
HOUSE BILL 2226

State of Washington 59th Legislature 2005 Regular Session

By Representatives Hinkle, Holmquist, Talcott, Clements, Sump,
Newhouse, Nixon and Kristiansen

Read first time 02/24/2005. Referred to Committee on State
Government Operations & Accountability.

1 AN ACT Relating to ensuring the integrity of elections; amending
2 RCW 29A.04.008, 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010,
3 29A.08.110, 29A.08.140, 29A.08.210, 29A.08.220, 29A.08.250, 29A.08.520,
4 29A.08.625, 29A.08.820, 29A.08.830, 29A.40.050, 29A.40.020, 29A.40.091,
5 29A.40.140, 29A.44.201, 29A.44.330, 29A.44.340, 29A.84.110, 29A.84.140,
6 29A.84.650, 46.20.035, 46.20.091, 46.20.105, 46.20.117, and 46.20.155;
7 reenacting and amending RCW 29A.84.670 and 9.94A.515; adding new
8 sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84
9 RCW; adding a new section to chapter 46.20 RCW; adding a new chapter to
10 Title 29A RCW; recodifying RCW 29A.40.050; repealing RCW 29A.08.145 and
11 29A.08.230; prescribing penalties; providing an effective date; and
12 declaring an emergency.

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

14 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.08 RCW
15 to read as follows:

16 The registration of a person who registered to vote before July 1,
17 2005, is moved to inactive status on July 1, 2007. That person must
18 reregister in order to vote anything other than a provisional ballot at
19 an election held after that date. The registration of a person who

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 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08 RCW
5 to read as follows:

6 In order to vote at any election or primary, whether at a polling
7 place or by absentee or mail ballot, a person must have registered to
8 vote at least thirty days before the election or primary, regardless of
9 the person's status as an absentee, mail ballot, out-of-state,
10 overseas, or service voter.

11 **Sec. 3.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to
12 read as follows:

13 As used in this title:

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

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

18 (b) A facsimile of the contents of a particular ballot whether
19 printed on a paper ballot or ballot card or as part of a voting machine
20 or voting device;

21 (c) A physical or electronic record of the choices of an individual
22 voter in a particular primary, general election, or special election;
23 or

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

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

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

34 (4) "Sample ballot" means a printed facsimile of all the issues and
35 offices on the ballot in a jurisdiction and is intended to give voters

1 notice of the issues, offices, and candidates that are to be voted on
2 at a particular primary, general election, or special election;

3 (5) "Provisional ballot" means a ballot issued to a voter at the
4 polling place on election day by the precinct election board, for one
5 of the following reasons:

6 (a) The voter's name does not appear in the poll book for the
7 precinct at which the voter appears and who therefore cannot be
8 verified as a registered voter;

9 (b) There is an indication in the poll book that (~~the voter has~~
10 ~~requested~~) an absentee ballot(~~, but the voter wishes to vote at the~~
11 ~~polling place~~) has been issued;

12 (c) There is a question on the part of the voter concerning the
13 issues or candidates on which the voter is qualified to vote;

14 (6) "Party ballot" means a primary election ballot specific to a
15 particular major political party that lists all partisan offices to be
16 voted on at that primary, and the candidates for those offices who
17 affiliate with that same major political party;

18 (7) "Nonpartisan ballot" means a primary election ballot that lists
19 all nonpartisan races and ballot measures to be voted on at that
20 primary.

21 **Sec. 4.** RCW 29A.04.103 and 2003 c 111 s 118 are each amended to
22 read as follows:

23 "Out-of-state voter" means any (~~elector~~) registered voter of the
24 state of Washington outside the state but not outside the territorial
25 limits of the United States or the District of Columbia.

26 **Sec. 5.** RCW 29A.04.109 and 2003 c 111 s 119 are each amended to
27 read as follows:

28 "Overseas voter" means any (~~elector~~) registered voter of the
29 state of Washington outside the territorial limits of the United States
30 or the District of Columbia.

31 **Sec. 6.** RCW 29A.04.163 and 2003 c 111 s 127 are each amended to
32 read as follows:

33 "Service voter" means any (~~elector~~) registered voter of the state
34 of Washington who is a member of the armed forces under 42 U.S.C. Sec.
35 1973 ff-6 while in active service, is a student or member of the

1 faculty at a United States military academy, is a member of the
2 merchant marine of the United States, is a program participant as
3 defined in RCW 40.24.020, or is a member of a religious group or
4 welfare agency officially attached to and serving with the armed forces
5 of the United States.

6 **Sec. 7.** RCW 29A.08.010 and 2004 c 267 s 102 are each amended to
7 read as follows:

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

1 Proof of citizenship is not required if an applicant is transferring
2 his or her voter registration within a county or between counties in
3 this state.

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

6 (1) On receipt of an application for voter registration, the county
7 auditor shall review the application to determine whether the
8 information supplied is complete. An application is considered
9 complete only if it contains proof that the applicant is a United
10 States citizen, the applicant's name, complete valid residence address,
11 date of birth, and signature attesting to the truth of the information
12 provided (~~(and an indication the license information or social security~~
13 ~~number has been confirmed by the secretary of state)). Proof of~~
14 citizenship is not required if an applicant is transferring his or her
15 voter registration within a county or between counties in this state.
16 If the application is complete, the auditor shall confirm the validity
17 of the citizenship information provided and upon confirmation that such
18 information is valid, the applicant is considered to be registered to
19 vote as of the date of mailing. If it is not complete, the auditor
20 shall promptly mail a verification notice of the deficiency to the
21 applicant. This verification notice shall require the applicant to
22 provide the missing information. If the verification notice is not
23 returned by the applicant or is returned as undeliverable the auditor
24 shall not place the name of the applicant on the county voter list. If
25 the applicant provides the required verified information, the auditor
26 shall confirm the validity of the citizenship information provided, and
27 upon confirmation that such information is valid, the applicant shall
28 be registered to vote as of the date of mailing of the original voter
29 registration application.

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

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

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

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

29 **Sec. 9.** RCW 29A.08.140 and 2004 c 267 s 112 are each amended to
30 read as follows:

31 The registration files of all precincts shall be closed against
32 original registration or transfers for thirty days immediately
33 preceding every primary, special election, and general election to be
34 held in such precincts.

35 The county auditor shall give notice of the closing of the precinct
36 files for original registration and transfer ~~((and notice of the~~

1 ~~special registration and voting procedure provided by RCW 29A.08.145))~~
2 by one publication in a newspaper of general circulation in the county
3 at least five days before the closing of the precinct files.

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

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

15 (1) An applicant for voter registration shall complete an
16 application providing the following information concerning his or her
17 qualifications as a voter in this state:

18 ~~((1))~~ (a) Proof that the applicant is a United States citizen;

19 (b) The address of the last former registration of the applicant as
20 a voter in the state;

21 ~~((2))~~ (c) The applicant's full name;

22 ~~((3))~~ (d) The applicant's date of birth;

23 ~~((4))~~ (e) The address of the applicant's residence for voting
24 purposes;

25 ~~((5))~~ (f) The mailing address of the applicant if that address is
26 not the same as the address in (e) of this subsection ~~((4) of this~~
27 ~~section));~~

28 ~~((6))~~ (g) The sex of the applicant;

29 ~~((7) A declaration that the applicant is a citizen of the United~~
30 ~~States;~~

31 ~~(8))~~ (h) The applicant's signature; and

32 ~~((9))~~ (i) Any other information that the secretary of state
33 determines is necessary to establish the identity of the applicant and
34 prevent duplicate or fraudulent voter registrations.

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

1 If the applicant fails to provide the information required for
2 voter registration, the auditor shall send the applicant a verification
3 notice. The auditor shall not register the applicant until the
4 required information is provided. If a verification notice is returned
5 as undeliverable or the applicant fails to respond to the notice within
6 forty-five days, the auditor shall not register the applicant to vote.

7 (2) The applicant shall sign and attest to the following
8 declaration:

9 "I declare that the facts on this voter registration form are true.
10 I am a citizen of the United States, I am not presently denied my civil
11 rights as a result of being convicted of a felony, I will have lived in
12 Washington at this address for thirty days before the next election at
13 which I vote, and I will be at least eighteen years old when I vote."

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

16 "If you knowingly provide false information on this voter
17 registration form or knowingly make a false declaration about your
18 qualifications for voter registration you will have committed a class
19 C felony that is punishable by imprisonment for up to five years, or by
20 a fine of up to ten thousand dollars, or both imprisonment and fine."

21 **Sec. 11.** RCW 29A.08.220 and 2004 c 267 s 115 are each amended to
22 read as follows:

23 (1) The secretary of state shall specify by rule the format of all
24 voter registration applications. These applications shall be
25 compatible with existing voter registration records. An applicant for
26 voter registration shall be required to complete only one application
27 and to provide the required information other than his or her signature
28 no more than one time. If an applicant transfers his or her voter
29 registration within a county or between counties of this state, he or
30 she is not required to provide proof of citizenship. These
31 applications shall also contain information for the voter to transfer
32 his or her registration.

33 Any application format specified by the secretary for use in
34 registering to vote in state and local elections shall satisfy the
35 requirements of the National Voter Registration Act of 1993 (P.L. 103-

1 31) and the Help America Vote Act of 2002 (P.L. 107-252) for
2 registering to vote in federal elections.

3 (2) All registration applications required under RCW 29A.08.210 and
4 29A.08.340 shall be produced and furnished by the secretary of state to
5 the county auditors and the department of licensing.

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

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

20 **Sec. 13.** RCW 29A.08.520 and 2004 c 267 s 126 are each amended to
21 read as follows:

22 (1) Upon receiving official notice of a person's conviction of a
23 felony in either state or federal court, if the convicted person is a
24 registered voter in the county, the county auditor shall cancel the
25 defendant's voter registration. Additionally, the secretary of state
26 in conjunction with the department of corrections and the Washington
27 state patrol shall arrange for a ~~((periodic))~~ monthly comparison of
28 ~~((a))~~ any lists of known felons maintained by the department of
29 corrections and the Washington state patrol with the statewide voter
30 registration list. If a person is found on the department of
31 corrections felon list or the Washington state patrol felon list and
32 the statewide voter registration list, the secretary of state or county
33 auditor shall confirm the match through a date of birth comparison and,
34 if the person has not had his or her right to vote restored,
35 immediately cancel the voter registration from the official state voter
36 registration list. The canceling authority shall send notice of the

1 proposed cancellation to the person at his or her last known voter
2 registration address, which notice must set forth a method of appealing
3 the action.

4 (2) Felons who have been granted a certificate of discharge by a
5 court shall provide a certified copy of the certificate of discharge to
6 the department of corrections and the Washington state patrol within
7 thirty days from the day the court grants the certificate, and shall
8 provide a certified copy of their certificate of discharge to the
9 elections officer at the time they register to vote.

10 NEW SECTION. Sec. 14. A new section is added to chapter 29A.08
11 RCW to read as follows:

12 A person may prove that he or she is a United States citizen with
13 an original or certified copy of any one of the following:

14 (1) A United States passport;

15 (2) A certified birth certificate issued by the city, county, or
16 state. A certified birth certificate has a registrar's raised,
17 embossed, impressed, or multicolored seal, registrar's signature, and
18 the date the certificate was filed with the registrar's office, which
19 must be within one year of birth;

20 (3) A consular report of birth abroad or certification of birth;

21 (4) A naturalization certificate; or

22 (5) A certificate of citizenship.

23 NEW SECTION. Sec. 15. A new section is added to chapter 29A.08
24 RCW to read as follows:

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

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.08
2 RCW to read as follows:

3 In addition to any legal obligations of local election officers,
4 the secretary of state in conjunction with the department of health,
5 the department of social and health services, and the administrator for
6 the courts shall arrange for a monthly comparison of any lists of
7 persons known to have been declared mentally incompetent and unable to
8 vote or known to have been placed under the care of a full guardianship
9 due to their mental capacity and who have not otherwise been declared
10 able to vote. If a person is found on the department of health, the
11 department of social and health services, or the administrator for the
12 courts lists and the statewide voter registration list, the secretary
13 of state or county auditor shall immediately cancel the voter
14 registration from the official state voter registration list. The
15 canceling authority shall send notice of the cancellation to the person
16 at the address for which registration has been canceled. The notice
17 will set forth a method of appealing the action.

18 The administrator for the courts shall collect and maintain a list
19 of all judicial determinations of full guardianship under RCW 11.88.010
20 and other cases where the court has ordered someone unable to vote.

21 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.08
22 RCW to read as follows:

23 In addition to any legal obligations of local election officers,
24 the secretary of state in conjunction with local election officers
25 shall make at a minimum a monthly comparison of names on the statewide
26 voter registration list, and if a person is found registered more than
27 once on the statewide voter registration list, the secretary of state
28 or county auditor shall immediately cancel all voter registrations for
29 that voter in excess of one from the official state voter registration
30 list. The canceling authority shall send notice of the cancellation to
31 the person at the address for which registration has been canceled.
32 The notice will set forth a method of appealing the action.

33 **Sec. 18.** RCW 29A.08.625 and 2003 c 111 s 240 are each amended to
34 read as follows:

35 (1) A voter whose registration or reregistration occurred after
36 June 30, 2005, and who has been made inactive under this chapter and

1 who offers to vote at an ensuing election before two federal elections
2 have been held must be allowed to vote a (~~regular~~) provisional ballot
3 and the voter's registration restored to active status.

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

10 (3) Upon receipt of such a voted provisional ballot the auditor
11 shall investigate the circumstances surrounding the original
12 cancellation. If he or she determines that the cancellation was in
13 error, the voter's registration must be immediately reinstated, and the
14 voter's provisional ballot must be counted. If the original
15 cancellation was not in error, the voter must be afforded the
16 opportunity to reregister at his or her correct address, and the
17 voter's provisional ballot must not be counted. If the voter was given
18 a provisional ballot only because he or she had not registered or
19 reregistered after June 30, 2005, the ballot must be counted. The
20 voter will continue to vote provisional ballots until such time as he
21 or she chooses to register.

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

27 **Sec. 19.** RCW 29A.08.820 and 2003 c 111 s 254 are each amended to
28 read as follows:

29 When the right of a person has been challenged under RCW 29A.08.810
30 or 29A.08.830(2), the challenged person shall be permitted to vote a
31 provisional ballot, which shall be placed in a sealed envelope separate
32 from other voted ballots. In precincts where voting machines are used,
33 any person whose right to vote is challenged under RCW 29A.08.810 or
34 29A.08.830(2) shall be furnished a provisional paper ballot, which
35 shall be placed in a sealed envelope after being marked. Included with
36 the (~~challenged~~) provisional ballot shall be (1) an affidavit filed
37 under RCW 29A.08.830 challenging the person's right to vote or (2) an

1 affidavit signed by the precinct election officer and any third party
2 involved in the officer's challenge and stating the reasons the voter
3 is being challenged. The sealed provisional ballots (~~(of challenged~~
4 ~~voters)~~) shall be transmitted at the close of the election to the
5 canvassing board or other authority charged by law with canvassing the
6 returns of the particular primary or election. The county auditor
7 shall notify the challenger and the challenged voter, by certified
8 mail, of the time and place at which the county canvassing board will
9 meet to rule on (~~(challenged)~~) provisional ballots. If the challenge
10 is made by a precinct election officer under RCW 29A.08.810, the
11 officer must appear in person before the board unless he or she has
12 received written authorization from the canvassing board to submit an
13 affidavit supporting the challenge. If the challenging officer has
14 based his or her challenge upon evidence provided by a third party,
15 that third party must appear with the challenging officer before the
16 canvassing board, unless he or she has received written authorization
17 from the canvassing board to submit an affidavit supporting the
18 challenge. If the challenge is filed under RCW 29A.08.830, the
19 challenger must either appear in person before the board or submit an
20 affidavit supporting the challenge. The challenging party must prove
21 to the canvassing board by clear and convincing evidence that the
22 challenged voter's registration is improper. If the challenging party
23 fails to meet this burden, the (~~(challenged)~~) provisional ballot shall
24 be accepted as valid and counted. The canvassing board shall give the
25 challenged voter the opportunity to present testimony, either in person
26 or by affidavit, and evidence to the canvassing board before making
27 their determination. All (~~(challenged)~~) provisional ballots must be
28 determined no later than the time of canvassing for the particular
29 primary or election. The decision of the canvassing board or other
30 authority charged by law with canvassing the returns shall be final.
31 Challenges of absentee ballots shall be determined according to RCW
32 29A.40.140.

33 **Sec. 20.** RCW 29A.08.830 and 2003 c 111 s 255 are each amended to
34 read as follows:

35 (1) Any registered voter may request that the registration of
36 another voter be canceled if he or she believes that the voter does not
37 meet the requirements of Article VI, section 1 of the state

1 Constitution or that voter no longer maintains a legal voting residence
2 at the address shown on his or her registration record. The challenger
3 shall file with the county auditor a signed affidavit subject to the
4 penalties of perjury, to the effect that to his or her personal
5 knowledge and belief another registered voter does not actually reside
6 at the address as given on his or her registration record or is
7 otherwise not a qualified voter and that the voter in question is not
8 protected by the provisions of Article VI, section 4, of the
9 Constitution of the state of Washington. The person filing the
10 challenge must furnish the address at which the challenged voter
11 actually resides.

12 (2) Any such challenge of a voter's registration and right to vote
13 made less than thirty days before a primary or election, special or
14 general, shall be administered under RCW 29A.08.820. The county
15 auditor shall notify the challenged voter and the precinct election
16 officers in the voter's precinct that a challenge has been filed,
17 provide the name of the challenger, and instruct both the precinct
18 election officers and the voter that, in the event the challenged voter
19 desires to vote at the ensuing primary or election, a (~~(challenged)~~)
20 provisional ballot will be provided. The voter shall also be informed
21 that the status of his or her registration and the disposition of any
22 (~~(challenged)~~) provisional ballot will be determined by the county
23 canvassing board in the manner provided by RCW 29A.08.820. If the
24 challenged voter does not vote at the ensuing primary or election, the
25 challenge shall be processed in the same manner as challenges made more
26 than thirty days prior to the primary or election under RCW 29A.08.840.

27 NEW SECTION. **Sec. 21.** (1) Provisional or questionable ballots
28 must not be tallied until the validity of the ballot or the voter has
29 been confirmed and, if so, the ballots will be processed in similar
30 manner to absentee ballots. A provisional ballot is issued to a person
31 seeking to vote in a polling place under the following circumstances:

- 32 (a) The name of the voter does not appear in the poll book and:
33 (i) The voter's registration was canceled but the voter questions
34 the validity of the cancellation;
35 (ii) The status of the voter's registration cannot be determined at
36 that time; or

1 (iii) The voter is registered and assigned to another polling place
2 or jurisdiction;

3 (b) The voter's name is in the poll book but there is an indication
4 that the voter was issued an absentee ballot, and the voter wishes to
5 vote at the polls; or

6 (c) Other circumstances as determined by the precinct election
7 official.

8 (2) The precinct election official shall issue a provisional ballot
9 outer envelope and a security envelope to the voter eligible for a
10 provisional ballot. The voter shall vote the ballot in secrecy and,
11 when done, place the ballot in the security envelope, then place the
12 security envelope with the ballot in it in the provisional ballot outer
13 envelope and return it to the precinct election official. The precinct
14 election official shall ensure that the required information is
15 completed on the outside of the outer envelope and have the voter sign
16 it in the appropriate space, and place it in a secure container
17 designated for provisional ballots only.

18 (3) When the provisional ballot, including provisional ballots from
19 other counties or states, are received in the elections center, the
20 circumstances surrounding the provisional ballot must be investigated
21 before certification of the primary or election. A provisional ballot
22 cannot be tallied if the registered voter did not sign either the poll
23 book or the provisional ballot envelope.

24 (4) When it is determined that the ballot is to be counted, the
25 ballot must be processed in a manner similar to an absentee ballot
26 except the provisional ballot outer envelopes must be retained
27 separately from the absentee ballot return envelopes. The manual
28 inspection of the ballots as required in WAC 434-261-070 or its
29 successor must also be carried out.

30 NEW SECTION. **Sec. 22.** At a minimum, the following information
31 will be required to be printed on the outer provisional ballot
32 envelope:

33 (1) An oath for the voter to sign, as required by the Help America
34 Vote Act, which must be included in substantially the following form:

35 "I declare that the facts on this voter registration form are true.
36 I am a citizen of the United States, I am not presently denied my civil

1 rights as a result of being convicted of a felony, I will have lived in
2 Washington at this address for thirty days before the next election at
3 which I vote, and I will be at least eighteen years old when I vote.";

4 (2) Name and signature of voter (must be the same as on the oath);

5 (3) Voter's registered address both present and former, if
6 applicable;

7 (4) Voter's date of birth;

8 (5) Reason for the provisional ballot;

9 (6) Precinct and polling place at which voter has voted;

10 (7) Sufficient space to list disposition of the ballot after review
11 by the county auditor.

12 No provisional ballot may be rejected for lack of the information
13 described in this section as long as the voter provides a valid
14 signature and sufficient information to determine eligibility.

15 NEW SECTION. **Sec. 23.** (1) Upon receipt of the provisional ballot,
16 including provisional ballots from other counties or states, the
17 auditor must investigate the circumstances surrounding the provisional
18 ballot before certification of the primary or election. A provisional
19 ballot cannot be counted if the registered voter did not sign either
20 the poll book or the provisional ballot envelope.

21 (a) If there is no record of the voter ever having been registered,
22 the voter must be offered the opportunity to register and the
23 provisional ballot for the current election will not be counted.

24 (b) If the voter was previously registered and later canceled and
25 the auditor determines that the cancellation was in error, the voter's
26 registration will be immediately restored and the provisional ballot
27 counted.

28 (c) If the auditor determines that the cancellation was not in
29 error, the voter must be given the opportunity to reregister at the
30 voter's correct address, and the provisional ballot for the current
31 election will not be counted.

32 (2) If the voter is a registered voter but has voted a ballot other
33 than the one that the voter would have received at his or her
34 designated polling place, the auditor must ensure that only those votes
35 for the positions or measures for which the voter was eligible to vote
36 are counted, which may require coordination with other county auditors.

1 (3) If the voter is a registered voter in another county or state,
2 the auditor shall forward the ballot and a corresponding voter guide,
3 or other means by which the ballot can be interpreted including
4 rotation if applicable, within five business days after election day to
5 the supervisor of elections for the county for which the voter is
6 resident. If the provisional ballot envelope is not signed by the
7 voter, a copy of the poll book page must be included. If the county is
8 not known, it shall be forwarded to the secretary of state, or
9 counterpart, for the state in which the voter is resident.

10 (4) If the auditor finds that an absentee voter who voted a
11 provisional ballot at the polls has also voted an absentee ballot in
12 that primary or election, the provisional ballot will not be counted.

13 (5) The auditor shall prepare a tally displaying the number of
14 provisional ballots received, the number found valid and counted, the
15 number rejected and not counted, and the reason for not counting the
16 ballots, as part of the canvassing process and presented to the
17 canvassing board before the certification of the primary or election.

18 NEW SECTION. **Sec. 24.** When the disposition of the provisional
19 ballot determines that the provisional ballot is to be counted, the
20 provisional ballot shall be processed in a manner similar to an
21 absentee ballot as provided in chapters 29A.40 and 29A.60 RCW except
22 the outer provisional ballot envelopes must be retained separately from
23 the absentee ballot return envelopes. The manual inspection of the
24 ballots as required in WAC 434-261-070 or its successor must also be
25 carried out.

26 NEW SECTION. **Sec. 25.** The secretary of state shall establish a
27 free access system (such as a toll-free telephone number or an Internet
28 web site) that any individual who casts a provisional ballot may access
29 to discover whether the vote of that individual was counted, and, if
30 the vote was not counted, the reason why the vote was not counted. The
31 secretary of state shall establish and maintain reasonable procedures
32 necessary to protect the security, confidentiality, and integrity of
33 personal information collected, stored, or otherwise used by the free
34 access system established under this section. Access to information
35 about an individual provisional ballot must be restricted to the
36 individual who cast the ballot.

1 **Sec. 26.** RCW 29A.40.050 and 2003 c 111 s 1005 are each amended to
2 read as follows:

3 (1) As provided in this section, county auditors shall provide
4 special ((~~absentee~~)) provisional ballots to be used for state primary
5 or state general elections. An auditor shall provide a special
6 ((~~absentee~~)) provisional ballot only to a registered voter who
7 completes an application stating that she or he will be unable to vote
8 and return ((~~a regular~~)) an absentee ballot by normal mail delivery
9 within the period provided for ((~~regular~~)) absentee ballots.

10 The application for a special ((~~absentee~~)) provisional ballot may
11 not be filed earlier than ninety days before the applicable state
12 primary or general election. The special ((~~absentee~~)) provisional
13 ballot will list the offices and measures, if known, scheduled to
14 appear on the state primary or general election ballot. The voter may
15 use the special ((~~absentee~~)) provisional ballot to write in the name of
16 any eligible candidate for each office and vote on any measure.

17 (2) With any special ((~~absentee~~)) provisional ballot issued under
18 this section, the county auditor shall include a listing of any
19 candidates who have filed before the time of the application for
20 offices that will appear on the ballot at that primary or election and
21 a list of any issues that have been referred to the ballot before the
22 time of the application.

23 (3) Write-in votes on special ((~~absentee~~)) provisional ballots must
24 be counted in the same manner provided by law for the counting of other
25 write-in votes. The county auditor shall process and canvass the
26 special ((~~absentee~~)) provisional ballots provided under this section in
27 the same manner as ((~~other~~)) absentee ballots under ((~~this~~)) chapters
28 29A.40 and ((~~chapter~~)) 29A.60 RCW.

29 (4) A voter who requests a special ((~~absentee~~)) provisional ballot
30 under this section may also request an absentee ballot under RCW
31 29A.40.020(4). If the ((~~regular~~)) absentee ballot is properly voted
32 and returned, the special ((~~absentee~~)) provisional ballot is void, and
33 the county auditor shall reject it in whole when special ((~~absentee~~))
34 provisional ballots are canvassed.

35 NEW SECTION. **Sec. 27.** In addition to the material required by RCW
36 29A.40.091, each county auditor shall include with any special
37 provisional ballot mailed the following information:

- 1 (1) Instructions for voting the ballot;
- 2 (2) Instructions for correcting a spoiled ballot;
- 3 (3) The fact that political party designation should be included
4 with all write-ins for partisan office;
- 5 (4) A listing of all offices and measures that will appear upon the
6 ballot, together with a listing of all persons who have filed for
7 office or who have indicated their intention to file for office;
- 8 (5) A copy of any applicable voters' guide available at that time;
- 9 (6) The fact that the voter may vote for as many or as few offices
10 or measures as he or she desires;
- 11 (7) The fact that the voter is entitled to request, and
12 subsequently vote a regular absentee ballot, and that if the regular
13 absentee is received during the time period provided by law for the
14 canvassing of absentee ballots it will be tabulated and the special
15 provisional ballot will be voided.

16 NEW SECTION. **Sec. 28.** No special provisional ballot may be
17 provided earlier than ninety days before a primary or election. An
18 application received by a county auditor more than ninety days before
19 a primary or general election may be either returned to the applicant
20 with the explanation that the request is premature or may be held by
21 the auditor until the appropriate time and then processed.

22 **Sec. 29.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to
23 read as follows:

24 (1) Except as otherwise provided by law, a registered voter or out-
25 of-state voter, overseas voter, or service voter desiring to cast an
26 absentee ballot at a single election or primary must request the
27 absentee ballot from his or her county auditor no earlier than ninety
28 days nor later than the day before the election or primary at which the
29 person seeks to vote. Except as otherwise provided by law, the request
30 may be made orally in person, by telephone, electronically, or in
31 writing. An application or request for an absentee ballot made under
32 the authority of a federal statute or regulation will be considered and
33 given the same effect as a request for an absentee ballot under this
34 chapter.

35 (2) A voter requesting an absentee ballot for a primary may also
36 request an absentee ballot for the following general election. A

1 request by an out-of-state voter, overseas voter, or service voter for
2 an absentee ballot for a primary election will be considered as a
3 request for an absentee ballot for the following general election.

4 (3) In requesting an absentee ballot, the voter shall state the
5 address to which the absentee ballot should be sent. A request for an
6 absentee ballot from an out-of-state voter, overseas voter, or service
7 voter must include the address of the last residence in the state of
8 Washington (~~((and either a written application or the oath on the return
9 envelope must include a declaration of the other qualifications of the
10 applicant as an elector of this state))~~). A request for an absentee
11 ballot from any other voter must state the address at which that voter
12 is currently registered to vote in the state of Washington or the
13 county auditor shall verify that information from the voter
14 registration records of the county.

15 (4) A request for an absentee ballot from a registered voter who is
16 within this state must be made directly to the auditor of the county in
17 which the voter is registered. An absentee ballot request from a
18 registered voter who is temporarily outside this state or from an out-
19 of-state voter, overseas voter, or service voter may be made either to
20 the appropriate county auditor or to the secretary of state, who shall
21 promptly forward the request to the appropriate county auditor.

22 (5) No person, organization, or association may distribute absentee
23 ballot applications within this state that contain a return address
24 other than that of the appropriate county auditor.

25 **Sec. 30.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
26 read as follows:

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

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

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

29 **Sec. 31.** RCW 29A.40.140 and 2003 c 111 s 1014 are each amended to
30 read as follows:

31 The qualifications of any absentee voter may be challenged at the
32 time the signature on the return envelope is verified and the ballot is
33 processed by the canvassing board. The board has the authority to
34 determine the legality of any absentee ballot challenged under this
35 section. Challenged ballots must be handled in accordance with chapter
36 ~~((29A.08))~~ . . . RCW (sections 21 through 28 of this act).

1 **Sec. 32.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to
2 read as follows:

3 (1) A voter desiring to vote shall give his or her name and photo
4 identification to the precinct election officer who has the precinct
5 list of registered voters. This officer shall announce the name to the
6 precinct election officer who has the copy of the inspector's poll book
7 for that precinct. The election officers together shall compare the
8 photograph on the identification with the appearance of the voter
9 before them and compare the signature on the identification with the
10 signature the voter has written in the poll book. If they agree that
11 there are obvious discrepancies between the photograph on the
12 identification and the appearance of the voter before them or between
13 the signature on the identification and the signature the voter has
14 written in the poll book, they shall treat the ballot as a provisional
15 ballot, note the discrepancies in a written record, and transmit this
16 record to the county auditor along with the voted ballot.

17 (2) The only acceptable forms of identification are either a
18 Washington state driver's license or identicard or a United States
19 passport. The identification must contain a photograph of the voter
20 and the voter's signature.

21 (3) If the right of this voter to participate in the primary or
22 election is not challenged, the voter must be issued a ballot or
23 permitted to enter a voting booth or to operate a voting device. For
24 a partisan primary in a jurisdiction using the physically separate
25 ballot format, the voter must be issued a nonpartisan ballot and each
26 party ballot. The number of the ballot or the voter must be recorded
27 by the precinct election officers. If the right of the voter to
28 participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that
29 voter.

30 **Sec. 33.** RCW 29A.44.330 and 2003 c 111 s 1131 are each amended to
31 read as follows:

32 The programmed memory pack for each poll-site ballot counting
33 device must be sealed into the device during final preparation and
34 logic and accuracy testing. Except in the case of a device breakdown,
35 the memory pack must remain sealed in the device until after the polls
36 have closed and all reports and telephonic or electronic transfer of
37 results are completed. After all reporting is complete the precinct

1 election officers responsible for transferring the sealed voted ballots
2 under RCW 29A.60.110 shall ensure that the memory pack is returned to
3 the elections department. If the entire poll-site ballot counting
4 device is returned, the memory pack must remain sealed in the device.
5 If the poll-site ballot counting device is to remain at the polling
6 place, the precinct election officer shall break the seal on the device
7 and remove the memory pack and seal and return it along with the
8 irregularly voted ballots and ((~~special~~)) provisional ballots to the
9 elections department on election day.

10 **Sec. 34.** RCW 29A.44.340 and 2003 c 111 s 1132 are each amended to
11 read as follows:

12 Each poll-site ballot counting device must be programmed to return
13 all blank ballots and overvoted ballots to the voter for private
14 reexamination. The election officer shall take whatever steps are
15 necessary to ensure that the secrecy of the ballot is maintained. The
16 precinct election officer shall provide information and instruction on
17 how to properly mark the ballot. The voter may remark the original
18 ballot, may request a new ballot under RCW 29A.44.040, or may choose to
19 complete a ((~~special~~)) provisional ballot envelope and return the
20 ballot as a ((~~special~~)) provisional ballot.

21 NEW SECTION. **Sec. 35.** A new section is added to chapter 29A.84
22 RCW to read as follows:

23 The secretary of state and the appropriate county auditor shall
24 refer all cases of violations of the following statutes that they
25 discover or suspect to have occurred to the local prosecuting attorney:
26 RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655, 29A.84.660,
27 29A.84.670, and 29A.84.680. The prosecutor to whom the violations were
28 referred shall submit to the secretary of state a list of all such
29 referrals, the basis of the referrals, and the final disposition of the
30 referrals.

31 **Sec. 36.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to
32 read as follows:

33 If any county auditor or registration assistant:

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

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

3 (3) Enters or causes or permits to be entered on the voter
4 registration records the name of any person in any other manner or at
5 any other time than as prescribed by voter registration law or enters
6 or causes or permits to be entered on such records the name of any
7 person not entitled to be thereon; or

8 (4) Destroys, mutilates, conceals, changes, or alters any
9 registration record in connection therewith except as authorized by
10 voter registration law,

11 he or she is guilty of a (~~gross misdemeanor punishable to the same~~
12 ~~extent as a gross misdemeanor that is~~) class C felony punishable under
13 RCW 9A.20.021.

14 **Sec. 37.** RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to
15 read as follows:

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

19 **Sec. 38.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to
20 read as follows:

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

25 **Sec. 39.** RCW 29A.84.670 and 2003 c 111 s 2134 and 2003 c 53 s 181
26 are each reenacted and amended to read as follows:

27 (1) It is unlawful for a voter to:

28 (a) Receive a ballot from any person other than the election
29 officer having charge of the ballots;

30 (b) Vote or offer to vote any ballot except one received from the
31 election officer having charge of the ballots;

32 (c) Fail to return to the election officers any ballot received
33 from an election officer.

34 (2) A violation of this section is a gross misdemeanor, punishable

1 (~~by a fine not exceeding one hundred dollars, plus costs of~~
2 prosecution)) under RCW 9A.20.021.

3 NEW SECTION. Sec. 40. A new section is added to chapter 46.20 RCW
4 to read as follows:

5 A person applying for issuance or renewal of an identicard or a
6 Washington state driver's license must provide proof of United States
7 citizenship. If the person does not supply proof meeting the
8 requirements of RCW 46.20.035, the department may not issue the person
9 a regular identicard or driver's license. If the person satisfies all
10 other requirements and fees prescribed by law, the department shall
11 issue the person a provisional identicard or driver's license.

12 **Sec. 41.** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read
13 as follows:

14 (1) The department may not issue an identicard or a Washington
15 state driver's license (~~(that is valid for identification purposes))~~
16 unless the applicant meets the identification requirements of
17 (~~(subsection (1), (2), or (3) of)~~) this section.

18 ~~((1))~~ (2) A driver's license or identicard applicant must provide
19 the department with an original or certified copy of at least one of
20 the following pieces of valid identifying documentation that (~~contains~~
21 ~~the signature and a photograph of the applicant~~) proves the applicant
22 is a United States citizen:

23 ~~(a) ((A valid or recently expired driver's license or instruction~~
24 ~~permit that includes the date of birth of the applicant;~~

25 ~~(b) A Washington state identicard or an identification card issued~~
26 ~~by another state;~~

27 ~~(c) An identification card issued by the United States, a state, or~~
28 ~~an agency of either the United States or a state, of a kind commonly~~
29 ~~used to identify the members or employees of the government agency;~~

30 ~~(d) A military identification card;~~

31 ~~(e) A United States passport; or~~

32 ~~(f) An Immigration and Naturalization Service form.~~

33 ~~(2))~~ (2)) A United States passport;

34 (b) A certified birth certificate issued by the city, county, or
35 state. A certified birth certificate has a registrar's raised,

1 embossed, impressed, or multicolored seal, registrar's signature, and
2 the date the certificate was filed with the registrar's office, which
3 must be within one year of birth;

4 (c) A consular report of birth abroad or certification of birth;

5 (d) A naturalization certificate; or

6 (e) A certificate of citizenship.

7 (3) Any person who applies for an identicard or a Washington state
8 driver's license under this chapter and any person who is the parent of
9 a minor who applies for an identicard or a Washington state driver's
10 license under this chapter shall first provide the department with
11 proof of the person's status as a citizen of the United States and, in
12 addition, shall provide the department with the person's residential
13 address and phone number. The department shall confirm the validity of
14 the person's citizenship status.

15 (4) Each identicard or Washington state driver's license issued by
16 the department to an applicant who is not a citizen must be clearly
17 identified as a provisional identicard or license.

18 (5) An applicant who is a minor may establish identity by providing
19 an affidavit of the applicant's parent or guardian. The parent or
20 guardian must accompany the minor and display or provide:

21 (a) At least one piece of documentation in subsection ~~((1))~~ (2)
22 of this section establishing the identity of the parent or guardian;
23 and

24 (b) Additional documentation establishing the relationship between
25 the parent or guardian and the applicant.

26 ~~((3) A person unable to provide identifying documentation as~~
27 ~~specified in subsection (1) or (2) of this section may request that the~~
28 ~~department review other available documentation in order to ascertain~~
29 ~~identity. The department may waive the requirement if it finds that~~
30 ~~other documentation clearly establishes the identity of the applicant.~~

31 ~~(4))~~ (6) An identicard or a driver's license that includes a
32 photograph that has been renewed by mail or by electronic commerce is
33 valid for identification purposes if the applicant met the
34 identification requirements of ~~((subsection (1), (2), or (3) of))~~ this
35 section at the time of previous issuance.

36 ~~((5))~~ (7) The form of an applicant's name, as established under
37 this section, is the person's name of record for the purposes of this
38 chapter.

1 ~~((6) If the applicant is unable to prove his or her identity under~~
2 ~~this section, the department shall plainly label the license "not valid~~
3 ~~for identification purposes.")~~

4 (8) Proof of citizenship is not required if an applicant displays
5 a valid or recently expired identicard or Washington state driver's
6 license that was issued by the department after the effective date of
7 this section.

8 **Sec. 42.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read
9 as follows:

10 (1) **Application.** In order to apply for a driver's license or
11 instruction permit the applicant must provide his or her:

12 (a) Name of record, as established by documentation required under
13 RCW 46.20.035;

14 (b) Date of birth, as established by satisfactory evidence of age;

15 (c) Sex;

16 (d) Washington residence address;

17 (e) Description;

18 (f) Driving licensing history, including:

19 (i) Whether the applicant has ever been licensed as a driver or
20 chauffeur and, if so, (A) when and by what state or country; (B)
21 whether the license has ever been suspended or revoked; and (C) the
22 date of and reason for the suspension or revocation; or

23 (ii) Whether the applicant's application to another state or
24 country for a driver's license has ever been refused and, if so, the
25 date of and reason for the refusal; ~~((and))~~

26 (g) Proof of United States citizenship; and

27 (h) Any additional information required by the department.

28 (2) **Sworn statement.** An application for an instruction permit or
29 for an original driver's license must be made upon a form provided by
30 the department. The form must include a section for the applicant to
31 indicate whether he or she has received driver training and, if so,
32 where. The identifying documentation verifying the name of record must
33 be accompanied by the applicant's written statement that it is valid.
34 The information provided on the form must be sworn to and signed by the
35 applicant before a person authorized to administer oaths. An applicant
36 who makes a false statement on an application for a driver's license or

1 instruction permit is guilty of false swearing, a gross misdemeanor,
2 under RCW 9A.72.040.

3 (3) **Driving records from other jurisdictions.** If a person
4 previously licensed in another jurisdiction applies for a Washington
5 driver's license, the department shall request a copy of the
6 applicant's driver's record from the other jurisdiction. The driving
7 record from the other jurisdiction becomes a part of the driver's
8 record in this state.

9 (4) **Driving records to other jurisdictions.** If another
10 jurisdiction requests a copy of a person's Washington driver's record,
11 the department shall provide a copy of the record. The department
12 shall forward the record without charge if the other jurisdiction
13 extends the same privilege to the state of Washington. Otherwise the
14 department shall charge a reasonable fee for transmittal of the record.

15 **Sec. 43.** RCW 46.20.105 and 2000 c 115 s 5 are each amended to read
16 as follows:

17 (1) The department may provide a method to distinguish the driver's
18 license of a person who is under the age of twenty-one from the
19 driver's license of a person who is twenty-one years of age or older.

20 (2) An instruction permit must be identified as an "instruction
21 permit" and issued in a distinctive form as determined by the
22 department.

23 (3) An intermediate license must be identified as an "intermediate
24 license" and issued in a distinctive form as determined by the
25 department.

26 (4) A provisional license must be identified as a "provisional
27 license" and issued in a distinctive color as determined by the
28 department.

29 **Sec. 44.** RCW 46.20.117 and 2004 c 249 s 5 are each amended to read
30 as follows:

31 (1) **Issuance.** The department shall issue an identicard, containing
32 a picture, if the applicant:

33 (a) Does not hold a valid Washington driver's license;

34 (b) Proves his or her identity as required by RCW 46.20.035; and

35 (c) Pays the required fee. The fee is fifteen dollars unless an
36 applicant is a recipient of continuing public assistance grants under

1 Title 74 RCW, who is referred in writing by the secretary of social and
2 health services. For those persons the fee must be the actual cost of
3 production of the identicard.

4 (2) **Design and term.** The identicard must:

5 (a) Be distinctly designed so that it will not be confused with the
6 official driver's license; (~~and~~)

7 (b) Expire on the fifth anniversary of the applicant's birthdate
8 after issuance; and

9 (c) If a provisional identicard, be clearly identified as a
10 "provisional identicard" and issued in a distinctive color as
11 determined by the department.

12 (3) **Renewal.** An application for identicard renewal may be
13 submitted by means of:

14 (a) Personal appearance before the department; or

15 (b) Mail or electronic commerce, if permitted by rule of the
16 department and if the applicant did not renew his or her identicard by
17 mail or by electronic commerce when it last expired. However, the
18 department may accept an application for renewal of an identicard
19 submitted by means of mail or electronic commerce only if specific
20 authority and funding is provided for this purpose by June 30, 2004, in
21 the omnibus transportation appropriations act.

22 An identicard may not be renewed by mail or by electronic commerce
23 unless the renewal issued by the department includes a photograph of
24 the identicard holder.

25 (4) **Cancellation.** The department may cancel an identicard if the
26 holder of the identicard used the card or allowed others to use the
27 card in violation of RCW 46.20.0921.

28 **Sec. 45.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read
29 as follows:

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

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

36 (2) If the applicant chooses to register or transfer a

1 registration, the agent shall ((state)) make the following statement
2 and ask the applicant the following questions:

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

6 (3) If the applicant responds in the affirmative that he or she is
7 a United States citizen, and that he or she is at least eighteen years
8 of age, the agent shall then provide the applicant with a voter
9 registration form and instructions and shall record that the applicant
10 has requested to register to vote or transfer a voter registration.

11 ~~((+2))~~ (4) The department shall establish a procedure that
12 substantially meets the requirements of subsections (1) and (2) of this
13 section when permitting an applicant to renew a license or identicard
14 by mail or by electronic commerce.

15 **Sec. 46.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are
16 each reenacted and amended to read as follows:

17 TABLE 2

18 CRIMES INCLUDED WITHIN
19 EACH SERIOUSNESS LEVEL

- 20 XVI Aggravated Murder 1 (RCW
21 10.95.020)
- 22 XV Homicide by abuse (RCW 9A.32.055)
23 Malicious explosion 1 (RCW
24 70.74.280(1))
25 Murder 1 (RCW 9A.32.030)
- 26 XIV Murder 2 (RCW 9A.32.050)
27 Trafficking 1 (RCW 9A.40.100(1))
- 28 XIII Malicious explosion 2 (RCW
29 70.74.280(2))
30 Malicious placement of an explosive 1
31 (RCW 70.74.270(1))
- 32 XII Assault 1 (RCW 9A.36.011)
33 Assault of a Child 1 (RCW 9A.36.120)

1 Malicious placement of an imitation
2 device 1 (RCW 70.74.272(1)(a))
3 Rape 1 (RCW 9A.44.040)
4 Rape of a Child 1 (RCW 9A.44.073)
5 Trafficking 2 (RCW 9A.40.100(2))
6 XI Manslaughter 1 (RCW 9A.32.060)
7 Rape 2 (RCW 9A.44.050)
8 Rape of a Child 2 (RCW 9A.44.076)
9 X Child Molestation 1 (RCW 9A.44.083)
10 Indecent Liberties (with forcible
11 compulsion) (RCW
12 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW
17 70.74.280(3))
18 Sexually Violent Predator Escape
19 (RCW 9A.76.115)
20 IX Assault of a Child 2 (RCW 9A.36.130)
21 Explosive devices prohibited (RCW
22 70.74.180)
23 Hit and Run--Death (RCW
24 46.52.020(4)(a))
25 Homicide by Watercraft, by being
26 under the influence of intoxicating
27 liquor or any drug (RCW
28 79A.60.050)
29 Inciting Criminal Profiteering (RCW
30 9A.82.060(1)(b))
31 Malicious placement of an explosive 2
32 (RCW 70.74.270(2))
33 Robbery 1 (RCW 9A.56.200)
34 Sexual Exploitation (RCW 9.68A.040)

1 Vehicular Homicide, by being under
2 the influence of intoxicating
3 liquor or any drug (RCW
4 46.61.520)
5 VIII Arson 1 (RCW 9A.48.020)
6 Homicide by Watercraft, by the
7 operation of any vessel in a
8 reckless manner (RCW
9 79A.60.050)
10 Manslaughter 2 (RCW 9A.32.070)
11 Promoting Prostitution 1 (RCW
12 9A.88.070)
13 Theft of Ammonia (RCW 69.55.010)
14 Vehicular Homicide, by the operation
15 of any vehicle in a reckless
16 manner (RCW 46.61.520)
17 VII Burglary 1 (RCW 9A.52.020)
18 Child Molestation 2 (RCW 9A.44.086)
19 Civil Disorder Training (RCW
20 9A.48.120)
21 Dealing in depictions of minor
22 engaged in sexually explicit
23 conduct (RCW 9.68A.050)
24 Drive-by Shooting (RCW 9A.36.045)
25 Homicide by Watercraft, by disregard
26 for the safety of others (RCW
27 79A.60.050)
28 Indecent Liberties (without forcible
29 compulsion) (RCW 9A.44.100(1)
30 (b) and (c))
31 Introducing Contraband 1 (RCW
32 9A.76.140)
33 Malicious placement of an explosive 3
34 (RCW 70.74.270(3))

1 Sending, bringing into state depictions
2 of minor engaged in sexually
3 explicit conduct (RCW
4 9.68A.060)
5 Unlawful Possession of a Firearm in
6 the first degree (RCW
7 9.41.040(1))
8 Use of a Machine Gun in Commission
9 of a Felony (RCW 9.41.225)
10 Vehicular Homicide, by disregard for
11 the safety of others (RCW
12 46.61.520)
13 VI Bail Jumping with Murder 1 (RCW
14 9A.76.170(3)(a))
15 Bribery (RCW 9A.68.010)
16 Incest 1 (RCW 9A.64.020(1))
17 Intimidating a Judge (RCW
18 9A.72.160)
19 Intimidating a Juror/Witness (RCW
20 9A.72.110, 9A.72.130)
21 Malicious placement of an imitation
22 device 2 (RCW 70.74.272(1)(b))
23 Rape of a Child 3 (RCW 9A.44.079)
24 Theft of a Firearm (RCW 9A.56.300)
25 Unlawful Storage of Ammonia (RCW
26 69.55.020)
27 V Abandonment of dependent person 1
28 (RCW 9A.42.060)
29 Advancing money or property for
30 extortionate extension of credit
31 (RCW 9A.82.030)
32 Bail Jumping with class A Felony
33 (RCW 9A.76.170(3)(b))
34 Child Molestation 3 (RCW 9A.44.089)
35 Criminal Mistreatment 1 (RCW
36 9A.42.020)

1 Custodial Sexual Misconduct 1 (RCW
2 9A.44.160)
3 Domestic Violence Court Order
4 Violation (RCW 10.99.040,
5 10.99.050, 26.09.300, 26.10.220,
6 26.26.138, 26.50.110, 26.52.070,
7 or 74.34.145)
8 Extortion 1 (RCW 9A.56.120)
9 Extortionate Extension of Credit
10 (RCW 9A.82.020)
11 Extortionate Means to Collect
12 Extensions of Credit (RCW
13 9A.82.040)
14 Incest 2 (RCW 9A.64.020(2))
15 Kidnapping 2 (RCW 9A.40.030)
16 Perjury 1 (RCW 9A.72.020)
17 Persistent prison misbehavior (RCW
18 9.94.070)
19 Possession of a Stolen Firearm (RCW
20 9A.56.310)
21 Rape 3 (RCW 9A.44.060)
22 Rendering Criminal Assistance 1
23 (RCW 9A.76.070)
24 Sexual Misconduct with a Minor 1
25 (RCW 9A.44.093)
26 Sexually Violating Human Remains
27 (RCW 9A.44.105)
28 Stalking (RCW 9A.46.110)
29 Taking Motor Vehicle Without
30 Permission 1 (RCW 9A.56.070)
31 IV Arson 2 (RCW 9A.48.030)
32 Assault 2 (RCW 9A.36.021)
33 Assault by Watercraft (RCW
34 79A.60.060)
35 Bribing a Witness/Bribe Received by
36 Witness (RCW 9A.72.090,
37 9A.72.100)

1 Cheating 1 (RCW 9.46.1961)
2 Commercial Bribery (RCW
3 9A.68.060)
4 Counterfeiting (RCW 9.16.035(4))
5 Endangerment with a Controlled
6 Substance (RCW 9A.42.100)
7 Escape 1 (RCW 9A.76.110)
8 Hit and Run--Injury (RCW
9 46.52.020(4)(b))
10 Hit and Run with Vessel--Injury
11 Accident (RCW 79A.60.200(3))
12 Identity Theft 1 (RCW 9.35.020(2))
13 Indecent Exposure to Person Under
14 Age Fourteen (subsequent sex
15 offense) (RCW 9A.88.010)
16 Influencing Outcome of Sporting
17 Event (RCW 9A.82.070)
18 Malicious Harassment (RCW
19 9A.36.080)
20 Residential Burglary (RCW
21 9A.52.025)
22 Robbery 2 (RCW 9A.56.210)
23 Theft of Livestock 1 (RCW 9A.56.080)
24 Threats to Bomb (RCW 9.61.160)
25 Trafficking in Stolen Property 1 (RCW
26 9A.82.050)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(b))
30 Unlawful transaction of health
31 coverage as a health care service
32 contractor (RCW 48.44.016(3))
33 Unlawful transaction of health
34 coverage as a health maintenance
35 organization (RCW 48.46.033(3))
36 Unlawful transaction of insurance
37 business (RCW 48.15.023(3))

1 Unlicensed practice as an insurance
2 professional (RCW 48.17.063(3))
3 Use of Proceeds of Criminal
4 Profiteering (RCW 9A.82.080 (1)
5 and (2))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Willful Failure to Return from
12 Furlough (RCW 72.66.060)
13 III Abandonment of dependent person 2
14 (RCW 9A.42.070)
15 Assault 3 (RCW 9A.36.031)
16 Assault of a Child 3 (RCW 9A.36.140)
17 Bail Jumping with class B or C Felony
18 (RCW 9A.76.170(3)(c))
19 Burglary 2 (RCW 9A.52.030)
20 Communication with a Minor for
21 Immoral Purposes (RCW
22 9.68A.090)
23 Criminal Gang Intimidation (RCW
24 9A.46.120)
25 Criminal Mistreatment 2 (RCW
26 9A.42.030)
27 Custodial Assault (RCW 9A.36.100)
28 Cyberstalking (subsequent conviction
29 or threat of death) (RCW
30 9.61.260(3))
31 Escape 2 (RCW 9A.76.120)
32 Extortion 2 (RCW 9A.56.130)
33 Harassment (RCW 9A.46.020)
34 Intimidating a Public Servant (RCW
35 9A.76.180)
36 Introducing Contraband 2 (RCW
37 9A.76.150)

1 Malicious Injury to Railroad Property
2 (RCW 81.60.070)
3 Patronizing a Juvenile Prostitute
4 (RCW 9.68A.100)
5 Perjury 2 (RCW 9A.72.030)
6 Possession of Incendiary Device (RCW
7 9.40.120)
8 Possession of Machine Gun or Short-
9 Barreled Shotgun or Rifle (RCW
10 9.41.190)
11 Promoting Prostitution 2 (RCW
12 9A.88.080)
13 Securities Act violation (RCW
14 21.20.400)
15 Tampering with a Witness (RCW
16 9A.72.120)
17 Telephone Harassment (subsequent
18 conviction or threat of death)
19 (RCW 9.61.230(2))
20 Theft of Livestock 2 (RCW 9A.56.083)
21 Trafficking in Stolen Property 2 (RCW
22 9A.82.055)
23 Unlawful Imprisonment (RCW
24 9A.40.040)
25 Unlawful possession of firearm in the
26 second degree (RCW 9.41.040(2))
27 Vehicular Assault, by the operation or
28 driving of a vehicle with disregard
29 for the safety of others (RCW
30 46.61.522)
31 Voter Registration Violation by
32 Election Official (RCW
33 29A.84.110)
34 Willful Failure to Return from Work
35 Release (RCW 72.65.070)
36 II Computer Trespass 1 (RCW
37 9A.52.110)

1 Counterfeiting (RCW 9.16.035(3))
2 Escape from Community Custody
3 (RCW 72.09.310)
4 Health Care False Claims (RCW
5 48.80.030)
6 Identity Theft 2 (RCW 9.35.020(3))
7 Improperly Obtaining Financial
8 Information (RCW 9.35.010)
9 Malicious Mischief 1 (RCW
10 9A.48.070)
11 Possession of Stolen Property 1 (RCW
12 9A.56.150)
13 Repeat Voting (RCW 29A.84.650)
14 Theft 1 (RCW 9A.56.030)
15 Theft of Rental, Leased, or Lease-
16 purchased Property (valued at one
17 thousand five hundred dollars or
18 more) (RCW 9A.56.096(5)(a))
19 Trafficking in Insurance Claims (RCW
20 48.30A.015)
21 Unlawful factoring of a credit card or
22 payment card transaction (RCW
23 9A.56.290(4)(a))
24 Unlawful Practice of Law (RCW
25 2.48.180)
26 Unlicensed Practice of a Profession or
27 Business (RCW 18.130.190(7))
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 False Verification for Welfare (RCW
31 74.08.055)
32 Forgery (RCW 9A.60.020)
33 Fraudulent Creation or Revocation of a
34 Mental Health Advance Directive
35 (RCW 9A.60.060)
36 Malicious Mischief 2 (RCW
37 9A.48.080)

1 Mineral Trespass (RCW 78.44.330)
2 Possession of Stolen Property 2 (RCW
3 9A.56.160)
4 Reckless Burning 1 (RCW 9A.48.040)
5 Taking Motor Vehicle Without
6 Permission 2 (RCW 9A.56.075)
7 Theft 2 (RCW 9A.56.040)
8 Theft of Rental, Leased, or Lease-
9 purchased Property (valued at two
10 hundred fifty dollars or more but
11 less than one thousand five
12 hundred dollars) (RCW
13 9A.56.096(5)(b))
14 Transaction of insurance business
15 beyond the scope of licensure
16 (RCW 48.17.063(4))
17 Unlawful Issuance of Checks or Drafts
18 (RCW 9A.56.060)
19 Unlawful Possession of Fictitious
20 Identification (RCW 9A.56.320)
21 Unlawful Possession of Instruments of
22 Financial Fraud (RCW
23 9A.56.320)
24 Unlawful Possession of Payment
25 Instruments (RCW 9A.56.320)
26 Unlawful Possession of a Personal
27 Identification Device (RCW
28 9A.56.320)
29 Unlawful Production of Payment
30 Instruments (RCW 9A.56.320)
31 Unlawful Trafficking in Food Stamps
32 (RCW 9.91.142)
33 Unlawful Use of Food Stamps (RCW
34 9.91.144)
35 Unqualified Voter Registering (RCW
36 29A.84.140)
37 Vehicle Prowl 1 (RCW 9A.52.095)

1 NEW SECTION. **Sec. 47.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 29A.08.145 (Late registration--Special procedure) and 2004
4 c 267 s 113, 2003 c 111 s 213, & 1993 c 383 s 1; and

5 (2) RCW 29A.08.230 (Oath of applicant) and 2003 c 111 s 218, 1994
6 c 57 s 12, 1990 c 143 s 8, 1973 1st ex.s. c 21 s 4, 1971 ex.s. c 202 s
7 10, & 1965 c 9 s 29.07.080.

8 NEW SECTION. **Sec. 48.** (1) Sections 21 through 25, 27, and 28 of
9 this act constitute a new chapter in Title 29A RCW, to be captioned
10 "Provisional ballots."

11 (2) RCW 29A.40.050, as amended by section 26 of this act, is
12 recodified as a section in the new chapter created in subsection (1) of
13 this section.

14 NEW SECTION. **Sec. 49.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 50.** (1) Sections 1 and 18 of this act are
19 necessary for the immediate preservation of the public peace, health,
20 or safety, or support of the state government and its existing public
21 institutions, and take effect immediately.

22 (2) The remainder of this act takes effect January 1, 2006.

--- END ---