Z-0255.4   _____

HOUSE BILL 1529
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State of Washington   **60th Legislature**   **2007 Regular Session**

By Representatives Appleton, Chandler, Armstrong, Kenney, Moeller, Ormsby and Seaquist; by request of Secretary of State

Read first time 01/22/2007.   Referred to Committee on State Government & Tribal Affairs.

1   AN ACT Relating to voter registration; amending RCW 29A.08.113,
2 29A.08.115, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.410, 29A.08.430,
3 29A.08.510, 29A.08.520, 29A.08.605, 29A.08.640, 29A.08.651, 29A.40.010,
4 29A.40.020, 29A.40.061, 29A.40.091, and 29A.60.235; reenacting and
5 amending RCW 29A.04.611, 29A.08.620, and 29A.40.110; and repealing RCW
6 29A.04.103, 29A.08.145, 29A.08.660, and 29A.08.785.

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

8   **Sec. 1.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are
9 each reenacted and amended to read as follows:
10   The secretary of state as chief election officer shall make
11 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
12 with the federal and state election laws to effectuate any provision of
13 this title and to facilitate the execution of its provisions in an
14 orderly, timely, and uniform manner relating to any federal, state,
15 county, city, town, and district elections. To that end the secretary
16 shall assist local election officers by devising uniform forms and
17 procedures.
18   In addition to the rule-making authority granted otherwise by this

section, the secretary of state shall make rules governing the following provisions:

(1) The maintenance of voter registration records;

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

(3) Standards for the design, layout, and production of ballots;

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

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

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

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

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

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

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

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

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

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

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

(15) Voter registration applications and records;

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

1   (17) The coordination, delivery, and processing of voter
2 registration records accepted by driver licensing agents or the
3 department of licensing;
4   (18) The coordination, delivery, and processing of voter
5 registration records accepted by agencies designated by the governor to
6 provide voter registration services;
7   (19) Procedures to receive and distribute voter registration
8 applications by mail;
9   (20) Procedures for a voter to change his or her voter registration
10 address within a county by telephone;
11   (21) Procedures for a voter to change the name under which he or
12 she is registered to vote;
13   (22) Procedures for canceling dual voter registration records and
14 for maintaining records of persons whose voter registrations have been
15 canceled;
16   (23) Procedures for the electronic transfer of voter registration
17 records between county auditors and the office of the secretary of
18 state;
19   (24) Procedures and forms for declarations of candidacy;
20   (25) Procedures and requirements for the acceptance and filing of
21 declarations of candidacy by electronic means;
22   (26) Procedures for the circumstance in which two or more
23 candidates have a name similar in sound or spelling so as to cause
24 confusion for the voter;
25   (27) Filing for office;
26   (28) The order of positions and offices on a ballot;
27   (29) Sample ballots;
28   (30) Independent evaluations of voting systems;
29   (31) The testing, approval, and certification of voting systems;
30   (32) The testing of vote tallying software programming;
31   (33) Standards and procedures to prevent fraud and to facilitate
32 the accurate processing and canvassing of absentee ballots and mail
33 ballots, including standards for the approval and implementation of
34 hardware and software for automated signature verification systems;
35   (34) Standards and procedures to guarantee the secrecy of absentee
36 ballots and mail ballots;
37   (35) Uniformity among the counties of the state in the conduct of
38 absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate ((out-of-state voters,)) overseas voters((,)) and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration facilities that are accessible to elderly and disabled persons;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

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

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

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

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

(47) Procedures for conducting partisan primary elections;

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

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

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering

1   the statewide voter registration list required by the Help America Vote
2   Act (P.L. 107-252);
3   (51) Defining the interaction of electronic voter registration
4   election management systems employed by each county auditor to maintain
5   a local copy of each county's portion of the official state list of
6   registered voters;
7   (52) Provisions and procedures to implement the state-based
8   administrative complaint procedure as required by the Help America Vote
9   Act (P.L. 107-252);
10   (53) Facilitating the payment of local government grants to local
11 government election officers or vendors; and
12   (54) Standards for the verification of signatures on absentee,
13 mail, and provisional ballot envelopes.

14   **Sec. 2.** RCW 29A.08.113 and 2005 c 246 s 7 are each amended to read
15 as follows:
16   (1) If a voter who registered by mail indicates on the voter
17 registration form that he or she does not have a Washington state
18 driver's license, Washington state identification card, or Social
19 Security number, he or she must provide one of the following forms of
20 identification <u>on or before</u> the first time he or she votes after
21 registering:
22   (a) Valid photo identification;
23   (b) A valid enrollment card of a federally recognized Indian tribe
24 in Washington state;
25   (c) A copy of a current utility bill;
26   (d) A current bank statement;
27   (e) A copy of a current government check;
28   (f) A copy of a current paycheck; or
29   (g) A government document that shows both the name and address of
30 the voter.
31   (2) If the voter fails to provide one of the above forms of
32 identification prior to or at the time of voting, the ballot must be
33 treated as a provisional ballot regardless of whether the voter is
34 voting at a poll site or by mail. The ballot may only be counted if
35 the ((voter's signature on the outside envelope matches the signature
36 in the voter registration records)) <u>voter provides the identification</u>
37 <u>no later than the day before certification of the primary or election.</u>

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

4   **Sec. 3.** RCW 29A.08.115 and 2005 c 246 s 8 are each amended to read
5 as follows:
6   A person or organization collecting voter registration application
7 forms must transmit the forms to the secretary of state or a county
8 auditor ((at least once weekly)) within five days. The registration
9 date on such forms will be the date they are received by the secretary
10 of state or county auditor.

11   **Sec. 4.** RCW 29A.08.125 and 2005 c 246 s 9 are each amended to read
12 as follows:
13   (1) Each county auditor shall maintain a computer file containing
14 a copy of each record of all registered voters within the county
15 contained on the official statewide voter registration list for that
16 county.
17   (2) ((The secretary of state shall at least quarterly review and
18 update the records of all registered voters on the official statewide
19 voter registration data base to make additions and corrections.
20 (3))) The computer file must include, but not be limited to, each
21 voter's last name, first name, middle initial, date of birth, residence
22 address, gender, date of registration, applicable taxing district and
23 precinct codes, and the last date on which the individual voted.
24   (((4))) (3) The county auditor shall subsequently record each
25 consecutive date upon which the individual has voted and retain all
26 such consecutive dates.

27   **Sec. 5.** RCW 29A.08.135 and 2004 c 267 s 111 are each amended to
28 read as follows:
29   ((The county auditor shall acknowledge each new voter registration
30 or transfer by providing or sending the voter a card identifying his or
31 her current precinct and containing such other information as may be
32 prescribed by the secretary of state.)) (1) When a person who has
33 previously registered to vote in another state applies for voter
34 registration, the person shall provide on the registration form((,))

1 all information needed to cancel any previous registration.
2 Notification must be made to the state elections office of the
3 applicant's previous state of registration.
4   (2) A county auditor receiving official information that a voter
5 has registered to vote in another state shall immediately cancel that
6 voter's registration on the official state voter registration list.

7   **Sec. 6.** RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read
8 as follows:
9   ((The registration files of all precincts shall be closed against
10 transfers for thirty days immediately preceding every primary, special
11 election, and general election to be held in such precincts.))
12   (1) A person who is not registered to vote in Washington must
13 register by the following deadlines in order to vote in an upcoming
14 primary, special election, or general election:
15   (a) At least thirty days before the primary, special election, or
16 general election if registering by mail; or
17   (b) At least fifteen days before the primary, special election, or
18 general election if registering in person at the county auditor's
19 office. A person who registers under this subsection will be issued an
20 absentee or mail ballot for the upcoming primary, special election, or
21 general election.
22   (2) A registered voter who changes his or her residence within a
23 county or from one county to another must transfer his or her
24 registration at least thirty days before a primary, special election,
25 or general election in order to be in effect for that primary, special
26 election, or general election.
27   (3) The county auditor shall acknowledge each transfer or new voter
28 registration by providing the voter a card identifying his or her
29 current precinct and containing such other information as may be
30 prescribed by the secretary of state.
31   (4) The county auditor shall give notice of the ((closing of the
32 precinct files for transfer and notice of the special registration and
33 voting procedure provided by RCW 29A.08.145)) registration deadlines by
34 one publication in a newspaper of general circulation in the county at
35 least ((five)) thirty-five days before the ((closing of the precinct
36 files.

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

10   **Sec. 7.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
11   read as follows:
12   ((To maintain a valid voter registration,)) A registered voter who
13   changes his or her residence from one address to another within the
14   same county ((shall)) must transfer his or her registration to the new
15   address in one of the following ways and the county auditor must mail
16   the voter an acknowledgement notice within sixty days:
17   (1) Sending to the county auditor a ((signed)) request stating the
18   voter's present address and the address from which the voter was last
19   registered;
20   (2) Appearing in person before the auditor and ((signing)) making
21   such a request;
22   (3) Transferring the registration in the manner provided by RCW
23   29A.08.430; ((or))
24   (4) Telephoning the county auditor to transfer the registration((.
25   The telephone call transferring a registration by telephone must be
26   received by the auditor before the precinct registration files are
27   closed to new registrations for the next primary or special or general
28   election in which the voter participates)); or
29   (5) Submitting a new voter registration form.

30   **Sec. 8.** RCW 29A.08.430 and 2004 c 267 s 123 are each amended to
31   read as follows:
32   (1) A ((person who is registered to vote in this state)) registered
33   voter may transfer his or her voter registration at a polling place on
34   the day of a primary, special election, or general election ((or
35   primary under the following procedures:

1   (a) The voter may complete, at the polling place,)) by completing
2   a voter registration form ((designed by the secretary of state and
3   supplied by the county auditor; or
4   (b))) or, for a change within the county, ((the voter may write))
5   by writing in his or her new residential address in the precinct list
6   of registered voters.
7   ((The county auditor shall determine which of these two procedures
8   are to be used in the county or may determine that both procedures are
9   to be available to voters for use in the county.))
10   (2) A voter who transfers his or her registration in the manner
11   authorized by this section shall vote in the precinct in which he or
12   she was previously registered.
13   (((3) The auditor shall, within sixty days, mail to each voter who
14   has transferred a registration under this section, an acknowledgement
15   notice detailing his or her current precinct and polling place.))

16   **Sec. 9.** RCW 29A.08.510 and 2004 c 267 s 124 are each amended to
17   read as follows:
18   ((In addition to case-by-case maintenance under RCW 29A.08.620 and
19   29A.08.630 and the general program of maintenance of voter registration
20   lists under RCW 29A.08.605,)) Deceased voters will be canceled from
21   voter registration lists as follows:
22   (1) ((Periodically)) Monthly, the registrar of vital statistics of
23   the state shall prepare a list of persons who resided in each county,
24   for whom a death certificate was transmitted to the registrar and was
25   not included on a previous list, and shall supply the list to the
26   secretary of state. The secretary of state shall compare this monthly
27   list with the registration records and cancel the registrations of
28   deceased voters ((within at least forty-five days before the next
29   primary or election)).
30   (2) In addition, each county auditor may also use newspaper
31   obituary articles as a source of information in order to cancel a
32   voter's registration from the official state voter registration list.
33   The auditor must verify the identity of the voter by matching the
34   voter's date of birth or an address. The auditor shall record the date
35   and source of the obituary in the cancellation records.
36   (3) In addition, any registered voter may sign a statement, subject
37   to the penalties of perjury, to the effect that to his or her personal

1 knowledge or belief another registered voter is deceased. This
2 statement may be filed with the county auditor or the secretary of
3 state. Upon the receipt of such signed statement, the county auditor
4 or the secretary of state shall cancel the registration ((records
5 concerned)) from the official state voter registration list.

6   **Sec. 10.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to
7 read as follows:
8   (1) Upon receiving official notice of a person's conviction of a
9 felony in either state or federal court, if the convicted person is a
10 registered voter in the county, the county auditor shall cancel the
11 defendant's voter registration. ((Additionally,))
12   (2) The secretary of state in conjunction with the department of
13 corrections, the Washington state patrol, the office of the
14 administrator for the courts, and other appropriate state agencies
15 shall arrange for a ((quarterly)) semiannual comparison of a list of
16 known felons with the statewide voter registration list. If a person
17 is found on a felon list and the statewide voter registration list, the
18 secretary of state or county auditor shall confirm the match through a
19 date of birth comparison and suspend the voter registration from the
20 official state voter registration list. The canceling authority shall
21 send to the person at his or her last known voter registration address
22 a notice of the proposed cancellation and an explanation of the
23 requirements for restoring the right to vote once all terms of
24 sentencing have been completed. If the person does not respond within
25 thirty days, the registration must be canceled.
26   ((~~(2)~~)) (3) The right to vote may be restored by, for each felony
27 conviction, one of the following:
28   (a) A certificate of discharge issued by the sentencing court, as
29 provided in RCW 9.94A.637;
30   (b) A court order restoring the right, as provided in RCW 9.92.066;
31   (c) A final order of discharge issued by the indeterminate sentence
32 review board, as provided in RCW 9.96.050; or
33   (d) A certificate of restoration issued by the governor, as
34 provided in RCW 9.96.020.

35   **Sec. 11.** RCW 29A.08.605 and 2004 c 267 s 128 are each amended to
36 read as follows:

1   ((In addition to the case-by-case maintenance required under RCW
2   29A.08.620 and 29A.08.630 and the canceling of registrations under RCW
3   29A.08.510, the secretary of state and)) The county auditor shall
4   ((cooperatively)) establish a general program of voter registration
5   list maintenance. This program must be a thorough review that is
6   applied uniformly throughout the county and must be nondiscriminatory
7   in its application. ((Any)) The program ((established)) must be
8   completed at least once every two years ((and not later than ninety
9   days before the date of a primary or general election for federal
10   office)) between the first day of October in the odd-numbered year and
11   the first day of June in the even-numbered year. This obligation may
12   be fulfilled in one of the following ways:
13   (1) The ((secretary of state may enter into one or more contracts))
14   county auditor may contract with the United States postal service, or
15   its licensee, ((which)) to permit the use of postal service ((change
16   of address)) change of address information. If ((the)) change of
17   address information is received ((from the United States postal
18   service)) that indicates that a voter has changed his or her residence
19   address within the ((state)) county, the auditor shall transfer the
20   registration of that voter and send ((a confirmation)) an
21   acknowledgement notice to the new address informing the voter of the
22   transfer ((to the new address)). If change of address information is
23   received that indicates that a voter has changed his or her residence
24   address from one county to another, the auditor shall place the voter
25   on inactive status and send to all known addresses a confirmation
26   notice and a new voter registration form;
27   (2) The county auditor may send a direct, nonforwardable,
28   ((nonprofit or first-class)) return service requested mailing to every
29   registered voter ((bearing the postal endorsement "Return Service
30   Requested.")). If address correction information ((for a voter)) is
31   received by the county auditor ((after this mailing,)) that indicates
32   that a voter has changed his or her residence address within the
33   county, the auditor shall transfer the registration of that voter and
34   send an acknowledgement notice to the new address informing the voter
35   of the transfer. If address correction information is received by the
36   county auditor that indicates that a voter has changed his or her
37   residence address from one county to another, the auditor shall place

1   that voter on inactive status and shall send to ((the voter)) all known

2   addresses a confirmation notice and a new voter registration form;

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

4   **Sec. 12.** RCW 29A.08.620 and 2004 c 267 s 130 and 2004 c 266 s 8

5   are each reenacted and amended to read as follows:

6   (1) A county auditor shall ((assign a registered voter to inactive

7   status and shall send the voter a confirmation notice if any of the

8   following documents are returned by the postal service as

9   undeliverable:

10   (a) An acknowledgement of registration;

11   (b) An acknowledgement of transfer to a new address;

12   (c) A vote-by-mail ballot, absentee ballot, or application for a

13   ballot;

14   (d) Notification to a voter after precinct reassignment;

15   (e) Notification to serve on jury duty; or

16   (f) Any other document other than a confirmation notice, required

17   by statute, to be mailed by the county auditor to the voter.

18   (2) A county auditor shall also assign a registered voter to

19   inactive status and shall send the voter a confirmation notice:

20   (a) Whenever change of address information received from the

21   department of licensing under RCW 29A.08.350, or by any other agency

22   designated to provide voter registration services under RCW 29A.08.310,

23   indicates that the voter has moved to an address outside the state; or

24   (b) If the auditor receives postal change of address information

25   under RCW 29A.08.605, indicating)) transfer the registration of a voter

26   and send an acknowledgement notice to the new address informing the

27   voter of the transfer if change of address information received from

28   the postal service, the department of licensing, or another agency

29   designated to provide voter registration services indicates that the

30   voter has moved within the county.

31   (2) A county auditor shall place a voter on inactive status and

32   send to all known addresses a confirmation notice and a new voter

33   registration form if any of the following occur:

34   (a) Change of address information received from the postal service,

35   the department of licensing, or another agency designated to provide

36   voter registration services indicates that the voter has moved from one

37   county to another;

1   (b) Any document, other than a confirmation notice, mailed by the
2   county auditor to a voter is returned by the postal service as
3   undeliverable without address correction information; or
4   (c) A notification to serve on jury duty is returned by the postal
5   service as undeliverable without address correction information.
6   (3) A county auditor shall place a voter on inactive status and
7   send to all known addresses a confirmation notice if change of address
8   information received from the postal service, the department of
9   licensing, or another state agency designated to provide voter
10 registration services indicates that the voter has moved out of the
11 state.

12   **Sec. 13.** RCW 29A.08.640 and 2004 c 267 s 132 are each amended to
13 read as follows:
14   (1) If the response to the confirmation notice provides the county
15 auditor with the information indicating that the voter has moved within
16 the county, the auditor shall transfer the voter's registration and
17 send the voter an acknowledgement notice.
18   (2) If the response indicates ((a move out of a)) that the voter
19 moved out of the county, but within the state, the auditor shall place
20 the registration in inactive status ((for transfer pending acceptance
21 by the county indicated by the new address. The auditor shall
22 immediately notify the auditor of the county with the new address)).
23 The voter must register in the new county by submitting a new voter
24 registration form.
25   (3) If the response indicates that the voter has left the state,
26 the auditor shall cancel the voter's registration on the official state
27 voter registration list.

28   **Sec. 14.** RCW 29A.08.651 and 2005 c 246 s 16 are each amended to
29 read as follows:
30   (1) The office of the secretary of state shall create and maintain
31 a statewide voter registration data base. This data base must be a
32 single, uniform, official, centralized, interactive computerized
33 statewide voter registration list defined, maintained, and administered
34 at the state level that contains the name and registration information
35 of every legally registered voter in the state and assigns a unique
36 identifier to each legally registered voter in the state.

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

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

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

(5) The computerized list must be coordinated with other agency data bases within the state, including but not limited to the department of corrections, the department of licensing, the department of health, the Washington state patrol, and the office of the administrator for the courts. The computerized list may also be coordinated with the data bases of election officials in other states.

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

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

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

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

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

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

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

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against the department of corrections, the Washington state patrol, and other appropriate state agency data bases to aid in the cancellation of voter registration of felons, of persons who have declined to serve on juries by virtue of not being citizens of the United States, and of persons determined to be legally incompetent to vote;

1   (e) Provide up-to-date signatures of voters for the purposes of
2   initiative signature checking;
3   (f) Provide for a comparison between the voter registration data
4   base and the department of licensing change of address data base;
5   (g) Provide online access for county auditors with the goal of real
6   time duplicate checking and update capabilities; and
7   (h) Provide for the cancellation of voter registration for persons
8   who have moved to other states and surrendered their Washington state
9   drivers' licenses.
10   (12) In order to maintain the statewide voter registration data
11 base, the secretary of state may, upon agreement with other appropriate
12 jurisdictions, screen against data bases maintained by election
13 officials in other states and data bases maintained by federal agencies
14 including, but not limited to, the federal bureau of investigation, the
15 federal court system, the federal bureau of prisons, and the bureau of
16 citizenship and immigration services.
17   (13) The secretary of state shall retain information regarding
18 previous successful appeals of proposed cancellations of registrations
19 in order to avoid repeated cancellations for the same reason.
20   (((14) The secretary of state must review and update the records of
21 all registered voters on the computerized list on a quarterly basis to
22 make additions and corrections.))

23   **Sec. 15.** RCW 29A.40.010 and 2003 c 111 s 1001 are each amended to
24 read as follows:
25   Any registered voter of the state or any ((out-of-state voter,))
26 overseas voter((,)) or service voter may vote by absentee ballot in any
27 general election, special election, or primary in the manner provided
28 in this chapter. ((Out-of-state voters,)) Overseas voters((,)) and
29 service voters are authorized to cast the same ballots, including those
30 for special elections, as a registered voter of the state would receive
31 under this chapter.

32   **Sec. 16.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to
33 read as follows:
34   (1) Except as otherwise provided by law, a registered voter ((or
35 out-of-state voter)), overseas voter, or service voter desiring to cast
36 an absentee ballot at a single election or primary must request the

1 absentee ballot from his or her county auditor no earlier than ninety
2 days nor later than the day before the election or primary at which the
3 person seeks to vote. Except as otherwise provided by law, the request
4 may be made orally in person, by telephone, electronically, or in
5 writing. An application or request for an absentee ballot made under
6 the authority of a federal statute or regulation will be considered and
7 given the same effect as a request for an absentee ballot under this
8 chapter.

9   (2) A voter requesting an absentee ballot for a primary may also
10 request an absentee ballot for the following general election. A
11 request by an ((out-of-state voter,)) overseas voter((,)) or service
12 voter for an absentee ballot for a primary election will be considered
13 as a request for an absentee ballot for the following general election.

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

25   (4) A request for an absentee ballot from a registered voter who is
26 within this state must be made directly to the auditor of the county in
27 which the voter is registered. An absentee ballot request from a
28 registered voter who is temporarily outside this state or from an
29 ((out-of-state voter,)) overseas voter((,)) or service voter may be
30 made either to the appropriate county auditor or to the secretary of
31 state, who shall promptly forward the request to the appropriate county
32 auditor.

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

36   **Sec. 17.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to
37 read as follows:

1   (1) The county auditor shall issue an absentee ballot for the
2 primary or election for which it was requested, or for the next
3 occurring primary or election when ongoing absentee status has been
4 requested if the information contained in a request for an absentee
5 ballot or ongoing absentee status received by the county auditor is
6 complete and correct and the applicant is qualified to vote under
7 federal or state law. Otherwise, the county auditor shall notify the
8 applicant of the reason or reasons why the request cannot be accepted.
9 Whenever two or more candidates have filed for the position of precinct
10 committee officer for the same party in the same precinct, the contest
11 for that position must be presented to absentee voters from that
12 precinct by either including the contest on the regular absentee ballot
13 or a separate absentee ballot. The ballot must provide space
14 designated for writing in the name of additional candidates.
15   (2) A registered voter may obtain a replacement ballot if the
16 ballot is destroyed, spoiled, lost, or not received by the voter. The
17 voter may obtain the ballot by telephone request, by mail,
18 electronically, or in person. The county auditor shall keep a record
19 of each replacement ballot provided under this subsection.
20   (3) A copy of the state voters' pamphlet must be sent to
21 ((registered voters temporarily outside the state, out-of-state
22 voters,)) overseas voters((,)) and service voters along with the
23 absentee ballot if such a pamphlet has been prepared for the primary or
24 election and is available to the county auditor at the time of mailing.
25 The county auditor shall mail all absentee ballots and related material
26 to voters outside the territorial limits of the United States and the
27 District of Columbia under 39 U.S.C. 3406.

28   **Sec. 18.** RCW 29A.40.091 and 2005 c 246 s 21 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
37 must be printed on the larger return envelope, which must also contain

1 a declaration by the absentee voter reciting his or her qualifications
2 and stating that he or she has not voted in any other jurisdiction at
3 this election, together with a summary of the penalties for any
4 violation of any of the provisions of this chapter. The declaration
5 must clearly inform the voter that it is illegal to vote if he or she
6 is not a United States citizen; it is illegal to vote if he or she has
7 been convicted of a felony and has not had his or her voting rights
8 restored; and, except as otherwise provided by law, it is illegal to
9 cast a ballot or sign an absentee envelope on behalf of another voter.
10 The return envelope must provide space for the voter to indicate the
11 date on which the ballot was voted and for the voter to sign the oath.
12 It must also contain a space so that the voter may include a telephone
13 number. A summary of the applicable penalty provisions of this chapter
14 must be printed on the return envelope immediately adjacent to the
15 space for the voter's signature. The signature of the voter on the
16 return 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 optional telephone number.
20 For ((out-of-state voters,)) overseas voters((,)) and service voters,
21 the signed declaration on the return envelope constitutes the
22 equivalent of a voter registration for the election or primary for
23 which the ballot has been issued. The voter must be instructed to
24 either return the ballot to the county auditor by whom it was issued or
25 attach sufficient first class postage, if applicable, and mail the
26 ballot to the appropriate county auditor no later than the day of the
27 election or primary for 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   **Sec. 19.** RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are
2   each reenacted and amended to read as follows:
3   (1) The opening and subsequent processing of return envelopes for
4   any primary or election may begin upon receipt. The tabulation of
5   absentee ballots must not commence until after 8:00 p.m. on the day of
6   the primary or election.
7   (2) All received absentee return envelopes must be placed in secure
8   locations from the time of delivery to the county auditor until their
9   subsequent opening. After opening the return envelopes, the county
10 canvassing board shall place all of the ballots in secure storage until
11 after 8:00 p.m. of the day of the primary or election. Absentee
12 ballots that are to be tabulated on an electronic vote tallying system
13 may be taken from the inner envelopes and all the normal procedural
14 steps may be performed to prepare these ballots for tabulation.
15   (3) Before opening a returned absentee ballot, the canvassing
16 board, or its designated representatives, shall examine the postmark,
17 statement, and signature on the return envelope that contains the
18 security envelope and absentee ballot. All personnel assigned to
19 verify signatures must receive training on statewide standards for
20 signature verification. Personnel shall verify that the voter's
21 signature on the return envelope is the same as the signature of that
22 voter in the registration files of the county. Verification may be
23 conducted by an automated verification system approved by the secretary
24 of state. For any absentee ballot, a variation between the signature
25 of the voter on the return envelope and the signature of that voter in
26 the registration files due to the substitution of initials or the use
27 of common nicknames is permitted so long as the surname and handwriting
28 are clearly the same.
29   (4) For registered voters casting absentee ballots, the date on the
30 return envelope to which the voter has attested determines the
31 validity, as to the time of voting for that absentee ballot if the
32 postmark is missing or is illegible. For ((out-of-state voters,))
33 overseas voters((,)) and service voters ((stationed in the United
34 States)), the date on the return envelope to which the voter has
35 attested determines the validity as to the time of voting for that
36 absentee ballot.

Sec. 20. RCW 29A.60.235 and 2005 c 243 s 11 are each amended to
2 read as follows:
3   (1) The county auditor shall prepare, make publicly available at
4 the auditor's office or on the auditor's web site, and submit at the
5 time of certification an election reconciliation report that discloses
6 the following information:
7   (a) The number of registered voters;
8   (b) The number of ballots counted;
9   (c) The number of provisional ballots issued;
10   (d) The number of provisional ballots counted;
11   (e) The number of provisional ballots rejected;
12   (f) The number of absentee ballots issued;
13   (g) The number of absentee ballots counted;
14   (h) The number of absentee ballots rejected;
15   (i) The number of federal write-in ballots counted;
16   (j) The number of ((out-of-state,)) overseas((,)) and service
17 ballots issued;
18   (k) The number of ((out-of-state,)) overseas((,)) and service
19 ballots counted; and
20   (l) The number of ((out-of-state,)) overseas((,)) and service
21 ballots rejected.
22   (2) The county auditor shall prepare and make publicly available at
23 the auditor's office or on the auditor's web site within thirty days of
24 certification a final election reconciliation report that discloses the
25 following information:
26   (a) The number of registered voters;
27   (b) The total number of voters credited with voting;
28   (c) The number of poll voters credited with voting;
29   (d) The number of provisional voters credited with voting;
30   (e) The number of absentee voters credited with voting;
31   (f) The number of federal write-in voters credited with voting;
32   (g) The number of ((out-of-state,)) overseas((,)) and service
33 voters credited with voting;
34   (h) The total number of voters credited with voting even though
35 their ballots were postmarked after election day and were not counted;
36 and
37   (i) Any other information the auditor deems necessary to reconcile

1 the number of ballots counted with the number of voters credited with
2 voting.
3   (3) The county auditor may also prepare such reports for
4 jurisdictions located, in whole or in part, in the county.

5   NEW SECTION. **Sec. 21.** The following acts or parts of acts are
6 each repealed:
7   (1) RCW 29A.04.103 (Out-of-state voter) and 2003 c 111 s 118;
8   (2) RCW 29A.08.145 (Late registration--Special procedure) and 2006
9 c 97 s 2, 2005 c 246 s 10, 2004 c 267 s 113, 2003 c 111 s 213, & 1993
10 c 383 s 1;
11   (3) RCW 29A.08.660 (Felony offender--Completion of sentence) and
12 2005 c 246 s 12; and
13   (4) RCW 29A.08.785 (Information services board, consultation) and
14 2004 c 267 s 140.

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