
SENATE BILL 6419

State of Washington

58th Legislature

2004 Regular Session

By Senators Roach, Kastama, McAuliffe, Oke and Winsley; by request of Secretary of State

Read first time 01/20/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to elections; amending RCW 29A.08.010, 29A.08.020,
2 29A.08.030, 29A.08.105, 29A.08.110, 29A.08.115, 29A.08.120, 29A.08.125,
3 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.155, 29A.08.220, 29A.08.240,
4 29A.08.250, 29A.08.260, 29A.08.320, 29A.08.350, 29A.08.360, 29A.08.420,
5 29A.08.430, 29A.08.510, 29A.08.520, 29A.08.540, 29A.08.605, 29A.08.610,
6 29A.08.620, 29A.08.630, 29A.08.640, 29A.08.710, 29A.08.760, 29A.08.770,
7 29A.16.010, 29A.16.130, 29A.44.030, 29A.44.040, 29A.44.220, 29A.44.350,
8 29.33.305, and 29A.04.610; adding new sections to chapter 29A.08 RCW;
9 adding new sections to chapter 29A.04 RCW; adding new sections to
10 chapter 29.01 RCW; adding a new section to chapter 29A.12 RCW; adding
11 a new chapter to Title 29A RCW; creating a new section; repealing RCW
12 29A.04.181, 29A.08.530, 29A.08.645, 29A.08.650, and 29A.08.750;
13 providing effective dates; providing an expiration date; and declaring
14 an emergency.

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

16 **PART I**
17 **STATEWIDE VOTER REGISTRATION DATA BASE**

1 **Sec. 101.** RCW 29A.08.010 and 2003 c 111 s 201 are each amended to
2 read as follows:

3 As used in this chapter: "Information required for voter
4 registration" means the minimum information provided on a voter
5 registration application that is required by the county auditor in
6 order to place a voter registration applicant on the voter registration
7 rolls. This information includes the applicant's name, complete
8 residence address, date of birth, ~~((and))~~ Washington state driver's
9 license number or the last four digits of the applicant's social
10 security number, a signature attesting to the truth of the information
11 provided on the application, and a check or indication in the box
12 confirming the individual is a United States citizen. If the
13 individual does not have a driver's license or social security number
14 the registrant must be issued a unique voter registration number and
15 placed on the voter registration rolls. All other information supplied
16 is ancillary and not to be used as grounds for not registering an
17 applicant to vote. Modification of the official Washington state voter
18 registration form by the voter will not be accepted and will cause the
19 rejection of the registrant's application.

20 **Sec. 102.** RCW 29A.08.020 and 2003 c 111 s 204 are each amended to
21 read as follows:

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

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

27 (2) For voter registration applicants, "date of mailing" means the
28 date of the postal cancellation on the voter registration application.
29 This date will also be used as the date of application for the purpose
30 of meeting the registration cutoff deadline. If the postal
31 cancellation date is illegible then the date of receipt by the
32 elections official is considered the date of application. If an
33 application is received by the elections official by the close of
34 business on the fifth day after the cutoff date for voter registration
35 and the postal cancellation date is illegible, the application will be
36 considered to have arrived by the cutoff date for voter registration.

1 **Sec. 103.** RCW 29A.08.030 and 2003 c 111 s 203 are each amended to
2 read as follows:

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

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

9 (2) "Acknowledgement notice" means a notice sent by nonforwardable
10 mail by the county auditor or secretary of state to a registered voter
11 to acknowledge a voter registration transaction, which can include
12 initial registration, transfer, or reactivation of an inactive
13 registration. An acknowledgement notice may be a voter registration
14 card.

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

22 **Sec. 104.** RCW 29A.08.105 and 2003 c 111 s 205 are each amended to
23 read as follows:

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

28 (2) In all counties, the county auditor shall be the chief
29 registrar of voters for every precinct within the county. The auditor
30 may appoint registration assistants to assist in registering persons
31 residing in the county. Each registration assistant holds office at
32 the pleasure of the county auditor (~~(and must be a registered voter)~~).

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

35 (3) The county auditor shall ensure that mail-in voter registration
36 application forms are readily available to the public at locations to

1 include but not limited to the elections office, and all common
2 schools, fire stations, and public libraries.

3 NEW SECTION. **Sec. 105.** (1) The secretary of state must review the
4 information provided by each voter registration applicant to ensure
5 that either the driver's license number or the last four digits of the
6 social security number match the information maintained by the
7 Washington department of licensing or the social security
8 administration. If a match cannot be made the secretary of state must
9 correspond with the applicant to resolve the discrepancy.

10 (2) If the applicant fails to respond to any correspondence
11 required in this section to confirm information provided on a voter
12 registration application, within thirty days the secretary of state
13 shall forward the application to the appropriate county auditor for
14 document storage.

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

22 **Sec. 106.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to
23 read as follows:

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

1 the county voter list. If the applicant provides the required
2 information, the applicant shall be registered to vote as of the date
3 of mailing of the original voter registration application.

4 (2) In order to prevent duplicate registration records, all
5 complete voter registration applications must be screened against
6 existing voter registration records in the official statewide voter
7 registration list. If a match of an existing record is found in the
8 official list the record must be updated with the new information
9 provided on the application. If the new information indicates that the
10 voter has changed his or her county of residence, the application must
11 be forwarded to the voter's new county of residence for processing. If
12 the new information indicates that the voter remains in the same county
13 of residence or if the applicant is a new voter the application must be
14 processed by the county of residence.

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

1 ~~((3))~~ (4) If an acknowledgement notice card is properly mailed as
2 required by this section to the address listed by the voter as being
3 the voter's mailing address and the notice is subsequently returned to
4 the auditor by the postal service as being undeliverable to the voter
5 at that address, the auditor shall promptly send the voter a
6 confirmation notice. The auditor shall place the voter's registration
7 on inactive status pending a response from the voter to the
8 confirmation notice.

9 **Sec. 107.** RCW 29A.08.115 and 2003 c 111 s 207 are each amended to
10 read as follows:

11 ~~((Every registration assistant shall keep registration supplies at
12 his or her usual place of residence or usual place of business.))~~ A
13 person or organization collecting voter registration application forms
14 must transmit the forms to the secretary of state or a designee at
15 least once weekly.

16 **Sec. 108.** RCW 29A.08.120 and 2003 c 111 s 208 are each amended to
17 read as follows:

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

20 **Sec. 109.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
21 read as follows:

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

1 **Sec. 110.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to
2 read as follows:

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

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

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

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

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

1 she may register and vote by absentee ballot for that primary or
2 election under RCW 29A.08.145.

3 **Sec. 112.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to
4 read as follows:

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

21 **Sec. 113.** RCW 29A.08.155 and 2003 c 111 s 215 are each amended to
22 read as follows:

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

32 **Sec. 114.** RCW 29A.08.220 and 2003 c 111 s 217 are each amended to
33 read as follows:

34 (1) The secretary of state shall specify by rule the format of all
35 voter registration applications. These applications shall be

1 compatible with existing voter registration records. An applicant for
2 voter registration shall be required to complete only one application
3 and to provide the required information other than his or her signature
4 no more than one time. These applications shall also contain
5 information for the voter to transfer his or her registration.

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

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

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

17 ~~((4) The secretary of state shall produce and distribute any
18 instructional material and other supplies needed to implement RCW
19 29A.08.340 and 46.20.155.~~

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

26 **Sec. 115.** RCW 29A.08.240 and 2003 c 111 s 219 are each amended to
27 read as follows:

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

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

1 **Sec. 116.** 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. 117.** 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 for extending registration opportunities to all areas of the
26 county. After the initial distribution of voter registration forms to
27 a given location, a representative designated by the official in charge
28 of that location shall notify the county auditor of the need for
29 additional voter registration supplies.

30 **Sec. 118.** 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. 119.** 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
37 to vote and produce a file of voter registration transactions for each

1 county. The records of each county may be transmitted on or through
2 whatever medium the county auditor determines will best facilitate the
3 incorporation of these records into the existing voter registration
4 files of that county.

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

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

21 **Sec. 120.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to
22 read as follows:

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

33 (2) The secretary of state shall forward this information to the
34 appropriate county each week. When the information indicates that the
35 voter has moved (~~within the county~~), the county auditor shall use the
36 change of address information to transfer the voter's registration and
37 send the voter an acknowledgement notice of the transfer. (~~If the~~

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

6 **Sec. 121.** RCW 29A.08.420 and 2003 c 111 s 229 are each amended to
7 read as follows:

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

20 **Sec. 122.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to
21 read as follows:

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

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

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

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

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

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

5 **Sec. 123.** RCW 29A.08.510 and 2003 c 111 s 232 are each amended to
6 read as follows:

7 In addition to case-by-case maintenance under RCW 29A.08.620 and
8 29A.08.630 and the general program of maintenance of voter registration
9 lists under RCW 29A.08.605, deceased voters will be canceled from voter
10 registration lists as follows:

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

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

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

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

34 **Sec. 124.** RCW 29A.08.520 and 2003 c 111 s 233 are each amended to
35 read as follows:

36 Upon receiving official notice of a person's conviction of a felony

1 in either state or federal court, if the convicted person is a
2 registered voter in the county, the county auditor shall cancel the
3 defendant's voter registration. Additionally, the secretary of state
4 in conjunction with the department of corrections shall arrange for a
5 periodic comparison of a list of known felons with the statewide voter
6 registration list. If a person is found on the department of
7 corrections felon list and the statewide voter registration list, the
8 secretary of state or county auditor shall confirm the match through a
9 date of birth comparison and cancel the voter registration from the
10 official state voter registration list.

11 **Sec. 125.** RCW 29A.08.540 and 2003 c 111 s 235 are each amended to
12 read as follows:

13 Every (~~county auditor shall carefully preserve in a separate file~~
14 ~~or list the~~) registration records of persons whose voter registrations
15 have been canceled as authorized under this title(~~. The files or~~
16 ~~lists~~) shall be (~~kept~~) preserved in the manner prescribed by rule by
17 the secretary of state. Information from such canceled registration
18 records is available for public inspection and copying to the same
19 extent established by RCW 29A.08.710 for other voter registration
20 information.

21 The (~~county auditor may destroy the~~) voter registration
22 information and records of any person whose voter registration has been
23 canceled for a period of two years or more may be destroyed.

24 **Sec. 126.** RCW 29A.08.605 and 2003 c 111 s 236 are each amended to
25 read as follows:

26 In addition to the case-by-case maintenance required under RCW
27 29A.08.620 and 29A.08.630 and the canceling of registrations under RCW
28 29A.08.510, the secretary of state and the county auditor shall
29 cooperatively establish a general program of voter registration list
30 maintenance. This program must be a thorough review that is applied
31 uniformly throughout the county and must be nondiscriminatory in its
32 application. Any program established must be completed at least once
33 every two years and not later than ninety days before the date of a
34 primary or general election for federal office. (~~The county may~~
35 ~~fulfill its obligations under this section~~) This obligation may be
36 fulfilled in one of the following ways:

1 (1) The (~~county auditor~~) secretary of state may enter into one or
2 more contracts with the United States postal service, or its licensee,
3 which permit the (~~auditor to~~) use of postal service change-of-address
4 information. If the (~~auditor receives~~) change of address information
5 is received from the United States postal service that indicates that
6 a voter has changed his or her residence address within the (~~county~~)
7 state, the auditor shall transfer the registration of that voter and
8 send a confirmation notice informing the voter of the transfer to the
9 new address(~~. If the auditor receives postal change of address~~
10 ~~information indicating that the voter has moved out of the county, the~~
11 ~~auditor shall send a confirmation notice to the voter and advise the~~
12 ~~voter of the need to reregister in the new county. The auditor shall~~
13 ~~place the voter's registration on inactive status~~);

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

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

21 **Sec. 127.** RCW 29A.08.610 and 2003 c 111 s 237 are each amended to
22 read as follows:

23 In addition to the case-by-case cancellation procedure required in
24 RCW 29A.08.420, (~~the county auditor, in conjunction with the office~~
25 ~~of~~) the secretary of state, shall (~~participate in an annual~~) conduct
26 a list maintenance program designed to detect persons registered in
27 more than one county or voting in more than one county in an election.
28 This program must be applied uniformly throughout the (~~county~~) state
29 and must be nondiscriminatory in its application. The program must be
30 completed not later than thirty days before the date of a primary or
31 general election.

32 The office of the secretary of state shall (~~cause to be created a~~
33 ~~list of~~) search the statewide voter registration list to find
34 registered voters with the same date of birth and similar names (~~who~~
35 ~~appear on two or more county lists of registered voters~~). The
36 (~~office of the~~) secretary of state shall (~~forward this list to each~~
37 ~~county auditor so that they may properly cancel the previous~~

1 registration of voters who have subsequently registered in a different
2 county. The county auditor of the county where the previous
3 registration was made shall cancel the registration of the voter if it
4 appears that the signatures in the registration and the signature
5 provided to the new county on the voter's new registration were made by
6 the same person)) compare the signatures on each voter registration
7 record and after confirming that a duplicate registration exists
8 properly resolve the duplication.

9 If a voter is suspected of voting in two or more counties in an
10 election, the county auditors in each county shall cooperate without
11 delay to determine the voter's county of residence. The county auditor
12 of the county of residence of the voter suspected of voting in two or
13 more counties shall take action under RCW 29A.84.010 without delay.

14 **Sec. 128.** RCW 29A.08.620 and 2003 c 111 s 239 are each amended to
15 read as follows:

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

- 20 (a) An acknowledgement of registration;
- 21 (b) An acknowledgement of transfer to a new address;
- 22 (c) A vote-by-mail ballot, absentee ballot, or application for a
23 ballot;
- 24 (d) Notification to a voter after precinct reassignment;
- 25 (e) Notification to serve on jury duty; or
- 26 (f) Any other document other than a confirmation notice, required
27 by statute, to be mailed by the county auditor to the voter.

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

30 (a) Whenever change of address information received from the
31 department of licensing under RCW 29A.08.350, or by any other agency
32 designated to provide voter registration services under RCW
33 ((29.07.420)) 29A.08.310, indicates that the voter has moved to an
34 address outside the ((county)) state; or

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

1 **Sec. 129.** RCW 29A.08.630 and 2003 c 111 s 241 are each amended to
2 read as follows:

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

17 **Sec. 130.** RCW 29A.08.640 and 2003 c 111 s 243 are each amended to
18 read as follows:

19 If the response to the confirmation notice provides the county
20 auditor with the information indicating that the voter has moved within
21 the county, the auditor shall transfer the voter's registration. If
22 the response indicates a move out of a county, but within the state,
23 the auditor shall place the registration in inactive status for
24 transfer pending acceptance by the county indicated by the new address.
25 The auditor shall immediately notify the auditor of the county with the
26 new address. If the response indicates that the voter has left the
27 ((~~county~~)) state, the auditor shall cancel the voter's registration on
28 the official state voter registration list.

29 **Sec. 131.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to
30 read as follows:

31 (1) The county auditor shall have custody of the original voter
32 registration records for each county. The original voter registration
33 form must be filed without regard to precinct and is considered
34 confidential and unavailable for public inspection and copying. An
35 automated file of all registered voters must be maintained pursuant to
36 RCW 29A.08.125. An auditor may maintain the automated file in lieu of

1 filing or maintaining the original voter registration forms if the
2 automated file includes all of the information from the original voter
3 registration forms including, but not limited to, a retrievable
4 facsimile of each voter's signature.

5 (2) The following information contained in voter registration
6 records or files regarding a voter or a group of voters is available
7 for public inspection and copying: The voter's name, gender, voting
8 record, date of registration, and registration number. The address and
9 political jurisdiction of a registered voter are available for public
10 inspection and copying except as provided by chapter 40.24 RCW. No
11 other information from voter registration records or files is available
12 for public inspection or copying.

13 **Sec. 132.** RCW 29A.08.760 and 2003 c 111 s 251 are each amended to
14 read as follows:

15 (~~(As soon as any or all of the voter registration data from the~~
16 ~~counties has been received under RCW 29A.08.750 and processed, the~~
17 ~~secretary of state shall provide a duplicate copy of this data to the~~
18 ~~political party organization or other individual making the request, at~~
19 ~~cost, shall provide a duplicate copy of the master statewide computer~~
20 ~~tape or data file of registered voters to the statute law committee~~
21 ~~without cost, and)) The secretary of state shall provide a duplicate
22 copy of the master statewide computer ((~~tape~~)) file or electronic data
23 file of registered voters to the department of information services for
24 purposes of creating the jury source list without cost. Restrictions
25 as to the commercial use of the information on the statewide computer
26 tape or data file of registered voters, and penalties for its misuse,
27 shall be the same as provided in RCW 29A.08.730 and 29A.08.740.~~

28 **Sec. 133.** RCW 29A.08.770 and 2003 c 111 s 252 are each amended to
29 read as follows:

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

1 responded to the notices. These records must contain lists of all
2 persons removed from the list of eligible voters and the reasons why
3 the voters were removed.

4 NEW SECTION. **Sec. 134.** (1) The office of the secretary of state
5 shall create and maintain a statewide voter registration data base.
6 This data base must be a single, uniform, official, centralized,
7 interactive computerized statewide voter registration list defined,
8 maintained, and administered at the state level that contains the name
9 and registration information of every legally registered voter in the
10 state and assigns a unique identifier to each legally registered voter
11 in the state and includes the following:

12 (a) The computerized list serves as the single system for storing
13 and maintaining the official list of registered voters throughout the
14 state;

15 (b) The computerized list contains the name and registration
16 information of every legally registered voter in the state;

17 (c) Under the computerized list, a unique identifier assigned to
18 each legally registered voter in the state;

19 (d) The computerized list must be coordinated with other agency
20 data bases within the state;

21 (e) Any election official in the state, including any local
22 election official, may obtain immediate electronic access to the
23 information contained in the computerized list;

24 (f) All voter registration information obtained by any local
25 election official in the state must be electronically entered into the
26 computerized list on an expedited basis at the time the information is
27 provided to the local official;

28 (g) The chief state election official shall provide support, as may
29 be required, so that local election officials are able to enter
30 information as described in (b) of this subsection; and

31 (h) The computerized list serves as the official voter registration
32 list for the conduct of all elections.

33 (2) The secretary of state has data authority on all voter
34 registration data.

35 (3) The voter registration data base must be designed to accomplish
36 at a minimum, the following:

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

- 1 (b) Identify duplicate voter registrations;
2 (c) Identify suspected duplicate voters;
3 (d) Screen against the department of corrections data base to aid
4 in the cancellation of voter registration of felons;
5 (e) Provide up-to-date signatures of voters for the purposes of
6 initiative signature checking;
7 (f) Provide for a comparison between the voter registration data
8 base and the department of licensing change of address data base;
9 (g) Provide online access for county auditors with the goal of real
10 time duplicate checking and update capabilities; and
11 (h) Provide for the cancellation of voter registration for persons
12 who have moved to other states and surrendered their Washington state
13 drivers' licenses.

14 NEW SECTION. **Sec. 135.** Only voters who appear on the official
15 statewide voter registration list are eligible to participate in
16 elections. Each county shall maintain a copy of that county's portion
17 of the state list. The county must ensure that data used for the
18 production of poll lists and other lists and mailings done in the
19 administration of each election are drawn from the official statewide
20 voter registration list.

21 NEW SECTION. **Sec. 136.** Each county shall ensure complete freedom
22 of electronic access and information transfer between the county's
23 election management and voter registration system and the secretary of
24 state's official statewide voter registration list.

25 **PART II**
26 **LOCAL GOVERNMENT GRANT PROGRAM**

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

1 a grant, local election offices must maintain an elections budget at or
2 above the local elections budget by the effective date of this section.

3 NEW SECTION. **Sec. 202.** The secretary of state will administer the
4 grant program and disburse funds from the election account established
5 in the state treasury by the legislature in chapter 111, Laws of 2003.
6 Only grant proposals from local government election offices will be
7 reviewed. The secretary of state and any local government grant
8 recipient shall enter into an agreement outlining the terms of the
9 grant and a payment schedule. The payment schedule may allow the
10 secretary of state to make payments directly to vendors contracted by
11 the local government election office from Help America Vote Act (P.L.
12 107-252) funds. The secretary of state shall adopt any rules necessary
13 to facilitate this section.

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

19 (2) The advisory committee shall review grant proposals and
20 establish a prioritized list of projects to be considered for funding
21 by the third Tuesday in May of each year beginning in 2004 and
22 continuing as long as funds in the election account established by
23 chapter 48, Laws of 2003 are available. The grant award may have an
24 effective date other than the date the project is placed on the
25 prioritized list, including money spent previously by the county that
26 would qualify for reimbursement under the Help America Vote Act (P.L.
27 107-252).

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

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

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

35 (c) Purchase of new election management system hardware and

1 software capable of integrating with the statewide voter registration
2 system required by the Help America Vote Act (P.L. 107-252);

3 (d) Development and production of poll worker recruitment and
4 training materials;

5 (e) Voter education programs;

6 (f) Publication of a local voters pamphlet;

7 (g) Toll-free access system to provide notice of the outcome of
8 provisional ballots; and

9 (h) Training for local election officials.

10
11

PART III
DISABILITY ACCESS VOTING

12 NEW SECTION. **Sec. 301.** A new section is added to chapter 29.01
13 RCW to read as follows:

14 "Disability access voting location" means a location designated by
15 the county auditor for the conduct of in-person disability access
16 voting.

17 NEW SECTION. **Sec. 302.** A new section is added to chapter 29.01
18 RCW to read as follows:

19 "Disability access voting period" means the period of time starting
20 twenty days before an election until one day before the election.

21 NEW SECTION. **Sec. 303.** A new section is added to chapter 29.01
22 RCW to read as follows:

23 "In-person disability access voting" means a procedure in which a
24 voter may come in person to a disability access location and cast a
25 ballot during the disability access voting period.

26 NEW SECTION. **Sec. 304.** At the discretion of the county auditor,
27 in-person disability access voting may take place during the period
28 starting twenty days before the day of a primary or election and ending
29 the day before the election. The auditor shall maintain a system or
30 systems to prevent multiple voting. The end of the disability access
31 voting period in each county will be determined by the auditor's need
32 and ability to print and distribute poll books to the polls in order to
33 prevent multiple voting.

1 NEW SECTION. **Sec. 305.** The county auditor has sole discretion for
2 determining locations within the county and operating hours for
3 disability access voting locations.

4 NEW SECTION. **Sec. 306.** In-person disability access voting must be
5 conducted using disability access voting devices.

6 NEW SECTION. **Sec. 307.** The secretary of state shall adopt rules
7 and procedures to insure the proper conduct of voting at all early
8 voting locations. These rules must include:

9 (1) Methods for preventing double voting, protection of voting
10 information, vote accountability, tabulation, and all other related
11 processes and procedures;

12 (2) Provisional and special voting procedures;

13 (3) Advertising and notification to voters of disability and access
14 voting locations;

15 (4) Methodology for locating and determining proper locations,
16 including disabled access, security, geographic disbursement, and equal
17 opportunity for all county voters.

18 NEW SECTION. **Sec. 308.** No person may interfere with a voter in
19 any way within the disability access voting location. This does not
20 prevent the voter from receiving assistance in preparing his or her
21 ballot as provided in this chapter.

22 NEW SECTION. **Sec. 309.** (1) During posted disability access voting
23 hours, no person may, within the voting location, or in any public area
24 within three hundred feet of an entrance to the voting location:

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

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

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

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

32 (2) No person may obstruct the doors or entries to a building
33 containing the voting location or prevent free access to and from the

1 voting location. Any sheriff, deputy sheriff, or municipal law
2 enforcement officer shall prevent the obstruction, and may arrest a
3 person creating such an obstruction.

4 (3) No person may:

5 (a) Except as provided in RCW 29.54.037, remove a ballot from the
6 disability access voting location before the closing of the polls; or

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

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

10 (5) A violation of this section is a gross misdemeanor, punishable
11 to the same extent as a gross misdemeanor that is punishable under RCW
12 9A.20.021, and the person convicted may be ordered to pay the costs of
13 prosecution.

14 NEW SECTION. **Sec. 310.** A disability access voting election
15 officer who does any electioneering during the voting period is guilty
16 of a misdemeanor, and upon conviction must be fined a sum not exceeding
17 one hundred dollars and pay the costs of prosecution.

18 NEW SECTION. **Sec. 311.** A voter desiring to vote at a disability
19 access voting site shall give his or her name to the voting election
20 officer who has the precinct list of registered voters. This officer
21 shall announce the name to the election officer who has the copy of the
22 list of voters. If the right of this voter to participate in the
23 primary or election is not challenged, the voter must be issued a
24 ballot or permitted to enter a voting booth and operate a voting
25 device. The number of the ballot or the voter must be recorded by the
26 election officers. If the right of the voter to participate is
27 challenged, RCW 29.10.125 and 29.10.127 apply to that voter.

28 NEW SECTION. **Sec. 312.** Disability access voting locations must
29 remain open continuously until the time specified in the notice of
30 disability access voting. At the time of closing, the election
31 officers shall announce that the disability access voting location is
32 closed.

33 NEW SECTION. **Sec. 313.** If at the time of closing the disability

1 access voting location, there are voters in the location who have not
2 voted, they must be allowed to vote after the location has been closed.

3 NEW SECTION. **Sec. 314.** Immediately after the daily close of the
4 disability access voting location and the completion of voting, the
5 election officers shall count the number of votes cast and make a
6 record of any discrepancy between this number and the number of voters
7 who signed the poll book for that day, complete the certifications in
8 the poll book, prepare the ballots for transfer to the counting center
9 if necessary, and seal the voting devices.

10 NEW SECTION. **Sec. 315.** (1) At the direction of the county
11 auditor, a team or teams composed of a representative of at least two
12 major political parties shall stop at disability access voting
13 locations and pick up the sealed containers of ballots or electronic
14 ballot media for delivery to the counting center. This process must
15 occur daily at the closing hour for the voting location. Two election
16 officials, representing two major political parties, shall seal the
17 containers furnished by the county auditor and properly identified with
18 his or her address with uniquely prenumbered seals.

19 (2) At the counting center or the collection stations where the
20 sealed ballot containers are delivered by the designated
21 representatives of the major political parties, the county auditor or
22 a designated representative of the county auditor shall receive the
23 sealed ballot containers, record the time, date, voting location, and
24 seal number of each ballot container.

25 **Sec. 316.** RCW 29A.16.010 and 2003 c 111 s 401 are each amended to
26 read as follows:

27 The intent of this chapter is to require state and local election
28 officials to designate and use polling places and disability access
29 voting locations in all elections and permanent registration locations
30 which are accessible to elderly and disabled persons. County auditors
31 shall:

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

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

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

3 **Sec. 317.** RCW 29A.16.130 and 2003 c 111 s 409 are each amended to
4 read as follows:

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

9 **Sec. 318.** RCW 29A.44.030 and 2003 c 111 s 1103 are each amended to
10 read as follows:

11 Any voter may take into the voting booth or voting device any
12 printed or written material to assist in casting his or her vote. The
13 voter shall not use this material to electioneer and shall remove the
14 material when he or she leaves the polls or the disability access
15 voting location.

16 **Sec. 319.** RCW 29A.44.040 and 2003 c 111 s 1104 are each amended to
17 read as follows:

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

25 **Sec. 320.** RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to
26 read as follows:

27 On signing the precinct list of registered voters or being issued
28 a ballot, the voter shall, without leaving the polling place or
29 disability access location, proceed to one of the voting booths or
30 voting devices to cast his or her vote. When the voter has finished,
31 he or she shall either (1) remove the numbered stub from the ballot,
32 place the ballot in the ballot box, and return the number to the
33 ((precinct)) election officers, or (2) deliver the entire ballot to the
34 ((precinct)) election officers, who shall remove the numbered stub from

1 the ballot and place the ballot in the ballot box. If poll-site ballot
2 counting devices are used, the voter shall put the ballot in the
3 device.

4 **Sec. 321.** RCW 29A.44.350 and 2003 c 111 s 1133 are each amended to
5 read as follows:

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

10 **PART IV**

11 **ADMINISTRATIVE COMPLAINT PROCEDURE**

12 NEW SECTION. **Sec. 401.** The state-based administrative complaint
13 procedures required in the Help America Vote Act (P.L. 107-252) and
14 detailed in administrative rule apply to all primary, general, and
15 special elections administered under this title.

16 **PART V**

17 **PROVISIONAL BALLOT AFTER THE POLLS CLOSE**

18 NEW SECTION. **Sec. 501.** (1) An individual who votes in an election
19 for federal office as a result of a federal or state court order or any
20 other order extending the time for closing the polls, may vote in that
21 election only by casting a provisional ballot. As to court orders
22 extending the time for closing the polls, this section does not apply
23 to any voters who were present in the polling place at the statutory
24 closing time and as a result are permitted to vote under RCW
25 29A.44.070. This section does not, by itself, authorize any court to
26 order that any individual be permitted to vote or to extend the time
27 for closing the polls, but this section is intended to comply with 42
28 U.S.C. Sec. 15482(c) with regard to federal elections.

29 (2) Any ballot cast under subsection (1) of this section must be
30 separated and held apart from other provisional ballots cast by those
31 not affected by the order.

1 **PART VI**
2 **VOTING SYSTEM**

3 NEW SECTION. Sec. 601. A new section is added to chapter 29A.12
4 RCW to read as follows:

5 As used in this chapter, "voting system" means:

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

10 (a) To define ballots;

11 (b) To cast and count votes;

12 (c) To report or display election results;

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

14 (2) The practices and associated documentation used:

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

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

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

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

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

22 **PART VII**
23 **CONFORMING AMENDMENTS, REPEALERS, AND EFFECTIVE DATES**

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

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

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

1 (~~(3)~~) (2) Compliance with this provision in regard to voting
2 technology and systems purchased prior to July 27, 2003, shall be
3 achieved at the time of procurement of an upgrade of technology
4 compatible with nonvisual voting methods or replacement of existing
5 voting equipment or systems.

6 (~~(4)~~) (3) Compliance with subsection(~~(s-(2)-and)~~) (3) of this
7 section is contingent on available funds to implement this provision.

8 (~~(5)~~) (4) For purposes of this section, the following definitions
9 apply:

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

12 (b) "Nonvisual" includes synthesized speech, Braille, and other
13 output methods.

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

16 (~~(6)~~) (5) This section does not apply to voting by absentee
17 ballot.

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

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

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

31 (1) The maintenance of voter registration records;

32 (2) The preparation, maintenance, distribution, review, and filing
33 of precinct maps;

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

35 (4) The examination and testing of voting systems for
36 certification;

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

- 1 (20) Procedures for a voter to change his or her voter registration
2 address within a county by telephone;
- 3 (21) Procedures for a voter to change the name under which he or
4 she is registered to vote;
- 5 (22) Procedures for canceling dual voter registration records and
6 for maintaining records of persons whose voter registrations have been
7 canceled;
- 8 (23) Procedures for the electronic transfer of voter registration
9 records between county auditors and the office of the secretary of
10 state;
- 11 (24) Procedures and forms for declarations of candidacy;
- 12 (25) Procedures and requirements for the acceptance and filing of
13 declarations of candidacy by electronic means;
- 14 (26) Procedures for the circumstance in which two or more
15 candidates have a name similar in sound or spelling so as to cause
16 confusion for the voter;
- 17 (27) Filing for office;
- 18 (28) The order of positions and offices on a ballot;
- 19 (29) Sample ballots;
- 20 (30) Independent evaluations of voting systems;
- 21 (31) The testing, approval, and certification of voting systems;
- 22 (32) The testing of vote tallying software programming;
- 23 (33) Standards and procedures to prevent fraud and to facilitate
24 the accurate processing and canvassing of absentee ballots and mail
25 ballots;
- 26 (34) Standards and procedures to guarantee the secrecy of absentee
27 ballots and mail ballots;
- 28 (35) Uniformity among the counties of the state in the conduct of
29 absentee voting and mail ballot elections;
- 30 (36) Standards and procedures to accommodate out-of-state voters,
31 overseas voters, and service voters;
- 32 (37) The tabulation of paper ballots before the close of the polls;
- 33 (38) The accessibility of polling places and registration
34 facilities that are accessible to elderly and disabled persons;
- 35 (39) The aggregation of precinct results if reporting the results
36 of a single precinct could jeopardize the secrecy of a person's ballot;
- 37 (40) Procedures for conducting a statutory recount;

1 (41) Procedures for filling vacancies in congressional offices if
2 the general statutory time requirements for availability of absentee
3 ballots, certification, canvassing, and related procedures cannot be
4 met;

5 (42) Procedures for the statistical sampling of signatures for
6 purposes of verifying and canvassing signatures on initiative,
7 referendum, and recall election petitions;

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

10 (44) Deadlines for the filing of ballot titles for referendum bills
11 and constitutional amendments if none have been provided by the
12 legislature;

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

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

19 (47) Standards and procedures for the proper conduct of voting
20 during the early voting period to provide accessibility for the blind
21 or visually impaired;

22 (48) Standards for voting technology and systems used by the state
23 or any 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 (49) All data formats for transferring voter registration data on
29 electronic or machine-readable media for the purpose of administering
30 the statewide voter registration list required by the Help America Vote
31 Act (P.L. 107-252);

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

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

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

3 NEW SECTION. Sec. 703. The following acts or parts of acts are
4 each repealed:

5 (1) RCW 29A.04.181 (Voting system, device, tallying system) and
6 2003 c 111 s 131;

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

10 (3) RCW 29A.08.645 (Electronic file format) and 2003 c 111 s 244 &
11 1999 c 100 s 5;

12 (4) RCW 29A.08.650 (Voter registration data base) and 2003 c 111 s
13 245 & 2002 c 21 s 2; and

14 (5) RCW 29A.08.750 (Computer file of registered voters--County
15 records to secretary of state--Reimbursement) and 2003 c 111 s 250.

16 NEW SECTION. Sec. 704. (1) Sections 105 and 134 through 136 of
17 this act are each added to chapter 29A.08 RCW.

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

20 NEW SECTION. Sec. 705. Sections 301 through 315 of this act
21 constitute a new chapter in Title 29A RCW.

22 NEW SECTION. Sec. 706. (1) Sections 101 through 103, 105, and 114
23 through 117 of this act are necessary for the immediate preservation of
24 the public peace, health, or safety, or support of the state government
25 and its existing public institutions, and take effect immediately.

26 (2) Sections 112, 201 through 203, 401, 501, and 702 of this act
27 take effect July 1, 2004.

28 (3) Sections 301 through 321 of this act take effect January 1,
29 2005.

30 (4) Sections 104, 106 through 111, 113, 118 through 136, 601, and
31 701 of this act take effect January 1, 2006.

1 NEW SECTION. **Sec. 707.** Part headings used in this act constitute
2 no part of the law.

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