
ENGROSSED SUBSTITUTE SENATE BILL 5499

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Government Operations & Elections (originally sponsored by Senators Kastama, Berkey, Fairley, Pridemore, Franklin, Haugen, Shin, Kohl-Welles, Doumit, Rasmussen and Keiser)

READ FIRST TIME 02/21/05.

1 AN ACT Relating to election reform; amending RCW 29A.04.008,
2 29A.04.530, 29A.04.570, 29A.04.611, 29A.08.125, 29A.08.125, 29A.08.605,
3 29A.08.605, 29A.08.651, 29A.24.050, 29A.40.091, 29A.40.110, 29A.60.021,
4 29A.60.050, 29A.60.070, 29A.60.180, 29A.60.190, 29A.60.210, 29A.60.250,
5 29A.64.021, 29A.64.030, 29A.64.061, 29A.68.011, 29A.84.650, and
6 46.20.155; adding a new section to chapter 29A.36 RCW; adding new
7 sections to chapter 29A.40 RCW; adding new sections to chapter 29A.44
8 RCW; adding new sections to chapter 29A.60 RCW; adding a new section to
9 chapter 29A.84 RCW; prescribing penalties; providing an effective date;
10 and providing an expiration date.

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

12 **Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended to
13 read as follows:

14 As used in this title:

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

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

1 (b) A facsimile of the contents of a particular ballot whether
2 printed on a paper ballot or ballot card or as part of a voting machine
3 or voting device;

4 (c) A physical or electronic record of the choices of an individual
5 voter in a particular primary, general election, or special election;
6 or

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

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

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

17 (4) "Sample ballot" means a printed facsimile of all the issues and
18 offices on the ballot in a jurisdiction and is intended to give voters
19 notice of the issues, offices, and candidates that are to be voted on
20 at a particular primary, general election, or special election;

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

24 (a) The voter's name does not appear in the poll book;

25 (b) There is an indication in the poll book that the voter has
26 requested an absentee ballot, but the voter wishes to vote at the
27 polling place;

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

30 (d) Other circumstances as determined by the precinct election
31 board;

32 (e) Any other reason allowed by law;

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

37 (7) "Nonpartisan ballot" means a primary election ballot that lists

1 all nonpartisan races and ballot measures to be voted on at that
2 primary.

3 **Sec. 2.** RCW 29A.04.530 and 2003 c 111 s 151 are each amended to
4 read as follows:

5 The secretary of state shall:

6 (1) Establish and operate, or provide by contract, training and
7 certification programs for state and county elections administration
8 officials and personnel, including training on the various types of
9 election law violations and discrimination, and training programs for
10 political party observers which conform to the rules for such programs
11 established under RCW 29A.04.630;

12 (2) Establish guidelines, in consultation with state and local law
13 enforcement, for signature verification processes. All election
14 personnel assigned to verify signatures must receive training on the
15 guidelines;

16 (3) Administer tests for state and county officials and personnel
17 who have received such training and issue certificates to those who
18 have successfully completed the training and passed such tests;

19 ~~((3))~~ (4) Maintain a record of those individuals who have
20 received such training and certificates; and

21 ~~((4))~~ (5) Provide the staffing and support services required by
22 the board created under RCW 29A.04.510.

23 **Sec. 3.** RCW 29A.04.570 and 2003 c 111 s 155 are each amended to
24 read as follows:

25 (1)(a) The election review staff of the office of the secretary of
26 state shall conduct a review of election-related policies, procedures,
27 and practices in an affected county or counties:

28 (i) If the unofficial returns of a primary or general election for
29 a position in the state legislature indicate that a mandatory recount
30 is likely for that position; or

31 (ii) If unofficial returns indicate a mandatory recount is likely
32 in a statewide election or an election for federal office.

33 Reviews conducted under (ii) of this subsection shall be performed
34 in as many selected counties as time and staffing permit. Reviews
35 conducted as a result of mandatory recounts shall be performed between

1 the time the unofficial returns are complete and the time the recount
2 is to take place, if possible.

3 (b) In addition to conducting reviews under (a) of this subsection,
4 the election review staff shall also conduct such a review in a county
5 (~~periodically~~) at least once in each three-year period, in
6 conjunction with a county primary or special or general election, at
7 the direction of the secretary of state or at the request of the county
8 auditor. If staffing or budget levels do not permit a three-year
9 election cycle for reviews, then reviews must be done as often as
10 possible. If any resident of this state believes that an aspect of a
11 primary or election has been conducted inappropriately in a county, the
12 resident may file a complaint with the secretary of state. The
13 secretary shall consider such complaints in scheduling periodic reviews
14 under this section.

15 (c) Before an election review is conducted in a county, the
16 secretary of state shall provide the county auditor of the affected
17 county and the chair of the state central committee of each major
18 political party with notice that the review is to be conducted. When
19 a periodic review is to be conducted in a county at the direction of
20 the secretary of state under (b) of this subsection, the secretary
21 shall provide the affected county auditor not less than thirty days'
22 notice.

23 (2) Reviews shall be conducted in conformance with rules adopted
24 under RCW 29A.04.630. In performing a review in a county under this
25 chapter, the election review staff shall evaluate the policies and
26 procedures established for conducting the primary or election in the
27 county and the practices of those conducting it. As part of the
28 review, the election review staff shall issue to the county auditor and
29 the members of the county canvassing board a report of its findings and
30 recommendations regarding such policies, procedures, and practices. A
31 review conducted under this chapter shall not include any evaluation,
32 finding, or recommendation regarding the validity of the outcome of a
33 primary or election or the validity of any canvass of returns nor does
34 the election review staff have any jurisdiction to make such an
35 evaluation, finding, or recommendation under this title.

36 (3) The county auditor or the county canvassing board shall respond
37 to the review report in writing, listing the steps that will be taken
38 to correct any problems listed in the report. The secretary of state

1 shall visit the county before the next state primary or general
2 election to verify that the county has taken the steps they listed to
3 correct the problems noted in the report.

4 (4) The county auditor of the county in which a review is conducted
5 under this section or a member of the canvassing board of the county
6 may appeal the findings or recommendations of the election review staff
7 regarding the review by filing an appeal with the board created under
8 RCW 29A.04.510.

9 **Sec. 4.** RCW 29A.04.611 and 2004 c 271 s 151 are each amended to
10 read as follows:

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

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

22 (1) The maintenance of voter registration records;

23 (2) The preparation, maintenance, distribution, review, and filing
24 of precinct maps;

25 (3) Standards for the design, layout, and production of ballots,
26 including standards that require provisional ballots to be
27 distinguishable from the other ballots and incapable of being tabulated
28 by the poll-site ballot counting device;

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

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

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

36 (7) Standards and procedures for testing the programming of vote
37 tallying software for specific primaries and elections;

1 (8) Standards and procedures for the preparation and use of each
2 type of certified voting system including procedures for the operation
3 of counting centers where vote tallying systems are used;

4 (9) Standards and procedures to ensure the accurate tabulation and
5 canvassing of ballots;

6 (10) Consistency among the counties of the state in the preparation
7 of ballots, the operation of vote tallying systems, and the canvassing
8 of primaries and elections;

9 (11) Procedures to ensure the secrecy of a voter's ballot when a
10 small number of ballots are counted at the polls or at a counting
11 center;

12 (12) The use of substitute devices or means of voting when a voting
13 device at the polling place is found to be defective, the counting of
14 votes cast on the defective device, the counting of votes cast on the
15 substitute device, and the documentation that must be submitted to the
16 county auditor regarding such circumstances;

17 (13) Procedures for the transportation of sealed containers of
18 voted ballots or sealed voting devices;

19 (14) The acceptance and filing of documents via electronic
20 facsimile;

21 (15) Voter registration applications and records;

22 (16) The use of voter registration information in the conduct of
23 elections;

24 (17) The coordination, delivery, and processing of voter
25 registration records accepted by driver licensing agents or the
26 department of licensing;

27 (18) The coordination, delivery, and processing of voter
28 registration records accepted by agencies designated by the governor to
29 provide voter registration services;

30 (19) Procedures to receive and distribute voter registration
31 applications by mail;

32 (20) Procedures for a voter to change his or her voter registration
33 address within a county by telephone;

34 (21) Procedures for a voter to change the name under which he or
35 she is registered to vote;

36 (22) Procedures for canceling dual voter registration records and
37 for maintaining records of persons whose voter registrations have been
38 canceled;

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

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

3 (44) Deadlines for the filing of ballot titles for referendum bills
4 and constitutional amendments if none have been provided by the
5 legislature;

6 (45) Procedures for the publication of a state voters' pamphlet;

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

11 (47) Procedures for conducting partisan primary elections;

12 (48) Standards and procedures for the proper conduct of voting
13 during the early voting period to provide accessibility for the blind
14 or visually impaired;

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

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

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

29 (52) Provisions and procedures to implement the state-based
30 administrative complaint procedure as required by the Help America Vote
31 Act (P.L. 107-252); and

32 (53) Facilitating the payment of local government grants to local
33 government election officers or vendors.

34 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.36 RCW
35 to read as follows:

36 All provisional ballots must be visually distinguishable from the
37 other ballots and must be either:

- 1 (1) Printed on colored paper; or
- 2 (2) Imprinted with a bar code for the purpose of identifying the
- 3 ballot as a provisional ballot. The bar code must not identify the
- 4 voter.
- 5 Provisional ballots must be incapable of being tabulated by
- 6 poll-site counting devices.

7 **Sec. 6.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
8 read as follows:

9 (1) Each county auditor shall maintain a computer file containing
10 the records of all registered voters within the county. The auditor
11 may provide for the establishment and maintenance of such files by
12 private contract or through interlocal agreement as provided by chapter
13 39.34 RCW. The computer file must include, but not be limited to, each
14 voter's last name, first name, middle initial, date of birth, residence
15 address, gender, date of registration, applicable taxing district and
16 precinct codes, and the last date on which the individual voted.

17 (2) County election officials shall randomly investigate the record
18 of all registered voters within the county contained on the official
19 statewide voter registration list for that county to make corrections
20 in the record regarding persons who are deceased or whose residence
21 differs from that on the official statewide voter registration list.

22 (3) The county auditor shall subsequently record each consecutive
23 date upon which the individual has voted and retain at least the last
24 five such consecutive dates. If the voter has not voted at least five
25 times since establishing his or her current registration record, only
26 the available dates will be included.

27 **Sec. 7.** RCW 29A.08.125 and 2004 c 267 s 110 are each amended to
28 read as follows:

29 (1) Each county auditor shall maintain a computer file containing
30 a copy of each record of all registered voters within the county
31 contained on the official statewide voter registration list for that
32 county.

33 (2) County election officials shall randomly investigate the record
34 of all registered voters within the county contained on the official
35 statewide voter registration list for that county to make corrections

1 in the record regarding persons who are deceased or whose residence
2 differs from that on the official statewide voter registration list.

3 (3) The computer file must include, but not be limited to, each
4 voter's last name, first name, middle initial, date of birth, residence
5 address, gender, date of registration, applicable taxing district and
6 precinct codes, and the last date on which the individual voted.

7 (4) The county auditor shall subsequently record each consecutive
8 date upon which the individual has voted and retain all such
9 consecutive dates.

10 **Sec. 8.** RCW 29A.08.605 and 2003 c 111 s 236 are each amended to
11 read as follows:

12 In addition to the case-by-case maintenance required under RCW
13 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under
14 RCW 29A.08.510, and the random investigation required under RCW
15 29A.08.125, the county auditor shall establish a general program of
16 voter registration list maintenance. This program must be a thorough
17 review that is applied uniformly throughout the county and must be
18 nondiscriminatory in its application. Any program established must be
19 completed at least once every two years and not later than ninety days
20 before the date of a primary or general election for federal office.
21 The county may fulfill its obligations under this section in one of the
22 following ways:

23 (1) The county auditor may enter into one or more contracts with
24 the United States postal service, or its licensee, which permit the
25 auditor to use postal service change-of-address information. If the
26 auditor receives change of address information from the United States
27 postal service that indicates that a voter has changed his or her
28 residence address within the county, the auditor shall transfer the
29 registration of that voter and send a confirmation notice informing the
30 voter of the transfer to the new address. If the auditor receives
31 postal change of address information indicating that the voter has
32 moved out of the county, the auditor shall send a confirmation notice
33 to the voter and advise the voter of the need to reregister in the new
34 county. The auditor shall place the voter's registration on inactive
35 status;

36 (2) A direct, nonforwardable, nonprofit or first-class mailing to
37 every registered voter within the county bearing the postal endorsement

1 "Return Service Requested." If address correction information for a
2 voter is received by the county auditor after this mailing, the auditor
3 shall place that voter on inactive status and shall send to the voter
4 a confirmation notice;

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

6 **Sec. 9.** RCW 29A.08.605 and 2004 c 267 s 128 are each amended to
7 read as follows:

8 In addition to the case-by-case maintenance required under RCW
9 29A.08.620 and 29A.08.630 (~~and~~), the canceling of registrations under
10 RCW 29A.08.510, and the random investigation required under RCW
11 29A.08.125, the secretary of state and the county auditor shall
12 cooperatively establish a general program of voter registration list
13 maintenance. This program must be a thorough review that is applied
14 uniformly throughout the county and must be nondiscriminatory in its
15 application. Any program established must be completed at least once
16 every two years and not later than ninety days before the date of a
17 primary or general election for federal office. This obligation may be
18 fulfilled in one of the following ways:

19 (1) The secretary of state may enter into one or more contracts
20 with the United States postal service, or its licensee, which permit
21 the use of postal service change-of-address information. If the change
22 of address information is received from the United States postal
23 service that indicates that a voter has changed his or her residence
24 address within the state, the auditor shall transfer the registration
25 of that voter and send a confirmation notice informing the voter of the
26 transfer to the new address;

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

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

34 **Sec. 10.** RCW 29A.08.651 and 2004 c 267 s 101 are each amended to
35 read as follows:

36 (1) The office of the secretary of state shall create and maintain

1 a statewide voter registration data base. This data base must be a
2 single, uniform, official, centralized, interactive computerized
3 statewide voter registration list defined, maintained, and administered
4 at the state level that contains the name and registration information
5 of every legally registered voter in the state and assigns a unique
6 identifier to each legally registered voter in the state.

7 (2) The computerized list must serve as the single system for
8 storing and maintaining the official list of registered voters
9 throughout the state.

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

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

14 (5) The computerized list must be coordinated with other agency
15 data bases within the state, including but not limited to the
16 department of corrections, the department of licensing, and the
17 department of health.

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

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

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

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

30 (10) The secretary of state has data authority on all voter
31 registration data.

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

- 34 (a) Comply with the Help America Vote Act of 2002 (P.L. 107-252);
- 35 (b) Identify duplicate voter registrations;
- 36 (c) Identify suspected duplicate voters;
- 37 (d) Screen against the department of corrections data base to aid
38 in the cancellation of voter registration of felons;

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

3 (f) Provide current and accurate voter registration information
4 using information obtained under RCW 29A.08.125;

5 (g) Provide for a comparison between the voter registration data
6 base and the department of licensing change of address data base;

7 ((+g+)) (h) Provide online access for county auditors with the goal
8 of real time duplicate checking and update capabilities; and

9 ((+h+)) (i) Provide for the cancellation of voter registration for
10 persons who have moved to other states and surrendered their Washington
11 state drivers' licenses.

12 **Sec. 11.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to
13 read as follows:

14 Except where otherwise provided by this title, declarations of
15 candidacy for the following offices shall be filed during regular
16 business hours with the filing officer no earlier than the fourth
17 Monday in ((July)) June and no later than the following Friday in the
18 year in which the office is scheduled to be voted upon:

19 (1) Offices that are scheduled to be voted upon for full terms or
20 both full terms and short terms at, or in conjunction with, a state
21 general election; and

22 (2) Offices where a vacancy, other than a short term, exists that
23 has not been filled by election and for which an election to fill the
24 vacancy is required in conjunction with the next state general
25 election.

26 This section supersedes all other statutes that provide for a
27 different filing period for these offices.

28 **Sec. 12.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended to
29 read as follows:

30 The county auditor shall send each absentee voter a ballot, a
31 security envelope in which to seal the ballot after voting, a larger
32 envelope in which to return the security envelope, and instructions on
33 how to mark the ballot and how to return it to the county auditor. The
34 instructions that accompany an absentee ballot for a partisan primary
35 must include instructions for voting the applicable ballot style, as
36 provided in chapter 29A.36 RCW. The absentee voter's name and address

1 must be printed on the larger return envelope, which must also contain
2 a declaration by the absentee voter reciting his or her qualifications
3 and stating that he or she has not voted in any other jurisdiction at
4 this election, together with a summary of the penalties for any
5 violation of any of the provisions of this chapter. The declaration
6 must clearly inform the voter that it is illegal to vote if he or she
7 is not a United States citizen; it is illegal to vote if he or she has
8 been convicted of a felony and has not had his or her voting rights
9 restored; and, except as otherwise provided by law, it is illegal to
10 cast a ballot or sign an absentee envelope on behalf of another voter.
11 The return envelope must provide space for the voter to indicate the
12 date on which the ballot was voted and for the voter to sign the oath.
13 A summary of the applicable penalty provisions of this chapter must be
14 printed on the return envelope immediately adjacent to the space for
15 the voter's signature. The signature of the voter on the return
16 envelope must affirm and attest to the statements regarding the
17 qualifications of that voter and to the validity of the ballot. The
18 return envelope must also have a secrecy flap that the voter may seal
19 that will cover the voter's signature and return address. For out-of-
20 state voters, overseas voters, and service voters, the signed
21 declaration on the return envelope constitutes the equivalent of a
22 voter registration for the election or primary for which the ballot has
23 been issued. The voter must be instructed to either return the ballot
24 to the county auditor by whom it was issued or attach sufficient first
25 class postage, if applicable, and mail the ballot to the appropriate
26 county auditor no later than the day of the election or primary for
27 which the ballot was issued.

28 If the county auditor chooses to forward absentee ballots, he or
29 she must include with the ballot a clear explanation of the
30 qualifications necessary to vote in that election and must also advise
31 a voter with questions about his or her eligibility to contact the
32 county auditor. This explanation may be provided on the ballot
33 envelope, on an enclosed insert, or printed directly on the ballot
34 itself. If the information is not included, the envelope must clearly
35 indicate that the ballot is not to be forwarded and that return postage
36 is guaranteed.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 29A.40
2 RCW to read as follows:

3 (1) The county auditor shall accept and count absentee ballots for
4 persons serving in the United States armed forces stationed outside the
5 United States in accordance with this section and RCW 29A.40.110. For
6 a member of the armed forces stationed outside the United States who
7 receives an absentee ballot on or after the date of the election, in
8 order to have his or her ballot counted, he or she must attach an
9 affidavit signed by the person and his or her commanding officer,
10 stating the date on which the ballot was received.

11 (2) All absentee ballots received from persons under subsection (1)
12 of this section at any time whether before or after certification of
13 the election, until any and all recounts have concluded and been
14 certified, shall be counted.

15 **Sec. 14.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended to
16 read as follows:

17 (1) The opening and subsequent processing of return envelopes for
18 any primary or election may begin (~~(on or after the tenth day before~~
19 ~~the primary or election)) upon receipt. The tabulation of absentee
20 ballots must not commence until after 8:00 p.m. on the day of the
21 primary or election.~~

22 (2) All received absentee return envelopes must be placed in secure
23 locations from the time of delivery to the county auditor until their
24 subsequent opening. After opening the return envelopes, the county
25 canvassing board shall place all of the ballots in secure storage until
26 after 8:00 p.m. of the day of the primary or election. Absentee
27 ballots that are to be tabulated on an electronic vote tallying system
28 may be taken from the inner envelopes and all the normal procedural
29 steps may be performed to prepare these ballots for tabulation.

30 (3) Before opening a returned absentee ballot, the canvassing
31 board, or its designated representatives, shall examine the postmark,
32 statement, and signature on the return envelope that contains the
33 security envelope and absentee ballot. They shall verify that the
34 voter's signature on the return envelope is the same as the signature
35 of that voter in the registration files of the county. For registered
36 voters casting absentee ballots, the date on the return envelope to
37 which the voter has attested determines the validity, as to the time of

1 voting for that absentee ballot if the postmark is missing or is
2 illegible. For out-of-state voters, overseas voters, and service
3 voters stationed in the United States, the date on the return envelope
4 to which the voter has attested determines the validity as to the time
5 of voting for that absentee ballot. For service voters stationed
6 outside the United States, the date on the return envelope to which the
7 voter has attested determines the validity as to the time of voting for
8 that absentee ballot unless there is an affidavit included with the
9 ballot in accordance with section 13 of this act, in which case section
10 13 of this act determines validity with regard to the time of voting.
11 For any absentee ballot, a variation between the signature of the voter
12 on the return envelope and the signature of that voter in the
13 registration files due to the substitution of initials or the use of
14 common nicknames is permitted so long as the surname and handwriting
15 are clearly the same.

16 NEW SECTION. **Sec. 15.** A new section is added to chapter 29A.40
17 RCW to read as follows:

18 If the canvassing board, or its designated representatives,
19 determines that the signature on the absentee or provisional ballot
20 return envelope does not match the signature as it appears on the
21 voter's original registration record, the county auditor shall notify
22 the voter no later than three days after discovery of the mismatched
23 signature by telephone or in writing, that the ballot cannot be
24 processed because the signature on the return envelope does not match
25 the signature as it appears on the voter's registration card. The
26 county auditor shall also send the voter a new voter registration form
27 and advise the voter that, in order for the ballot to be processed, the
28 voter must update his or her signature by either filling out a new
29 registration form and mailing it back to the auditor's office so that
30 it arrives not later than the day before the certification of the
31 primary or election; or appearing in person at the auditor's office not
32 later than the day before certification of the primary or election and
33 filling out a new registration form.

34 If the voter neglects to sign the affidavit on the absentee or
35 provisional return envelope, the auditor shall notify the voter, no
36 later than three days after discovery of the unsigned envelope either
37 by telephone or in writing, that the ballot will not be processed

1 unless the voter appears in person and signs the affidavit on the
2 return envelope not later than the day before certification of the
3 primary or election. As an alternative to personal appearance, the
4 auditor may provide the voter with a copy of the return envelope
5 affidavit and require the voter to sign the copy of the affidavit and
6 mail it back to the auditor so that it arrives no later than the day
7 before certification of the primary or election.

8 A voter may not cure a missing or mismatched signature for purposes
9 of counting the ballot in a recount.

10 A record must be kept of all ballots with mismatched signatures,
11 and must include the date on which the voter was contacted or the
12 notice was mailed, as well as the date on which the voter signed the
13 envelope, a copy of the envelope, or a new registration form. These
14 records are public records under chapter 42.17 RCW once the election
15 has been certified by the county canvassing board under RCW 29A.60.190.

16 NEW SECTION. **Sec. 16.** A new section is added to chapter 29A.44
17 RCW to read as follows:

18 Provisional ballots must be issued, along with a provisional ballot
19 outer envelope and a security envelope, to voters as appropriate under
20 RCW 29A.04.008. The provisional ballot outer envelope must include a
21 place for the voter's name; registered address, both present and former
22 if applicable; date of birth; reason for the provisional ballot; the
23 precinct number and the precinct polling location at which the voter
24 has voted; and a space for the county auditor to list the disposition
25 of the provisional ballot. The provisional ballot outer envelope must
26 also contain a declaration as required for absentee ballot outer
27 envelopes under RCW 29A.40.091; a place for the voter to sign the oath;
28 and a summary of the applicable penalty provisions of this chapter.
29 The voter shall vote the provisional ballot in secrecy and, when done,
30 place the provisional ballot in the security envelope, then place the
31 security envelope into the outer envelope, and return it to the
32 precinct election official. The election official shall ensure that
33 the required information is completed on the outer envelope, have the
34 voter sign it in the appropriate space, and place the envelope in a
35 secure container. The official shall then give the voter written
36 information advising the voter how to ascertain whether the vote was
37 counted and, if applicable, the reason why the vote was not counted.

1 NEW SECTION. **Sec. 17.** A new section is added to chapter 29A.44
2 RCW to read as follows:

3 Any person desiring to vote at the polls at any primary or election
4 is required to provide identification to the election officer before
5 signing the poll book. The identification required in this section can
6 be satisfied by providing a voter's registration card, or any current
7 and valid government-issued photo identification, including but not
8 limited to a driver's license, state identification card, passport,
9 tribal identification card, or military identification card. Any
10 individual who desires to vote in person but cannot provide
11 identification as required in this section shall be issued a
12 provisional ballot.

13 NEW SECTION. **Sec. 18.** A new section is added to chapter 29A.60
14 RCW to read as follows:

15 Before certification of the primary or election, the county auditor
16 must examine and investigate all received provisional ballots to
17 determine whether the ballot can be counted. The auditor shall provide
18 the disposition of the provisional ballot and, if the ballot was not
19 counted, the reason why it was not counted, on a free access system
20 such as a toll-free telephone number, web site, mail, or other means.
21 A provisional ballot cannot be further investigated if the voter did
22 not sign the provisional ballot envelope or if the signature on the
23 envelope does not match the signature as it appears on the voter's
24 registration card until the voter signs or updates his or her signature
25 affidavit. The auditor must notify the voter in accordance with
26 section 15 of this act when the envelope is unsigned or when the
27 signatures do not match.

28 NEW SECTION. **Sec. 19.** A new section is added to chapter 29A.60
29 RCW to read as follows:

30 If inspection of the ballot reveals a physically damaged ballot or
31 ballot that may be otherwise unreadable or uncountable by the
32 tabulating system, the county auditor may refer the ballot to the
33 county canvassing board or duplicate the ballot if so authorized by the
34 county canvassing board. A ballot may be duplicated only if the intent
35 of the voter's marks on the ballot is clear and the electronic voting
36 equipment might not otherwise properly tally the ballot to reflect the

1 intent of the voter. Ballots must be duplicated by teams of two or
2 more people working together. When duplicating ballots, the county
3 auditor shall take the following steps to create and maintain an audit
4 trail of the action taken:

5 (1) Each original ballot and duplicate ballot must be assigned the
6 same unique control number, with the number being marked upon the face
7 of each ballot, to ensure that each duplicate ballot may be tied back
8 to the original ballot;

9 (2) A log must be kept of the ballots duplicated, which must at
10 least include:

11 (a) The control number of each original ballot and the
12 corresponding duplicate ballot;

13 (b) The initials of at least two people who participated in the
14 duplication of each ballot; and

15 (c) The total number of ballots duplicated.

16 Original and duplicate ballots must be sealed in secure storage at
17 all times, except during duplication, inspection by the canvassing
18 board, or tabulation.

19 **Sec. 20.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended to
20 read as follows:

21 (1) For any office at any election or primary, any voter may write
22 in on the ballot the name of any person for an office who has filed as
23 a write-in candidate for the office in the manner provided by RCW
24 29A.24.311 and such vote shall be counted the same as if the name had
25 been printed on the ballot and marked by the voter. (~~(For a partisan~~
26 ~~primary in a jurisdiction using the physically separate ballot format,~~
27 ~~a voter may write in on a party ballot only the names of write-in~~
28 ~~candidates who affiliate with that major political party.)) No write-
29 in vote made for any person who has not filed a declaration of
30 candidacy pursuant to RCW 29A.24.311 is valid if that person filed for
31 the same office, either as a regular candidate or a write-in candidate,
32 at the preceding primary. Any abbreviation used to designate
33 office(~~(,))~~ or position(~~(, or political party shall))~~ will be accepted
34 if the canvassing board can determine, to (~~their~~) its satisfaction,
35 the voter's intent.~~

36 (2) The number of write-in votes cast for each office must be
37 recorded and reported with the canvass for the election.

1 (3) A write-in vote for an individual candidate for an office whose
2 name appears on the ballot for that same office is a valid vote for
3 that candidate as long as the candidate's name is clearly discernible,
4 even if other requirements of RCW 29A.24.311 are not satisfied and even
5 if the voter also marked a vote for that candidate such as to register
6 an over vote. These votes need not be tabulated unless: (a) The
7 difference between the number of votes cast for the candidate
8 apparently qualified to appear on the general election ballot or
9 elected and the candidate receiving the next highest number of votes is
10 less than the sum of the total number of write-in votes cast for the
11 office plus the over votes and under votes recorded by the vote
12 tabulating system; or (b) a manual recount is conducted for that
13 office.

14 (4) Write-in votes cast for an individual candidate for an office
15 whose name does not appear on the ballot need not be tallied ((if))
16 unless the total number of write-in votes and under votes recorded by
17 the vote tabulation system for the office is ((not)) greater than the
18 number of votes cast for the candidate apparently ((nominated))
19 qualified to appear on the general election ballot or elected((, and
20 the write-in votes could not have altered the outcome of the primary or
21 election. In the case of write-in votes for statewide office or for
22 any office whose jurisdiction encompasses more than one county, write-
23 in votes for an individual candidate must be tallied whenever the
24 county auditor is notified by either the office of the secretary of
25 state or another auditor in a multicounty jurisdiction that it appears
26 that the write-in votes could alter the outcome of the primary or
27 election)).

28 ((+4)) (5) In the case of write-in votes for a statewide
29 office((s)) or any office whose jurisdiction((s that)) encompasses more
30 than one county, ((if the total number of write-in votes and under
31 votes recorded by the vote tabulation system for an office within a
32 county is greater than the number of votes cast for a candidate
33 apparently nominated or elected in a primary or election, the auditor
34 shall tally all write-in votes for individual candidates for that
35 office and notify the office of the secretary of state and the auditors
36 of the other counties within the jurisdiction, that the write-in votes
37 for individual candidates should be tallied)) write-in votes for an
38 individual candidate must be tallied when the county auditor is

1 notified by either the secretary of state or another county auditor in
2 the multicounty jurisdiction that it appears that the write-in votes
3 must be tabulated under the terms of this section. In all other cases,
4 the county auditor determines when write-in votes must be tabulated.
5 Any abstract of votes must be modified to reflect the tabulation and
6 certified by the canvassing board. Tabulation of write-in votes may be
7 performed simultaneously with a recount.

8 **Sec. 21.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended to
9 read as follows:

10 Whenever the precinct election officers or the counting center
11 personnel have a question about the validity of a ballot or the votes
12 for an office or issue that they are unable to resolve, they shall
13 prepare and sign a concise record of the facts in question or dispute.
14 These ballots shall be delivered to the canvassing board for
15 processing. A ballot is not considered rejected until the canvassing
16 board has rejected the ballot individually, or the ballot was included
17 in a batch or on a report of ballots that was rejected in its entirety
18 by the canvassing board. All ballots shall be preserved in the same
19 manner as valid ballots for that primary or election.

20 **Sec. 22.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended to
21 read as follows:

22 The county auditor shall produce cumulative and precinct returns
23 for each primary and election and deliver them to the canvassing board
24 for verification and certification. The precinct and cumulative
25 returns of any primary or election are public records under chapter
26 42.17 RCW.

27 Cumulative returns for state offices, judicial offices, the United
28 States senate, and congress must be electronically transmitted to the
29 secretary of state immediately.

30 **Sec. 23.** RCW 29A.60.180 and 2003 c 111 s 1518 are each amended to
31 read as follows:

32 Each registered voter casting an absentee ballot will be credited
33 with voting on his or her voter registration record only if the ballot
34 was counted. Absentee ballots must be retained for the same length of

1 time and in the same manner as ballots cast at the precinct polling
2 places.

3 **Sec. 24.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended to
4 read as follows:

5 (1) On the tenth day after a special election or primary and on the
6 ((fifteenth)) twentieth day after a general election, the county
7 canvassing board shall complete the canvass and certify the results.
8 The secretary of state may adopt rules to provide that Thanksgiving
9 day, and the day after Thanksgiving day, are not counted in
10 establishing the twenty-day certification deadline. Each absentee
11 ballot that was returned before the closing of the polls on the date of
12 the primary or election for which it was issued, and each absentee
13 ballot with a postmark on or before the date of the primary or election
14 for which it was issued and received on or before the date on which the
15 primary or election is certified, must be included in the canvass
16 report.

17 (2) At the request of a caucus of the state legislature, the county
18 auditor shall transmit copies of all unofficial returns of state and
19 legislative primaries or elections prepared by or for the county
20 canvassing board to either the secretary of the senate or the chief
21 clerk of the house of representatives.

22 **Sec. 25.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended to
23 read as follows:

24 Whenever the canvassing board finds during the initial counting
25 process, or during any subsequent recount thereof, that there is an
26 apparent discrepancy or an inconsistency in the returns of a primary or
27 election, or that election staff has made an error regarding the
28 treatment or disposition of a ballot, the board may recanvass the
29 ballots or voting devices in any precincts of the county. The
30 canvassing board shall conduct any necessary recanvass activity on or
31 before the last day to certify or recertify the results of the primary
32 ((or)), election, or subsequent recount and correct any error and
33 document the correction of any error that it finds.

34 **Sec. 26.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended to
35 read as follows:

1 As soon as the returns have been received from all the counties of
2 the state, but not later than the thirtieth day after the election, the
3 secretary of state shall ~~((make a))~~ canvass ~~((of such of the returns as
4 are not required to be canvassed by the legislature and make out a
5 statement thereof, file it in his or her office, and transmit a
6 certified copy to the governor))~~ and certify the returns of the general
7 election as to candidates for state offices, the United States senate,
8 congress, and all other candidates whose districts extend beyond the
9 limits of a single county. The secretary of state shall transmit a
10 copy of the certification to the governor, president of the senate, and
11 speaker of the house of representatives.

12 **Sec. 27.** RCW 29A.64.021 and 2004 c 271 s 178 are each amended to
13 read as follows:

14 (1) If the official canvass of all of the returns for any office at
15 any primary or election reveals that the difference in the number of
16 votes cast for a candidate apparently nominated or elected to any
17 office and the number of votes cast for the closest apparently defeated
18 opponent is less than two thousand votes and also less than one-half of
19 one percent of the total number of votes cast for both candidates, the
20 county canvassing board shall conduct a recount of all votes cast on
21 that position.

22 (a) Whenever such a difference occurs in the number of votes cast
23 for candidates for a position the declaration of candidacy for which
24 was filed with the secretary of state, the secretary of state shall,
25 within three business days of the day that the returns of the primary
26 or election are first certified by the canvassing boards of those
27 counties, direct those boards to recount all votes cast on the
28 position.

29 **(b)(i)** For statewide elections, if the difference in the number of
30 votes cast for the apparent winner and the closest apparently defeated
31 opponent is less than one ~~((hundred fifty))~~ thousand votes and also
32 less than one-fourth of one percent of the total number of votes cast
33 for both candidates, the votes shall be recounted manually or as
34 provided in subsection (3) of this section.

35 **(ii)** For elections not included in (b)(i) of this subsection, if
36 the difference in the number of votes cast for the apparent winner and
37 the closest apparently defeated opponent is less than one hundred fifty

1 votes and also less than one-fourth of one percent of the total number
2 of votes cast for both candidates, the votes shall be recounted
3 manually or as provided in subsection (3) of this section.

4 (2) A mandatory recount shall be conducted in the manner provided
5 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory
6 recount may be charged to any candidate.

7 (3) The apparent winner and closest apparently defeated opponent
8 for an office for which a manual recount is required under subsection
9 (1)(b) of this section may select an alternative method of conducting
10 the recount. To select such an alternative, the two candidates shall
11 agree to the alternative in a signed, written statement filed with the
12 election official for the office. The recount shall be conducted using
13 the alternative method if: It is suited to the balloting system that
14 was used for casting the votes for the office; it involves the use of
15 a vote tallying system that is approved for use in this state by the
16 secretary of state; and the vote tallying system is readily available
17 in each county required to conduct the recount. If more than one
18 balloting system was used in casting votes for the office, an
19 alternative to a manual recount may be selected for each system.

20 NEW SECTION. **Sec. 28.** A new section is added to chapter 29A.60
21 RCW to read as follows:

22 No later than thirty days after final certification, the county
23 auditor shall prepare and make publicly available at the auditor's
24 office or on the auditor's web site, an election reconciliation report
25 that discloses, at a minimum, the following information: The number of
26 ballots counted; the number of voters credited with voting; the number
27 of provisional ballots issued; the number of provisional ballots
28 counted; the number of provisional ballots rejected; the number of
29 absentee ballots issued; the number of absentee ballots counted; the
30 number of absentee ballots rejected; the number of federal write-in
31 ballots counted; the number of ballots sent to overseas voters and the
32 number of such ballots that were counted; and any other information the
33 auditor determines to be necessary to the process of reconciling the
34 number of votes counted with the number of voters credited with voting.

35 **Sec. 29.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended to
36 read as follows:

1 An application for a recount shall state the office for which a
2 recount is requested and whether the request is for all or only a
3 portion of the votes cast in that jurisdiction of that office. The
4 person filing an application for a manual recount shall, at the same
5 time, deposit with the county canvassing board or secretary of state,
6 in cash or by certified check, a sum equal to twenty-five cents for
7 each ballot cast in the jurisdiction or portion of the jurisdiction for
8 which the recount is requested as security for the payment of any costs
9 of conducting the recount. If the application is for a machine
10 recount, the deposit must be equal to fifteen cents for each ballot.
11 These charges shall be determined by the county canvassing board or
12 boards under RCW (~~29A.64.080~~) 29A.64.081.

13 The county canvassing board shall determine ((a)) the date, time,
14 and ((a)) place or places at which the recount will be conducted.
15 (~~This time shall be less than three business days after the day upon~~
16 ~~which: The application was filed with the board; the request for a~~
17 ~~recount or directive ordering a recount was received by the board from~~
18 ~~the secretary of state; or the returns are certified which indicate~~
19 ~~that a recount is required under RCW 29A.64.020 for an issue or office~~
20 ~~voted upon only within the county.)) Not less than two days before the
21 date of the recount, the county auditor shall mail a notice of the time
22 and place of the recount to the applicant or affected parties and, if
23 the recount involves an office, to any person for whom votes were cast
24 for that office. The county auditor shall also notify the affected
25 parties by either telephone, fax, e-mail, or other electronic means at
26 the time of mailing. At least three attempts must be made over a two-
27 day period to notify the affected parties or until the affected parties
28 have received the notification. Each attempt to notify affected
29 parties must request a return response indicating that the notice has
30 been received. Each person entitled to receive notice of the recount
31 may attend, witness the recount, and be accompanied by counsel.~~

32 Proceedings of the canvassing board are public under chapter 42.30
33 RCW. Subject to reasonable and equitable guidelines adopted by the
34 canvassing board, all interested persons may attend and witness a
35 recount.

36 **Sec. 30.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended to
37 read as follows:

1 Upon completion of the canvass of a recount, the canvassing board
2 shall prepare and certify an amended abstract showing the votes cast in
3 each precinct for which the recount was conducted. Copies of the
4 amended abstracts must be transmitted to the same officers who received
5 the abstract on which the recount was based.

6 If the nomination, election, or issue for which the recount was
7 conducted was submitted only to the voters of a county, the canvassing
8 board shall file the amended abstract with the original results of that
9 election or primary.

10 If the nomination, election, or issue for which a recount was
11 conducted was submitted to the voters of more than one county, the
12 secretary of state shall canvass the amended abstracts and shall file
13 an amended abstract with the original results of that election. The
14 secretary of state may require that the amended abstracts be certified
15 by each canvassing board on a uniform date. An amended abstract
16 certified under this section supersedes any prior abstract of the
17 results for the same offices or issues at the same primary or election.

18 **Sec. 31.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended to
19 read as follows:

20 Any justice of the supreme court, judge of the court of appeals, or
21 judge of the superior court in the proper county shall, by order,
22 require any person charged with error, wrongful act, or neglect to
23 forthwith correct the error, desist from the wrongful act, or perform
24 the duty and to do as the court orders or to show cause forthwith why
25 the error should not be corrected, the wrongful act desisted from, or
26 the duty or order not performed, whenever it is made to appear to such
27 justice or judge by affidavit of an elector that:

28 (1) An error or omission has occurred or is about to occur in
29 printing the name of any candidate on official ballots; or

30 (2) An error other than as provided in subsections (1) and (3) of
31 this section has been committed or is about to be committed in printing
32 the ballots; or

33 (3) The name of any person has been or is about to be wrongfully
34 placed upon the ballots; or

35 (4) A wrongful act other than as provided for in subsections (1)
36 and (3) of this section has been performed or is about to be performed
37 by any election officer; or

1 (5) Any neglect of duty on the part of an election officer other
2 than as provided for in subsections (1) and (3) of this section has
3 occurred or is about to occur; or

4 (6) An error or omission has occurred or is about to occur in the
5 issuance of a certificate of election.

6 An affidavit of an elector under subsections (1) and (3) (~~above~~)
7 of this section when relating to a primary election must be filed with
8 the appropriate court no later than the second Friday following the
9 closing of the filing period for nominations for such office and shall
10 be heard and finally disposed of by the court not later than five days
11 after the filing thereof. An affidavit of an elector under subsections
12 (1) and (3) of this section when relating to a general election must be
13 filed with the appropriate court no later than three days following the
14 official certification of the primary election returns and shall be
15 heard and finally disposed of by the court not later than five days
16 after the filing thereof. An affidavit of an elector under subsection
17 (6) of this section shall be filed with the appropriate court no later
18 than ten days following the (~~issuance of a certificate of election~~)
19 official certification of the election as provided in RCW 29A.60.190,
20 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after
21 the official certification of the amended abstract as provided in RCW
22 29A.64.061.

23 NEW SECTION. Sec. 32. A new section is added to chapter 29A.84
24 RCW to read as follows:

25 A person who knowingly destroys, alters, defaces, conceals, or
26 discards a completed voter registration form or signed absentee or
27 provisional ballot signature affidavit is guilty of a class C felony
28 punishable under RCW 9A.20.021. This section does not apply to (1) the
29 voter who completed the voter registration form, or (2) a county
30 auditor or registration assistant who acts as authorized by voter
31 registration law.

32 **Sec. 33.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to
33 read as follows:

34 (1) Any person who intentionally or knowingly votes or attempts to
35 vote more than once (~~at any~~) in this state in the same primary or
36 general or special election, or who is registered to vote in another

1 state and who votes or attempts to vote in this state, is guilty of a
2 ((gross misdemeanor)) class C felony, punishable ((to the same extent
3 as a gross misdemeanor that is punishable)) under RCW 9A.20.021.

4 (2) Any person who recklessly or negligently violates this section
5 has committed a class 1 civil infraction as provided in RCW 7.80.120.
6 The county prosecuting attorney is authorized to enforce this
7 subsection.

8 **Sec. 34.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read
9 as follows:

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

14 "Do you want to register to vote or transfer your voter
15 registration?"

16 If the applicant chooses to register or transfer a registration,
17 the agent shall ((state)) ask and confirm the following:

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

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

21 (b) "Are you at least eighteen years of age?"

22 If the applicant answers in the affirmative to both questions, the
23 agent shall then provide the applicant with a voter registration form
24 and instructions and shall record that the applicant has requested to
25 register to vote or transfer a voter registration.

26 If the applicant answers in the negative to either question, the
27 agent shall not provide the applicant with a voter registration form
28 and instructions.

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

33 NEW SECTION. **Sec. 35.** Sections 6 and 8 of this act expire January
34 1, 2006.

1 NEW SECTION. **Sec. 36.** Sections 7, 9, and 10 of this act take
2 effect January 1, 2006.

--- END ---