
HOUSE BILL 2158

State of Washington

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By Representatives Nixon, Schindler, Clements, Sump, Anderson, Walsh, Jarrett, Rodne, Skinner, McDonald, Woods, Serben, Shabro, Kristiansen, Newhouse, Talcott and Holmquist

Read first time 02/21/2005. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to elections; amending RCW 29A.24.050, 42.17.710,
2 29A.08.010, 29A.08.140, 29A.08.520, 29A.40.091, 29A.44.201, 29A.08.625,
3 29A.84.140, and 29A.84.650; reenacting and amending RCW 29A.04.310;
4 adding new sections to chapter 29A.08 RCW; adding new sections to
5 chapter 29A.36 RCW; adding a new section to chapter 29A.84 RCW; adding
6 new sections to chapter 29A.60 RCW; repealing RCW 29A.08.145; and
7 prescribing penalties.

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

9 **PART I - SYSTEMIC CHANGES**

10 **Sec. 101.** RCW 29A.04.310 and 2005 c 2 s 8 (Initiative Measure No.
11 872) are each reenacted and amended to read as follows:
12 Nominating primaries for general elections to be held in November,
13 and the election of precinct committee officers, must be held on((+
14 (1+)) the third Tuesday of the preceding ((September; or
15 (2) ~~The seventh Tuesday immediately preceding that general~~
16 ~~election, whichever occurs first~~)) August.

1 first registers to vote or reregisters after June 30, 2005, continues
2 to be valid after July 1, 2007, unless canceled or inactivated as
3 otherwise provided by law.

4 **Sec. 202.** RCW 29A.08.010 and 2004 c 267 s 102 are each amended to
5 read as follows:

6 As used in this chapter: "Information required for voter
7 registration" means the minimum information provided on a voter
8 registration application that is required by the county auditor in
9 order to place a voter registration applicant on the voter registration
10 rolls. This information includes the applicant's name, complete
11 residence address, date of birth, Washington state driver's license
12 number, Washington state identification card, or the last four digits
13 of the applicant's social security number, a signature attesting to the
14 truth of the information provided on the application, and a check or
15 indication in the box confirming the individual is a United States
16 citizen. If the individual does not have a driver's license or social
17 security number, the registrant must be issued a unique voter
18 registration number and placed on the voter registration rolls. (~~All
19 other information supplied is ancillary and not to be used as grounds
20 for not registering an applicant to vote.~~) The person who is seeking
21 to register must be instructed to list as his or her residence address,
22 the physical location of where the person in fact lives. Each person
23 may have only one primary residence for voting purposes. The voter may
24 also designate a mailing address where he or she wishes to receive
25 ballots and information, but the ballot the voter is eligible to
26 receive will be determined by the physical location of the voter's
27 primary residence. A primary residence may not include a private or
28 public post office box or any other place where a person could not
29 live. Persons who are without a primary residence or whose identity is
30 legally protected may list the county courthouse as their primary
31 residence. Modification of the language of the official Washington
32 state voter registration form by the voter will not be accepted and
33 will cause the rejection of the registrant's application.

34 **Sec. 203.** RCW 29A.08.140 and 2004 c 267 s 112 are each amended to
35 read as follows:

36 The registration files of all precincts shall be closed against

1 original registration or transfers for thirty days immediately
2 preceding every primary, special election, and general election to be
3 held in such precincts.

4 The county auditor shall give notice of the closing of the precinct
5 files for original registration and transfer (~~(and notice of the~~
6 ~~special registration and voting procedure provided by RCW 29A.08.145))~~
7 by one publication in a newspaper of general circulation in the county
8 at least five days before the closing of the precinct files.

9 No person may vote at any primary, special election, or general
10 election in a precinct polling place unless he or she has registered to
11 vote at least thirty days before that primary or election and appears
12 on the official statewide voter registration list. (~~(If a person,~~
13 ~~otherwise qualified to vote in the state, county, and precinct in which~~
14 ~~he or she applies for registration, does not register at least thirty~~
15 ~~days before any primary, special election, or general election, he or~~
16 ~~she may register and vote by absentee ballot for that primary or~~
17 ~~election under RCW 29A.08.145.))~~)

18 NEW SECTION. **Sec. 204.** A new section is added to chapter 29A.08
19 RCW to read as follows:

20 In order to vote at any election or primary, whether at a polling
21 place or by absentee or mail ballot, a person must have registered to
22 vote at least thirty days before the election or primary, unless
23 otherwise provided by federal law.

24 **Sec. 205.** RCW 29A.08.520 and 2004 c 267 s 126 are each amended to
25 read as follows:

26 (1) Upon receiving official notice of a person's conviction of a
27 felony in either state or federal court, if the convicted person is a
28 registered voter in the county, the county auditor shall cancel the
29 defendant's voter registration. Additionally, the secretary of state
30 in conjunction with the department of corrections and the Washington
31 state patrol shall arrange for a (~~(periodic))~~ monthly comparison of
32 ((a)) any lists of known felons maintained by the department of
33 corrections and the Washington state patrol with the statewide voter
34 registration list. If a person is found on the department of
35 corrections felon list or the Washington state patrol felon list and
36 the statewide voter registration list, the secretary of state or county

1 auditor shall confirm the match through a date of birth comparison and
2 if the records of the department of corrections clearly demonstrate
3 that the felon is still incarcerated or has unpaid financial
4 obligations, the secretary of state or county auditor shall immediately
5 cancel the voter registration from the official state voter
6 registration list. The canceling authority shall send notice of the
7 (~~proposed~~) cancellation to the person at his or her last known voter
8 registration address. The notice will set forth a method of appealing
9 the action.

10 (2) Felons who have been granted a certificate of discharge by a
11 court shall provide a certified copy of the certificate of discharge to
12 the department of corrections and the Washington state patrol within
13 thirty days from the day the court grants the certificate, and shall
14 provide a certified copy of their certificate of discharge to the
15 elections officer at the time they register to vote.

16 NEW SECTION. Sec. 206. A new section is added to chapter 29A.08
17 RCW to read as follows:

18 In addition to any legal obligations of local election officers,
19 the secretary of state in conjunction with the department of health
20 shall arrange for a monthly comparison of any lists of known deaths
21 maintained by the department of health with the statewide voter
22 registration list. If a person is found on the department of health
23 death list and the statewide voter registration list, the secretary of
24 state or county auditor shall immediately cancel the voter registration
25 from the official state voter registration list. The canceling
26 authority shall send notice of the cancellation to the presumed
27 deceased person at his or her last known voter registration address.
28 The notice will set forth a method of appealing the action.

29 NEW SECTION. Sec. 207. A new section is added to chapter 29A.08
30 RCW to read as follows:

31 In addition to any legal obligations of local election officers,
32 the secretary of state in conjunction with local election officers
33 shall make at a minimum a monthly comparison of names on the statewide
34 voter registration list, and if a person is found registered more than
35 once on the statewide voter registration list, the secretary of state
36 or county auditor shall immediately cancel all voter registrations for

1 that voter in excess of one from the official state voter registration
2 list. The canceling authority shall send notice of the cancellation to
3 the person at the address for which registration has been canceled.
4 The notice will set forth a method of appealing the action.

5 **PART III - ELECTION DAY CHANGES**

6 NEW SECTION. **Sec. 301.** A new section is added to chapter 29A.36
7 RCW to read as follows:

8 All ballots and related materials if any, including the inner
9 security envelope and the outer return envelope, must be printed on
10 colored paper distinctive from other types of ballots. Provisional
11 ballots, regular ballots to be voted at the polls, and absentee ballots
12 must be of a distinctively different color.

13 NEW SECTION. **Sec. 302.** A new section is added to chapter 29A.36
14 RCW to read as follows:

15 All ballots, except for sample ballots, must be imprinted with a
16 bar code for the purpose of identifying the ballot as a regular ballot
17 to be voted at the polls, absentee ballot, or a provisional ballot.
18 Poll-site counting machines must be programmed to count only those
19 ballots with a poll-site bar code.

20 The bar code must not identify the voter.

21 **Sec. 303.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
22 read as follows:

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

1 the ballot was voted and for the voter to sign the oath. A summary of
2 the applicable penalty provisions of this chapter must be printed on
3 the return envelope immediately adjacent to the space for the voter's
4 signature. The signature of the voter on the return envelope must
5 affirm and attest to the statements regarding the qualifications of
6 that voter and to the validity of the ballot. For out-of-state voters,
7 overseas voters, and service voters, the signed declaration on the
8 return envelope constitutes the equivalent of a voter registration for
9 the election or primary for which the ballot has been issued. The
10 voter must be instructed to ~~((either))~~ return the ballot to the county
11 auditor by whom it was issued ~~((or attach sufficient first class
12 postage, if applicable, and mail the ballot to the appropriate county
13 auditor no later than))~~ by 8:00 p.m. on the day of the election or
14 primary for which the ballot was issued. Military ballots must have
15 been signed by 8:00 p.m. on the day of the election or primary for
16 which the ballot was issued and received by the appropriate county
17 auditor by 5:00 p.m. on the day of the final county certification of
18 the election or primary.

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

28 **Sec. 304.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to
29 read as follows:

30 (1) A voter desiring to vote shall give his or her name and photo
31 identification to the precinct election officer who has the precinct
32 list of registered voters. This officer shall announce the name to the
33 precinct election officer who has the copy of the inspector's poll book
34 for that precinct. The election officers together shall compare the
35 photograph on the identification with the appearance of the voter
36 before them and compare the signature on the identification with the
37 signature the voter has written in the poll book. They shall note in

1 writing any obvious discrepancies of the photograph or the signatures,
2 and transmit this record to the county auditor along with the voted
3 ballots.

4 (2) The secretary of state shall adopt rules regarding acceptable
5 forms of identification. A Washington state driver's license or
6 identocard or a United States passport shall be among the accepted
7 forms of identification. The identification must contain a photograph
8 of the voter and the voter's signature.

9 (3) If the right of this voter to participate in the primary or
10 election is not challenged, the voter must be issued a ballot or
11 permitted to enter a voting booth or to operate a voting device. For
12 a partisan primary in a jurisdiction using the physically separate
13 ballot format, the voter must be issued a nonpartisan ballot and each
14 party ballot. The number of the ballot or the voter must be recorded
15 by the precinct election officers. If the right of the voter to
16 participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that
17 voter.

18 **PART IV - POSTELECTION CHANGES**

19 **Sec. 401.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
20 read as follows:

21 (1) A voter whose registration or reregistration occurred after
22 June 30, 2005, and who has been made inactive under this chapter and
23 who offers to vote at an ensuing election before two federal elections
24 have been held must be allowed to vote a regular ballot and the voter's
25 registration restored to active status.

26 (2) A voter whose registration has been made inactive because it
27 occurred on or before June 30, 2005, or which has been properly
28 canceled under this chapter shall vote a provisional ballot. The voter
29 shall mark the provisional ballot in secrecy, the ballot placed in a
30 security envelope, the security envelope placed in a provisional ballot
31 envelope, and the reasons for the use of the provisional ballot noted.

32 (3) Upon receipt of such a voted provisional ballot the auditor
33 shall investigate the circumstances surrounding the original
34 cancellation. If he or she determines that the cancellation was in
35 error, the voter's registration must be immediately reinstated, and the
36 voter's provisional ballot must be counted. If the original

1 cancellation was not in error, the voter must be afforded the
2 opportunity to reregister at his or her correct address, and the
3 voter's provisional ballot must not be counted. If the voter was given
4 a provisional ballot only because they had not registered or
5 reregistered after June 30, 2005, the ballot must be counted. The
6 voter will continue to vote provisional ballots until such time as they
7 choose to register.

8 (4) The names and addresses of provisional voters is not a matter
9 of public record, and no one other than an election officer may contact
10 an individual provisional voter. The election officer shall contact
11 the voter via first class mail within forty-eight hours of discovery
12 and shall inform the voter of relevant deadlines.

13 NEW SECTION. Sec. 402. A new section is added to chapter 29A.84
14 RCW to read as follows:

15 The secretary of state and the appropriate county auditor shall
16 refer all cases of violations of the following statutes that they
17 discover or suspect to have occurred to the local prosecuting attorney:
18 RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655, 29A.84.660,
19 29A.84.670, and 29A.84.680. The prosecutor to whom the violations were
20 referred shall submit to the secretary of state a list of all such
21 referrals, the basis of the referrals, and the final disposition of the
22 referrals.

23 **Sec. 403.** RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to
24 read as follows:

25 A person who knows that he or she does not possess the legal
26 qualifications of a voter and who registers to vote is guilty of a
27 (~~misdemeanor~~) class C felony punishable under RCW 9A.20.021.

28 **Sec. 404.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to
29 read as follows:

30 Any person who votes or attempts to vote more than once at any
31 primary or general or special election is guilty of a (~~gross~~
32 ~~misdemeanor, punishable to the same extent as a gross misdemeanor that~~
33 ~~is~~) class C felony punishable under RCW 9A.20.021.

1 NEW SECTION. Sec. 405. A new section is added to chapter 29A.60
2 RCW to read as follows:

3 The legislature declares that it is a matter of fundamental
4 fairness that the voters of each county be given an equal amount of
5 time to have election board errors discovered and corrected and for
6 military votes from any county be given an equal amount of time to be
7 counted. Notwithstanding any other provision of this chapter after the
8 last of the counties have certified its final count, there shall be a
9 period of twenty-four hours in which any county may amend its final
10 certification to correct election board errors or count military
11 ballots that were voted in a timely fashion but came into the county
12 after certification.

13 NEW SECTION. Sec. 406. A new section is added to chapter 29A.60
14 RCW to read as follows:

15 Before a county may make a final certification of election returns
16 the county will reconcile by precinct the number of ballots counted
17 from the precinct and the number of voters credited with having cast a
18 counted ballot. The number of ballots counted and the number of voters
19 who cast those ballots will always be equal in any properly
20 administered election. The county will report by precinct any variance
21 of more ballots than voters or more voters than ballots.

22 If the total number of ballots without voters, and voters without
23 ballots, exceeds the winning margin in any election or primary, the
24 election or primary as to that election is void. No certificate of
25 election may be issued. A revote of that election must be held within
26 sixty days.

27 **PART V - REPEALED SECTIONS**

28 NEW SECTION. Sec. 501. RCW 29A.08.145 (Late registration--Special
29 procedure) and 2004 c 267 s 113, 2003 c 111 s 213, & 1993 c 383 s 1 are
30 each repealed.

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