secretary of state or county auditor shall confirm the match through a  
18 date of birth comparison and cancel the voter registration from the  
19 official state voter registration list. The canceling authority shall  
20 send notice of the proposed cancellation to the person at his or her  
21 last known voter registration address.

22        **Sec. 127.** RCW 29A.08.540 and 2003 c 111 s 235 are each amended to  
23 read as follows:

24        (~~Every county auditor shall carefully preserve in a separate file~~  
25 ~~or list the~~) Registration records of persons whose voter registrations  
26 have been canceled as authorized under this title(~~. The files or~~  
27 ~~lists shall be kept~~) must be preserved in the manner prescribed by  
28 rule by the secretary of state. Information from such canceled  
29 registration records is available for public inspection and copying to  
30 the same extent established by RCW 29A.08.710 for other voter  
31 registration information.

32        (~~The county auditor may destroy the voter registration information~~  
33 ~~and records of any person whose voter registration has been canceled~~  
34 ~~for a period of two years or more.))~~



1       **Sec. 128.** RCW 29A.08.605 and 2003 c 111 s 236 are each amended to  
2 read as follows:

3       In addition to the case-by-case maintenance required under RCW  
4 29A.08.620 and 29A.08.630 and the canceling of registrations under RCW  
5 29A.08.510, the secretary of state and the county auditor shall  
6 cooperatively establish a general program of voter registration list  
7 maintenance. This program must be a thorough review that is applied  
8 uniformly throughout the county and must be nondiscriminatory in its  
9 application. Any program established must be completed at least once  
10 every two years and not later than ninety days before the date of a  
11 primary or general election for federal office. ~~((The county may~~  
12 ~~fulfill its obligations under this section))~~ This obligation may be  
13 fulfilled in one of the following ways:

14       (1) The ~~((county auditor))~~ secretary of state may enter into one or  
15 more contracts with the United States postal service, or its licensee,  
16 which permit the ~~((auditor to))~~ use of postal service change-of-address  
17 information. If the ~~((auditor receives))~~ change of address information  
18 is received from the United States postal service that indicates that  
19 a voter has changed his or her residence address within the ~~((county))~~  
20 state, the auditor shall transfer the registration of that voter and  
21 send a confirmation notice informing the voter of the transfer to the  
22 new address~~((. If the auditor receives postal change of address~~  
23 ~~information indicating that the voter has moved out of the county, the~~  
24 ~~auditor shall send a confirmation notice to the voter and advise the~~  
25 ~~voter of the need to reregister in the new county. The auditor shall~~  
26 ~~place the voter's registration on inactive status))~~;

27       (2) A direct, nonforwardable, nonprofit or first-class mailing to  
28 every registered voter ~~((within the county))~~ bearing the postal  
29 endorsement "Return Service Requested." If address correction  
30 information for a voter is received by the county auditor after this  
31 mailing, the auditor shall place that voter on inactive status and  
32 shall send to the voter a confirmation notice;

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

34       **Sec. 129.** RCW 29A.08.610 and 2003 c 111 s 237 are each amended to  
35 read as follows:

36       In addition to the case-by-case cancellation procedure required in

1 RCW 29A.08.420, (~~the county auditor, in conjunction with the office~~  
2 ~~of~~) the secretary of state, shall (~~participate in an annual~~) conduct  
3 an ongoing list maintenance program designed to detect persons  
4 registered in more than one county or voting in more than one county in  
5 an election. This program must be applied uniformly throughout the  
6 (~~county~~) state and must be nondiscriminatory in its application. The  
7 program must be completed not later than thirty days before the date of  
8 a primary or general election.

9 The office of the secretary of state shall (~~cause to be created a~~  
10 ~~list of~~) search the statewide voter registration list to find  
11 registered voters with the same date of birth and similar names (~~who~~  
12 ~~appear on two or more county lists of registered voters~~). The  
13 (~~office of the~~) secretary of state shall (~~forward this list to each~~  
14 ~~county auditor so that they may properly cancel the previous~~  
15 ~~registration of voters who have subsequently registered in a different~~  
16 ~~county. The county auditor of the county where the previous~~  
17 ~~registration was made shall cancel the registration of the voter if it~~  
18 ~~appears that the signatures in the registration and the signature~~  
19 ~~provided to the new county on the voter's new registration were made by~~  
20 ~~the same person~~) compare the signatures on each voter registration  
21 record and after confirming that a duplicate registration exists  
22 properly resolve the duplication.

23 If a voter is suspected of voting in two or more counties in an  
24 election, the county auditors in each county shall cooperate without  
25 delay to determine the voter's county of residence. The county auditor  
26 of the county of residence of the voter suspected of voting in two or  
27 more counties shall take action under RCW 29A.84.010 without delay.

28 **Sec. 130.** RCW 29A.08.620 and 2003 c 111 s 239 are each amended to  
29 read as follows:

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

- 34 (a) An acknowledgement of registration;  
35 (b) An acknowledgement of transfer to a new address;

1 (c) A vote-by-mail ballot, absentee ballot, or application for a  
2 ballot;

3 (d) Notification to a voter after precinct reassignment;

4 (e) Notification to serve on jury duty; or

5 (f) Any other document other than a confirmation notice, required  
6 by statute, to be mailed by the county auditor to the voter.

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

9 (a) Whenever change of address information received from the  
10 department of licensing under RCW 29A.08.350, or by any other agency  
11 designated to provide voter registration services under RCW  
12 ((29.07.420)) 29A.08.310, indicates that the voter has moved to an  
13 address outside the ((county)) state; or

14 (b) If the auditor receives postal change of address information  
15 under RCW 29A.08.605, indicating that the voter has moved out of the  
16 ((county)) state.

17 **Sec. 131.** RCW 29A.08.630 and 2003 c 111 s 241 are each amended to  
18 read as follows:

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

33 **Sec. 132.** RCW 29A.08.640 and 2003 c 111 s 243 are each amended to  
34 read as follows:

35 If the response to the confirmation notice provides the county

1 auditor with the information indicating that the voter has moved within  
2 the county, the auditor shall transfer the voter's registration. If  
3 the response indicates a move out of a county, but within the state,  
4 the auditor shall place the registration in inactive status for  
5 transfer pending acceptance by the county indicated by the new address.  
6 The auditor shall immediately notify the auditor of the county with the  
7 new address. If the response indicates that the voter has left the  
8 ((~~county~~)) state, the auditor shall cancel the voter's registration on  
9 the official state voter registration list.

10 **Sec. 133.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to  
11 read as follows:

12 (1) The county auditor shall have custody of the original voter  
13 registration records for each county. The original voter registration  
14 form must be filed without regard to precinct and is considered  
15 confidential and unavailable for public inspection and copying. An  
16 automated file of all registered voters must be maintained pursuant to  
17 RCW 29A.08.125. An auditor may maintain the automated file in lieu of  
18 filing or maintaining the original voter registration forms if the  
19 automated file includes all of the information from the original voter  
20 registration forms including, but not limited to, a retrievable  
21 facsimile of each voter's signature.

22 (2) The following information contained in voter registration  
23 records or files regarding a voter or a group of voters is available  
24 for public inspection and copying: The voter's name, gender, voting  
25 record, date of registration, and registration number. The address and  
26 political jurisdiction of a registered voter are available for public  
27 inspection and copying except as provided by chapter 40.24 RCW. No  
28 other information from voter registration records or files is available  
29 for public inspection or copying.

30 **Sec. 134.** RCW 29A.08.760 and 2003 c 111 s 251 are each amended to  
31 read as follows:

32 ~~((As soon as any or all of the voter registration data from the~~  
33 ~~counties has been received under RCW 29A.08.750 and processed, the~~  
34 ~~secretary of state shall provide a duplicate copy of this data to the~~  
35 ~~political party organization or other individual making the request, at~~

1 ~~cost, shall provide a duplicate copy of the master statewide computer~~  
2 ~~tape or data file of registered voters to the statute law committee~~  
3 ~~without cost, and))~~ The secretary of state shall provide a duplicate  
4 copy of the master statewide computer ((~~tape~~) file or electronic data  
5 file of registered voters to the department of information services for  
6 purposes of creating the jury source list without cost. Restrictions  
7 as to the commercial use of the information on the statewide computer  
8 tape or data file of registered voters, and penalties for its misuse,  
9 shall be the same as provided in RCW 29A.08.730 and 29A.08.740.

10 **Sec. 135.** RCW 29A.08.770 and 2003 c 111 s 252 are each amended to  
11 read as follows:

12 The secretary of state and each county auditor shall maintain for  
13 at least two years and shall make available for public inspection and  
14 copying all records concerning the implementation of programs and  
15 activities conducted for the purpose of insuring the accuracy and  
16 currency of official lists of eligible voters. These records must  
17 include lists of the names and addresses of all persons to whom notices  
18 are sent and information concerning whether or not each person has  
19 responded to the notices. These records must contain lists of all  
20 persons removed from the list of eligible voters and the reasons why  
21 the voters were removed.

22 NEW SECTION. **Sec. 136.** Only voters who appear on the official  
23 statewide voter registration list are eligible to participate in  
24 elections. Each county shall maintain a copy of that county's portion  
25 of the state list. The county must ensure that data used for the  
26 production of poll lists and other lists and mailings done in the  
27 administration of each election are drawn from the official statewide  
28 voter registration list.

29 NEW SECTION. **Sec. 137.** Each county shall ensure complete freedom  
30 of electronic access and information transfer between the county's  
31 election management and voter registration system and the secretary of  
32 state's official statewide voter registration list.

1        NEW SECTION.    **Sec. 138.** Any state or local election officer, or a  
2        designee, who has access to any county or statewide voter registration  
3        data base who knowingly uses or alters information in the data base  
4        inconsistent with the performance of his or her duties is guilty of a  
5        class C felony, punishable under RCW 9A.20.021.

6        **Sec. 139.** RCW 11.88.010 and 1991 c 289 s 1 are each amended to  
7        read as follows:

8        (1) The superior court of each county shall have power to appoint  
9        guardians for the persons and/or estates of incapacitated persons, and  
10       guardians for the estates of nonresidents of the state who have  
11       property in the county needing care and attention.

12       (a) For purposes of this chapter, a person may be deemed  
13       incapacitated as to person when the superior court determines the  
14       individual has a significant risk of personal harm based upon a  
15       demonstrated inability to adequately provide for nutrition, health,  
16       housing, or physical safety.

17       (b) For purposes of this chapter, a person may be deemed  
18       incapacitated as to the person's estate when the superior court  
19       determines the individual is at significant risk of financial harm  
20       based upon a demonstrated inability to adequately manage property or  
21       financial affairs.

22       (c) A determination of incapacity is a legal not a medical  
23       decision, based upon a demonstration of management insufficiencies over  
24       time in the area of person or estate. Age, eccentricity, poverty, or  
25       medical diagnosis alone shall not be sufficient to justify a finding of  
26       incapacity.

27       (d) A person may also be determined incapacitated if he or she is  
28       under the age of majority as defined in RCW 26.28.010.

29       (e) For purposes of giving informed consent for health care  
30       pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any  
31       person who is (i) incompetent by reason of mental illness,  
32       developmental disability, senility, habitual drunkenness, excessive use  
33       of drugs, or other mental incapacity, of either managing his or her  
34       property or caring for himself or herself, or both, or (ii)  
35       incapacitated as defined in (a), (b), or (d) of this subsection.

1 (f) For purposes of the terms "incompetent," "disabled," or "not  
2 legally competent," as those terms are used in the Revised Code of  
3 Washington to apply to persons incapacitated under this chapter, those  
4 terms shall be interpreted to mean "incapacitated" persons for purposes  
5 of this chapter.

6 (2) The superior court for each county shall have power to appoint  
7 limited guardians for the persons and estates, or either thereof, of  
8 incapacitated persons, who by reason of their incapacity have need for  
9 protection and assistance, but who are capable of managing some of  
10 their personal and financial affairs. After considering all evidence  
11 presented as a result of such investigation, the court shall impose, by  
12 order, only such specific limitations and restrictions on an  
13 incapacitated person to be placed under a limited guardianship as the  
14 court finds necessary for such person's protection and assistance. A  
15 person shall not be presumed to be incapacitated nor shall a person  
16 lose any legal rights or suffer any legal disabilities as the result of  
17 being placed under a limited guardianship, except as to those rights  
18 and disabilities specifically set forth in the court order establishing  
19 such a limited guardianship. In addition, the court order shall state  
20 the period of time for which it shall be applicable.

21 (3) Venue for petitions for guardianship or limited guardianship  
22 shall lie in the county wherein the alleged incapacitated person is  
23 domiciled, or if such person resides in a facility supported in whole  
24 or in part by local, state, or federal funding sources, in either the  
25 county where the facility is located, the county of domicile prior to  
26 residence in the supported facility, or the county where a parent or  
27 spouse of the alleged incapacitated person is domiciled.

28 If the alleged incapacitated person's residency has changed within  
29 one year of the filing of the petition, any interested person may move  
30 for a change of venue for any proceedings seeking the appointment of a  
31 guardian or a limited guardian under this chapter to the county of the  
32 alleged incapacitated person's last place of residence of one year or  
33 more. The motion shall be granted when it appears to the court that  
34 such venue would be in the best interests of the alleged incapacitated  
35 person and would promote more complete consideration of all relevant  
36 matters.

1 (4) Under RCW 11.94.010, a principal may nominate, by a durable  
2 power of attorney, the guardian or limited guardian of his or her  
3 estate or person for consideration by the court if guardianship  
4 proceedings for the principal's person or estate are thereafter  
5 commenced. The court shall make its appointment in accordance with the  
6 principal's most recent nomination in a durable power of attorney  
7 except for good cause or disqualification.

8 (5) When a court imposes a full guardianship for an incapacitated  
9 person, the person shall be considered incompetent for purposes of  
10 rationally exercising the right to vote and shall lose the right to  
11 vote, unless the court specifically finds that the person is rationally  
12 capable of exercising the franchise. Imposition of a limited  
13 guardianship for an incapacitated person shall not result in the loss  
14 of the right to vote unless the court determines that the person is  
15 incompetent for purposes of rationally exercising the franchise. When  
16 a court determines that the person is incompetent for the purpose of  
17 rationally exercising the right to vote, the court shall notify the  
18 appropriate county auditor.

19 NEW SECTION. **Sec. 140.** In developing the technical standards of  
20 data formats for transferring voter registration data, the secretary  
21 shall consult with the information services board. The board shall  
22 review and make recommendations regarding proposed technical standards  
23 prior to implementation.

24 **PART II**

25 **LOCAL GOVERNMENT GRANT PROGRAM**

26 NEW SECTION. **Sec. 201.** The secretary of state shall establish a  
27 competitive local government grant program to solicit and prioritize  
28 project proposals from county election offices. Potential projects  
29 proposals must be new projects designed to help the county election  
30 office comply with the requirements of the Help America Vote Act (P.L.  
31 107-252). Grant funds will not be allocated to fund existing statutory  
32 functions of local elections offices, and in order to be eligible for  
33 a grant, local election offices must maintain an elections budget at or  
34 above the local elections budget by the effective date of this section.



1        NEW SECTION.    **Sec. 202.**    The secretary of state will administer the  
2 grant program and disburse funds from the election account established  
3 in the state treasury by the legislature in chapter 48, Laws of 2003.  
4 Only grant proposals from local government election offices will be  
5 reviewed.    The secretary of state and any local government grant  
6 recipient shall enter into an agreement outlining the terms of the  
7 grant and a payment schedule.    The payment schedule may allow the  
8 secretary of state to make payments directly to vendors contracted by  
9 the local government election office from Help America Vote Act (P.L.  
10 107-252) funds.    The secretary of state shall adopt any rules necessary  
11 to facilitate this section.

12        NEW SECTION.    **Sec. 203.**    (1) The secretary of state shall create an  
13 advisory committee and adopt rules governing project eligibility,  
14 evaluation, awarding of grants, and other criteria for administering  
15 the local government grant program, which may include a preference for  
16 grants that include a match of local funds.

17        (2) The advisory committee shall review grant proposals and  
18 establish a prioritized list of projects to be considered for funding  
19 by the third Tuesday in May of each year beginning in 2004 and  
20 continuing as long as funds in the election account established by  
21 chapter 48, Laws of 2003 are available.    The grant award may have an  
22 effective date other than the date the project is placed on the  
23 prioritized list, including money spent previously by the county that  
24 would qualify for reimbursement under the Help America Vote Act (P.L.  
25 107-252).

26        (3) Examples of projects that would be eligible for local  
27 government grant funding include, but are not limited to the following:

28        (a) Replacement or upgrade of voting equipment, including the  
29 replacement of punchcard voting systems;

30        (b) Purchase of additional voting equipment, including the purchase  
31 of equipment to meet the disability requirements of the Help America  
32 Vote Act (P.L. 107-252);

33        (c) Purchase of new election management system hardware and  
34 software capable of integrating with the statewide voter registration  
35 system required by the Help America Vote Act (P.L. 107-252);

- 1 (d) Development and production of poll worker recruitment and
- 2 training materials;
- 3 (e) Voter education programs;
- 4 (f) Publication of a local voters pamphlet;
- 5 (g) Toll-free access system to provide notice of the outcome of
- 6 provisional ballots; and
- 7 (h) Training for local election officials.

8 **PART III**

9 **DISABILITY ACCESS VOTING**

10 NEW SECTION. **Sec. 301.** "Disability access voting location" means

11 a location designated by the county auditor for the conduct of in-

12 person disability access voting.

13 NEW SECTION. **Sec. 302.** "Disability access voting period" means

14 the period of time starting twenty days before an election until one

15 day before the election.

16 NEW SECTION. **Sec. 303.** "In-person disability access voting" means

17 a procedure in which a voter may come in person to a disability access

18 location and cast a ballot during the disability access voting period.

19 NEW SECTION. **Sec. 304.** At the discretion of the county auditor,

20 in-person disability access voting may take place during the period

21 starting twenty days before the day of a primary or election and ending

22 the day before the election. The auditor shall maintain a system or

23 systems to prevent multiple voting. The end of the disability access

24 voting period in each county will be determined by the auditor's need

25 and ability to print and distribute poll books to the polls in order to

26 prevent multiple voting.

27 NEW SECTION. **Sec. 305.** The county auditor has sole discretion for

28 determining locations within the county and operating hours for

29 disability access voting locations.

1        NEW SECTION.    **Sec. 306.**    In-person disability access voting must be  
2        conducted using disability access voting devices at locations that are  
3        acceptable and comply with federal and state access requirements.

4        NEW SECTION.    **Sec. 307.**    No person may interfere with a voter in  
5        any way within the disability access voting location.    This does not  
6        prevent the voter from receiving assistance in preparing his or her  
7        ballot as provided in this chapter.

8        NEW SECTION.    **Sec. 308.**    (1) During posted disability access voting  
9        hours, no person may, within the voting location, or in any public area  
10       within three hundred feet of an entrance to the voting location:

11       (a) Suggest or persuade or attempt to suggest or persuade a voter  
12       to vote for or against a candidate or ballot measure;

13       (b) Circulate cards or handbills of any kind;

14       (c) Solicit signatures to any kind of petition; or

15       (d) Engage in a practice that interferes with the freedom of voters  
16       to exercise their franchise or disrupts the administration of the early  
17       voting location.

18       (2) No person may obstruct the doors or entries to a building  
19       containing the voting location or prevent free access to and from the  
20       voting location.    Any sheriff, deputy sheriff, or municipal law  
21       enforcement officer shall prevent the obstruction, and may arrest a  
22       person creating such an obstruction.

23       (3) No person may:

24       (a) Except as provided in RCW 29A.44.050, remove a ballot from the  
25       disability access voting location before the closing of the polls; or

26       (b) Solicit a voter to show his or her ballot.

27       (4) No person other than a voting election official may receive  
28       from a voter a voted ballot or deliver a blank ballot to the voter.

29       (5) A violation of this section is a gross misdemeanor, punishable  
30       to the same extent as a gross misdemeanor that is punishable under RCW  
31       9A.20.021, and the person convicted may be ordered to pay the costs of  
32       prosecution.

33       NEW SECTION.    **Sec. 309.**    A disability access voting election

1 officer who does any electioneering during the voting period is guilty  
2 of a misdemeanor, and upon conviction must be fined a sum not exceeding  
3 one hundred dollars and pay the costs of prosecution.

4 NEW SECTION. **Sec. 310.** A voter desiring to vote at a disability  
5 access voting site shall give his or her name to the voting election  
6 officer who has the precinct list of registered voters. This officer  
7 shall announce the name to the election officer who has the copy of the  
8 list of voters. If the right of this voter to participate in the  
9 primary or election is not challenged, the voter must be issued a  
10 ballot or permitted to enter a voting booth and operate a voting  
11 device. The number of the ballot or the voter must be recorded by the  
12 election officers. If the right of the voter to participate is  
13 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

14 NEW SECTION. **Sec. 311.** Disability access voting locations must  
15 remain open continuously until the time specified in the notice of  
16 disability access voting. At the time of closing, the election  
17 officers shall announce that the disability access voting location is  
18 closed.

19 NEW SECTION. **Sec. 312.** If at the time of closing the disability  
20 access voting location, there are voters in the location who have not  
21 voted, they must be allowed to vote after the location has been closed.

22 NEW SECTION. **Sec. 313.** Immediately after the daily close of the  
23 disability access voting location and the completion of voting, the  
24 election officers shall count the number of votes cast and make a  
25 record of any discrepancy between this number and the number of voters  
26 who signed the poll book for that day, complete the certifications in  
27 the poll book, prepare the ballots for transfer to the counting center  
28 if necessary, and seal the voting devices.

29 NEW SECTION. **Sec. 314.** (1) At the direction of the county  
30 auditor, a team or teams composed of a representative of at least two  
31 major political parties shall stop at disability access voting  
32 locations and pick up the sealed containers of ballots or electronic

1 ballot media for delivery to the counting center. This process must  
2 occur daily at the closing hour for the voting location. Two election  
3 officials, representing two major political parties, shall seal the  
4 containers furnished by the county auditor and properly identified with  
5 his or her address with uniquely prenumbered seals.

6 (2) At the counting center or the collection stations where the  
7 sealed ballot containers are delivered by the designated  
8 representatives of the major political parties, the county auditor or  
9 a designated representative of the county auditor shall receive the  
10 sealed ballot containers, record the time, date, voting location, and  
11 seal number of each ballot container.

12 **Sec. 315.** RCW 29A.16.010 and 2003 c 111 s 401 are each amended to  
13 read as follows:

14 The intent of this chapter is to require state and local election  
15 officials to designate and use polling places and disability access  
16 voting locations in all elections and permanent registration locations  
17 which are accessible to elderly and disabled persons. County auditors  
18 shall:

19 (1) Make modifications such as installation of temporary ramps or  
20 relocation of polling places within buildings, where appropriate;

21 (2) Designate new, accessible polling places to replace those that  
22 are inaccessible; and

23 (3) Continue to use polling places and voter registration locations  
24 which are accessible to elderly and disabled persons.

25 **Sec. 316.** RCW 29A.16.130 and 2003 c 111 s 409 are each amended to  
26 read as follows:

27 Each state agency and entity of local government shall permit the  
28 use of any of its buildings and the most suitable locations therein as  
29 polling places or disability access voting locations when required by  
30 a county auditor to provide accessible places in each precinct.

31 **Sec. 317.** RCW 29A.44.030 and 2003 c 111 s 1103 are each amended to  
32 read as follows:

33 Any voter may take into the voting booth or voting device any  
34 printed or written material to assist in casting his or her vote. The

1 voter shall not use this material to electioneer and shall remove the  
2 material when he or she leaves the polls or the disability access  
3 voting location.

4 **Sec. 318.** RCW 29A.44.040 and 2003 c 111 s 1104 are each amended to  
5 read as follows:

6 No ballots may be used in any polling place or disability access  
7 voting location other than those prepared by the county auditor. No  
8 voter is entitled to vote more than once at a primary or a general or  
9 special election, except that if a voter incorrectly marks a ballot, he  
10 or she may return it and be issued a new ballot. The precinct election  
11 officers shall void the incorrectly marked ballot and return it to the  
12 county auditor.

13 **Sec. 319.** RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to  
14 read as follows:

15 On signing the precinct list of registered voters or being issued  
16 a ballot, the voter shall, without leaving the polling place or  
17 disability access location, proceed to one of the voting booths or  
18 voting devices to cast his or her vote. When county election  
19 procedures so provide, the election officers may tear off and retain  
20 the numbered stub from the ballot before delivering the ballot to the  
21 voter. If an election officer has not already done so, when the voter  
22 has finished, he or she shall either (1) remove the numbered stub from  
23 the ballot, place the ballot in the ballot box, and return the number  
24 to the ((precinct)) election officers, or (2) deliver the entire ballot  
25 to the ((precinct)) election officers, who shall remove the numbered  
26 stub from the ballot and place the ballot in the ballot box. If poll-  
27 site ballot counting devices are used, the voter shall put the ballot  
28 in the device.

29 **Sec. 320.** RCW 29A.44.350 and 2003 c 111 s 1133 are each amended to  
30 read as follows:

31 If a poll-site ballot counting device fails to operate at any time  
32 during polling hours or disability access voting hours, voting must  
33 continue, and the ballots must be deposited for later tabulation in a  
34 secure ballot compartment separate from the tabulated ballots.



1 (1) The total combination of mechanical, electromechanical, or  
2 electronic equipment including, but not limited to, the software,  
3 firmware, and documentation required to program, control, and support  
4 the equipment, that is used:

5 (a) To define ballots;

6 (b) To cast and count votes;

7 (c) To report or display election results from the voting system;

8 (d) To maintain and produce any audit trail information; and

9 (2) The practices and associated documentation used:

10 (a) To identify system components and versions of such components;

11 (b) To test the system during its development and maintenance;

12 (c) To maintain records of system errors and defects;

13 (d) To determine specific system changes to be made to a system  
14 after the initial qualification of the system; and

15 (e) To make available any materials to the voter such as notices,  
16 instructions, forms, or paper ballots.

## 17 PART VII

### 18 CONFORMING AMENDMENTS, REPEALERS, AND EFFECTIVE DATES

19 **Sec. 701.** RCW 29.33.305 and 2003 c 110 s 1 are each amended to  
20 read as follows:

21 ~~(1) ((The secretary of state shall adopt rules and establish  
22 standards for voting technology and systems used by the state or any  
23 political subdivision to be accessible for individuals with  
24 disabilities, including nonvisual accessibility for the blind and  
25 visually impaired, in a manner that provides the same opportunity for  
26 access and participation, including privacy and independence, as other  
27 voters.~~

28 ~~(2))~~ At each polling location, at least one voting unit certified  
29 by the secretary of state shall provide access to individuals who are  
30 blind or visually impaired.

31 ~~((3))~~ (2) Compliance with this provision in regard to voting  
32 technology and systems purchased prior to July 27, 2003, shall be  
33 achieved at the time of procurement of an upgrade of technology  
34 compatible with nonvisual voting methods or replacement of existing  
35 voting equipment or systems.



1       (~~(4)~~) (3) Compliance with subsection(~~(s)~~) (2) (~~(and-3)~~) of this  
2 section is contingent on available funds to implement this provision.

3       (~~(5)~~) (4) For purposes of this section, the following definitions  
4 apply:

5       (a) "Accessible" includes receiving, using, selecting, and  
6 manipulating voter data and controls.

7       (b) "Nonvisual" includes synthesized speech, Braille, and other  
8 output methods.

9       (c) "Blind and visually impaired" excludes persons who are both  
10 deaf and blind.

11       (~~(6)~~) (5) This section does not apply to voting by absentee  
12 ballot.

13       **Sec. 702.** RCW 29A.04.610 and 2003 c 111 s 161 are each amended to  
14 read as follows:

15       The secretary of state as chief election officer shall make  
16 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
17 with the federal and state election laws to effectuate any provision of  
18 this title and to facilitate the execution of its provisions in an  
19 orderly, timely, and uniform manner relating to any federal, state,  
20 county, city, town, and district elections. To that end the secretary  
21 shall assist local election officers by devising uniform forms and  
22 procedures.

23       In addition to the rule-making authority granted otherwise by this  
24 section, the secretary of state shall make rules governing the  
25 following provisions:

26       (1) The maintenance of voter registration records;

27       (2) The preparation, maintenance, distribution, review, and filing  
28 of precinct maps;

29       (3) Standards for the design, layout, and production of ballots;

30       (4) The examination and testing of voting systems for  
31 certification;

32       (5) The source and scope of independent evaluations of voting  
33 systems that may be relied upon in certifying voting systems for use in  
34 this state;

35       (6) Standards and procedures for the acceptance testing of voting  
36 systems by counties;

- 1 (7) Standards and procedures for testing the programming of vote  
2 tallying software for specific primaries and elections;
- 3 (8) Standards and procedures for the preparation and use of each  
4 type of certified voting system including procedures for the operation  
5 of counting centers where vote tallying systems are used;
- 6 (9) Standards and procedures to ensure the accurate tabulation and  
7 canvassing of ballots;
- 8 (10) Consistency among the counties of the state in the preparation  
9 of ballots, the operation of vote tallying systems, and the canvassing  
10 of primaries and elections;
- 11 (11) Procedures to ensure the secrecy of a voter's ballot when a  
12 small number of ballots are counted at the polls or at a counting  
13 center;
- 14 (12) The use of substitute devices or means of voting when a voting  
15 device at the polling place is found to be defective, the counting of  
16 votes cast on the defective device, the counting of votes cast on the  
17 substitute device, and the documentation that must be submitted to the  
18 county auditor regarding such circumstances;
- 19 (13) Procedures for the transportation of sealed containers of  
20 voted ballots or sealed voting devices;
- 21 (14) The acceptance and filing of documents via electronic  
22 facsimile;
- 23 (15) Voter registration applications and records;
- 24 (16) The use of voter registration information in the conduct of  
25 elections;
- 26 (17) The coordination, delivery, and processing of voter  
27 registration records accepted by driver licensing agents or the  
28 department of licensing;
- 29 (18) The coordination, delivery, and processing of voter  
30 registration records accepted by agencies designated by the governor to  
31 provide voter registration services;
- 32 (19) Procedures to receive and distribute voter registration  
33 applications by mail;
- 34 (20) Procedures for a voter to change his or her voter registration  
35 address within a county by telephone;
- 36 (21) Procedures for a voter to change the name under which he or  
37 she is registered to vote;

- 1 (22) Procedures for canceling dual voter registration records and  
2 for maintaining records of persons whose voter registrations have been  
3 canceled;
- 4 (23) Procedures for the electronic transfer of voter registration  
5 records between county auditors and the office of the secretary of  
6 state;
- 7 (24) Procedures and forms for declarations of candidacy;
- 8 (25) Procedures and requirements for the acceptance and filing of  
9 declarations of candidacy by electronic means;
- 10 (26) Procedures for the circumstance in which two or more  
11 candidates have a name similar in sound or spelling so as to cause  
12 confusion for the voter;
- 13 (27) Filing for office;
- 14 (28) The order of positions and offices on a ballot;
- 15 (29) Sample ballots;
- 16 (30) Independent evaluations of voting systems;
- 17 (31) The testing, approval, and certification of voting systems;
- 18 (32) The testing of vote tallying software programming;
- 19 (33) Standards and procedures to prevent fraud and to facilitate  
20 the accurate processing and canvassing of absentee ballots and mail  
21 ballots;
- 22 (34) Standards and procedures to guarantee the secrecy of absentee  
23 ballots and mail ballots;
- 24 (35) Uniformity among the counties of the state in the conduct of  
25 absentee voting and mail ballot elections;
- 26 (36) Standards and procedures to accommodate out-of-state voters,  
27 overseas voters, and service voters;
- 28 (37) The tabulation of paper ballots before the close of the polls;
- 29 (38) The accessibility of polling places and registration  
30 facilities that are accessible to elderly and disabled persons;
- 31 (39) The aggregation of precinct results if reporting the results  
32 of a single precinct could jeopardize the secrecy of a person's ballot;
- 33 (40) Procedures for conducting a statutory recount;
- 34 (41) Procedures for filling vacancies in congressional offices if  
35 the general statutory time requirements for availability of absentee  
36 ballots, certification, canvassing, and related procedures cannot be  
37 met;

1 (42) Procedures for the statistical sampling of signatures for  
2 purposes of verifying and canvassing signatures on initiative,  
3 referendum, and recall election petitions;

4 (43) Standards and deadlines for submitting material to the office  
5 of the secretary of state for the voters' pamphlet;

6 (44) Deadlines for the filing of ballot titles for referendum bills  
7 and constitutional amendments if none have been provided by the  
8 legislature;

9 (45) Procedures for the publication of a state voters' pamphlet;  
10 (~~and~~)

11 (46) Procedures for conducting special elections regarding nuclear  
12 waste sites if the general statutory time requirements for availability  
13 of absentee ballots, certification, canvassing, and related procedures  
14 cannot be met;

15 (47) Standards and procedures for the proper conduct of voting  
16 during the early voting period to provide accessability for the blind  
17 or visually impaired;

18 (48) Standards for voting technology and systems used by the state  
19 or any political subdivision to be accessible for individuals with  
20 disabilities, including nonvisual accessibility for the blind and  
21 visually impaired, in a manner that provides the same opportunity for  
22 access and participation, including privacy and independence, as other  
23 voters;

24 (49) All data formats for transferring voter registration data on  
25 electronic or machine-readable media for the purpose of administering  
26 the statewide voter registration list required by the Help America Vote  
27 Act (P.L. 107-252);

28 (50) Defining the interaction of electronic voter registration  
29 election management systems employed by each county auditor to maintain  
30 a local copy of each county's portion of the official state list of  
31 registered voters;

32 (51) Provisions and procedures to implement the state based  
33 administrative complaint procedure as required by the Help America Vote  
34 Act (P.L. 107-252); and

35 (52) Facilitating the payment of local government grants to local  
36 government election officers or vendors.

1        NEW SECTION.    **Sec. 703.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 29A.04.181 (Voting system, device, tallying system) and  
4 2003 c 111 s 131;

5        (2) RCW 29A.08.530 (Weekly report of cancellations and name  
6 changes) and 2003 c 111 s 234, 1999 c 298 s 8, 1994 c 57 s 43, 1971  
7 ex.s. c 202 s 31, & 1965 c 9 s 29.10.100;

8        (3) RCW 29A.08.645 (Electronic file format) and 2003 c 111 s 244 &  
9 1999 c 100 s 5; and

10       (4) RCW 29A.08.650 (Voter registration data base) and 2003 c 111 s  
11 245 & 2002 c 21 s 2.

12       NEW SECTION.    **Sec. 704.**    RCW 29A.08.750 (Computer file of  
13 registered voters--County records to secretary of state--Reimbursement)  
14 and 2003 c 111 s 250 are each repealed.

15       NEW SECTION.    **Sec. 705.**    (1) Sections 101, 106, 125, 136, 137, and  
16 140 of this act are each added to chapter 29A.08 RCW.

17       (2) Sections 201 through 203, 401, and 501 of this act are each  
18 added to chapter 29A.04 RCW.

19       (3) Sections 138 and 309 of this act are each added to chapter  
20 29A.84 RCW.

21       (4) Sections 321 and 601 of this act are each added to chapter  
22 29A.12 RCW.

23       NEW SECTION.    **Sec. 706.**    Sections 301 through 308 and 310 through  
24 314 of this act constitute a new chapter in Title 29A RCW.

25       NEW SECTION.    **Sec. 707.**    (1) Sections 103, 104, and 115 through 118  
26 of this act are necessary for the immediate preservation of the public  
27 peace, health, or safety, or support of the state government and its  
28 existing public institutions, and take effect immediately.

29       (2) Sections 119, 140, 201 through 203, 321, 401, 501, and 702 of  
30 this act take effect July 1, 2004.

31       (3) Sections 301 through 320 of this act take effect January 1,  
32 2005.

1           (4) Sections 101, 102, 105 through 114, 120 through 139, 601, 701,  
2 and 704 of this act take effect January 1, 2006.

3           NEW SECTION. **Sec. 708.** Part headings used in this act are not any  
4 part of the law."

5           Correct the title.

EFFECT: Moves the ISB consultation requirement from section 702,  
the rule-making authority section of the secretary, into separate  
sections of the act, sections 140 and 321. Makes citations and  
effective dates consistent internally.

--- END ---