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5743-S.E AMH HUNS REIL 137

ESSB 5743 - H AMD
By Representative Hunt

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter
4 10.64 RCW to read as follows:

5 When a person is convicted of a felony, the court shall
6 require the defendant to sign a statement acknowledging that:

7 (1) The defendant's right to vote has been lost due to the
8 felony conviction;

9 (2) If the defendant is registered to vote, the voter
10 registration will be canceled;

11 (3) The right to vote may be restored by:

12 (a) A certificate of discharge issued by the sentencing court,
13 as provided in RCW 9.94A.637;

14 (b) A court order issued by the sentencing court restoring the
15 right, as provided in RCW 9.92.066;

16 (c) A final order of discharge issued by the indeterminate
17 sentence review board, as provided in RCW 9.96.050; or

18 (d) A certificate of restoration issued by the governor, as
19 provided in RCW 9.96.020; and

20 (4) Voting before the right is restored is a class C felony
21 under RCW 29A.84.660.

22 **Sec. 2.** RCW 29A.08.010 and 2004 c 267 s 102 are each amended
23 to read as follows:

24 As used in this chapter: "Information required for voter
25 registration" means the minimum information provided on a voter
26 registration application that is required by the county auditor in

1 order to place a voter registration applicant on the voter
2 registration rolls. This information includes (~~the applicant's~~):

3 (1) Name(~~, complete residence~~);

4 (2) Residential address(~~)~~;

5 (3) Date of birth(~~)~~;

6 (4) Washington state driver's license number(~~)~~ or
7 Washington state identification card number, or the last four
8 digits of the applicant's Social Security number(~~)~~ if the
9 applicant does not have a Washington state driver's license or
10 Washington state identification card;

11 (5) A signature attesting to the truth of the information
12 provided on the application(~~)~~; and

13 (6) A check or indication in the box confirming the individual
14 is a United States citizen.

15 If the individual does not have a driver's license, state
16 identification card, or Social Security number, the registrant must
17 be issued a unique voter registration number (~~and~~) in order to be
18 placed on the voter registration rolls. All other information
19 supplied is ancillary and not to be used as grounds for not
20 registering an applicant to vote. Modification of the language of
21 the official Washington state voter registration form by the voter
22 will not be accepted and will cause the rejection of the
23 registrant's application.

24 **Sec. 3.** RCW 29A.08.030 and 2004 c 267 s 104 are each amended
25 to read as follows:

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

28 (1) "Verification notice" means a notice sent by the county
29 auditor or secretary of state to a voter registration applicant and
30 is used to verify or collect information about the applicant in
31 order to complete the registration. The verification notice must be
32 designed to include a postage prepaid, preaddressed return form by
33 which the applicant may verify or send information.

34 (2) "Acknowledgement notice" means a notice sent by
35 nonforwardable mail by the county auditor or secretary of state to
36 a registered voter to acknowledge a voter registration transaction,
37 which can include initial registration, transfer, or reactivation
38 of an inactive registration. An acknowledgement notice may be a

1 voter registration card.

2 (3) "Confirmation notice" means a notice sent to a registered
3 voter by first class forwardable mail at the address indicated on
4 the voter's permanent registration record and to any other address
5 at which the county auditor or secretary of state could reasonably
6 expect mail to be received by the voter in order to confirm the
7 voter's residence address. The confirmation notice must be designed
8 ~~((so that the voter may update his or her current residence
9 address))~~ to include a postage prepaid, preaddressed return form by
10 which the registrant may verify the address information.

11 **Sec. 4.** RCW 29A.08.107 and 2004 c 267 s 106 are each amended
12 to read as follows:

13 (1) The secretary of state must review the information
14 provided by each voter registration applicant to ensure that
15 ~~((either))~~ the provided driver's license number, state
16 identification card number, or ~~((the))~~ last four digits of the
17 Social Security number match the information maintained by the
18 Washington department of licensing or the Social Security
19 administration. If a match cannot be made, the secretary of state
20 or county auditor must correspond with the applicant to resolve the
21 discrepancy.

22 (2) If the applicant fails to respond to any correspondence
23 required in this section to confirm information provided on a voter
24 registration application~~((7))~~ within ~~((thirty))~~ forty-five days,
25 the applicant will not be registered to vote. The secretary of
26 state shall forward the application to the appropriate county
27 auditor for document storage.

28 (3) Only after the secretary of state has confirmed that ~~((an~~
29 ~~applicant's))~~ the provided driver's license number, state
30 identification card number, or ~~((the))~~ last four digits of the
31 applicant's Social Security number match existing records with the
32 Washington department of licensing or the Social Security
33 administration, or determined that the applicant does not have
34 ~~((either))~~ a driver's license number, state identification card
35 number, or Social Security number may the applicant be placed on
36 the official list of registered voters.

37 (4) In order to prevent duplicate registration records, all
38 complete voter registration applications must be screened against

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

8 **Sec. 5.** RCW 29A.08.110 and 2004 c 267 s 107 are each amended
9 to read as follows:

10 (1) (~~On receipt of an application for voter registration, the~~
11 ~~county auditor shall review the application to determine whether~~
12 ~~the information supplied is complete.~~) An application is
13 considered complete only if it contains the applicant's name,
14 complete valid residence address, date of birth, (~~and~~) signature
15 attesting to the truth of the information provided, a mark in the
16 check-off box confirming United States citizenship, and an
17 indication ((the license information)) that the provided driver's
18 license number, state identification card number, or Social
19 Security number has been confirmed by the secretary of state. If it
20 is not complete, the auditor shall promptly mail a verification
21 notice of the deficiency to the applicant. This verification
22 notice shall require the applicant to provide the missing
23 information. If the verification notice is not returned by the
24 applicant within forty-five days or is returned as undeliverable
25 ((the auditor shall not place)), the name of the applicant shall
26 not be placed on the ((county voter)) official list of registered
27 voters. If the applicant provides the required verified
28 information, the applicant shall be registered to vote as of the
29 original date of mailing or date of delivery, whichever is
30 applicable ((of the original voter registration application)).

31 (2) (~~In order to prevent duplicate registration records, all~~
32 ~~complete voter registration applications must be screened against~~
33 ~~existing voter registration records in the official statewide voter~~
34 ~~registration list. If a match of an existing record is found in the~~
35 ~~official list the record must be updated with the new information~~
36 ~~provided on the application. If the new information indicates that~~
37 ~~the voter has changed his or her county of residence, the~~
38 ~~application must be forwarded to the voter's new county of~~

1 ~~residence for processing. If the new information indicates that the~~
2 ~~voter remains in the same county of residence or if the applicant~~
3 ~~is a new voter the application must be processed by the county of~~
4 ~~residence.~~

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

24 (4)) (3) If an acknowledgement notice card is properly mailed
25 as required by this section to the address listed by the voter as
26 being the voter's mailing address and the notice is subsequently
27 returned to the auditor by the postal service as being
28 undeliverable to the voter at that address, the auditor shall
29 promptly send the voter a confirmation notice. The auditor shall
30 place the voter's registration on inactive status pending a
31 response from the voter to the confirmation notice.

32 NEW SECTION. Sec. 6. A new section is added to chapter
33 29A.08 RCW to read as follows:

34 No person registering to vote, who meets all the
35 qualifications of a registered voter in the state of Washington,
36 shall be disqualified because of a nontraditional address being
37 used as a residence address. Voters using such an address will be
38 registered and assigned to a precinct based on the location

1 provided. Voters without a traditional address will be registered
2 at the county courthouse, city hall, or other public building near
3 the area that the voter considers his or her residence. Registering
4 at a nontraditional address will not disqualify a voter from
5 requesting ongoing absentee voter status if the voter designates a
6 valid mailing address.

7 For the purposes of this section, "nontraditional address"
8 includes shelters, parks, or other identifiable locations that the
9 voter deems to be his or her residence.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter
11 29A.08 RCW to read as follows:

12 (1) If a voter who registered by mail indicates on the voter
13 registration form that he or she does not have a Washington state
14 driver's license, Washington state identification card, or Social
15 Security number, he or she must provide one of the following forms
16 of identification the first time he or she votes after registering:

17 (a) Valid photo identification;

18 (b) A valid enrollment card of a federally recognized Indian
19 tribe in Washington state;

20 (c) A copy of a current utility bill;

21 (d) A current bank statement;

22 (e) A copy of a current government check;

23 (f) A copy of a current paycheck; or

24 (g) A government document that shows both the name and address
25 of the voter.

26 (2) If the voter fails to provide one of the above forms of
27 identification prior to or at the time of voting, the ballot must
28 be treated as a provisional ballot regardless of whether the voter
29 is voting at a poll site or by mail. The ballot may only be
30 counted if the voter's signature on the outside envelope matches
31 the signature in the voter registration records.

32 (3) The requirements of this section do not apply to an out-
33 of-state, overseas, or service voter who registers to vote by
34 signing the return envelope of the absentee ballot.

35 **Sec. 8.** RCW 29A.08.115 and 2004 c 267 s 108 are each amended
36 to read as follows:

37 A person or organization collecting voter registration

1 application forms must transmit the forms to the secretary of state
2 or a ((designee)) county auditor at least once weekly. The
3 registration date on such forms will be the date they are received
4 by the secretary of state or county auditor.

5 **Sec. 9.** RCW 29A.08.145 and 2004 c 267 s 113 are each amended
6 to read as follows:

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

25 **Sec. 10.** RCW 29A.08.210 and 2003 c 111 s 216 are each
26 amended to read as follows:

27 An applicant for voter registration shall complete an
28 application providing the following information concerning his or
29 her qualifications as a voter in this state:

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

32 (2) The applicant's full name;

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

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

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

1 (6) The sex of the applicant;

2 (7) The applicant's Washington state driver's license number
3 or Washington state identification card number, or the last four
4 digits of the applicant's Social Security number if he or she does
5 not have a Washington state driver's license or Washington state
6 identification card;

7 (8) A check box for the applicant to indicate that he or she
8 does not have a Washington state driver's license, Washington state
9 identification card, or social security number;

10 (9) A check box allowing the applicant to indicate that he or
11 she is a member of the armed forces, national guard, or reserves,
12 or that he or she is an overseas voter;

13 (10) A check box allowing the applicant to confirm that he or
14 she is at least eighteen years of age;

15 (11) Clear and conspicuous language, designed to draw the
16 applicant's attention, stating that the applicant must be a United
17 States citizen in order to register to vote;

18 (12) A check box and declaration confirming that the applicant
19 is a citizen of the United States;

20 (13) The following warning:

21 "If you knowingly provide false information on this voter
22 registration form or knowingly make a false declaration about your
23 qualifications for voter registration you will have committed a
24 class C felony that is punishable by imprisonment for up to five
25 years, a fine of up to ten thousand dollars, or both.-

26 ((+8)) (14) The oath required by RCW 29A.08.230 and a space
27 for the applicant's signature; and

28 ((+9)) (15) Any other information that the secretary of state
29 determines is necessary to establish the identity of the applicant
30 and prevent duplicate or fraudulent voter registrations.

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

33 If the applicant fails to provide the information required for
34 voter registration, the auditor shall send the applicant a
35 verification notice. The ((auditor shall not register the))
36 applicant may not be registered until the required information is
37 provided. If a verification notice is returned as undeliverable or
38 the applicant fails to respond to the notice within forty-five

1 days, the (~~auditor shall not register the~~) applicant shall not be
2 registered to vote.

3 (~~The following warning shall appear in a conspicuous place on~~
4 ~~the voter registration form:~~

5 ~~"If you knowingly provide false information on this voter~~
6 ~~registration form or knowingly make a false declaration about your~~
7 ~~qualifications for voter registration you will have committed a~~
8 ~~class C felony that is punishable by imprisonment for up to five~~
9 ~~years, or by a fine of up to ten thousand dollars, or both~~
10 ~~imprisonment and fine.=)~~)

11 NEW SECTION. **Sec. 11.** A new section is added to chapter
12 29A.08 RCW to read as follows:

13 (1) When a felony offender has completed all the
14 requirements of his or her sentence, the county clerk shall
15 immediately transmit this information to the secretary of state
16 along with information about the county where the conviction
17 occurred and the county that is the last known residence of the
18 offender. The secretary of state shall maintain such records as
19 part of the elections data base.

20 (2) If the offender has completed all the requirements of
21 all of his or her sentences for all of his or her felony
22 convictions, the secretary of state shall transmit information
23 about the restoration of the former felon's voting rights to the
24 county auditor where the conviction took place and, if different,
25 the county where the felon was last known to reside.

26 **Sec. 12.** RCW 29A.08.250 and 2004 c 267 s 117 are each
27 amended to read as follows:

28 The secretary of state shall furnish registration forms
29 necessary to carry out the registration of voters as provided by
30 this chapter without cost to the respective counties. (~~All voter~~
31 ~~registration forms must include clear and conspicuous language,~~
32 ~~designed to draw an applicant's attention, stating that the~~
33 ~~applicant must be a United States citizen in order to register to~~
34 ~~vote. Voter registration application forms must also contain a~~
35 ~~space for the applicant to provide his or her driver's license~~
36 ~~number or the last four digits of his or her social security~~
37 ~~number as well as check boxes intended to allow the voter to~~

1 ~~indicate age and United States citizenship eligibility under the~~
2 ~~Help America Vote Act of 2002 (P.L. 107-252).)~~

3 **Sec. 13.** RCW 29A.08.330 and 2003 c 111 s 224 are each
4 amended to read as follows:

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

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

19 (3) The person providing service at the agency shall
20 determine if the prospective applicant wants to register to vote
21 or transfer his or her voter registration by asking the following
22 question:

23 "Do you want to register to vote or transfer your voter
24 registration?"

25 If the applicant chooses to register or transfer a
26 registration, the service agent shall ask the following:

27 (a) "Are you a United States citizen?"

28 (b) "Are you or will you be eighteen years of age on or
29 before the next election?"

30 If the applicant answers in the affirmative to both
31 questions, the agent shall then provide the applicant with a
32 voter registration form and instructions and shall record that
33 the applicant has requested to register to vote or transfer a
34 voter registration. If the applicant answers in the negative to
35 either question, the agent shall not provide the applicant with a
36 voter registration form.

37 (4) If an agency uses a computerized application process, it
38 may, in consultation with the secretary of state, develop methods

1 to capture simultaneously the information required for voter
2 registration during a person's computerized application process.

3 ~~((+4))~~ (5) Each designated agency shall provide for the
4 voter registration application forms to be collected from each
5 agency office at least once each week. The agency shall then
6 forward the application forms to the secretary of state each
7 week. The secretary of state shall forward the forms to the
8 county in which the applicant has registered to vote no later
9 than ten days after the date on which the forms were received by
10 the secretary of state.

11 **Sec. 14.** RCW 29A.08.520 and 2004 c 267 s 126 are each
12 amended to read as follows:

13 (1) Upon receiving official notice of a person's conviction
14 of a felony in either state or federal court, if the convicted
15 person is a registered voter in the county, the county auditor
16 shall cancel the defendant's voter registration. Additionally,
17 the secretary of state in conjunction with the department of
18 corrections, the Washington state patrol, the office of the
19 administrator for the courts, and other appropriate state
20 agencies shall arrange for a ~~((periodic))~~ quarterly comparison of
21 a list of known felons with the statewide voter registration
22 list. If a person is found on ~~((the department of corrections))~~ a
23 felon list and the statewide voter registration list, the
24 secretary of state or county auditor shall confirm the match
25 through a date of birth comparison and ~~((cancel))~~ suspend the
26 voter registration from the official state voter registration
27 list. The canceling authority shall send ~~((notice of the proposed~~
28 cancellation)) to the person at his or her last known voter
29 registration address a notice of the proposed cancellation and an
30 explanation of the requirements for restoring the right to vote
31 once all terms of sentencing have been completed. If the person
32 does not respond within thirty days, the registration must be
33 canceled.

34 (2) The right to vote may be restored by, for each felony
35 conviction, one of the following:

36 (a) A certificate of discharge issued by the sentencing
37 court, as provided in RCW 9.94A.637;

38 (b) A court order restoring the right, as provided in RCW

1 9.92.066;

2 (c) A final order of discharge issued by the indeterminate
3 sentence review board, as provided in RCW 9.96.050; or

4 (d) A certificate of restoration issued by the governor, as
5 provided in RCW 9.96.020.

6 **Sec. 15.** RCW 29A.08.651 and 2004 c 267 s 101 are each
7 amended to read as follows:

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

16 (2) The computerized list must serve as the single system
17 for storing and maintaining the official list of registered
18 voters throughout the state.

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

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

24 (5) The computerized list must be coordinated with other
25 agency data bases within the state, including but not limited to
26 the department of corrections, the department of licensing,
27 ~~((and))~~ the department of health, the Washington state patrol,
28 and the office of the administrator for the courts.

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

32 (7) All voter registration information obtained by any local
33 election officer in the state must be electronically entered into
34 the computerized list on an expedited basis at the time the
35 information is provided to the local officer.

36 (8) The chief state election officer shall provide support,
37 as may be required, so that local election officers are able to

1 enter information as described in subsection (3) of this section.

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

4 (10) The secretary of state has data authority on all voter
5 registration data.

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

8 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-
9 252);

10 (b) Identify duplicate voter registrations;

11 (c) Identify suspected duplicate voters;

12 (d) Screen against the department of corrections, the
13 Washington state patrol, and other appropriate state agency data
14 bases to aid in the cancellation of voter registration of felons;

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

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

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

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

25 (12) The secretary of state must review and update the
26 records of all registered voters on the computerized list on a
27 quarterly basis to make additions and corrections.

28 **Sec. 16.** RCW 29A.08.710 and 2004 c 267 s 133 are each
29 amended to read as follows:

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

1 including, but not limited to, a retrievable facsimile of each
2 voter's signature.

3 (2) The following information contained in voter
4 registration records or files regarding a voter or a group of
5 voters is available for public inspection and copying, except as
6 provided in RCW 40.24.060: The voter's name, address, political
7 jurisdiction, gender, date of birth, voting record, date of
8 registration, and registration number. (~~The address and~~
9 ~~political jurisdiction of a registered voter are available for~~
10 ~~public inspection and copying except as provided by chapter 40.24~~
11 ~~RCW.~~) No other information from voter registration records or
12 files is available for public inspection or copying.

13 **Sec. 17.** RCW 29A.08.720 and 2004 c 266 s 9 are each amended
14 to read as follows:

15 (1) In the case of voter registration records received
16 through the department of licensing, the identity of the office
17 at which any particular individual registered to vote is not
18 available for public inspection and shall not be disclosed to the
19 public. In the case of voter registration records received
20 through an agency designated under RCW 29A.08.310, the identity
21 of the agency at which any particular individual registered to
22 vote is not available for public inspection and shall not be
23 disclosed to the public. Any record of a particular individual's
24 choice not to register to vote at an office of the department of
25 licensing or a state agency designated under RCW 29A.08.310 is
26 not available for public inspection and any information regarding
27 such a choice by a particular individual shall not be disclosed
28 to the public.

29 (2) (~~All~~) Subject to the restrictions of RCW 29A.08.710,
30 poll books, precinct lists, and (~~or~~) current lists of
31 registered voters, (~~except original voter registration forms or~~
32 their images, shall be) are public records and must be made
33 available for public inspection and copying under such reasonable
34 rules and regulations as the county auditor or secretary of state
35 may prescribe. The county auditor or secretary of state shall
36 promptly furnish current lists (~~or mailing labels~~) of
37 registered voters in his or her possession, at actual
38 reproduction cost, to any person requesting such information. The

1 lists (~~and labels~~) shall not be used for the purpose of mailing
2 or delivering any advertisement or offer for any property,
3 establishment, organization, product, or service or for the
4 purpose of mailing or delivering any solicitation for money,
5 services, or anything of value. However, the lists (~~and labels~~)
6 may be used for any political purpose. The county auditor or
7 secretary of state must provide a copy of RCW 29A.08.740 to the
8 person requesting the material that is released pursuant to this
9 section.

10 **Sec. 18.** RCW 29A.08.740 and 2003 c 111 s 249 and 2003 c 53
11 s 176 are each amended to read as follows:

12 (1) Any person who uses registered voter data furnished
13 under RCW 29A.08.720 (~~or 29A.08.730~~) for the purpose of mailing
14 or delivering any advertisement or offer for any property,
15 establishment, organization, product, or service or for the
16 purpose of mailing or delivering any solicitation for money,
17 services, or anything of value is guilty of a class C felony
18 punishable by imprisonment in a state correctional facility for a
19 period of not more than five years or a fine of not more than ten
20 thousand dollars or both such fine and imprisonment, and is
21 liable to each person provided such advertisement or
22 solicitation, without the person's consent, for the nuisance
23 value of such person having to dispose of it, which value is
24 herein established at five dollars for each item mailed or
25 delivered to the person's residence. However, a person who mails
26 or delivers any advertisement, offer, or solicitation for a
27 political purpose is not liable under this section unless the
28 person is liable under subsection (2) of this section. For
29 purposes of this subsection, two or more attached papers or
30 sheets or two or more papers that are enclosed in the same
31 envelope or container or are folded together are one item. Merely
32 having a mailbox or other receptacle for mail on or near the
33 person's residence is not an indication that the person consented
34 to receive the advertisement or solicitation. A class action may
35 be brought to recover damages under this section, and the court
36 may award a reasonable attorney's fee to any party recovering
37 damages under this section.

1 (2) Each person furnished data under RCW 29A.08.720 (~~or~~
2 ~~29A.08.730~~) shall take reasonable precautions designed to assure
3 that the data is not used for the purpose of mailing or
4 delivering any advertisement or offer for any property,
5 establishment, organization, product, or service or for the
6 purpose of mailing or delivering any solicitation for money,
7 services, or anything of value. However, the data may be used for
8 any political purpose. Where failure to exercise due care in
9 carrying out this responsibility results in the data being used
10 for such purposes, then such person is jointly and severally
11 liable for damages under subsection (1) of this section along
12 with any other person liable under subsection (1) of this section
13 for the misuse of such data.

14 **Sec. 19.** RCW 29A.08.775 and 2004 c 267 s 136 are each
15 amended to read as follows:

16 Only voters who appear on the official statewide voter
17 registration list are eligible to participate in elections. Each
18 county shall maintain a copy of that county's portion of the
19 state list. The county must ensure that data used for the
20 production of poll lists and other lists and mailings done in the
21 administration of each election are (~~drawn from~~) the same as
22 the official statewide voter registration list.

23 **Sec. 20.** RCW 29A.40.091 and 2004 c 271 s 135 are each
24 amended to read as follows:

25 The county auditor shall send each absentee voter a ballot,
26 a security envelope in which to seal the ballot after voting, a
27 larger envelope in which to return the security envelope, and
28 instructions on how to mark the ballot and how to return it to
29 the county auditor. The instructions that accompany an absentee
30 ballot for a partisan primary must include instructions for
31 voting the applicable ballot style, as provided in chapter 29A.36
32 RCW. The larger return envelope must contain a declaration by the
33 absentee voter reciting his or her qualifications and stating
34 that he or she has not voted in any other jurisdiction at this
35 election, together with a summary of the penalties for any
36 violation of any of the provisions of this chapter. The return

1 envelope must provide a box the voter may check to indicate that
2 he or she is a member of the armed forces or that he or she is an
3 overseas voter. The return envelope must provide space for the
4 voter to indicate the date on which the ballot was voted and for
5 the voter to sign the oath. A summary of the applicable penalty
6 provisions of this chapter must be printed on the return envelope
7 immediately adjacent to the space for the voter's signature. The
8 signature of the voter on the return envelope must affirm and
9 attest to the statements regarding the qualifications of that
10 voter and to the validity of the ballot. For out-of-state voters,
11 overseas voters, and service voters, the signed declaration on
12 the return envelope constitutes the equivalent of a voter
13 registration for the election or primary for which the ballot has
14 been issued. The voter must be instructed to either return the
15 ballot to the county auditor by whom it was issued or attach
16 sufficient first class postage, if applicable, and mail the
17 ballot to the appropriate county auditor no later than the day of
18 the election or primary for which the ballot was issued.

19 If the county auditor chooses to forward absentee ballots,
20 he or she must include with the ballot a clear explanation of the
21 qualifications necessary to vote in that election and must also
22 advise a voter with questions about his or her eligibility to
23 contact the county auditor. This explanation may be provided on
24 the ballot envelope, on an enclosed insert, or printed directly
25 on the ballot itself. If the information is not included, the
26 envelope must clearly indicate that the ballot is not to be
27 forwarded and that return postage is guaranteed.

28 **Sec. 21.** RCW 46.20.155 and 2004 c 249 s 7 are each amended
29 to read as follows:

30 (1) Before issuing an original license or identicard or
31 renewing a license or identicard under this chapter, the
32 licensing agent shall determine if the applicant wants to
33 register to vote or transfer his or her voter registration by
34 asking the following question:

35 "Do you want to register to vote or transfer your voter
36 registration?"

1 If the applicant chooses to register or transfer a
2 registration, the agent shall ((state)) ask the following:

3 (~~"I would like to remind you that you must be a United
4 States citizen and at least eighteen years of age in order to
5 vote."~~)

6 (1) "Are you a United States citizen?"

7 (2) "Are you or will you be eighteen years of age on or
8 before the next election?"

9 If the applicant answers in the affirmative to both
10 questions, the agent shall then provide the applicant with a
11 voter registration form and instructions and shall record that
12 the applicant has requested to register to vote or transfer a
13 voter registration. If the applicant answers in the negative to
14 either question, the agent shall not provide the applicant with a
15 voter registration form.

16 (2) The department shall establish a procedure that
17 substantially meets the requirements of subsection (1) of this
18 section when permitting an applicant to renew a license or
19 identicard by mail or by electronic commerce.

20 NEW SECTION. Sec. 22. The following acts or parts of acts
21 are each repealed:

22 (1) RCW 29A.08.155 (Payment for maintenance of electronic
23 records) and 2004 c 267 s 114 & 2003 c 111 s 215; and

24 (2) RCW 29A.08.730 (Registration, voting«Furnishing data
25 upon request«Cost«Use restricted) and 2003 c 111 s 248, 1994 c 57
26 s 6, and 1973 1st ex. s. c 111 s 3.

27 NEW SECTION. Sec. 23. This act takes effect January 1,
28 2006."

29 Correct the title.

EFFECT: The assignment of a unique voter registration
number will be given only if a registrant does not have a

driver's license or identicard and does not have a social security number. If a voter registers by mail and indicates that he or she does not have a driver's license, state identicard, or a social security number, he or she must provide valid photo identification, a valid enrollment card of a federally recognized Indian tribe, a copy of a current utility bill, bank statement, government check, paycheck or a government document that includes the name and address of the voter. If the voter fails to provide this information, either at the poll site or by mail, his or her ballot shall be treated as a provisional ballot and may only be counted if the voter's signature on the outside envelope matches the signature in the voter registration records.

Verification notices sent to verify or collect information must include a postage prepaid, pre-addressed return form.

The requirement that the Secretary of State or county auditor check the citizenship of each applicant with the Immigration and Naturalization Service is removed. The requirements that county election officials randomly investigate county voter lists with the statewide database to check for persons who are deceased or whose residences differ is also removed. It adds the provision that the Secretary of State will review and update the list every quarter to make additions and corrections, as well as screen for felons. All new registrations will be screened against existing voter registration records on the statewide voter registration list.

A voter registration application form and the return envelope for an absentee ballot must include a box that can be checked if the registrant or voter will be or is an overseas voter.

Before removing a felon from the voter registration list, the cancelling authority must suspend the registration and must send a notice of the proposed cancellation advising the voter of an appeal process and of the requirements for restoring the right to vote. If the voter does not respond to the request within 30 days, the registration is cancelled.

At the time of sentencing a felon, the court must require the defendant to sign a statement acknowledging that the right to vote is lost, his or her voter registration will be canceled, the means by which the right to vote may be restored, and that voting before the right is restored is a class C felony.

The means by which restoration of voting rights may be restored are listed. County clerks are required to notify the Secretary of State when a former felon's voting rights have been restored, and the Secretary of State will transmit the information to the county auditor and will maintain records of felons who have had their voting rights restored as part of the elections data base.

All state agencies that provide motor voter registrations

are required to "ask" applicants if they are or will be 18 years of age at the next election and if they are a U.S. citizen. If the applicant answers negatively to either question, a voter registration form will not be provided. If they answer positively to both questions, a registration form shall be provided. It removes the requirement that for motor voter registration purposes, the assisting agent must confirm that the applicant is a citizen.