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SENATE BILL 5727

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State of Washington

59th Legislature

2005 Regular Session

By Senators Carrell, Roach, Stevens, Shin, Esser, Mulliken, Zarelli, Schoesler and Benson

Read first time 02/03/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to ensuring that only legally registered voters can  
2 vote; amending RCW 29A.04.103, 29A.04.109, 29A.04.163, 29A.08.010,  
3 29A.08.010, 29A.08.110, 29A.08.110, 29A.08.140, 29A.08.140, 29A.08.210,  
4 29A.08.220, 29A.08.250, 29A.08.520, 29A.08.520, 46.20.155, 29A.40.020,  
5 29A.40.091, 29A.84.110, 29A.84.140, and 29A.84.650; reenacting and  
6 amending RCW 29A.84.670 and 9.94A.515; adding new sections to chapter  
7 29A.08 RCW; adding a new section to chapter 29A.84 RCW; repealing RCW  
8 29A.08.145 and 29A.08.230; prescribing penalties; providing effective  
9 dates; providing an expiration date; and declaring an emergency.

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

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

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

1       **Sec. 2.** RCW 29A.04.103 and 2003 c 111 s 118 are each amended to  
2 read as follows:

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

6       **Sec. 3.** RCW 29A.04.109 and 2003 c 111 s 119 are each amended to  
7 read as follows:

8       "Overseas voter" means any (~~elector~~) registered voter of the  
9 state of Washington outside the territorial limits of the United States  
10 or the District of Columbia.

11       **Sec. 4.** RCW 29A.04.163 and 2003 c 111 s 127 are each amended to  
12 read as follows:

13       "Service voter" means any (~~elector~~) registered voter of the state  
14 of Washington who is a member of the armed forces under 42 U.S.C. Sec.  
15 1973 ff-6 while in active service, is a student or member of the  
16 faculty at a United States military academy, is a member of the  
17 merchant marine of the United States, is a program participant as  
18 defined in RCW 40.24.020, or is a member of a religious group or  
19 welfare agency officially attached to and serving with the armed forces  
20 of the United States.

21       **Sec. 5.** RCW 29A.08.010 and 2003 c 111 s 201 are each amended to  
22 read as follows:

23       As used in this chapter: "Information required for voter  
24 registration" or "required information" means the minimum information  
25 provided on a voter registration application that is required by the  
26 county auditor in order to place a voter registration applicant on the  
27 voter registration rolls. This information includes proof that the  
28 applicant is a United States citizen, the applicant's name, complete  
29 residence address, date of birth, and a signature attesting to the  
30 truth of the information provided on the application. Proof of  
31 citizenship is not required if an applicant is transferring his or her  
32 voter registration within a county or between counties in this state.  
33 All other information supplied is ancillary and not to be used as  
34 grounds for not registering an applicant to vote.

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

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

24           **Sec. 7.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to  
25 read as follows:

26           (1) On receipt of an application for voter registration under this  
27 chapter, the county auditor shall review the application to determine  
28 whether the information supplied is complete. An application that  
29 contains proof that the applicant is a United States citizen, the  
30 applicant's name, complete valid residence address, date of birth, and  
31 signature attesting to the truth of the information provided on the  
32 application is complete. Proof of citizenship is not required if an  
33 applicant is transferring his or her voter registration within a county  
34 or between counties in this state. If it is not complete, the auditor  
35 shall promptly mail a verification notice of the deficiency to the  
36 applicant. This verification notice shall require the applicant to  
37 provide the missing information. If the verification notice is not

1 returned by the applicant or is returned as undeliverable the auditor  
2 shall not place the name of the applicant on the county voter list. If  
3 the applicant provides the required information, the applicant shall be  
4 registered to vote as of the date of mailing of the original voter  
5 registration application.

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

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

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

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

19 (2) In order to prevent duplicate registration records, all  
20 complete voter registration applications must be screened against  
21 existing voter registration records in the official statewide voter  
22 registration list. If a match of an existing record is found in the  
23 official list the record must be updated with the new information  
24 provided on the application. If the new information indicates that the  
25 voter has changed his or her county of residence, the application must  
26 be forwarded to the voter's new county of residence for processing. If  
27 the new information indicates that the voter remains in the same county  
28 of residence or if the applicant is a new voter the application must be  
29 processed by the county of residence.

30 (3) If the information required in subsection (1) of this section  
31 is complete, the applicant is considered to be registered to vote as of  
32 the date of mailing. The auditor shall record the appropriate precinct  
33 identification, taxing district identification, and date of  
34 registration on the voter's record in the state voter registration  
35 list. Within forty-five days after the receipt of an application but  
36 no later than seven days before the next primary, special election, or  
37 general election, the auditor shall send to the applicant, by first  
38 class mail, an acknowledgement notice identifying the registrant's

1 precinct and containing such other information as may be required by  
2 the secretary of state. The postal service shall be instructed not to  
3 forward a voter registration card to any other address and to return to  
4 the auditor any card which is not deliverable. If the registrant has  
5 indicated on the form that he or she is registered to vote within the  
6 county but has provided a new address within the county that is for  
7 voter registration purposes, the auditor shall transfer the voter's  
8 registration.

9 (4) If an acknowledgement notice card is properly mailed as  
10 required by this section to the address listed by the voter as being  
11 the voter's mailing address and the notice is subsequently returned to  
12 the auditor by the postal service as being undeliverable to the voter  
13 at that address, the auditor shall promptly send the voter a  
14 confirmation notice. The auditor shall place the voter's registration  
15 on inactive status pending a response from the voter to the  
16 confirmation notice.

17 **Sec. 9.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to  
18 read as follows:

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

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

28 No person may vote at any primary, special election, or general  
29 election in a precinct polling place unless he or she has registered to  
30 vote at least thirty days before that primary or election. ~~((If a  
31 person, otherwise qualified to vote in the state, county, and precinct  
32 in which he or she applies for registration, does not register at least  
33 thirty days before any primary, special election, or general election,  
34 he or she may register and vote by absentee ballot for that primary or  
35 election under RCW 29A.08.145.))~~

1       **Sec. 10.** RCW 29A.08.140 and 2004 c 267 s 112 are each amended to  
2 read as follows:

3       The registration files of all precincts shall be closed against  
4 original registration or transfers for thirty days immediately  
5 preceding every primary, special election, and general election to be  
6 held in such precincts.

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

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

21       **Sec. 11.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to  
22 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

9       If the applicant fails to provide the information required for  
10 voter registration, the auditor shall send the applicant a verification  
11 notice. The auditor shall not register the applicant until the  
12 required information is provided. If a verification notice is returned  
13 as undeliverable or the applicant fails to respond to the notice within  
14 forty-five days, the auditor shall not register the applicant to vote.

15       (2) The applicant shall sign and attest to the following  
16 declaration:

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

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

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

29       **Sec. 12.** RCW 29A.08.220 and 2004 c 267 s 115 are each amended to  
30 read as follows:

31       (1) The secretary of state shall specify by rule the format of all  
32 voter registration applications. These applications shall be  
33 compatible with existing voter registration records. An applicant for  
34 voter registration shall be required to complete only one application  
35 and to provide the required information other than his or her signature  
36 no more than one time. If an applicant transfers his or her voter



1 registration within a county or between counties of this state, he or  
2 she is not required to provide proof of citizenship. These  
3 applications shall also contain information for the voter to transfer  
4 his or her registration.

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

10 (2) All registration applications required under RCW 29A.08.210 and  
11 29A.08.340 shall be produced and furnished by the secretary of state to  
12 the county auditors and the department of licensing.

13 **Sec. 13.** RCW 29A.08.250 and 2004 c 267 s 117 are each amended to  
14 read as follows:

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

27 **Sec. 14.** RCW 29A.08.520 and 2003 c 111 s 233 are each amended to  
28 read as follows:

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

1 a person is found on the department of corrections felon list or the  
2 Washington state patrol felon list and the statewide voter registration  
3 list, the secretary of state or county auditor shall confirm the match  
4 through a date of birth comparison and immediately cancel the voter  
5 registration from the official state voter registration list. The  
6 canceling authority shall send notice of the proposed cancellation to  
7 the person at his or her last known voter registration address.

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

14 **Sec. 15.** RCW 29A.08.520 and 2004 c 267 s 126 are each amended to  
15 read as follows:

16 (1) Upon receiving official notice of a person's conviction of a  
17 felony in either state or federal court, if the convicted person is a  
18 registered voter in the county, the county auditor shall cancel the  
19 defendant's voter registration. Additionally, the secretary of state  
20 in conjunction with the department of corrections and the Washington  
21 state patrol shall arrange for a ((periodic)) monthly comparison of  
22 ((a)) any lists of known felons maintained by the department of  
23 corrections and the Washington state patrol with the statewide voter  
24 registration list. If a person is found on the department of  
25 corrections felon list or the Washington state patrol felon list and  
26 the statewide voter registration list, the secretary of state or county  
27 auditor shall confirm the match through a date of birth comparison and  
28 immediately cancel the voter registration from the official state voter  
29 registration list. The canceling authority shall send notice of the  
30 proposed cancellation to the person at his or her last known voter  
31 registration address.

32 (2) Felons who have been granted a certificate of discharge by a  
33 court shall provide a certified copy of the certificate of discharge to  
34 the department of corrections and the Washington state patrol within  
35 thirty days from the day the court grants the certificate, and shall  
36 provide a certified copy of their certificate of discharge to the  
37 elections officer at the time they register to vote.



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

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

6 In addition to any legal obligations of local election officers,  
7 the secretary of state in conjunction with local election officers  
8 shall make at a minimum a monthly comparison of names on the statewide  
9 voter registration list, and if a person is found registered more than  
10 once on the statewide voter registration list, the secretary of state  
11 or county auditor shall immediately cancel all voter registrations for  
12 that voter in excess of one from the official state voter registration  
13 list.

14 **Sec. 20.** RCW 46.20.155 and 2004 c 249 s 7 are each amended to read  
15 as follows:

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

20 "Do you want to register to vote or transfer your voter  
21 registration?"

22 (2) If the applicant chooses to register or transfer a  
23 registration, the agent shall ((state)) make the following statement  
24 and ask the applicant the following questions:

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

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

33 ((+2)) (4) The department shall establish a procedure that  
34 substantially meets the requirements of subsections (1) and (2) of this

1 section when permitting an applicant to renew a license or identicard  
2 by mail or by electronic commerce.

3 **Sec. 21.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to  
4 read as follows:

5 (1) Except as otherwise provided by law, a registered voter or out-  
6 of-state voter, overseas voter, or service voter desiring to cast an  
7 absentee ballot at a single election or primary must request the  
8 absentee ballot from his or her county auditor no earlier than ninety  
9 days nor later than the day before the election or primary at which the  
10 person seeks to vote. Except as otherwise provided by law, the request  
11 may be made orally in person, by telephone, electronically, or in  
12 writing. An application or request for an absentee ballot made under  
13 the authority of a federal statute or regulation will be considered and  
14 given the same effect as a request for an absentee ballot under this  
15 chapter.

16 (2) A voter requesting an absentee ballot for a primary may also  
17 request an absentee ballot for the following general election. A  
18 request by an out-of-state voter, overseas voter, or service voter for  
19 an absentee ballot for a primary election will be considered as a  
20 request for an absentee ballot for the following general election.

21 (3) In requesting an absentee ballot, the voter shall state the  
22 address to which the absentee ballot should be sent. A request for an  
23 absentee ballot from an out-of-state voter, overseas voter, or service  
24 voter must include the address of the last residence in the state of  
25 Washington (~~and either a written application or the oath on the return~~  
26 ~~envelope must include a declaration of the other qualifications of the~~  
27 ~~applicant as an elector of this state)). A request for an absentee~~  
28 ballot from any other voter must state the address at which that voter  
29 is currently registered to vote in the state of Washington or the  
30 county auditor shall verify that information from the voter  
31 registration records of the county.

32 (4) A request for an absentee ballot from a registered voter who is  
33 within this state must be made directly to the auditor of the county in  
34 which the voter is registered. An absentee ballot request from a  
35 registered voter who is temporarily outside this state or from an out-  
36 of-state voter, overseas voter, or service voter may be made either to

1 the appropriate county auditor or to the secretary of state, who shall  
2 promptly forward the request to the appropriate county auditor.

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

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

8 The county auditor shall send each absentee voter a ballot, a  
9 security envelope in which to seal the ballot after voting, a larger  
10 envelope in which to return the security envelope, and instructions on  
11 how to mark the ballot and how to return it to the county auditor. The  
12 instructions that accompany an absentee ballot for a partisan primary  
13 must include instructions for voting the applicable ballot style, as  
14 provided in chapter 29A.36 RCW. The larger return envelope must  
15 contain a declaration by the absentee voter reciting his or her  
16 qualifications and stating that he or she has not voted in any other  
17 jurisdiction at this election, together with a summary of the penalties  
18 for any violation of any of the provisions of this chapter. The return  
19 envelope must provide space for the voter to indicate the date on which  
20 the ballot was voted and for the voter to sign the oath. A summary of  
21 the applicable penalty provisions of this chapter must be printed on  
22 the return envelope immediately adjacent to the space for the voter's  
23 signature. The signature of the voter on the return envelope must  
24 affirm and attest to the statements regarding the qualifications of  
25 that voter and to the validity of the ballot. ~~((For out-of-state  
26 voters, overseas voters, and service voters, the signed declaration on  
27 the return envelope constitutes the equivalent of a voter registration  
28 for the election or primary for which the ballot has been issued.))~~  
29 The voter must be instructed to either return the ballot to the county  
30 auditor by whom it was issued or attach sufficient first class postage,  
31 if applicable, and mail the ballot to the appropriate county auditor no  
32 later than the day of the election or primary for which the ballot was  
33 issued.

34 If the county auditor chooses to forward absentee ballots, he or  
35 she must include with the ballot a clear explanation of the  
36 qualifications necessary to vote in that election and must also advise  
37 a voter with questions about his or her eligibility to contact the

1 county auditor. This explanation may be provided on the ballot  
2 envelope, on an enclosed insert, or printed directly on the ballot  
3 itself. If the information is not included, the envelope must clearly  
4 indicate that the ballot is not to be forwarded and that return postage  
5 is guaranteed.

6 NEW SECTION. **Sec. 23.** A new section is added to chapter 29A.84  
7 RCW to read as follows:

8 The secretary of state and the appropriate county auditor shall  
9 refer all cases of violations of the following statutes that they  
10 discover or suspect to have occurred to the local prosecuting attorney:  
11 RCW 29A.84.130, 29A.84.140, 29A.84.650, 29A.84.655, 29A.84.660,  
12 29A.84.670, and 29A.84.680. The prosecutor to whom the violations were  
13 referred shall submit to the secretary of state a list of all such  
14 referrals, the basis of the referrals, and the final disposition of the  
15 referrals.

16 **Sec. 24.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to  
17 read as follows:

18 If any county auditor or registration assistant:

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

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

23 (3) Enters or causes or permits to be entered on the voter  
24 registration records the name of any person in any other manner or at  
25 any other time than as prescribed by voter registration law or enters  
26 or causes or permits to be entered on such records the name of any  
27 person not entitled to be thereon; or

28 (4) Destroys, mutilates, conceals, changes, or alters any  
29 registration record in connection therewith except as authorized by  
30 voter registration law,

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

34 **Sec. 25.** RCW 29A.84.140 and 2003 c 111 s 2108 are each amended to  
35 read as follows:

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

4 **Sec. 26.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to  
5 read as follows:

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

10 **Sec. 27.** RCW 29A.84.670 and 2003 c 111 s 2134 and 2003 c 53 s 181  
11 are each reenacted and amended to read as follows:

- 12 (1) It is unlawful for a voter to:
- 13 (a) Receive a ballot from any person other than the election  
14 officer having charge of the ballots;
  - 15 (b) Vote or offer to vote any ballot except one received from the  
16 election officer having charge of the ballots;
  - 17 (c) Fail to return to the election officers any ballot received  
18 from an election officer.
- 19 (2) A violation of this section is a gross misdemeanor, punishable  
20 (~~by a fine not exceeding one hundred dollars, plus costs of~~  
21 ~~prosecution~~) under RCW 9A.20.021.

22 **Sec. 28.** RCW 9.94A.515 and 2004 c 176 s 2 and 2004 c 94 s 3 are  
23 each reenacted and amended to read as follows:

24

25 TABLE 2  
26 CRIMES INCLUDED WITHIN  
27 EACH SERIOUSNESS LEVEL

28	XVI	Aggravated Murder 1 (RCW
29		10.95.020)
30	XV	Homicide by abuse (RCW 9A.32.055)
31		Malicious explosion 1 (RCW
32		70.74.280(1))
33		Murder 1 (RCW 9A.32.030)



1 XIV Murder 2 (RCW 9A.32.050)  
2 Trafficking 1 (RCW 9A.40.100(1))  
3 XIII Malicious explosion 2 (RCW  
4 70.74.280(2))  
5 Malicious placement of an explosive 1  
6 (RCW 70.74.270(1))  
7 XII Assault 1 (RCW 9A.36.011)  
8 Assault of a Child 1 (RCW 9A.36.120)  
9 Malicious placement of an imitation  
10 device 1 (RCW 70.74.272(1)(a))  
11 Rape 1 (RCW 9A.44.040)  
12 Rape of a Child 1 (RCW 9A.44.073)  
13 Trafficking 2 (RCW 9A.40.100(2))  
14 XI Manslaughter 1 (RCW 9A.32.060)  
15 Rape 2 (RCW 9A.44.050)  
16 Rape of a Child 2 (RCW 9A.44.076)  
17 X Child Molestation 1 (RCW 9A.44.083)  
18 Indecent Liberties (with forcible  
19 compulsion) (RCW  
20 9A.44.100(1)(a))  
21 Kidnapping 1 (RCW 9A.40.020)  
22 Leading Organized Crime (RCW  
23 9A.82.060(1)(a))  
24 Malicious explosion 3 (RCW  
25 70.74.280(3))  
26 Sexually Violent Predator Escape  
27 (RCW 9A.76.115)  
28 IX Assault of a Child 2 (RCW 9A.36.130)  
29 Explosive devices prohibited (RCW  
30 70.74.180)  
31 Hit and Run--Death (RCW  
32 46.52.020(4)(a))  
33 Homicide by Watercraft, by being  
34 under the influence of intoxicating  
35 liquor or any drug (RCW  
36 79A.60.050)

1 Inciting Criminal Profiteering (RCW  
2 9A.82.060(1)(b))  
3 Malicious placement of an explosive 2  
4 (RCW 70.74.270(2))  
5 Robbery 1 (RCW 9A.56.200)  
6 Sexual Exploitation (RCW 9.68A.040)  
7 Vehicular Homicide, by being under  
8 the influence of intoxicating  
9 liquor or any drug (RCW  
10 46.61.520)  
11 VIII Arson 1 (RCW 9A.48.020)  
12 Homicide by Watercraft, by the  
13 operation of any vessel in a  
14 reckless manner (RCW  
15 79A.60.050)  
16 Manslaughter 2 (RCW 9A.32.070)  
17 Promoting Prostitution 1 (RCW  
18 9A.88.070)  
19 Theft of Ammonia (RCW 69.55.010)  
20 Vehicular Homicide, by the operation  
21 of any vehicle in a reckless  
22 manner (RCW 46.61.520)  
23 VII Burglary 1 (RCW 9A.52.020)  
24 Child Molestation 2 (RCW 9A.44.086)  
25 Civil Disorder Training (RCW  
26 9A.48.120)  
27 Dealing in depictions of minor  
28 engaged in sexually explicit  
29 conduct (RCW 9.68A.050)  
30 Drive-by Shooting (RCW 9A.36.045)  
31 Homicide by Watercraft, by disregard  
32 for the safety of others (RCW  
33 79A.60.050)  
34 Indecent Liberties (without forcible  
35 compulsion) (RCW 9A.44.100(1)  
36 (b) and (c))

1 Introducing Contraband 1 (RCW  
2 9A.76.140)  
3 Malicious placement of an explosive 3  
4 (RCW 70.74.270(3))  
5 Sending, bringing into state depictions  
6 of minor engaged in sexually  
7 explicit conduct (RCW  
8 9.68A.060)  
9 Unlawful Possession of a Firearm in  
10 the first degree (RCW  
11 9.41.040(1))  
12 Use of a Machine Gun in Commission  
13 of a Felony (RCW 9.41.225)  
14 Vehicular Homicide, by disregard for  
15 the safety of others (RCW  
16 46.61.520)  
17 VI Bail Jumping with Murder 1 (RCW  
18 9A.76.170(3)(a))  
19 Bribery (RCW 9A.68.010)  
20 Incest 1 (RCW 9A.64.020(1))  
21 Intimidating a Judge (RCW  
22 9A.72.160)  
23 Intimidating a Juror/Witness (RCW  
24 9A.72.110, 9A.72.130)  
25 Malicious placement of an imitation  
26 device 2 (RCW 70.74.272(1)(b))  
27 Rape of a Child 3 (RCW 9A.44.079)  
28 Theft of a Firearm (RCW 9A.56.300)  
29 Unlawful Storage of Ammonia (RCW  
30 69.55.020)  
31 V Abandonment of dependent person 1  
32 (RCW 9A.42.060)  
33 Advancing money or property for  
34 extortionate extension of credit  
35 (RCW 9A.82.030)  
36 Bail Jumping with class A Felony  
37 (RCW 9A.76.170(3)(b))

1 Child Molestation 3 (RCW 9A.44.089)  
2 Criminal Mistreatment 1 (RCW  
3 9A.42.020)  
4 Custodial Sexual Misconduct 1 (RCW  
5 9A.44.160)  
6 Domestic Violence Court Order  
7 Violation (RCW 10.99.040,  
8 10.99.050, 26.09.300, 26.10.220,  
9 26.26.138, 26.50.110, 26.52.070,  
10 or 74.34.145)  
11 Extortion 1 (RCW 9A.56.120)  
12 Extortionate Extension of Credit  
13 (RCW 9A.82.020)  
14 Extortionate Means to Collect  
15 Extensions of Credit (RCW  
16 9A.82.040)  
17 Incest 2 (RCW 9A.64.020(2))  
18 Kidnapping 2 (RCW 9A.40.030)  
19 Perjury 1 (RCW 9A.72.020)  
20 Persistent prison misbehavior (RCW  
21 9.94.070)  
22 Possession of a Stolen Firearm (RCW  
23 9A.56.310)  
24 Rape 3 (RCW 9A.44.060)  
25 Rendering Criminal Assistance 1  
26 (RCW 9A.76.070)  
27 Sexual Misconduct with a Minor 1  
28 (RCW 9A.44.093)  
29 Sexually Violating Human Remains  
30 (RCW 9A.44.105)  
31 Stalking (RCW 9A.46.110)  
32 Taking Motor Vehicle Without  
33 Permission 1 (RCW 9A.56.070)  
34 IV Arson 2 (RCW 9A.48.030)  
35 Assault 2 (RCW 9A.36.021)  
36 Assault by Watercraft (RCW  
37 79A.60.060)

1 Bribing a Witness/Bribe Received by  
2 Witness (RCW 9A.72.090,  
3 9A.72.100)  
4 Cheating 1 (RCW 9.46.1961)  
5 Commercial Bribery (RCW  
6 9A.68.060)  
7 Counterfeiting (RCW 9.16.035(4))  
8 Endangerment with a Controlled  
9 Substance (RCW 9A.42.100)  
10 Escape 1 (RCW 9A.76.110)  
11 Hit and Run--Injury (RCW  
12 46.52.020(4)(b))  
13 Hit and Run with Vessel--Injury  
14 Accident (RCW 79A.60.200(3))  
15 Identity Theft 1 (RCW 9.35.020(2))  
16 Indecent Exposure to Person Under  
17 Age Fourteen (subsequent sex  
18 offense) (RCW 9A.88.010)  
19 Influencing Outcome of Sporting  
20 Event (RCW 9A.82.070)  
21 Malicious Harassment (RCW  
22 9A.36.080)  
23 Residential Burglary (RCW  
24 9A.52.025)  
25 Robbery 2 (RCW 9A.56.210)  
26 Theft of Livestock 1 (RCW 9A.56.080)  
27 Threats to Bomb (RCW 9.61.160)  
28 Trafficking in Stolen Property 1 (RCW  
29 9A.82.050)  
30 Unlawful factoring of a credit card or  
31 payment card transaction (RCW  
32 9A.56.290(4)(b))  
33 Unlawful transaction of health  
34 coverage as a health care service  
35 contractor (RCW 48.44.016(3))

1 Unlawful transaction of health  
2 coverage as a health maintenance  
3 organization (RCW 48.46.033(3))  
4 Unlawful transaction of insurance  
5 business (RCW 48.15.023(3))  
6 Unlicensed practice as an insurance  
7 professional (RCW 48.17.063(3))  
8 Use of Proceeds of Criminal  
9 Profiteering (RCW 9A.82.080 (1)  
10 and (2))  
11 Vehicular Assault, by being under the  
12 influence of intoxicating liquor or  
13 any drug, or by the operation or  
14 driving of a vehicle in a reckless  
15 manner (RCW 46.61.522)  
16 Willful Failure to Return from  
17 Furlough (RCW 72.66.060)  
18 III Abandonment of dependent person 2  
19 (RCW 9A.42.070)  
20 Assault 3 (RCW 9A.36.031)  
21 Assault of a Child 3 (RCW 9A.36.140)  
22 Bail Jumping with class B or C Felony  
23 (RCW 9A.76.170(3)(c))  
24 Burglary 2 (RCW 9A.52.030)  
25 Communication with a Minor for  
26 Immoral Purposes (RCW  
27 9.68A.090)  
28 Criminal Gang Intimidation (RCW  
29 9A.46.120)  
30 Criminal Mistreatment 2 (RCW  
31 9A.42.030)  
32 Custodial Assault (RCW 9A.36.100)  
33 Cyberstalking (subsequent conviction  
34 or threat of death) (RCW  
35 9.61.260(3))  
36 Escape 2 (RCW 9A.76.120)  
37 Extortion 2 (RCW 9A.56.130)

1 Harassment (RCW 9A.46.020)  
2 Intimidating a Public Servant (RCW  
3 9A.76.180)  
4 Introducing Contraband 2 (RCW  
5 9A.76.150)  
6 Malicious Injury to Railroad Property  
7 (RCW 81.60.070)  
8 Patronizing a Juvenile Prostitute  
9 (RCW 9.68A.100)  
10 Perjury 2 (RCW 9A.72.030)  
11 Possession of Incendiary Device (RCW  
12 9.40.120)  
13 Possession of Machine Gun or Short-  
14 Barreled Shotgun or Rifle (RCW  
15 9.41.190)  
16 Promoting Prostitution 2 (RCW  
17 9A.88.080)  
18 Securities Act violation (RCW  
19 21.20.400)  
20 Tampering with a Witness (RCW  
21 9A.72.120)  
22 Telephone Harassment (subsequent  
23 conviction or threat of death)  
24 (RCW 9.61.230(2))  
25 Theft of Livestock 2 (RCW 9A.56.083)  
26 Trafficking in Stolen Property 2 (RCW  
27 9A.82.055)  
28 Unlawful Imprisonment (RCW  
29 9A.40.040)  
30 Unlawful possession of firearm in the  
31 second degree (RCW 9.41.040(2))  
32 Vehicular Assault, by the operation or  
33 driving of a vehicle with disregard  
34 for the safety of others (RCW  
35 46.61.522)

1 Voter Registration Violation by

2 Election Official (RCW

3 29A.84.110)

4 Willful Failure to Return from Work

5 Release (RCW 72.65.070)

6 II Computer Trespass 1 (RCW

7 9A.52.110)

8 Counterfeiting (RCW 9.16.035(3))

9 Escape from Community Custody

10 (RCW 72.09.310)

11 Health Care False Claims (RCW

12 48.80.030)

13 Identity Theft 2 (RCW 9.35.020(3))

14 Improperly Obtaining Financial

15 Information (RCW 9.35.010)

16 Malicious Mischief 1 (RCW

17 9A.48.070)

18 Possession of Stolen Property 1 (RCW

19 9A.56.150)

20 Repeat Voting (RCW 29A.84.650)

21 Theft 1 (RCW 9A.56.030)

22 Theft of Rental, Leased, or Lease-

23 purchased Property (valued at one

24 thousand five hundred dollars or

25 more) (RCW 9A.56.096(5)(a))

26 Trafficking in Insurance Claims (RCW

27 48.30A.015)

28 Unlawful factoring of a credit card or

29 payment card transaction (RCW

30 9A.56.290(4)(a))

31 Unlawful Practice of Law (RCW

32 2.48.180)

33 Unlicensed Practice of a Profession or

34 Business (RCW 18.130.190(7))

35 I Attempting to Elude a Pursuing Police

36 Vehicle (RCW 46.61.024)



1 False Verification for Welfare (RCW  
2 74.08.055)  
3 Forgery (RCW 9A.60.020)  
4 Fraudulent Creation or Revocation of a  
5 Mental Health Advance Directive  
6 (RCW 9A.60.060)  
7 Malicious Mischief 2 (RCW  
8 9A.48.080)  
9 Mineral Trespass (RCW 78.44.330)  
10 Possession of Stolen Property 2 (RCW  
11 9A.56.160)  
12 Reckless Burning 1 (RCW 9A.48.040)  
13 Taking Motor Vehicle Without  
14 Permission 2 (RCW 9A.56.075)  
15 Theft 2 (RCW 9A.56.040)  
16 Theft of Rental, Leased, or Lease-  
17 purchased Property (valued at two  
18 hundred fifty dollars or more but  
19 less than one thousand five  
20 hundred dollars) (RCW  
21 9A.56.096(5)(b))  
22 Transaction of insurance business  
23 beyond the scope of licensure  
24 (RCW 48.17.063(4))  
25 Unlawful Issuance of Checks or Drafts  
26 (RCW 9A.56.060)  
27 Unlawful Possession of Fictitious  
28 Identification (RCW 9A.56.320)  
29 Unlawful Possession of Instruments of  
30 Financial Fraud (RCW  
31 9A.56.320)  
32 Unlawful Possession of Payment  
33 Instruments (RCW 9A.56.320)  
34 Unlawful Possession of a Personal  
35 Identification Device (RCW  
36 9A.56.320)

1 Unlawful Production of Payment  
2 Instruments (RCW 9A.56.320)  
3 Unlawful Trafficking in Food Stamps  
4 (RCW 9.91.142)  
5 Unlawful Use of Food Stamps (RCW  
6 9.91.144)  
7 Unqualified Voter Registering (RCW  
8 29A.84.140)  
9 Vehicle Prowl 1 (RCW 9A.52.095)

10 NEW SECTION. **Sec. 29.** The following acts or parts of acts are  
11 each repealed:

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

14 (2) RCW 29A.08.230 (Oath of applicant) and 2003 c 111 s 218, 1994  
15 c 57 s 12, 1990 c 143 s 8, 1973 1st ex.s. c 21 s 4, 1971 ex.s. c 202 s  
16 10, & 1965 c 9 s 29.07.080.

17 NEW SECTION. **Sec. 30.** Sections 5, 7, 9, and 14 of this act expire  
18 January 1, 2006.

19 NEW SECTION. **Sec. 31.** (1) Sections 5, 7, 11, 12, 13, 16, 20, and  
20 29 of this act are necessary for the immediate preservation of the  
21 public peace, health, or safety, or support of the state government and  
22 its existing public institutions, and take effect July 1, 2005.

23 (2) Sections 6, 8, 10, and 15 of this act take effect January 1,  
24 2006.

--- END ---